PROJECT REPORT

TO: PLANNING COMMISSION (PC) **AGENDA DATE:** **September 24, 2025**

FROM: PLANNING & DEVELOPMENT SERVICES **AGENDA TIME** 9:00 AM / **No.5a-5e**

Seville 4 Solar and Battery

PROJECT TYPE: WSA, GPA #24-0003, ZC #24-0004, CUP #24-0012 & MMRP SUPERVISOR DIST # 3

LOCATION: 8.5 miles west of Hwy 78 and Hwy 86 intersection along Hwy 78 APN: 018-170-058 et al

Imperial County, CA 92243 PARCEL SIZE: 338 total aces

GENERAL PLAN (existing) Industrial GENERAL PLAN (proposed) Agriculture/RE

ZONE (existing) M-1 (Light Industrial) ZONE (proposed) A-2/RE (General Agriculture/Renewable Overlay)

GENERAL PLAN FINDINGS ☐ CONSISTENT ☐ INCONSISTENT ☒ MAY BE/FINDINGS

PLANNING COMMISSION DECISION: HEARING DATE: 9/24/2025

☐ APPROVED ☐ DENIED ☐ OTHER

PLANNING DIRECTORS DECISION: HEARING DATE: _____

☐ APPROVED ☐ DENIED ☐ OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: 04/24/2025

INITIAL STUDY: #24-0020

☐ NEGATIVE DECLARATION ☒ MITIGATED NEG. DECLARATION ☐ EIR

DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS	☒ NONE	☐ ATTACHED
AG	☒ NONE	☐ ATTACHED
APCD	☐ NONE	☒ ATTACHED
E.H.S.	☒ NONE	☐ ATTACHED
FIRE / OES	☐ NONE	☒ ATTACHED
SHERIFF	☒ NONE	☐ ATTACHED
OTHER	Caltrans, IID	

REQUESTED ACTION:

STAFF RECOMMENDS THAT THE PLANNING COMMISSION HOLD A PUBLIC HEARING AND HEAR ALL PROPONENTS AND OPPONENTS OF THE PROPOSED PROJECT. STAFF WOULD THEN RECOMMEND THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTIONS:

1. **RECOMMEND THE BOARD OF SUPERVISORS APPROVE THE WATER SUPPLY ASSESSMENT; AND,**
2. **RECOMMEND THE BOARD OF SUPERVISORS ADOPT INITIAL STUDY #24-0020, WITH THE MITIGATION MONITORING AND REPORTING PROGRAM; AND,**
3. **RECOMMEND THE BOARD OF SUPERVISORS APPROVE GENERAL PLAN AMENDMENT #24-0003; AND,**
4. **RECOMMEND THE BOARD OF SUPERVISORS APPROVE ZONE CHANGE #24-0004; AND,**
5. **RECOMMEND THE BOARD OF SUPERVISORS APPROVE CONDITIONAL USE PERMIT #24-0012.**

STAFF REPORT
Planning Commission
September 24, 2025

SUBJECT:

A. Water Supply Assessment
B. Initial Study #24-0020, with the Mitigation Monitoring and Reporting Program
C. General Plan Amendment #24-0003
D. Zone Change #24-0004
E. Conditional Use Permit #24-0012

Applicant/Owner: APEX Energy Solutions, LLC
604 Sutter Street, Suite 250,
Folsom, CA 95630

PROJECT NAME: **SEVILLE 4 SOLAR AND BATTERY PROJECT**

Project Location:
The project site is located on eight privately-owned parcels (Assessor Parcel Numbers 018-170-058, 018-170-059, 018-170-060, 018-170-061, 018-170-062, 018-170-063, 018-170-064, and 018-170-065. These eight parcels encompass approximately 325 acres in unincorporated Imperial County, California. The project is located approximately 0.40 miles south of State Route (SR) 78, approximately 7 miles east of the unincorporated community of Ocotillo Wells, and approximately 7 miles west of SR 86. The project site is approximately 14 miles west from the southern tip of the Salton Sea and 4 miles east of the Imperial County-San Diego County line. Local unpaved roads provide access to the project site from SR 78. Federal lands managed by the Bureau of Land Management (BLM) are located immediately west and northeast of the project site

Project Summary:
Apex Energy Solutions, LLC (project applicant) proposes to construct and operate the project, consisting of four primary components: 1) 90-MW PV energy generation facility; 2) 180-MW BESS; 3) on-site substation; and 4) an interconnection line to the Titan II substation with ultimate delivery to IID's existing 92-kV "R" Line. These four components together are collectively referred to as the "proposed project" or "project."

Water Supply Assessment (WSA). For the supply of water on the Seville Solar and Battery project using a proposed water well for the Construction and operation of facilities. The project would require 112.5 AF of water to support construction over an 18-month period. As shown in **Error! Reference source not found.**, during the 18-month construction period, it is estimated that the project would require up to 36,660,000 gallons (112.5 acre-feet) of water. This water would be used for common construction-related activities, including dust control, sanitation, initial system demand, and other

miscellaneous purposes. The project would require up to 7.5 AFY to support operation and maintenance activities. During the 25-year operating period, it is estimated that the project would require up to 2,444,000 gallons (7.5 acre-feet) of water annually.

Operational water use will primarily include periodic washing of the PV modules, which is expected to occur twice per year to remove dust and maintain power generation efficiency. The solar collector would require an estimated 0.4 AF (244,400 gallons) of water per year. Other potable and non-potable facility use would require an estimated 1.9 AFY (611,000 gallons) of water per year.

Limited landscape irrigation would be required at an estimated 0.7 AF (244,400 gallons) of water per year.

Fire suppression is estimated at 0.7 AF (244,400 gallons) of water per year.

Initial Study (IS) #24-0020 (SCH #2025070240) that includes reviews of Water Supply Assessment (WSA), Mitigation Monitoring & Reporting Program, General Plan Amendment GPA#24-0003, Zone Change ZC #24-0004, and Conditional Use Permit (CUP) #24-0012. The projects propose to generate approximately 90 MWs of solar and up to 180 MWs of battery storage.

- **Mitigation Monitoring and Reporting Program (MM&RP):** The Mitigation Monitoring and Reporting Program is designed to ensure that during project implementation, the Developer and any other responsible parties implement the Project components and comply with feasible mitigation measures identified in the CEQA Findings, the Project entitlements, and the Mitigation Monitoring and Reporting Program and that these measures are fully enforceable through permit conditions, agreements, and/or other measures, such as their inclusion in the Mitigation Monitoring and Reporting Program.

General Plan Amendment #24-0003 request will add a renewable energy overlay designation for project site area. The General Plan Amendment for the Seville 4 Solar and Battery project is consistent with the Imperial County General Plan's Renewable Energy & Transmission Element and allows for inclusion into the Renewable Energy Overlay Zone. Additionally, the General Plan Designation of Industrial will be changed to Agriculture. The project will not create significant environmental impacts Renewable Energy Overlay Designation (RE) for the project site area including APN's: **018-170-058, 018-170-059, 018-170-060, 018-170-061, 018-170-062, 018-170-063, 018-179-064 & 018-170-065**

Zone Change #24-0004. The Applicant is requesting a zone change to include/classify APN's: 018-170-058, 018-170-059, 018-170-060, 018-170-061, 018-170-062, 018-170-063, 018-179-064 & 018-170-065 from a Light Industrial (M-1) zone to General Agriculture (A-2) zone. Additionally, the Renewable Overlay zone will be added over these parcels.

Conditional Use Permit CUP #24-0012: Implementation of the project would require the approval of a CUP by Imperial County to allow for the construction and operation of the proposed solar energy facility with an integrated BESS. The project parcel is currently

zoned as M-1. With approval of the GPA and Zone Change, the site would be re-zoned to A-2.

Pursuant to Title 9, Division 5, Chapter 8, the following uses are permitted in the A-2 zone subject to approval of a CUP from Imperial County:

j). Battery Storage Facility (must be connected to an existing electrical power generation plant such as solar, geothermal, wind, natural gas, or other renewable energy generator, as an accessory unit to said power plant) The maximum allowance of battery shall be in a ratio of 2 to 1 compared to solar.
pp) Major facilities relating to the generation and transmission of electrical energy, provided such facilities are not, under State or Federal law, to be approved exclusively by an agency or agencies of the State and/or Federal governments and provided that such facilities shall be approved subsequent to coordination and review with the Imperial Irrigation District for electrical matters. The maximum allowance of battery shall be in a ratio of 2 to 1 compared to solar.

Land Use Analysis:
The proposed project is located within an unincorporated area of the County. The proposed General Plan land use designation is "Agriculture." The project site proposed zone is A-2 General Agriculture

Construction of a solar facility with a battery energy storage system (BESS) and water well would be allowed within the existing zoning under an approved Conditional Use Permits.

Surrounding Land Uses, Zoning and General Plan Designations:

DIRECTION	CURRENT LAND USE	ZONING	GENERAL PLAN
Project Site	M-1 Light Industrial	Proposed A-2	Proposed Agriculture
North	Agriculture	A-2	Agriculture
South	Agriculture	A-2	Agriculture
East	Solar operations	A-2	Agriculture
West	Open Space	BLM	Recreation

Environmental Determination:

On April 24, 2025, the Imperial County Environmental Evaluation (EEC) reviewed the Initial Study #24-0020 and made a determination for a mitigated negative declaration. State Clearinghouse (SCH #2025070240) public review and comment period started on July 7, 2025, through August 11, 2025.

The Planning Department received comment letters from California Department of Transportation (CALTRANS), Air Pollution Control District (APCD) and Defenders of Wildlife. All comments were addressed.

Staff Recommendation:

Staff recommends that the Planning Commission hold a public hearing and hear all proponents and opponents of the proposed project. Staff would then recommend that the Planning Commission take the following actions:

1. Recommend the Board of Supervisors approve the Water Supply Assessment; and,

2. Recommend the Board of Supervisors adopt Initial Study #24-0020, with the Mitigation Monitoring and Reporting Program; and,

3. Recommend the Board of Supervisors approve General Plan Amendment #24-0003; and,

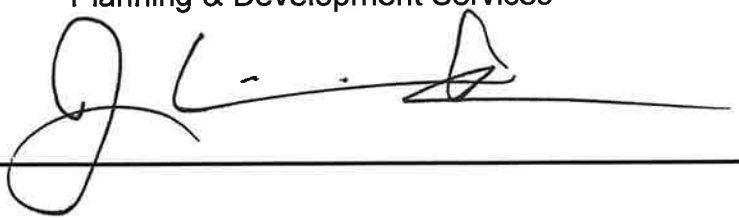
4. Recommend the Board of Supervisors approve Zone Change #24-0004; and,

5. Recommend the Board of Supervisors approve Conditional Use Permit #24-0012.

PREPARED BY: David Black, Project Planner
Planning & Development Services

REVIEWED BY: Michael Abraham, AICP, Assistant Director
Planning & Development Services

APPROVED BY: Jim Minnick, Director
Planning & Development Services



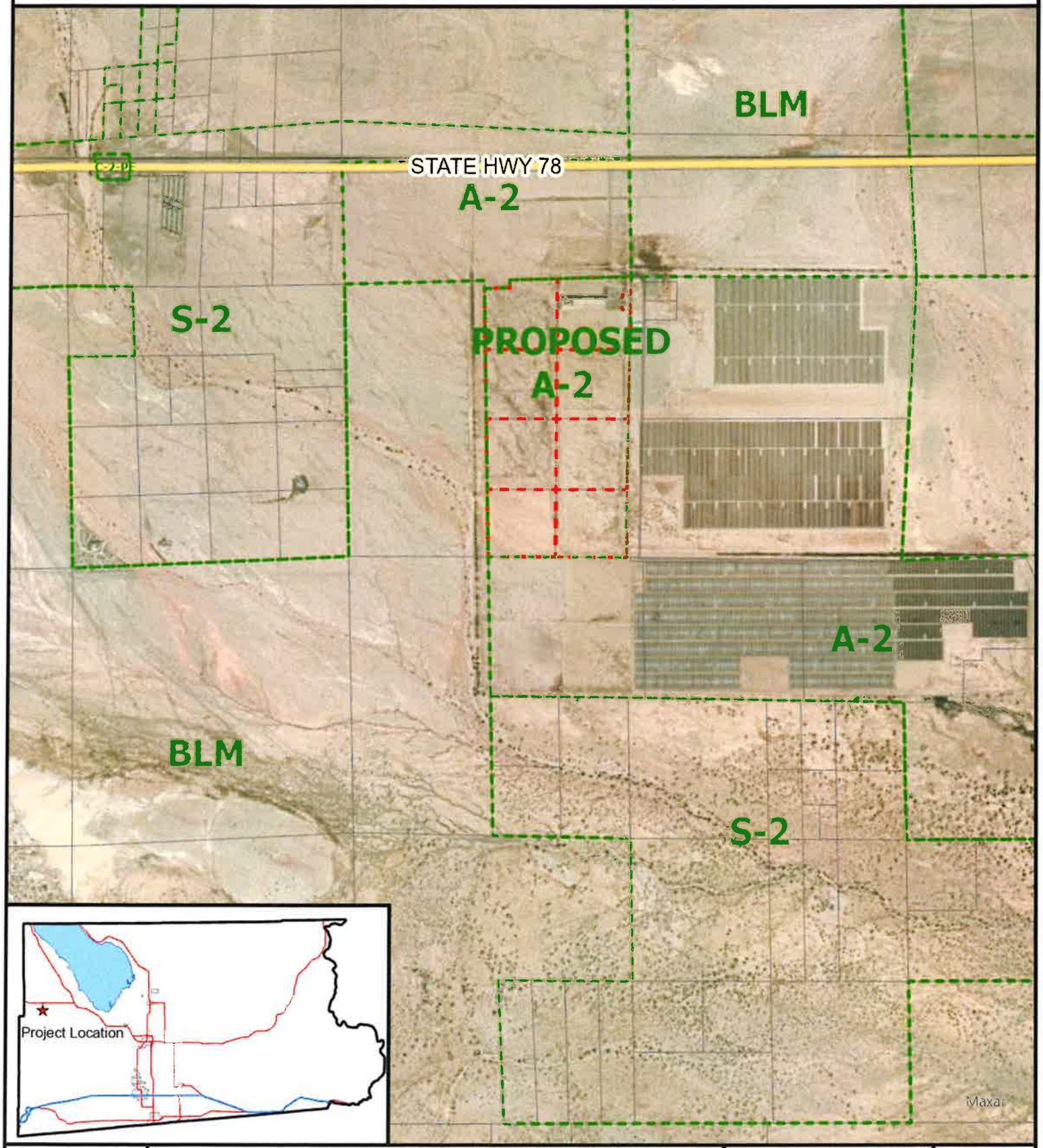
ATTACHMENTS:

A. Location Maps
B. Site Plan
C. Water Supply Assessment
D. Initial Study #24-0020, w\Mitigation Monitoring and Reporting Program
E. General Plan Amendment #24-0003
F. Zone Change #24-0004
G. Conditional Use Permit #24-0012 (Solar\Battery)
H. Comment Letters- APCD, CALTRANS, IID, ICFD, CEO, DEFENDERS OF WILDLIFE
I. Responses to Comments
J. EEC Packet

S/db/018\170\058\GPA24-0003/pcfolder/staffreport

Attachment A:
Location Map

PROJECT LOCATION MAP

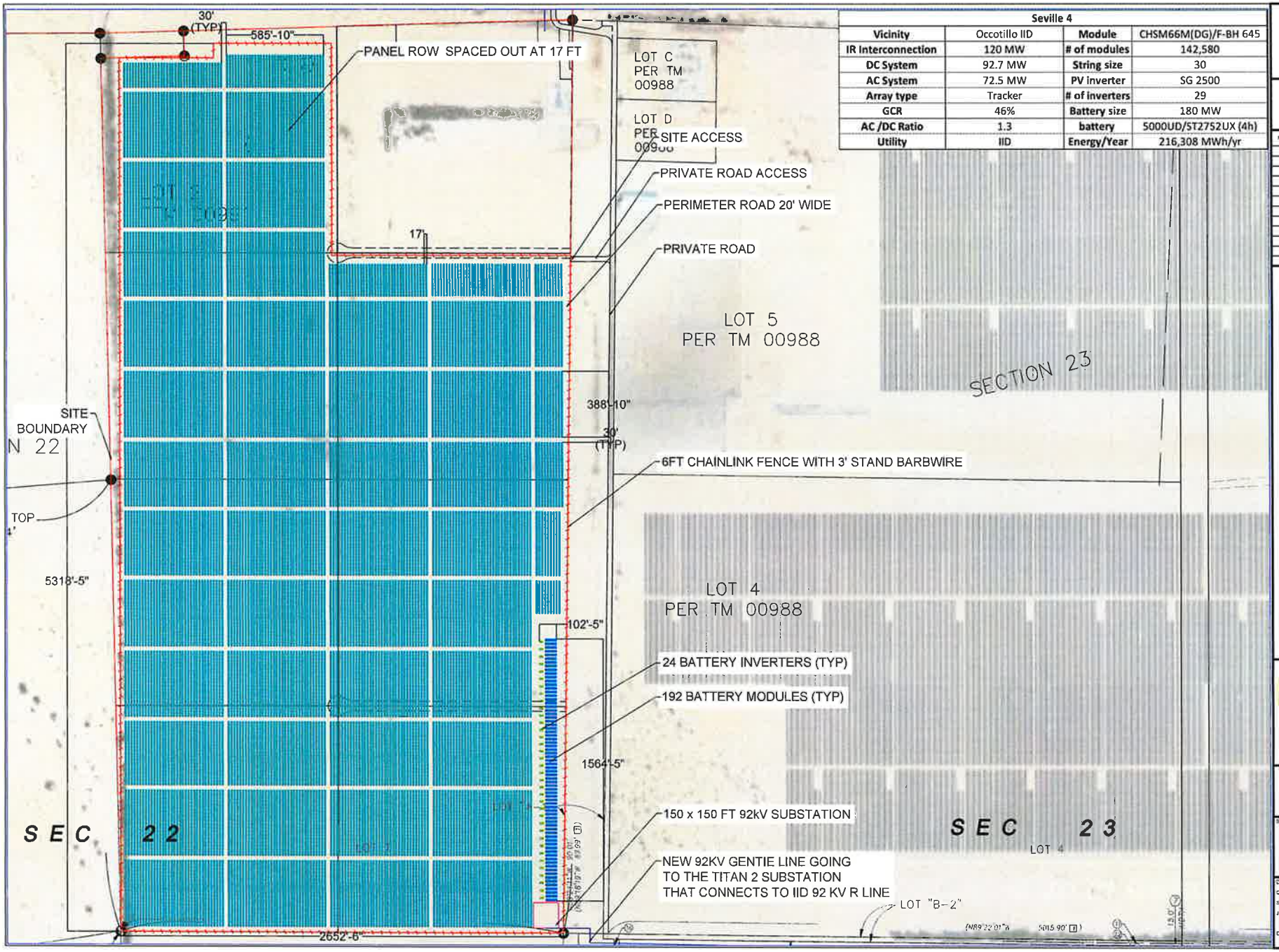


SEVILLE 4
GPA #24-0003 / ZC #24-0004
CUP #24-0012
APN'S 018-170-065, 064, 063, 062, 061, 060, 059, 058-000.

Project Location
Zone Change M1 (Light Industrial) to A2 (General Agricultural zone)
Centerline
Parcels

N

ATTACHMENT B:
SITE PLAN



Seville 4			
Vicinity	Occotillo IID	Module	CHSM66M(DG)/F-BH 645
IR Interconnection	120 MW	# of modules	142,580
DC System	92.7 MW	String size	30
AC System	72.5 MW	PV inverter	SG 2500
Array type	Tracker	# of inverters	29
GCR	46%	Battery size	180 MW
AC /DC Ratio	1.3	battery	5000UD/ST2752UX (4h)
Utility	IID	Energy/Year	216,308 MWh/yr

SEVILLE 4

REV.	BY	DESCRIPTION	DATE	APPR'D BY
1	RD	Scantale solar rev/for	11/15/2023	DP

ZGLOBAL
Power Engineering & Energy Solutions
604 SUTTER ST, STE 250
FOLSOM, CA 95630
Phone : 916.985.9461
Fax: 916.985.9467

SHEET TITLE:

DRAWN BY	RD	DRAWING NO	
CHECKED	DP		
SCALE			
JOB NO			
DATE		REV No.	1

ATTACHMENT C:

WATER SUPPLY ASSESSMENT

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, RECOMMENDING APPROVAL OF THE WATER SUPPLY ASSESSEMENT FOR THE SEVILLE 4 SOLAR & BATTERY STORAGE PROJECT TO THE BOARD OF SUPERVISORS.

WHEREAS, the Seville 4 Solar and Battery Storage Project qualifies as a "project" under the Water Code triggering the need to prepare a Water Supply Assessment because it proposed to a demand of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project, and/or because it is a proposed industrial use occupying more than 40 acres of land. The Water Supply Assessment (WSA) has been prepared in accordance with Water Code 10912(c) (4); and,

WHEREAS, the Imperial County Board of Supervisors has the authority and responsibility for approving the Water Supply Assessment; and,

WHEREAS, the duty to prepare a Water Supply Assessment falls to the County of Imperial ("County") because the Imperial Irrigation District (IID) is not a public water system within the meaning of the Water Code 10912(c); and,

WHEREAS, the County, in consultation with an expert engineering firm and the IID prepared the Water Supply Assessment , which includes any and all Water Supply Assessment addendums; and,

WHEREAS, the County has independently reviewed and considered the Water Supply Assessment and the entire administrative record, and;

WHEREAS, public notice of said application has been given, and the Planning Commission has considered evidence presented by the Imperial County Planning & Development Services Department and other interested parties at a public hearing held with respect to this item on September 24, 2025; and,

NOW THEREFORE, the Planning Commission of the County of Imperial **DOES HEREBY RECOMMEND TO THE BOARD OF SUPERVISORS THE APPROVAL BASED ON THE FOLLOWING FINDINGS FOR THE WSA** as follows:

SECTION 1. The Planning Commission has considered the proposed Seville 4 Solar and Battery project WSA prior to making a decision to recommend approval of the proposed WSA. The Planning Commission finds and determines that the WSA is adequate and prepared in accordance with the requirements of Water Code, Section 10912(c)(4) and the analysis of the WSA demonstrates that the total projected water supplies, determined to be available by the County for the Project during normal, single dry, and multiple dry water years, will meet the projected water demand associated with the proposed project and based upon the following findings and determinations.

SECTION 2. That in accordance with State Planning and Zoning law, the County Planning Commission makes the following findings for the approval of the Seville 4 Solar and Battery Storage project:

1. This Water Supply Assessment (WSA) has determined that adequate ground water supply is currently available as well as during normal water years. Adequate agreements, plans and policies are in place that enable the Imperial Unit water supply to be considered reliable for 40 years.

2. The WSA has determined that the construction water and operational water required for Seville 4 Solar and Battery Storage project is sufficient Construction water will need approximately 112.5 acre-feet and Post construction demands will total approximately 7.5 AF per year.

NOW, THEREFORE, based on the above findings, the Planning Commission of the County of Imperial **DOES HEREBY** recommend **APPROVAL** to the Board of Supervisors for the proposed Water Supply Assessment for Seville Solar and Battery Storage Project.

_____

Rudy Schaffner, Chairman
Imperial County Planning Commission

I hereby certify that the preceding resolution was taken by the Planning Commission at a meeting conducted on **September 24, 2025,** by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____

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

Water Supply Assessment for the Seville 4 Solar Project, Imperial County, California

MARCH 2025

PREPARED FOR

Apex Energy Solutions, LLC

PREPARED BY

SWCA Environmental Consultants

WATER SUPPLY ASSESSMENT FOR THE SEVILLE 4 SOLAR PROJECT, IMPERIAL COUNTY, CALIFORNIA

Prepared for

Apex Energy Solutions, LLC
604 Sutter Street, Suite 250
Folsom, California 95630
Attn: Ziad Alaywan

Prepared by

SWCA Environmental Consultants
320 North Halstead Street, Suite 120
Pasadena, California 91107
(805) 543-7095
www.swca.com

SWCA Project No. 79383

March 2025

EXECUTIVE SUMMARY

California Senate Bill (SB) 610 and SB 221 amended the California Water Code (CWC) to stipulate that projects subject to the California Environmental Quality Act require preparation of a water supply assessment (WSA) for industrial facilities occupying more than 40 acres of land (CWC Section 10912(a)). The Seville 4 Solar Project (project) consists of approximately 339 acres; therefore, this WSA has been prepared. The steps followed to ensure compliance of this WSA with the CWC are described in Appendix A and based on the California Department of Water Resources (DWR) Guidebook for Implementation of SB 1610 and SB 221 (DWR 2003).

The project is planned for up to 18 months of construction. The project would use water supplied by existing and proposed on-site wells. During the construction period, the project would use up to approximately 112.5 acre-feet (af) of water for construction activities, including 75 af during the first year (12 months), and an additional 37.5 af during the last 6 months of construction. Post-construction operational water demands, which include system washing and operation of the proposed on-site facilities, would total approximately 7.5 af per year. Finally, the project will use an estimated 112.5 af for the project decommissioning phase (over a duration of approximately 18 months). In total, water use for the proposed project is approximately 401.3 af, including water used during project construction, facility operation, and decommissioning.

The primary purpose of a WSA is to determine whether there is sufficient water supply to meet the demands of the project and future water demands within the project area under normal and dry hydrologic conditions for a 20-year projection. Water supply availability projections indicate that sufficient water supplies are available to meet the projected water demand.

This page intentionally left blank.

CONTENTS

Appendices

Figures

Tables

ABBREVIATIONS

AC	alternating current
af	acre-feet
afy	acre-feet per year
Apex Energy	Apex Energy Solutions, LLC
APN	Assessor's Parcel Number
BESS	battery energy storage system
CEQA	California Environmental Quality Act
CWC	California Water Code
DC	direct current
DWR	California Department of Water Resources
Guidebook	Guidebook for Implementation of Senate Bill 610 and Senate Bill 221 of 2001
mg/L	milligrams per liter
MW	megawatt
project	Seville 4 Solar Project
PV	photovoltaic
RV	recreational vehicle
SB	Senate Bill
SGMA	Sustainable Groundwater Management Act of 2014
SR	State Route
SWCA	SWCA Environmental Consultants
TDS	total dissolved solids
WSA	Water Supply Assessment

This page intentionally left blank.

1 INTRODUCTION

This Water Supply Assessment Technical Report was prepared by SWCA Environmental Consultants (SWCA) in support of the Seville 4 Solar Project (project). SWCA was retained by Apex Energy Solutions, LLC (Apex Energy), to conduct field and desktop studies to provide the technical basis for the assessment of potential impacts to water resources that may result from implementation of the project. In addition to a description of the existing conditions, this report describes how water resources will be potentially affected by the construction, operation, and maintenance of the project. This report may be used to support the environmental documentation and evaluation of the project pursuant to the California Environmental Quality Act (CEQA).

In 2001, California adopted Senate Bill (SB) 610 and SB 221, amending the California Water Code (CWC) to require that certain types of development projects provide detailed assessments of water supply availability and reliability to county and city decision-makers prior to project approval. A project that is subject to the CEQA requires preparation of a Water Supply Assessment (WSA) if it is a proposed industrial facility occupying more than 40 acres of land (CWC Section 10912(a)). WSAs identify the water supply for a described project over a 20-year projection under varying climatic conditions. The primary purpose of these requirements is to promote collaborative planning between local water supply and land use decisions. Because the language of SB 610 is unclear on whether renewable energy projects meet the definition of a "project," this WSA takes a conservative approach and considers renewable energy projects to be subject to the requirements of SB 610.

In accordance with the CWC, a WSA must examine the availability of an identified water supply under normal-year (no drought), single-dry-year (limited drought), and multiple-dry-year (extended drought) conditions, over a 20-year projection. The WSA must account for the projected water demand of the project in addition to other existing and planned future uses of the identified water supply, including agricultural and manufacturing uses, to the extent that information is available. A common lack of data for groundwater usage and replenishment rates often makes it difficult to estimate baseline conditions regarding water supply availability; therefore, where data are not available to make quantitative estimates of water supply, reasonable assumptions are made based on available information and data.

Water requirements associated project are described in Section 4 (Project Water Demand) and potential water sources for the project are evaluated in Section 5 (Impact Analysis). The steps followed to ensure compliance of this WSA with the CWC are described in Appendix A and based on the California Department of Water Resources (DWR) Guidebook for Implementation of SB 1610 and SB 221 of 2001 (DWR 2003).

2 PROJECT LOCATION

Apex Energy proposes to construct a 90-megawatt (MW) solar facility with a 180-MW battery energy storage system (BESS) on approximately 339 acres located in unincorporated Imperial County, California (Figure 1). The proposed project area is just south of State Route (SR) 78, approximately 7 miles east of Ocotillo Wells, and approximately 9 miles west of SR 86. The project area is also approximately 14 miles from the southern tip of the Salton Sea and 4 miles east of the Imperial County–San Diego County line.

The project area is partially situated on San Felipe Creek, and the general surrounding area is either vacant land consisting of sand dunes and local washes or developed solar fields. The proposed Seville 5 Solar project is immediately to the north, on currently vacant land. Developed portions of Seville 1 and Seville 2 Solar facilities are located immediately to the east of the project, and the Titan 1 Solar facility is located to the southeast. An existing switching station for Titan 1 solar is located along the northeast side

of the proposed Seville 4 project, which will serve as the point of interconnection for the Seville 5 project. Vacant land and San Felipe Creek are to the south, with the Ocotillo Recreational Vehicle (RV) Resort approximately 0.5 mile northwest. The project area exhibits a generally planar and flat-lying topography, which can be partially attributed to previous agricultural activities that included in-filling the former creek bottom of San Felipe Creek. The project is located on eight privately-owned parcels, Imperial County Assessor's Parcel Numbers (APNs) 018-170-058, -059, -060, -061, -062, -063, -064, -065.

The project area is in Sections 15 and 22, Township 12 South, Range 9 East, as depicted on the U.S. Geological Survey Borrego Mountain SE, California, 7.5-minute quadrangle (Figures 1 and 2).

3 PROJECT DESCRIPTION

Apex Energy proposes improvements for the 90-MW solar project that will consist of solar photovoltaic (PV) arrays, inverter transformer stations, a 180-MW battery energy storage system, numerous underground cable raceways, a substation, maintenance access roads, and maintenance buildings. The project proposes to use solar PV technology modules mounted on horizontal single-axis tracker systems. The fixed-frame PV module arrays would be mounted on racks that would be supported by driven piles, arranged in arrays spaced up to 30 feet apart (pile to pile) to maximize performance and to allow access for panel cleaning. Solar modules would be a maximum of 10 feet high. These arrays would be separated from each other and the perimeter security fence by at least 20-foot-wide interior roads to provide access to all areas for maintenance and emergency vehicles.

Electricity generated by the PV modules would be collected by a direct current (DC) collection system routed underground in trenches. This DC power would be delivered to pad-mounted inverters in weatherproof enclosures located within the arrays. Underground or overhead collection lines would transmit electricity to the new on-site Seville 4 substation, proposed to be located on the southeastern corner of APN 018-170-064. From the Seville 4 substation, the project would connect to a 92-kilovolt generation tie line on the eastern boundary that extends east to a substation within the Titan Solar project.

The proposed BESS will be constructed adjacent to the project's solar facilities and will consist of either lithium ion or flow batteries. Underground trenches with conduits would be used to connect the batteries to the control and monitoring systems, and inverters would be used to convert the PV-produced DC power to alternating current (AC) power.

Due to the relatively flat-lying topography, project area grading is expected to entail minor cuts and fills to provide access roads, drainage, and building sites for structures. An estimated 90% of ground disturbance would consist of excavation and post installation, as well as trenching for underground utilities and drainage culverts performed using mechanical methods. The remaining 10% of ground disturbance would be caused by overland travel for improvements and maintenance of solar panel blocks with solar PV arrays and various inverter transformer stations.

All proposed treatment areas, including roads, trails, access roads, and staging areas, are on previously disturbed soils. Ground disturbance is not anticipated to exceed a depth of 8 feet by vibratory pile hammer and is not anticipated to exceed 48 inches for trenching for underground utilities and would be a result of heavy equipment use. The project lifespan is 20 to 25 years.

Buffer zones will be established around all biologically and culturally sensitive resources, as necessary. In addition, a 50-foot-wide buffer will be established around all streams and floodplains.

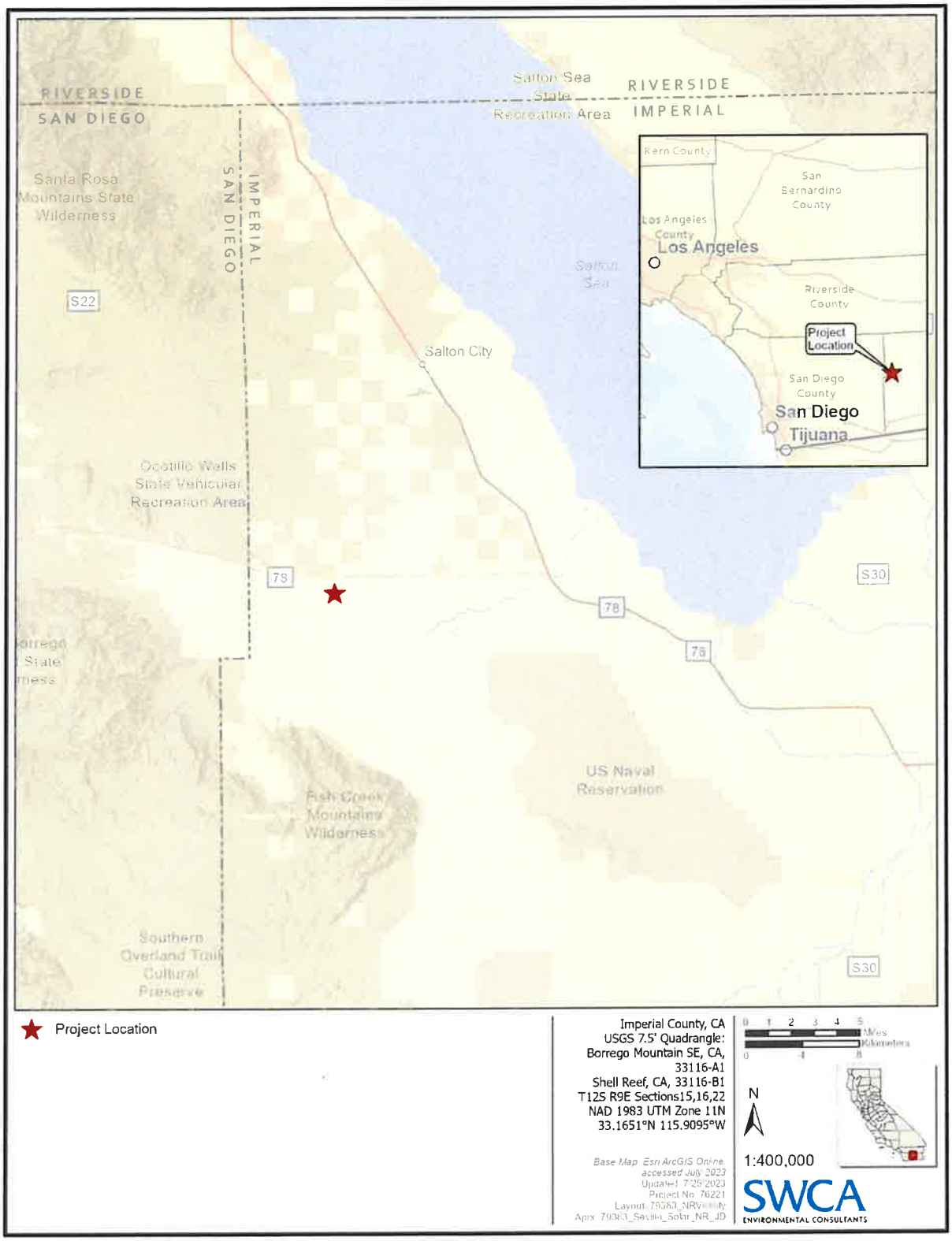


Figure 1. Project vicinity map.

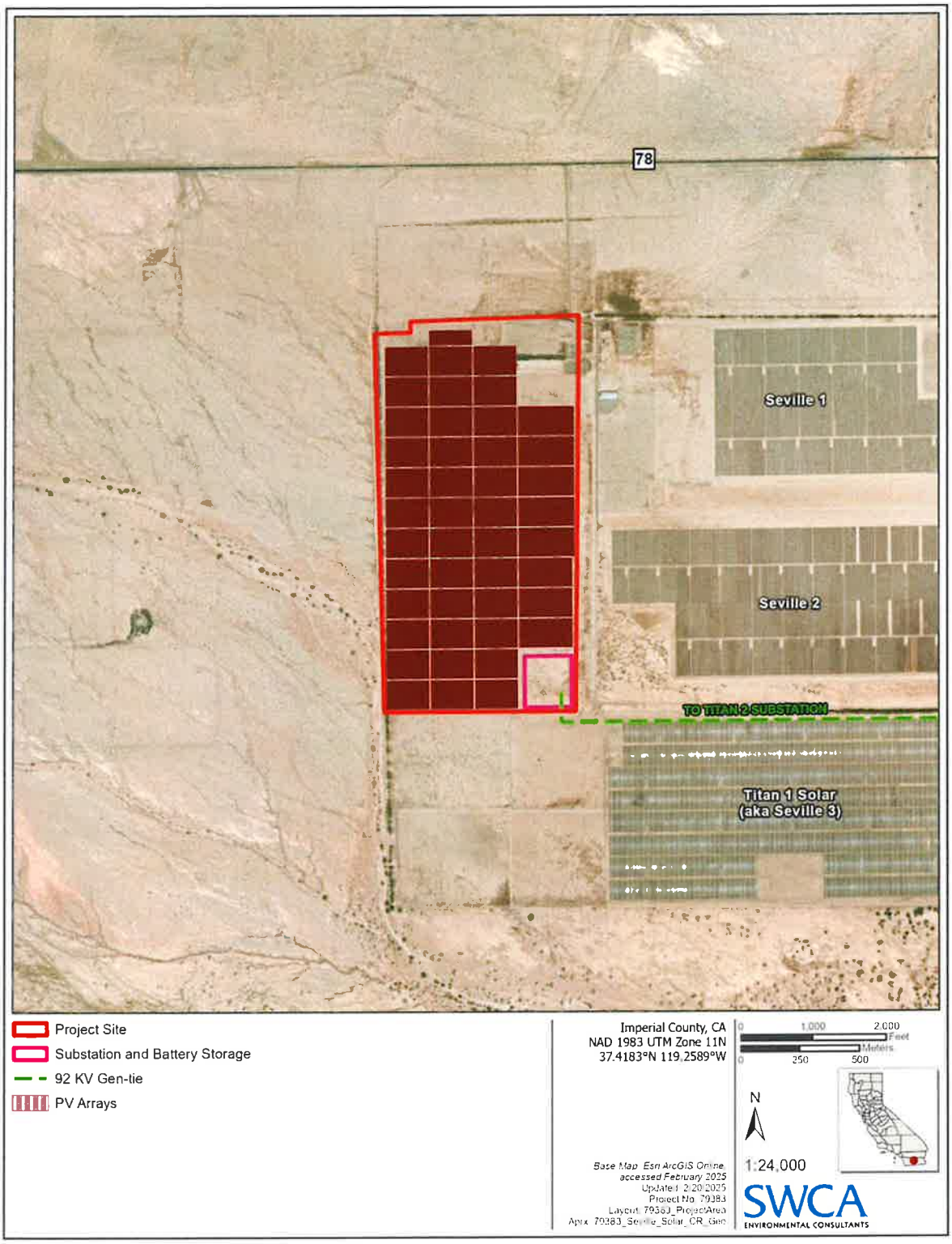


Figure 2. Project setting map.

3.1 Ocotillo-Clark Valley Groundwater Basin

Groundwater supply is available from the Ocotillo-Clark Valley Groundwater Basin (Basin Number 7-25) (Figure 3). The basin is bounded by the Santa Rosa Mountains to the north and northeast, Coyote Creek and Superstition Mountain faults to the west and south, and the Salton Sea and surface drainage divides to the east. Clark Valley (to the northwest) drains toward Clark Lake (which is dry), whereas the rest of the area drains toward the Salton Sea. The basin is an alluvial-filled valley of stream, alluvial fan, lake, and aeolian deposits (DWR 2004). Recharge is from mountain runoff in the north and east, estimated to be 1,200 acre-feet per year (afy) for the Clark Valley portion of the basin and 1,100 afy for the Ocotillo Valley portion of the basin (DWR 2004). Groundwater generally flows southeastward. The Ocotillo-Clark Valley Groundwater Basin has not been adjudicated. The groundwater storage capacity estimated for Clark Valley is about 450,000 acre-feet (af), and the capacity estimated for Ocotillo Valley is about 5,800,000 af. These estimates add to about 6,250,000 af (DWR 2004).

A shallow aquifer and a deep aquifer are in the vicinity of the project area. Water levels in the shallow aquifer are about 100 feet higher than the deep aquifer, and total dissolved solids (TDS) concentrations are about three to four times greater in the shallow aquifer. The shallow aquifer is unconfined and appears to feed the San Felipe Creek and Fish Creek springs located southeast of the property (see Figure 3) (Krieger & Stewart Inc. 1995). The deep aquifer is at least partially confined. In the vicinity of the project area, irrigation return flows do not return to the deep aquifer because of the presence of a perched shallow aquifer (Todd Engineers 2013).

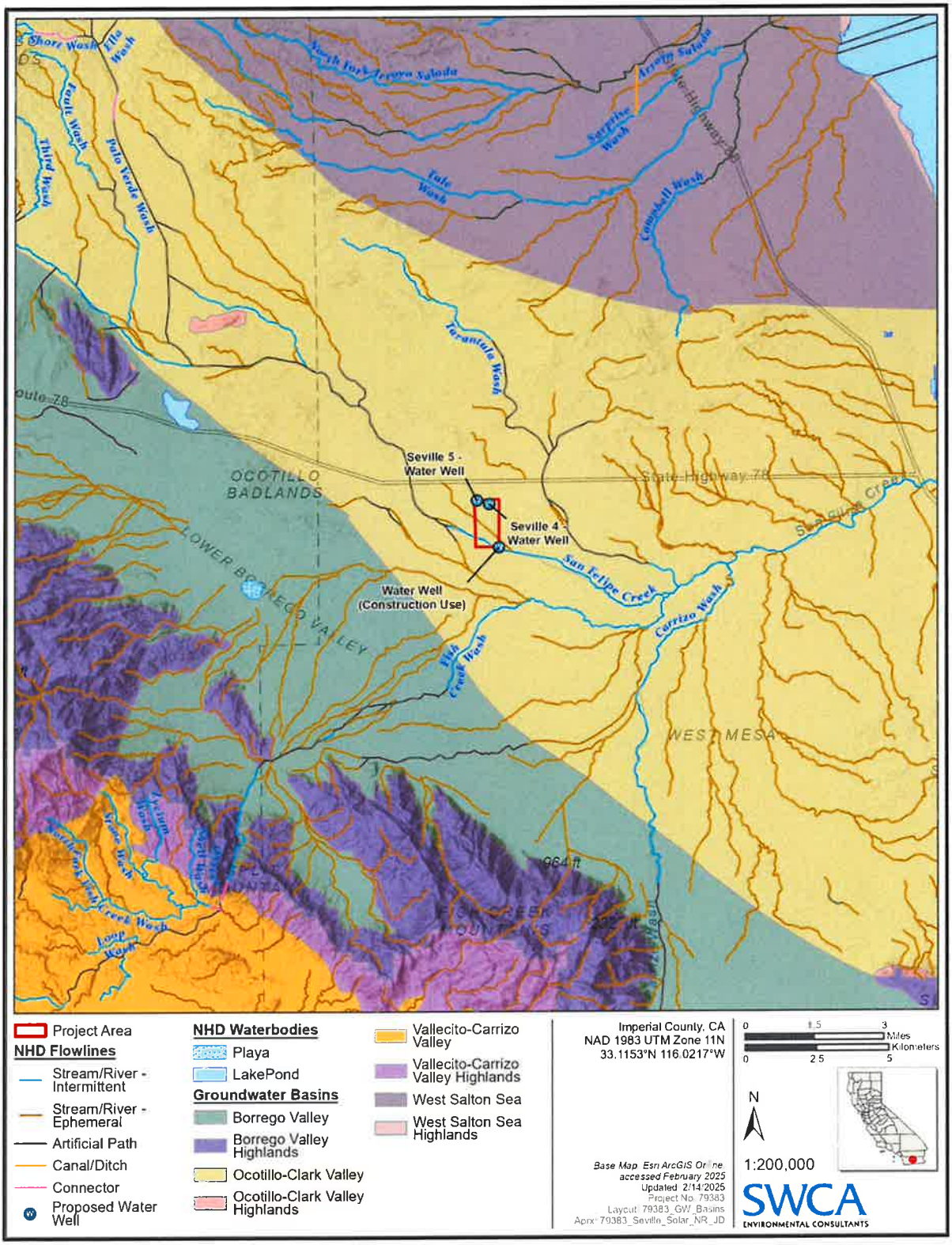


Figure 3. Project area and aquatic features including groundwater basin.

3.1.1 *Water Quality*

In the groundwater near Clark Lake, in the northern part of the basin, the dominant cation is sodium or calcium, and the dominant anions are sulfate and chloride. TDS content ranges from 560 to 1,983 milligrams per liter (mg/L) and averages about 950 mg/L. Groundwater in the southern part of the basin has sodium chloride-sulfate or sodium chloride character. Measured TDS content ranges from 955 to 4,656 mg/L and averages about 2,500 mg/L. TDS content often increases over time for wells with multiple measurements and increases from northwest to southeast in the basin (DWR 2004).

3.2 Climate

The area has a warm, dry desert climate, with extremely hot and dry summers and temperate winters. It receives little rainfall. The climatic records for Ocotillo Wells, California, in Imperial County, California (Cooperative Observer Program Station No. 046383), indicate that the project area has an average annual maximum temperature of 89.5 degrees Fahrenheit. The average annual rainfall in the project area is 2.37 inches, most of which occurs between December and January (Western Regional Climate Center 2023).

3.3 Local Groundwater and Land Use

The project area is in a desert environment, with few population centers nearby. The closest rural community is Ocotillo Wells, which is about 7 miles to the west along SR 78. The Ocotillo Wells State Vehicular Recreation area is to the north. The project area is nearby what has historically been agricultural property. Agriculture peaked in the mid- to late 1970s, with 1,700 acres farmed in 1978. From 1983 to 2009, up to about 1,024 acres were farmed, although no farming reportedly occurred in 1990. Only 80 acres were farmed in 2010 and 2011 (Todd Engineers 2013).

According to the 2013 WSA developed for the initial Seville Solar Farm Complex, adjacent to the currently proposed areas, five wells exist to the west (Payne, Gann, Scholl, Steinruck, and Blu-In Park wells) and five wells exist to the east (two U.S. Geological Survey test wells, Harpers well, and two Three Flags Ranch wells) (Todd Engineers 2013). Additionally, the 2013 WSA estimated a total of 190 afy for its operational water use needs.

Other wells that pump the deep aquifer (Payne, Gann, and Blu-In Park) pump small quantities for dust control and landscape irrigation. Historic use for the Blu-In Park well has been about 2 afy. A conditional use permit has been issued allowing for a new well on an adjacent parcel to supply up to 10 afy to the 187-space Blu-In RV Park. Groundwater levels in the aquifer declined about 163 feet between 1953 and 2001 (Todd Engineers 2013).

3.4 Water Supply Assessment Applicability and Regulatory Framework

3.4.1 *Water Supply Assessment Applicability*

A project that is subject to CEQA requires preparation of a WSA if it is a proposed industrial facility occupying more than 40 acres of land (CWC Section 10912(a)). Since the proposed project is an industrial power generation facility covering approximately 595 acres, preparation of a WSA is required.

SB 610 amended CWC Sections 10910 and 10912 to create a direct relationship between water supply and land use. Based on this amendment to the CWC, the proposed project is subject to SB 610 and

therefore requires the preparation of a WSA. The CWC, as amended by SB 610, requires that a WSA address the following questions:

- Is there a public water system that will service the project?
  - A public water system does not serve the project area.
- Is there a current UWMP [urban water management plan] that accounts for the project demand?
  - A UWMP does not exist for the property or proposed project.
- Is groundwater a component of the supplies for the project?
  - A groundwater assessment has been prepared in this WSA and has been used by Apex Energy to determine that on-site groundwater will be developed for use on this project.

The primary question to be answered in a WSA in accordance with the requirements of SB 610 is:

- Will the total projected water supply available during normal, single-dry, and multiple-dry water years during a 20-year projection meet the projected water demand of the proposed project, in addition to existing and planned future uses of the identified water supply, including agricultural and manufacturing uses?
  - The various projections, planned project water demand, and future water availability are discussed in Section 4 (Project Water Demand) and Section 5 (Impact Analysis).

3.4.2 *Sustainable Groundwater Management Act*

The Sustainable Groundwater Management Act of 2014 (SGMA) created a framework to promote the sustainable management of groundwater resources by local agencies. It creates requirements applicable to groundwater basins that have been designated as high- or medium-priority by the DWR under California Water Code Section 10933. Basin prioritization is based on the best available socioeconomic and hydrological data, such as population, number of wells, and irrigated acres. The majority of subbasins within the project area are designated by the SGMA as "low and very low priority" basins. In general, factors that influence basin priority designations within the project area remain low, such as urban development, well development, and groundwater reliance. The basin's priority designation under SGMA may not provide a comprehensive depiction of the hydrologic conditions or groundwater resources underlying the project's water supply well, particularly due to limited data and development within the region.

The SGMA addresses the depletion of groundwater resources by mandating the formation of groundwater sustainability agencies tasked with developing and implementing groundwater sustainability plans tailored to local basins. These plans outline strategies, such as recharge and demand management, to achieve sustainability within 20 years, guided by set goals and criteria. The framework outlined by the SGMA does not apply to the proposed project because the proposed project is underlain by the Ocotillo-Clark Valley Groundwater Basin, a subbasin designated as low priority by the DWR (DWR 2014).

According to the DWR, there are currently 26 wells within the basin and 7,947 irrigated acres, representing approximately 3.6% of the total basin area.

4 PROJECT WATER DEMAND

The proposed project would require 112.5 af of water to support construction for up to 18 months (Table 1). Thereafter, the project would require up to 7.5 afy to support operation and maintenance activities. The water demands for each phase of the proposed project are described in detail in Section 4.1

(Construction Water Demand) and Section 4.2 (Operation and Maintenance Water Demand). Table 1 provides an estimate of project water demands. Table 2 provides the cumulative water demand over the entire life of the proposed project. The project would use water supplied by existing and proposed on-site wells (Figure 4).

Table 1. Summary of Project Water Demands

Project Phase	% of Demand	Water Demand (gallons)	Water Demand (af)
18-month Construction Water Demand			
Dust control	85%	31,282,000	96.0
Initial system demand	10%	3,683,000	11.3
Personnel	5%	1,695,000	5.2
Total		**36,660,000**	**Up to 112.5 af**
Annual Operation Demand			
System wash water	50%	1,222,000	3.8
Process water	5%	122,200	0.4
Facilities (potable and non-potable)	25%	611,000	1.9
Landscape irrigation	10%	244,400	0.7
Fire suppression	10%	244,400	0.7
Total		**2,444,000**	**Up to 7.5 af**

Table 2. Project Water Use Projections

	Project Water Use Projection (af)											
Year	**18-month Construction**		**2.5**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	**10**	**11**
Water use	112.5		3.8	7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5
Total (cumulative)	*112.5*		*116.3*	*123.8*	*131.3*	*138.8*	*146.3*	*153.8*	*161.3*	*168.8*	*176.3*	*183.8*
Year	**12**	**13**	**14**	**15**	**16**	**17**	**18**	**19**	**20**	**21**	**22**	**23**
Water use	7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5
Total (cumulative)	*191.3*	*198.8*	*206.3*	*213.8*	*221.3*	*228.8*	*236.3*	*243.8*	*251.3*	*258.8*	*266.3*	*273.8*
Year	**24**	**25**	**18-month Decommissioning**									
Water Use	7.5	7.5	112.5									
Total (cumulative)	*281.3*	*288.8*	*401.3*									

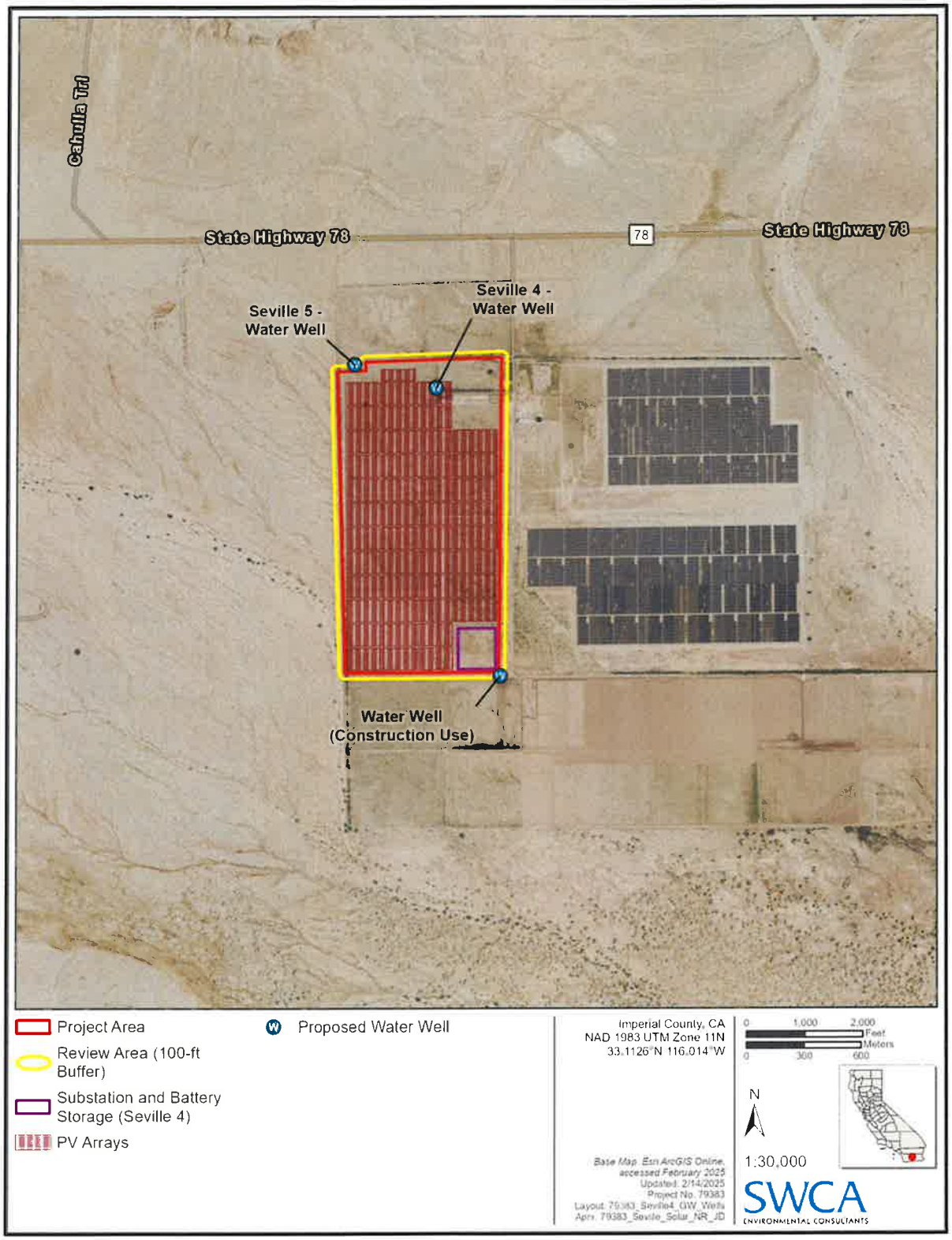


Figure 4. Project proposed water sources map.

4.1 Construction Water Demand

Project construction will use water sourced from the three client-owned wells within the project area (see Figure 4). During the 18-month construction period, it is estimated that the project would require up to 36,660,000 gallons (112.5 af) of water. This water would be used for common construction-related activities, including dust control, sanitation, initial system demand, and other miscellaneous purposes (see Table 1).

4.2 Operation and Maintenance Water Demand

Project operation and maintenance water demands will use water sourced from the three client-owned wells within the project area. During the 25-year operating period it is estimated that the project would require up to 2,444,000 gallons (7.5 af) of water annually. Operational water use will primarily include periodic washing of the PV modules, which is expected to occur twice per year to remove dust and maintain power generation efficiency. Washing would be done using a truck-mounted pressure washer and would require approximately 3.8 af (1,222,000 gallons) of water per year (see Table 1).

4.2.1 *On-Site Facilities Water*

For process water, the solar collector would require an estimated 0.4 af (122,200 gallons) of water per year. Other potable and non-potable facility uses would require an estimated 1.9 afy (611,000 gallons) of water per year.

4.2.2 *Landscape Irrigation and Fire Suppression*

Limited landscape irrigation would be required at an estimated 0.7 af (244,400 gallons) of water per year. Fire suppression is estimated at 0.7 af (244,400 gallons) of water per year.

5 IMPACT ANALYSIS

5.1 Water Supply Sources

The project would source water from groundwater from private wells. The water rights for these wells are owned by Apex Energy. The project area is within the Colorado River Basin and the Salton Sea Transboundary Watershed (California Department of Parks and Recreation 2013). There are no plans to use additional water supply sources. Three groundwater wells will be used for the construction, operations, and decommissioning for the Seville 4 project (see Figure 4). An existing well in the southeast corner of the project area will be used for construction supply needs. Two additional wells on the northwest edge of the project area and on the northern, centermost portion of the project area will be used.

5.2 Water Availability and Drawdown

This section assesses project and non-project water needs over a 20-year future projection to determine whether there are sufficient supplies to serve the project over the next 20 years. The assessment considers normal year (no drought), single-dry-year (limited drought), and multiple-dry-year (extended drought) conditions. A multiple-dry-year scenario is assumed to be 3 years long for the purpose of this analysis.

Project water demand for a projected 25-year period plus an 18-month decommissioning period is summarized in Table 2. Project water demand would be greatest during the 12- to 18-month construction and decommissioning periods. After construction, the 25-year operational period following the initiation of construction, and decommissioning, total project water use would be approximately 401.3 af.

5.2.1 *Normal Year (No Drought)*

Rainfall data for the years 1895 through 2022 were analyzed to determine single-dry-year and multiple-dry-year precipitation based on modeled data within the project vicinity (approximately 6.9 miles northwest of the project area)[1] (PRISM Climate Group 2023). The amount of mountain-front recharge within the basin is approximately 1,100 afy (DWR 2004). Rainfall data for the years 1895 through 2022 were analyzed to determine single-dry-year and multiple-dry-year precipitation based on modeled data in the project vicinity (PRISM Climate Group 2023). The average annual precipitation for the most recent 40-year period of record (1983–2022) is 3.24 inches. The amount of mountain-front recharge within the basin is approximately 1,100 afy (DWR 2004). For the purposes of this analysis, this amount of recharge is assumed to derive from the normal year conditions of 3.24 inches.

5.2.2 *Single Dry Year (Limited Drought)*

A probability-based estimate is used to determine water availability during a single dry year. Single-dry-year rainfall is estimated as a year with a 10% probability of occurrence, meaning that 10% of the years would be drier (DWR 2003). The predicted rainfall for a single dry year is 1.23 inches, or 37% of normal-year rainfall within the project vicinity. A single dry year would not affect the safe yield of the basin. The aquifer would be expected to rebound following a single dry year when precipitation-based recharge is restored to the Ocotillo-Clark Valley Groundwater basin.

5.2.3 *Multiple Dry Years (Extended Drought)*

A multiple-dry-year scenario is estimated using modeled precipitation data from PRISM Climate Group. Rainfall is estimated for the driest 3-year period on record (DWR 2003). According to PRISM Climate Group data for the project area, the 2000 to 2003 water years represent the driest 3-year period on record for which there are complete data.[2] Between 2000 and 2003 precipitation within the project vicinity was measured as follows:

- Year 1: 1.49 inches (2000–2001 water year)
- Year 2: 1.91 inches (2001–2002 water year)
- Year 3: 0.68 inch (2002–2003 water year)

The Year 1, Year 2, and Year 3 precipitation values represent 46%, 59%, and 21% of the average annual rainfall, respectively. Taken as a whole, this 3-year period resulted in a total of 4.08 inches of precipitation, compared to 9.72 inches during a normal period consisting of three average years, or 42% of normal.

[1] Groundwater recharge to the basin is likely derived from percolation of runoff from mountains adjacent to the valley (DWR 2004). Precipitation data were therefore selected for a location just west of the project area. Rainfall at this location was estimated to be representative of recharge rate for the basin, based on proximity to elevation.

[2] There is an additional 3-year consecutive period of driest years, from 1954 to 1957; however, the modeled data for 1956 is missing, consequently skewing the mean. Missing data may result from lack of input data for that date.

5.2.4 *Basin Supply and Demand During Single and Multiple Dry Years*

5.2.4.1 BASIN SUPPLY

Precipitation recharge in the subbasin during normal years, single dry years, and multiple dry years is summarized in Table 3. Under a single-dry-year scenario, the basin would be expected to have approximately 62% less recharge than during a normal water year. Under multiple-dry-year conditions, the Ocotillo-Clark Valley Groundwater Basin aquifer would have an average of 58% less recharge (over the 3-year period) than during normal water years.

Table 3. Precipitation Recharge to Ocotillo-Clark Valley Groundwater Basin Aquifer

Climate Scenario	Precipitation Recharge (afy)	Precipitation Recharge (inches)	Percentage of Normal Year
Normal year*	1,100	3.24	100%
Single dry year†	418	1.23	38%
Multiple Dry Years‡			
Year 1	506	1.49	46%
Year 2	649	1.91	59%
Year 3	231	0.68	21%

* Normal water year precipitation recharge is based on the 40-year average rainfall between 1983 and 2022 (PRISM Climate Group 2023).

† Single-dry-year precipitation recharge is scaled from the annual average water year for 1989 for rainfall data from within the project vicinity (PRISM Climate Group 2023).

‡ Multiple-dry-year precipitation recharge is scaled from the 3-year period between 2000 and 2003 for rainfall data from within the project vicinity (PRISM Climate Group 2023).

5.2.4.2 BASIN DEMAND

Table 4 presents projections for the first 12 months of the construction period with the highest project-related annual water use (75 af). Table 5 presents projections for the operational period of the proposed project. The existing pumping data refer to the estimated pumping rate for the wells associated with the project area in Section 3.3 (Local Groundwater and Land Use). It was assumed for the purpose of this analysis that reasonably foreseeable water use within the vicinity of the proposed project would include the water demand associated with the project, which requires the same water demand as Seville 5. No additional water demand within the basin has been identified.

Table 4. Groundwater Availability Projections for the First 12 Months of Construction

Climate Scenario	Precipitation Recharge (afy)	Existing Pumping (afy)	Project Pumping (afy)*	Reasonably Foreseeable Pumping in Project Vicinity (afy)†	Total Demand (afy)	Balance (afy)
Normal year	1,100	202‡	75	75	352	748
Single dry year	418	202	75	75	352	66

Climate Scenario	Precipitation Recharge (afy)	Existing Pumping (afy)	Project Pumping (afy)*	Reasonably Foreseeable Pumping in Project Vicinity (afy)†	Total Demand (afy)	Balance (afy)
Multiple Dry Years						
Year 1	506	202	75	75	352	154
Year 2	649	202	75	75	352	297
Year 3	231	202	75	75	352	−121
Multiple-Dry-Year Balance						**330**

* Herein, it is assumed that all project construction would happen within 18 months; however, this value represents the water use for the first 12 months of construction to align with annual water balance estimates during single- and multiple-dry-year scenarios.

† This value represents the water demand for the proposed Seville 4 Solar Project, which is located immediately south of the proposed Seville 5 Solar Project.

‡ This accounts for existing groundwater wells for the initial Seville Solar project area, lots 1–8, and local water use described in Section 3.3 (Local Groundwater and Land Use).

Table 5. Groundwater Availability Projections for Operations and Maintenance (Years 2.5–25)

Climate Scenario	Precipitation Recharge (afy)	Existing Pumping (afy)	Project Pumping (afy)	Reasonably Foreseeable Pumping in Project Vicinity (afy)*	Total Demand (afy)	Balance (afy)
Normal year	1,100	202†	7.5	7.5	217	883
Single dry year	418	202	7.5	7.5	217	201
Multiple Dry Years						
Year 1	506	202	7.5	7.5	217	289
Year 2	649	202	7.5	7.5	217	432
Year 3	231	202	7.5	7.5	217	14
Multiple-Dry-Year Balance						**735**

*This value represents the water demand for the proposed Seville 4 Solar Project, which is within located immediately south of the proposed Seville 5 Solar Project.

† This accounts for existing groundwater wells for the initial Seville Solar project area, lots 1–8, and local water use described in Section 3.3 (Local Groundwater and Land Use).

5.2.5 *Potential Drawdown*

Limited data on basin conditions are available to conduct a comprehensive impact analysis of the proposed project's water demand on the underlying aquifer. In this section, data from the DWR Bulletin 118 report for the Ocotillo-Clark Valley Groundwater Basin (DWR 2004) were used to model various project impact scenarios on aquifer storage drawdown.

The Ocotillo-Clark Valley Groundwater Basin has a surface area of approximately 223,000 acres, and an estimated aquifer storage capacity of 6,250,000 af. Specific yield is the portion of groundwater that an unconfined aquifer, such as the Ocotillo-Clark Valley Groundwater Basin (Imperial County Planning & Development Services 2021), can release due to gravity drainage. It represents the usable water available for pumping and is estimated to be around 25% in neighboring aquifers (DWR 2004).

1) Drawdown

a. Equation:

$$Drawdown\ (feet) = \frac{Volume\ Pumped\ (af)}{Basin\ area\ (acres)}$$

b. **Scenario 1**: Assuming an unrealistic scenario in which 401.3 af (the total project water demand) is pumped from the basin, with no source of recharge, the drawdown would approximate 0.0018 feet, or 0.02 inch.

c. **Scenario 2:** The annual maximum water demand for the proposed project should not exceed 75 afy, which would occur during the first 12 months of construction and during the first 12 months of decommissioning. Assuming an unrealistic scenario in which 75 af is pumped from the basin, with no source of recharge, the drawdown would approximate be 0.00034 feet, or 0.0040 inch.

2) Average depth

a. Equation:

$$Average\ Depth\ (feet) = \frac{Storage\ capacity\ (af)}{Basin\ area\ (acres)}$$

b. The average thickness of the basin is approximately 28 feet. Data on the saturated thickness of the aquifer is not available; therefore, herein, a "half-full" assumption was used for the aquifer to determine drawdown scenarios in a scenario in which the aquifer is at half its storage capacity. To do that, the average thickness is divided by two, which is 14 feet.

3) Total volume of water within the aquifer (available water for pumping)

a. Equation:

$$V = A \times b \times Sy$$

Where: V = Volume of available water stored within the aquifer (af)

A = Area of the aquifer (acres)

b = Saturated thickness of the aquifer (feet)

Sy = Specific yield

b. The total volume of available water (in af) found within the Ocotillo-Clark Valley Groundwater Basin Groundwater Basin in a "half-full" scenario is as follows:

i. V = 223,000 (acres) × 14 (feet) × 0.25 (dimensionless)

ii. V = 780,500 af

4) Percentage used out of total available storage

a. Equation:

$$\text{Percent Usage} = \frac{\text{Quantity used (af)}}{\text{Quantity available (af)}} \times 100$$

b. **Scenario 1:** The project's water use of 401.3 af could result in using approximately 0.051% of the stored water within the Ocotillo-Clark Valley Groundwater Basin over the course of the project life; however, this assumes that the basin exists within a static state, receiving no recharge or discharge. Additionally, this assumes that the entirety of the project water supply is pumped all at once.

c. **Scenario 2:** The annual maximum water demand for the proposed project should not exceed 75 afy, which would occur during the first 12 months of construction and during the first 12 months of decommissioning. If this amount were withdrawn from the aquifer, this would result in less than 0.010% of the stored water volume within the Ocotillo-Clark Valley Groundwater Basin being used. Scenario 2 operates under the same conditions as Scenario 1.

6 CONCLUSION

This WSA assesses the project's construction, operation, and decommissioning water demands. During the construction period of up to 18 months, the project would use up to approximately 112.5 af of water. Operational water demands, which include system washing and operation of the proposed on-site facilities, would total approximately 7.5 afy. Decommissioning is assumed to have the same duration and water use as the construction period. The Ocotillo-Clark Valley Groundwater Basin has a recharge rate of 1,100 afy, and the project demand has a projected peak demand of up to 75 afy for construction purposes and 7.5 afy for operational purposes. The net water balance supply for normal, single dry, and multiple dry years is sufficient to meet project purposes.

Single- and Multiple-Dry-Year Scenarios

Herein, it was determined that the basin would not be significantly impacted during one single dry year and would likely restore following a year of average to above-average precipitation-based recharge.

Under multiple-dry-year conditions, the Ocotillo-Clark Valley Groundwater Basin aquifer would have an average of 58% less recharge (over the 3-year period) than during normal water years. With the maximum 3-year project water demand comprising 18 months of construction (112.5 af) and a remaining water demand of up to 11.3 af (18 months of operational demand), the project would have a net positive balance with predicted multiple-dry-year recharge rates.

Basin Drawdown and Storage Reduction Scenarios

Herein, it was determined that the maximum possible drawdown within the basin would be 0.02 inch, assuming the entire project water volume was drawn with no recharge. Similarly, it was determined that if the entire project water volume was withdrawn from the aquifer, this could result in a storage reduction of 0.05%, assuming the aquifer was currently at half its total capacity.

The project would source its water supply from on-site groundwater wells. Water demand projections in the project area generally account for solar energy developments, such as the project. Further, water supply availability projections generally indicate that sufficient water supplies are available to meet projected water demands for the project.

Additionally, the proposed project resides within the Ocotillo-Clark Valley Groundwater Basin, a basin designated as very low priority by the DWR; however, this designation reflects a lack of socioeconomic development within the basin area and not the groundwater conditions, per se.

In conclusion, long-term water demands associated with the project appear to be accounted for; although regional water shortages may occur in the area during the project's lifetime, such conditions may occur regardless of the proposed solar development.

7 LITERATURE CITED

California Department of Water Resources (DWR). 2003. *Guidebook for Implementation of Senate Bill 1610 and Senate Bill 221 of 2001 to assist water suppliers, cities, and counties in integrating water and land use planning*. October 8. Available at: https://digitalcommons.law.ggu.edu/cgi/viewcontent.cgi?article=1094&context=caldocs_agencies. Accessed August 15, 2023.

———. 2004. California's Groundwater Bulletin 118, Basin Boundary Description. Available at: https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Files/2003-Basin-Descriptions/7_025_Ocotillo-ClarkValley.pdf. Accessed August 7, 2023.

———. 2014. Sustainable Groundwater Management Act (SGMA). Available at: https://water.ca.gov/programs/groundwater-management/sgma-groundwater-management. Accessed February 2025.

California Department of Parks and Recreation. 2013. Working Paper #2: Existing Conditions, Ocotillo Wells SVRA General Plan Update and EIR.

Imperial County Planning & Development Services. 2021. Desert Valley Company Monofill Expansion Project, Cell 4 Draft Environmental Impact Report. Available at: https://www.icpds.com/assets/5.7-Hydrology.pdf. Accessed February 2025.

Krieger & Stewart Inc. 1995. *Hydrogeologic Investigation for Allegretti Farms, Western Imperial County, California*, November 1995.

PRISM Climate Group. 2023. Time Series Values for Individual Locations. Available at: https://prism.oregonstate.edu/explorer/. Accessed August 6, 2023.

Todd Engineers. 2013. *Water Supply Assessment: Seville Solar Farm Complex*.

Western Regional Climate Center. 2023. California Climate Summaries. Ocotillo Wells, California (Cooperative Observer Program Station No. 046383). Available at: https://wrcc.dri.edu/cgi-bin/cliMAIN.pl?ca6383. Accessed August 2023.

APPENDIX A

Determination of DWR Implementation of Senate Bill 610

DETERMINATION OF DWR IMPLEMENTATION OF SENATE BILL 610

The WSA for the proposed Seville 4 Solar Project was prepared using guidance contained in the Guidebook for Implementation of Senate Bill 610 and Senate Bill 221 of 2001 (Guidebook) (DWR 2003). The DWR prepared the Guidebook to assist water suppliers in preparation of the water assessments and the written verification of water supply availability required by SB 610 and SB 221; the DWR has no regulatory or permitting approval authority concerning water assessments or verifications of sufficient water supply and provides the Guidebook purely as an assistance tool (DWR 2003). Table A-1 provides a detailed description of how the Guidebook was used in preparing the project's WSA.

Table A-1. Seville 4 Solar Project WSA – Checklist

Guidelines Section Number and Title (DWR 2003)	Guidelines Direction	Relevant WSA Section and Response
Section 1 (page 2). Does SB 610 or SB 221 apply to the proposed development?	Is the project subject to SB 610? Is the project subject to California Environmental Quality Act (CEQA) (CWC 10910(a))? If yes, continue.	WSA Section 3.4 Yes, the project is subject to CEQA.
	Is it a "project" as defined by CWC 10912(a) or (b)? If yes, to comply with SB 610 go to Section 2, page 4.	WSA Section 3.4 Yes, the project is considered to meet the definition of "project" in accordance with CWC Section 10912(a) or (b).
	Is the project subject to SB 221? Does the tentative map include a "subdivision" as defined by Government Code 66473.7(a)(1)? If no, stop.	No, the project does not include a "subdivision;" SB 221 does not apply to the project, and no further action relevant to SB 221 is required.
Section 2 (page 4). Who will prepare the SB 610 analysis?	Is there a public water system ("water supplier") for the project (CWC 10910(b))? If no, go to Section 3, page 6.	WSA Section 3.4 No, there is no public water system for the project.
Section 3 (page 6). Has an assessment already been prepared that includes this project?	Has this project already been the subject of an assessment (CWC 10910(h))? If no, go to Section 4, page 8.	No, the project has not been the subject of an assessment.
Section 4 (page 8). Is there a current Urban Water Management Plan?	Is there an adopted urban water management plan (UWMP) (CWC 10910(c))? If yes, continue. If yes, information from the UWMP related to the proposed water demand for the project may also be used for carrying out Section 5, Steps 1 and 2, and Section 7; proceed to Section 5, page 10 of the guidelines.	WSA Section 3.4 No, there is no associated UWMP.
Section 5 (page 10). What information should be included in an assessment?	Step One (page 13). Documenting wholesale water supplies.	Apex Energy will use water supplied by existing and proposed on-site wells.
	Step Two (page 17). Documenting supply if groundwater is a source.	WSA Sections 4.1 and 4.2 Apex Energy will use water supplied by existing and proposed on-site wells.
	Specify if a groundwater management plan or any other specific authorization for groundwater management for the basin has been adopted and how it affects the water supplier's use of the basin.	There is no groundwater management plan. The basin is designated as a low priority basin under the Sustainable Groundwater Management Act.

Guidelines Section Number and Title (DWR 2003)	Guidelines Direction	Relevant WSA Section and Response
	The description of the groundwater basin may be excerpted from the groundwater management plan, from DWR Bulletin 118, California's Ground Water, or from some other document that has been published and that discusses the basin boundaries, type of rock that constitutes the aquifer, variability of the aquifer material, and total groundwater in storage (average specific yield times the volume of the aquifer).	WSA Section 3.1 provides descriptions of the groundwater basin characteristics using available resources, including DWR Bulletin 118.
	In an adjudicated basin the amount of water the urban supplier has the legal right to pump should be enumerated in the court decision.	WSA Section 3.1 The Ocotillo-Clark Valley Groundwater Basin is not an adjudicated basin.
	The DWR has projected estimates of overdraft, or "water shortage," based on projected amounts of water supply and demand (basin management), at the hydrologic region level in Bulletin 160, California Water Plan Update. Estimates at the basin or subbasin level will be projected for some basins in Bulletin 118. If the basin has not been evaluated by the DWR, data that indicate groundwater level trends over a period of time should be collected and evaluated.	WSA Section 3.1 DWR Bulletin 118 does not indicate any recent decreasing trends in groundwater.
	If the evaluation indicates an overdraft due to existing groundwater extraction, or projected increases in groundwater extraction, describe actions and/or program designed to eliminate the long-term overdraft condition.	The evaluation does not indicate an overdraft due to existing groundwater extraction.
	If water supplier wells are plotted on a map or are available from a geographic information system, the amount of water extracted by the water supplier for the past 5 years can be obtained from the Department of Health Services, Office of Drinking Water and Environmental Management.	WSA Section 4, Figure 4. Water pumping is planned for the project.
	Description and analysis of the amount and location of groundwater pumped by the water supplier for the past 5 years. Include information on proposed pumping locations and quantities. The description and analysis are to be based on information that is reasonably available, including, but not limited to, historic use records from the DWR.	There is no water supplier for this project. Existing water demand is accounted for in Section 4.
	Analysis of the location, amount, and sufficiency of groundwater that is projected to be pumped by the water supplier.	WSA Section 5 discusses the amount and sufficiency of groundwater supplies from the Ocotillo-Clark Valley Groundwater Basin
	Step 3 (page 21). Documenting project demand (Project Demand Analysis).	WSA Sections 4.1 and 4.2 document the project water demand. Section 5 provides an impact analysis on potential impacts to the basin.
	Step 4 (page 26). Documenting dry year(s) supply.	WSA Section 5.2 discusses water demand reliability, including during dry-year scenarios.

Guidelines Section Number and Title (DWR 2003)	Guidelines Direction	Relevant WSA Section and Response
	Step 5 (page 31). Documenting dry year(s) demand.	WSA Section 5.2 discusses water demand reliability, including during dry-year scenarios.
Section 6 (page 33). Is the projected water supply sufficient or insufficient for the proposed project?		WSA Section 5 summarizes why the identified water supply/supplies are considered sufficient for the project.
Section 7 (page 35). If the projected supply is determined to be insufficient.	Does the assessment conclude that supply is "sufficient"? If no, continue.	WSA Section 5 It is reasonably anticipated that sufficient water supplies are available for the project.
Section 8 (page 38). Final SB 610 assessment actions by lead agencies.	The lead agency shall review the WSA and must decide whether additional water supply information is needed for its consideration of the proposed project. The lead agency "shall determine, based on the entire record, whether projected water supplies will be sufficient to satisfy."	The WSA for the project will be included as part of the draft environmental impact report for the project. In accordance with SB 610, the lead agency will approve or disapprove a project based on a number of factors, including but not limited to the WSA.

This page intentionally left blank.

ATTACHMENT D:

INITIAL STUDY#24-0020, W/MITIGATION MONITORING AND REPORTING PROGRAM

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, RECOMMENDATING ADOPTION OF THE MITIGATION MONTORING AND REPORTING PROGRAM FOR THE SEVILLE 5 SOLAR AND BATTERYSTORAGE PROJECT.

WHEREAS, a Mitigation Monitoring and Reporting Program has been prepared in accordance with the requirements of the California Environmental Quality Act, the State CEQA Guidelines, and the County's Rules to Implement CEQA as amended; and

WHEREAS, the Planning Commission of the County of Imperial has been delegated with the responsibility of the consideration for recommending to the Board of Supervisors the approval of the Mitigation Monitoring and Reporting Program; and

WHEREAS, public notice of said application has been given, and Planning Commission has considered evidence presented by the Imperial County Planning & Development Services Department, and other interested parties at a public hearing held with respect to this item on September 24, 2025; and

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

SECTION 1. The Planning Commission has considered the proposed Mitigation Monitoring and Reporting Program (MM&RP) prior to making a decision to recommend the adoption of the proposed MM&RP. The Planning Commission finds and determines that the Environmental Impact Report is adequate and prepared in accordance with the requirements of the California Environmental Quality Act (CEQA), which analyzes environmental effects, based upon the following findings and determinations.

SECTION 2. That in accordance with CEQA, State Planning and Zoning law, Imperial County Land Use Ordinance and the County of Imperial General Plan, the following findings for recommending the approval of the MM&RP as follows:

1. That the Final Project Initial Study #24-0021 (SCH #2025070239), Candidate CEQA Findings for the Seville 5 Solar & Battery Storage Project ("Project") have been prepared in accordance with the requirements of the California Environmental Quality Act, the State CEQA Guidelines, and the County's "Rules and Regulations to Implement CEQA as amended".

2. That the County has reviewed, analyzed, and considered Initial Study the environmental impacts therein identified for this Project, CEQA Findings, and the Mitigation Monitoring and Reporting Program, and the entire Record of Proceedings prior to approving this project.

3. That the Mitigation Monitoring and Reporting Program is designed to ensure that during project implementation, the Developer and any other responsible parties implement the Project components and comply with feasible mitigation measures identified in the CEQA Findings, the Project entitlements, and the Mitigation Monitoring and Reporting Program and that these measures are fully enforceable through permit conditions, agreements, and/or other measures, such as their inclusion in the Mitigation Monitoring and Reporting Program.

4. That the Project will not individually or cumulatively have an unmitigated adverse effect on fish and wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

5. That the Record of Proceedings consists of the Final Project Initial Study (and all technical reports and addendums thereto); the County staff reports; the CEQA Findings; the Mitigation Monitoring and Reporting Program; the various Project entitlements and documents referenced therein; all final reports, applications, memoranda, maps, letters, and other planning documents prepared by the planning/environmental consultant; all final reports, memoranda, maps, letters, and other planning documents prepared by the County staff; all documents submitted by members of the public and public agencies in connection with the Final Project Initial Study 24-0021; minutes and transcripts of all public meetings and public hearings; all written and verbal public testimony presented during a noticed public hearing for the proposed project which such testimony was taken and any and all other materials which constitute the record of proceeding pursuant to Public Resources Code section 21167.6(e); and matters of common knowledge to the County staff, Planning Commission, including, but not limited to the County General Plan, the County Zoning Ordinance, County policies, which may be found at the Clerk's Office located at 940 Main Street, Suite 209, El Centro, CA, 92243 during regular business hours, and the Imperial County Planning & Development Services Department at 801 Main Street, El Centro, CA 92243.

6. That the County Planning Commission does hereby recommend for the Board of Supervisors to approve the Mitigation Monitoring and Reporting Program.

NOW, THEREFORE, based on the above findings, the **IMPERIAL COUNTY PLANNING COMMISSION DOES HEREBY RECOMMEND TO THE BOARD OF SUPERVISORS TO ADOPT** the Mitigation Monitoring Reporting Program (MMRP) for the Seville 5 Solar and Battery Storage project.

Rudy Schaffner, Chairperson
Imperial County Planning Commission

I hereby certify that the Planning Commission at a meeting conducted on **September 24, 2025,** by the following vote took the preceding resolution:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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

S:\AllUsers\APN\018\010\058\GPA 24 0003 ZC 24 0004\PC FOLDER\MMRP Resolution.doc

Mitigation Monitoring and Reporting Program

The County of Imperial will adopt this Mitigation Monitoring and Reporting Program (MMRP) in accordance with Public Resources Code (PRC) Section 21081.6 and Section 15097 of the California Environmental Quality Act (CEQA) Guidelines. The purpose of the MMRP is to ensure that the Seville 4 Solar Project, which is the subject of the Initial Study, complies with all applicable environmental mitigation requirements. The mitigation measures for the project will be adopted by the County of Imperial. The mitigation measures have been integrated into this MMRP.

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

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

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

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

This page is intentionally blank.

Table 1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
Biological Resources								
BIO-1	**Rare Plant Surveys.** Prior to initiating ground disturbance, three rare plant botanical field surveys shall be conducted that are floristic in nature (i.e., identifying all plant species to the taxonomic level necessary to determine rarity), and inclusive of areas proposed for disturbance and indirectly impacts by the project. The surveys shall be conducted by a qualified botanist or qualified biologist in accordance with the USFWS Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants (USFWS 1996); the CDFW Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018); and the CNPS Botanical Survey Guidelines (CNPS 2001). If any special-status species are observed during the botanical field surveys, the project shall be designed to reduce impacts to these species through the establishment of buffers, to the extent feasible. Buffer distances will be determined by the qualified botanist or biologist, typically 50 feet or greater from an identified special-status plant species, unless the qualified botanist or biologist determines a reduced buffer would suffice to avoid impacts to the species. All special-status plant species identified on site shall be mapped with a submeter GPS device and depicted on a site-specific aerial photograph and topographic map and included on any construction, grading, fuel modification, or other pertinent plans. If avoidance of special-status plant species is not feasible, a Special-Status Plant Relocation Plan shall be developed and implemented. The Special-Status Plant Relocation Plan shall address mitigation for special-status plants, including topsoil salvage to preserve seed bank and management of salvaged topsoil; seed collection, storage, possible nursery propagation, and planting; salvage and planting of bulbs as feasible; location of on-site receptor sites; land protection instruments for receptor areas; and funding mechanisms. The Special-Status Plant Relocation Plan shall include methods, monitoring, reporting, success criteria, adaptive management, and contingencies for achieving success. The project proponent shall mitigate the loss of the plant(s) through the purchase of mitigation credits from a CDFW-approved bank or land acquisition and conservation at a minimum 2:1 (replacement to impact) ratio for occupied habitat should success criteria not be met, or presence of the specific is assumed based on suitable habitat acreage within the project area. Note that a higher ratio may be warranted if the proposed mitigation lands are located far away from the project site.	Prior to construction, the Planning and Development Services Department in consultation with the Project Biologist, shall verify that pre-construction rare plant surveys were conducted. If rare plants are determined to be present, implementation of measures identified in this measure shall be verified.	Planning and Development Services Department, Project Biologist	Prior to construction, during construction, post construction	Project Biologist, Planning and Development Services Department			

Table 1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
BIO-2	**Worker Environmental Awareness Program.** Prior to project construction, a Worker Environmental Awareness Program shall be developed and implemented by a qualified biologist and shall be available in both English and Spanish. Handouts summarizing potential impacts on special-status biological resources and the potential penalties for impacts on these resources shall be provided to all construction personnel. At a minimum, the education program shall include the following: • the purpose for resource protection; • a description of special-status species including representative photographs and general ecology; • occurrences of USACE, RWQCB, and CDFW regulated features in the project study area; • regulatory framework for biological resource protection and consequences if violated; • sensitivity of the species to human activities; • avoidance and minimization measures designed to reduce the impacts on special-status biological resources; • environmentally responsible construction practices; • reporting requirements; • the protocol to resolve conflicts that may arise at any time during the construction process; and • workers sign acknowledgement form indicating that the Environmental Awareness Training and Education Program that has been completed, which shall be kept on record.	Prior to construction, the Planning and Development Services Department shall verify that a Worker Environmental Awareness Program has been prepared for the project.	Project Biologist and Planning and Development Services Department	Prior to construction	Project Biologist and Planning and Development Services Department			
BIO-3	**Project Biologist.** The project proponent shall designate a project Biologist, approved by CDFW, who 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 have experience performing all necessary surveys and monitoring for biological resources present on site. The project Biologist shall also maintain communications with the Contractor to ensure that issues relating to biological resources are appropriately and lawfully managed and shall monitor construction. The project Biologist shall monitor all ground disturbing activities within construction areas, including activities during nesting bird season (generally February 1 to September 15), such as vegetation removal, the implementation of Best Management Practices (BMPs), and installation of security fencing to protect native species. The project Biologist shall have the authority to halt all work if special status species are found on site during project activities. The project Biologist shall ensure that all wildlife and regulatory agency permit requirements, conservation measures, and general avoidance and minimization measures are properly implemented and followed.	Review of project biologist resume(s) conducting monitoring on the project site.	Project Biologist, Planning and Development Services Department	Prior to construction	Project Biologist, Planning and Development Services Department			

Table 1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
BIO-4	**Project Site Delineation.** The boundaries of all areas to be newly disturbed (including solar facility areas, staging areas, access roads, and sites for temporary placement of construction materials and spoils) shall be delineated with stakes and flagging prior to disturbance. All disturbances, vehicles, and equipment shall be confined to the flagged areas. Stockpiling of material shall only be allowed within established work areas.	Fence, flag or stake project disturbance footprint	Project Biologist, Planning and Development Services Department	Prior to construction	Planning and Development Services Department			
BIO-5	**Invasive Plants.** The Contractor shall actively manage the spread of invasive and nonnative plants noxious weeds by implementing weed control activities, including, but not limited to, cleaning equipment and inspecting equipment prior to transport to the sites and cleaning of tires and underside of equipment prior to leaving the site, vacuuming and cleaning the interior of vehicles and heavy equipment that have been used off-site before bringing them to the project site, clean by pressure washing, washing in hot water, freezing, or bleaching personal gear and clothing, including footwear, that have been worn offsite before bringing them to the project site, and not transporting soil or other fill material from off-site locations to the project area unless they are certified weed free. The introduction of exotic, nonnative, weed, and/or invasive plant species will be avoided and controlled wherever possible, and may be achieved through physical or chemical removal and prevention, limiting the size of any vegetation and/or ground disturbance to the absolute minimum, and limiting ingress and egress to defined routes. Preventing exotic plants from entering the site via vehicular sources will include measures such as cleaning vehicles coming into and going from the site. Any use of herbicide for chemical removal of invasive and nonnative plants shall only use herbicides containing a harmless dye and registered with the California Department of Pesticide Regulation (DPR). All herbicides shall be applied in accordance with regulations set by the DPR. All herbicides shall be used according to label instructions. Labeled instructions of the herbicide used shall be made available to CDFW upon request. No herbicide application when winds are greater than five (5) miles per hour.	Construction monitor manage invasive plant weed control activities	Construction contractor	During Construction	Project Biologist			
BIO-6	**Burrowing Owl Avoidance and Minimization, and Mitigation.** Four breeding season surveys for burrowing owl shall be completed prior to project construction by a qualified avian biologist. Surveys shall be conducted as detailed within Appendix D of the Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game [CDFG] 2012). This survey shall include 100 percent coverage of the project site. A report summarizing the breeding season surveys including all requirement for survey reports shall be submitted to CDFW for review and approval. If complete avoidance cannot be achieved, an Incidental Take Permit (ITP) for burrowing owl shall be obtained prior to initiation of ground disturbing activities. The project proponent shall adhere to measures and conditions set forth within the ITP. Compensatory mitigation for directs impacts shall be fulfilled through conservation of suitable burrowing owl habitat. Permanent protection of mitigation land shall be established through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission, and include development and implementation of a mitigation land management plan to address long-term ecological sustainability and maintenance of the site for burrowing owls, and funding for the maintenance and	Prior to construction, the Project Biologist and Department of Planning and Development Services shall verify that pre-construction surveys for burrowing owl were conducted. If burrowing owl are present, implementation of measures specified in the mitigation measure shall be confirmed.	Project Biologist and Planning and Development Services Department	Prior to construction, during construction	Project Biologist and Planning and Development Services Department			

Table 1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	management of mitigation land through the establishment of a long-term funding mechanism such as an endowment.							
BIO-6.1	If present, the project proponent shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval at least 30 days prior to initiation of ground disturbing activities. The Burrowing Owl Plan shall include 1) provide details of the number and location of occupied burrow sites, and acres of burrowing owl habitat; 2) if avoidance of impacts is proposed, details on avoidance actions and monitoring such as proposed buffers, visual barriers and other actions; 3) site monitoring to be conducted prior to, during, and after any ground disturbance sufficient to ensure take is avoided, daily monitoring with cameras and direct observation; 4) information shall be provided regarding adjacent or nearby suitable habitat available to owls. The project proponent shall implement the Burrowing Owl Plan following CDFW review and approval.	Completion of Burrowing Owl Plan	CDFW	At least 30 days prior to initiation of ground disturbing activity	CDFW review and approval			
BIO-6.2	**Burrowing Owl Avoidance.** If burrowing owls are detected on-site, a Designated Biologist, knowledgeable of burrowing owl habitat and behavior, shall establish a no-disturbance buffer following the 2012 Staff Report around all burrowing owl burrows such as roosting and satellite burrows within the Project area and an appropriate buffer determined by the Designated Biologist, with posted signs demarking the area to avoid, using stakes, flags, and/or rope or cord to minimize the disturbance of burrowing owl habitat. The Designated Biologist shall delineate burrows with different materials than those used to delineate the project area. The project proponent shall remove and properly dispose of all materials used for delineation immediately upon completion of the project.	Delineation of burrows and establishment of buffers	Designated Biologist	At least 30 days prior to initiation of ground disturbing activity	CDFW			
BIO-6.3	To ensure that the project avoids impacts to burrowing owl, a qualified biologist shall complete a take avoidance survey no less than 14 days prior to initiating ground disturbance activities using the recommended methods described in the 2012 Staff Report. Burrowing owls may re-colonize a site after only a few days. Time lapses or a break in construction activities of 3 days will trigger subsequent avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance.	Prepare Take Avoidance Survey	Qualified Biologist	No less than 14 days prior to initiating ground disturbance	CDFW			
BIO-6.4	During take avoidance surveys, the project proponent shall have a Designated Biologist(s), pre-approved by CDFW, inspect all burrows that exhibit typical characteristics of owl activity prior to any site-preparation activities. Evidence of owl activity may include presence of owl themselves, burrows, and owl sign at burrow entrances such as pellets, whitewash or other "ornamentation", feathers prey remains, etc. If it is evident that burrows are actively being used, the project proponent shall follow the guidelines in the CDFW approved Burrowing Owl Plan. If no Plan has been approved, the project proponent shall not commence activities until owls have been confirmed absent, as determined in consultation with CDFW, and the burrows are no longer in use by adult or juvenile owls or until a Burrowing Owl Plan has been submitted and approved.	Inspection of burrows	Designated Biologist	During Take avoidance surveys	Designated biologist pre-approved by CDFW			

Table 1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
BIO-7	**Flat-Tailed Horned Lizard.** Following standard mitigation measures listed in the Flat-tailed Horned Lizard Rangewide Management Strategy, a qualified biologist shall conduct a pre-construction survey for flat-tailed horned lizard within seven days before the start of ground disturbing construction activities. The pre-construction survey will cover all suitable areas on site and focus on areas with suitable habitat for the species and where individuals were previously found. The pre-construction survey may be conducted in phases based on the construction schedule as ground-disturbing activities may occur during different phases of construction. Individual flat-tailed horned lizards found will be relocated to suitable habitat at least 200 feet from impact areas, roads, and laydown or staging areas. Translocation may only be conducted by a qualified biologist who holds a current CDFW Scientific Collection Permit that authorizes handling of this species. The project work areas will be clearly flagged or marked at the outer boundaries to define the limit of work activities. All work activities will be restricted to the flagged areas to avoid impacts to flat-tailed horned lizard and their habitat. A qualified biological monitor, approved by CDFW, shall be present during ground-disturbing activities. The biological monitor will examine areas of active surface disturbance periodically (at least hourly when surface temperatures exceed 85°F) for the presence of flat-tailed horned lizards. In addition, open trenches, holes, or other excavated areas will be examined at least twice per day, and immediately prior to backfilling. If avoidance is not feasible or a flat-tailed horned lizard becomes trapped within the work area, the biological monitor, who will hold a Scientific Collecting Permit for this species, may capture the lizard by hand and relocate it outside of the impact area in the shade of a large shrub a short distance from the construction zone and in the direction of undisturbed habitat when surface temperatures range from 90 degrees F and 104 degrees F. If surface temperatures in the sun are less than 86 degrees F or exceed 122 degrees F, the qualified biological monitor shall hold the flat-tailed horned lizard in an appropriate clean, dry container (cloth bag or empty cooler) for later release when surface temperatures are in the acceptable range. Dead or injured flat-tailed horned lizards will be reported to CDFW and the Imperial County Planning and Development Services Department.	Monitoring by the Qualified Biologist	Qualified Biologist	Pre-construction survey	Report approved by the CDFW and Planning and Development Services Department			

Table 1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
BIO-8	**Desert Kit Fox and American Badger:** Prior to the beginning of surface disturbance, the project Biologist shall conduct a pre-project 10-meter transect survey (or reduced based on topography and vegetation), to attain 100% visual coverage within the project area and a minimum 200-meter buffer to determine the presence or absence of desert kit fox and/or American badger individuals, dens, and sign. If potential dens are located, they shall be monitored by the project Biologist. Trail cameras may be used to assist with observation but shall not be the sole basis upon which the status is determined. All desert kit fox dens identified as potentially active or active within the project footprint (solar site and transmission line work sites) will be monitored for a minimum of 3 consecutive nights. Surveys shall monitor for tracks in loose dirt at den entrances or using a tracking medium (e.g., diatomaceous earth) and infra-red cameras at the den entrance(s). Using both methods (monitoring tracks and cameras) will help to ascertain whether desert kit fox in photos are actively using den sites. The project proponent shall provide the results of the survey to CDFW prior to start of project activities. The project proponent shall provide a determination if active dens can be avoided and buffered from project activities to prevent take and disturbance with the survey results. Should active dens be present within the project area that cannot be avoided with an adequate buffer, the project proponent shall reschedule project activities or submit a monitoring and passive relocation plan for CDFW's review and approval. No disturbance or passive relocation of active dens may take place during the breeding season or when juveniles are dependent on parental care. Burros that have been confirmed inactive within the project site, that are not being excavated and filled, will be blocked with rocks and sticks to discourage use during project activities and removed when construction is complete. The project Biologist shall periodically check that the inactive burrows remain blocked and are not reoccupied.	Project Biologist conducts pre-project survey and report	Project Biologist	Pre- and During Construction	CDFW			
BIO-9	**Pre-Construction Survey for Special-Status Species:** A pre-construction survey shall be conducted for special-status wildlife species within all areas of potential permanent and temporary disturbance. The pre-construction survey shall take place no more than 14 days prior to the start of ground-disturbing activities. The pre-construction surveys shall take place regardless of breeding season timing and shall focus on identifying the presence of special-status wildlife species present within the Survey Area or that were identified as having a high/moderate potential to occur on the site. Should any special status species be identified during the pre-construction survey, consultation to develop suitable avoidance and minimization measures with the appropriate agency (USFWS, CDFW) may need to be undertaken.	Prior to construction, the Planning and Development Services Department shall verify that pre-construction surveys for special-status species were conducted. If special status species are present, implementation of measures specified in the mitigation measure shall be confirmed.	Planning and Development Services Department	Prior to construction, during construction	Planning and Development Services Department			

Table 1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
BIO-10	**Wildlife Entrapment Avoidance.** No potential wildlife entrapments (e.g., trenches, bores) shall be left uncovered overnight. Any uncovered pitfalls will be excavated to 3:1 slopes at the ends to provide wildlife escape ramps. Alternatively, man-made ramps may be installed. Covered pitfalls will be covered completely to prevent access by small mammals or reptiles. To avoid wildlife entrapment (including birds), all pipes or other construction materials or supplies shall be covered or capped in storage or laydown areas, and at the end of each construction workday in construction, quarrying and processing/handling areas. No pipes or tubing of sizes or inside diameters ranging from 1 to 10 inches shall be left open either temporarily or permanently. Wildlife friendly fencing shall be utilized for the site perimeter fencing. The fencing shall be designed to allow for the passage of wildlife, with gaps of approximately 4-6 inches at the bottom and knuckled edges to create a smooth surface.	Project biologist(s) to confirm no presence of wildlife entrapment features	Project Biologist	During Construction	Project Biologist			
BIO-11	**Rodenticide:** No anticoagulant rodenticides, such as Warfarin and related compounds (indandiones and hydroxycoumarins), shall be used within the project site, on off-site project facilities and activities, or in support of any other project activities.	Project biologist(s) to confirm no use of rodenticides	Project Biologist	During Construction	Project Biologist			
BIO-12	**Trash Abatement.** All trash and food-related waste shall be placed in self-closing, secure, wildlife-proof containers to prevent wildlife access and removed regularly, at a minimum once a week, from the site to prevent overflow. Workers shall not feed wildlife.	Project biologist(s) to confirm trash abatement is implemented	Project Biologist	During Construction	Project Biologist			
BIO-13	**Project Site Speed Limit.** To minimize the likelihood for vehicle strikes on wildlife, speed limits shall not exceed 15 miles per hour when driving on access roads during daytime construction activities. Should any nighttime construction activity occur, speed limits shall not exceed 10 miles per hour when driving on access roads. All vehicles required for O&M must remain on designated access/maintenance roads.	Construction Contractor to monitor speed limits.	Construction Contractor	During Construction and Operational Maintenance Activities	Construction Contractor During Construction, Operations/Facilities Manager During Operations			
BIO-14	**Artificial Lighting:** Avoid nighttime construction lighting or if nighttime construction cannot be avoided, use shielded directional lighting pointed downward and towards the interior of the project sites, thereby avoiding illumination of adjacent natural areas and the night sky.	Construction Contractor shall avoid nighttime construction to extent feasible, and ensure shielded lighting utilized during nighttime construction activity (if necessary)	Construction Contractor	During Construction	Construction Contractor, Project Biologist			
BIO-15	**Equipment Mufflers:** All construction equipment used for the projects shall be equipped with properly operating and maintained mufflers.	Construction Contractor shall confirm that construction equipment is equipped with properly operating	Construction Contractor	During Construction	Construction Contractor, Project Biologist			

Table 1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
		and maintained mufflers						
BIO-16	**Hazardous Substances.** Hazardous materials and equipment stored overnight, including small amounts of fuel to refuel hand-held equipment, shall be stored within secondary containment when within 50 feet of open water or resources subject to Fish and Game Code section 1602 to the fullest extent practicable. Secondary containment shall consist of a ring of sandbags around each piece of stored equipment/structure. A plastic tarp/visqueen lining with no seams shall be placed under the equipment and over the edges of the sandbags, or a plastic hazardous materials secondary containment unit shall be utilized by the Contractor. The Contractor will be required to conduct vehicle refueling in upland areas where fuel cannot enter waters of the U.S. or areas subject to Fish and Game Code section 1602, and in areas that do not have potential to support federally threatened or endangered species. Any fuel containers, repair materials, including creosote-treated wood, and/or stockpiled material that is left on site overnight, shall be secured in secondary containment within the work area and staging/assembly area and covered with plastic at the end of each workday. In the event that no activity is to occur in the work area for the weekend and/or a period of time greater than 48 hours, the Contractor shall ensure that all portable fuel containers are removed from the project site. All equipment shall be maintained in accordance with the manufacturer's recommendations and requirements. Equipment and containers shall be inspected daily for leaks. Should a leak occur, contaminated soils and surfaces will be cleaned up and disposed of following the guidelines identified in the Stormwater Pollution Prevention Plan or equivalent, Materials Safety Data Sheets, and any specifications required by other permits issued for the project. The Contractor shall utilize off-site maintenance and repair shops as much as possible for maintenance and repair of equipment. If maintenance of equipment must occur onsite, fuel/oil pans, absorbent pads, or appropriate containment will be used to capture spills/leaks within all areas. Where feasible, Maintenance of equipment shall occur in upland areas where fuel cannot enter waters of the U.S. or areas subject to Fish and Game Code section 1602, and in areas that do not have potential to support federally threatened or endangered species.	Construction Contractor shall confirm that hazardous materials and equipment stored overnight are stored within secondary containment when within 50 feet of open water or resources	Construction Contractor	During Construction	Construction Contractor, Project Biologist			
BIO-17	**Firearms and Pets.** Project personnel and any other individuals associated with the project are prohibited from bringing any firearms or dogs or other pets on the project Area during, except those in the possession of authorized security personnel or local, state, or federal law enforcement officials, dogs that may be used to aid in official and approved monitoring procedures/protocols, or service dogs under Title II and Title III of the American with Disabilities Act. Firearms, open fires, and pets shall be prohibited at all work locations and access roads. Smoking shall be prohibited along the project alignment.	Construction Contractor to confirm that firearms and pets are not brought on the project site	Construction Contractor, Project Biologist	During Construction	Project Biologist			
BIO-18	**Best Management Practices:** Appropriate BMPs shall be used by the Contractor to control erosion and sedimentation and to capture debris and contaminants from construction to prevent their deposition in waterways. Erosion and sediment control devices used for the proposed project, including fiber rolls and bonded fiber matrix, shall be made from biodegradable materials	Construction Contractor to confirm appropriate BMPs are installed	Construction Contractor, Project Biologist	Pre-construction (review of grading plans), During Construction	Project Biologist, Planning and Development Services			

Table 1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	such as jute, with no plastic mesh, to avoid creating a wildlife entanglement hazard.				Department/Department of Public Works			
BIO-19	**Cross-country Vehicle Use:** Cross-country vehicle and equipment use outside of approved designated work areas and access roads shall be prohibited to prevent unnecessary ground and vegetation disturbance.	Construction Contractor to designate approved work areas and access roads to construction crew (i.e. limits of disturbance)	Project Biologist	During Construction	Project Biologist, Planning and Development Services Department			
BIO-20	**Injured or Dead Wildlife:** Any injured or dead wildlife encountered during project-related activities shall be reported to the Project Biologist, biological monitor, CDFW, or a CDFW-approved veterinary facility as soon as possible to report the observation and determine the best course of action. For special-status species, the Project Biologist shall notify by phone or email the County, USFWS, and/or CDFW, as appropriate, within 24 hours of the discovery.	Project Biologist shall notify by phone or email the County, USFWS, and/or CDFW, as appropriate, within 24 hours of the discovery.	Project Biologist	During Construction	Project Biologist			
BIO-21	**Checking Beneath Vehicles:** The ground beneath all parked equipment and vehicles shall be inspected for wildlife before moving.	Project Biologist shall inspect parked vehicles before moving	Project Biologist	During Construction	Project Biologist			
BIO-22	**Fugitive Dust Abatement:** Water applied to dirt roads and construction areas for dust abatement shall be used the minimal amount needed to meet safety and air quality standards to prevent the formation of puddles, which could attract wildlife. Pooled rainwater or floodwater within retention basins shall be removed to avoid attracting wildlife to the active work areas.	Project Biologist shall coordinate with Construction Contractor to remove formation of puddles.	Project Biologist	During Construction	Project Biologist			

Table 1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
BIO-23	**Pre-Construction Nesting Bird Survey:** If construction or other project activities are scheduled to occur during the bird breeding season (typically February 1 through August 31 for raptors and February 15 through August 31 for the majority of migratory bird species), a pre-construction nesting-bird survey shall be conducted by a qualified avian biologist to ensure that active bird nests will not be disturbed or destroyed. The survey shall be completed no more than three days prior to initial ground disturbance. The nesting-bird survey shall include the project site and adjacent areas where project activities have the potential to affect active nests, either directly or indirectly due to construction activity or noise. If an active nest is identified, the biologist shall establish an appropriately sized disturbance-limit buffer around the nest using flagging or staking. Construction activities shall not occur within any disturbance-limit buffer zones until the nest is deemed inactive by the qualified biologist. If construction activities cease for a period of greater than three days during the bird breeding season, a pre-construction nesting bird survey shall be conducted prior to the commencement of activities. Final construction buffers or setback distances shall be determined by the qualified biologist in coordination with USFWS and CDFW on a case-by-case basis, depending on the species, season in which disturbance shall occur, the type of disturbance, and other factors that could influence susceptibility to disturbance (e.g., topography, vegetation, existing disturbance levels, etc.).	Prior to construction, the Planning and Development Services Department shall verify that pre-construction nesting bird surveys were conducted. If nesting birds are present, implementation of measures specified in the mitigation measure shall be confirmed.	Planning and Development Services Department	Prior to construction, during construction	Planning and Development Services Department			
BIO-24	**General Impact Avoidance and Minimization Measures.** Minimization of Impacts to Migratory Birds and Raptors: To reduce indirect impacts on migratory birds and raptors, the project shall comply with APLIC 2012 Guidelines for overhead utilities, as appropriate, to minimize avian collisions with transmission facilities (APLIC 2012). All electrical components on the project site shall either be underground or the transmission lines and poles will follow design plans recommended by APLIC (i.e., installing covers over the insulator and conductor on the center phase, installing phase covers over all three insulators and conductors for three phase transmission lines, lowering and/or replacing the crossarm with a longer cross arm on pole-top pin constructions), or utilizing link marking devices (e.g., aerial marker spheres, spirals, or suspended devices).	Prior to construction, the Planning and Development Services Department shall verify that the project comply with the APLIC 2012 Guidelines for overhead utilities.	Planning and Development Services Department	Prior to construction	Planning and Development Services Department			

Table 1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
BIO-25	**Aquatic Resources Regulatory Permitting:** Project-related impacts that will occur in any resource subject to Fish and Game Code section 1602 shall be mitigated at a minimum of 2:1 ratio (two acres of mitigation for every impact to one acre of resource). The project proponent shall obtain all necessary regulatory permits for resources that may also fall under the jurisdiction of the USACE, CDFW, and/or RWQCB, a regulatory permit with those agencies is needed prior to the impact occurring. Refer to the *Aquatic Resource Delineation Report for the Aquatic Resources Delineation Report for the Seville 4 Solar Project* (Appendix D of this Initial Study) for preliminary determination of regulatory limits that of areas that may be regulated by USACE, CDFW, or RWQCB. Permitting includes preparation and submittal of a Pre-Construction Notification under Section 404 of the federal CWA, an Application for Water Quality Certification under Section 401 of the federal CWA and a notification of Lake or Streambed Alteration under Section 1600 of the California Fish and Game Code. A completed CEQA document, and Notice of Determination, will be necessary to submit along with the applications. Other items such as finalized project plans, quantities of fill material, supporting technical studies, etc., are also submitted along with the applications. As a part of this process, the project must also identify and approve mitigation through the respective agencies. Mitigation shall include: onsite or offsite options or land acquisition that is conserved and managed in perpetuity for the resource; could include, payment of an in-lieu fee to a conservation organization; and/or types of mitigation can include restoration, creation, rehabilitation, enhancement, or other types of habitat improvement. Typically, the type_of mitigation and final acreage of mitigation is negotiated shall be approved by the regulatory agencies during the permitting process.	Approval of Section 1602 Streambed Alterative Agreement	CDFW	Prior to construction	CDFW			
BIO-26	Prior to grading, grubbing or other ground disturbing activities, the project proponent shall install one shallow-groundwater monitoring well at a CDFW and County-approved location and design within Assessor's Parcel Number 018-170-067-000 or similarly situated location within the San Felipe Creek, or the project proponent shall install two shallow-groundwater monitoring wells, one at a CDFW and County-approved location and design within the footprint of Seville 4, and one groundwater monitoring well at a CDFW and County-approved location and design within the footprint of Seville 5.	Submit well relocation plan to Department of Planning and Land Use	CDFW and Planning and Development Services Department	Prior to grading, grubbing or other ground disturbing activities	CDFW and Planning and Development Services Department			
BIO-27	30 days prior to the installation of the shallow-groundwater monitoring well, the project proponent shall obtain CDFW and County approval of a final groundwater management plan (Groundwater Plan). The Plan shall demonstrate necessary funding to endow a third-party to maintain the well(s), monitor, collect and record groundwater level data, analyze and report the data to CDFW and the County at a meaningful interval or triggering event(s) identified in the CDFW and County-approved Groundwater Plan. The Groundwater Plan shall identify specific and quantifiable thresholds for implementing a suite of adaptive management strategies. The Groundwater Plan shall include the immediate discontinuation of temporary and permanent	Submit final groundwater management plan to Department of Planning and Land Use	CDFW and Planning and Development Services Department	30 days prior to the installation of the shallow-groundwater monitoring well	CDFW and Planning and Development Services Department			

Table 1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	groundwater pumping, and identify alternative sources of water as viable adaptive management strategies. The Groundwater Plan shall require written notification to CDFW and the County upon commencement of well pumping in excess of 500 gallons per day. The date and quantity of all water use shall be logged daily during construction and decommissioning, and monthly during operations and maintenance. The Groundwater Plan shall be reviewed every five years and revised with mutual agreement from CDFW and the County.							
BIO-28	No chemicals shall be used for dust suppression, panel washing, or ancillary uses without the prior written approval of CDFW and the County.	Project biologist(s) to confirm no use of chemicals for dust suppression, panel washing, or ancillary uses without the prior written approval of CDFW and the County	Project Biologist	During Construction	Project Biologist			
BIO-29	Water infiltration basins of sufficient size and location(s) will be utilized to maximize groundwater percolation of clean water, free of chemicals deleterious to fish and amphibians.	Project biologist(s) to confirm the water infiltration basins are installed on the project site	Project Biologist	During Construction	Project Biologist			
Cultural Resources								
CR-1	In the event of the discovery of previously unidentified archaeological materials, the contractor shall immediately cease all work activities within approximately 100 feet of the discovery. After cessation of excavation, the contractor shall immediately contact the Imperial County Department of Planning and Development Services Department. Except in the case of cultural items that fall within the scope of the Native American Grave Protection and Repatriation Act, the discovery of any cultural resource within the project area shall not be grounds for a "stop work" notice or otherwise interfere with the project's continuation except as set forth in this paragraph. In the event of an unanticipated discovery of archaeological materials during construction, the applicant shall retain the services of a qualified professional archaeologist, meeting the Secretary of the Interior's Standards for a Qualified Archaeologist, to evaluate the significance of the materials prior to resuming any construction-related activities in the vicinity of 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.	Project Archaeologist shall issue "stop work" order	Project Archaeologist	During grading and construction	Planning and Development Services Department			
CR-2	If subsurface deposits believed to be human in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist who meets the Secretary of the Interior's Standards for prehistoric and historic archaeology and is familiar with the resources of the region, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:	Project Archaeologist shall evaluate the find.	Project Archaeologist	During grading and construction	Planning and Development Services Department			

Table 1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	If the find includes human remains, or remains that are potentially human, the professional archaeologist shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the Imperial County Coroner (per § 7050.5 of the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and AB 2641 will be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the project (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC may mediate (§ 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§ 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the Imperial County Planning and Development Services Department, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.							

Table 1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
Geology and Soils								
GEO-1	**Retain a Qualified Paleontologist.** Prior to the issuance of any permits allowing ground-disturbing activities, an SVP-qualified paleontologist (Qualified Paleontologist) will be retained by the project applicant and approved by the Imperial County Planning and Development Services Department (lead agency). The Qualified Paleontologist will prepare a Paleontological Resources Monitoring Plan (PRMP) to be approved by the lead agency. Following approval of the PRMP, the Qualified Paleontologist will implement the PRMP and will provide technical and compliance oversight of all work as it relates to paleontological resources, will be responsible for ensuring the employee training provisions are implemented during implementation of the project, and will report to the project area (as needed and identified in the final PRMP) in the event that potential paleontological resources are encountered.	During grading and construction, discovery of paleontological resources shall result in work stoppage in that area until the Qualified Paleontologist can determine the significance of the find.	Project Archaeologist/Paleontological Monitor	During grading and construction	Planning and Development Services Department			
GEO-2	**Prepare a Paleontological Resources Monitoring Plan.** A PRMP will be prepared by the Qualified Paleontologist that incorporates all available geologic data for the project in order to determine the necessary level of effort for monitoring based on the planned rate of excavation and grading activities, the materials being excavated, and the depth of excavation. The PRMP establishes the ground rules for the entire paleontological resource mitigation program and will require approval by the lead agency as a condition of approval of the grading permit(s) for the project. The Qualified Paleontologist will implement the PRMP as the project paleontologist, program supervisor, and principal investigator. The PRMP will incorporate the results of the *Paleontological Resources Technical Report for the Seville 4 Solar Energy Project* (Appendix F of the Initial Study), relevant geotechnical investigations, and final engineering/grading plans for the project. The PRMP will include processes and procedures for paleontological monitoring, fossil salvaging (if needed), reporting, and curation (if needed). The PRMP will also require the Qualified Paleontologist to prepare a report of the findings of the monitoring efforts after construction is completed that will be sent to the lead agency for approval and to mark the completion of the paleontological monitoring program. The PRMP will also require the Qualified Paleontologist to obtain a curatorial arrangement with an accredited and County-approved repository, such as the SDNHM in San Diego, California.	Preparation of a PRMP	Qualified Paleontologist	Prior to initiation of ground-disturbance or grading activity	Planning and Development Services Department			
GEO-3	**Conduct Worker Training.** The Qualified Paleontologist shall develop Worker Environmental Awareness Program training to educate the construction crew on the legal requirements for preserving fossil resources, as well as the procedures to follow in the event of a fossil discovery. This training program shall be given to the crew before ground-disturbing work commences and shall include handouts to be given to new workers as needed.	Worker Environmental Awareness Program	Qualified Paleontologist	Prior to construction	Planning and Development Services Department			

Table 1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
GEO-4	**Monitor for Paleontological Resources.** As described in the PRMP approved by the lead agency for the project, full-time paleontological monitoring will occur during ground-disturbing activities that impact previously undisturbed sediments of Holocene Cahuilla Beds (Qc), Pliocene Brawley Formation (Qbr), middle to early Pleistocene Ocotillo Formation (Qo), middle Pleistocene to middle Pliocene Palm Spring Formation (Tps), and late and middle Pliocene Borrego Formation (Tbo), regardless of depth. Full-time monitoring shall occur during ground-disturbing activities that impact previously undisturbed sediments of Holocene alluvial sand, gravel, silt, and clay of valley areas (Qa) at depths of 5 feet below ground surface or greater. Monitoring shall not be required when ground-disturbing activities are less than 5 feet below ground surface in areas mapped as Holocene alluvial sand, gravel, silt, and clay of valley areas (Qa), or when impacting only artificial fill or previously disturbed sediments, regardless of depth. Monitoring shall be conducted by a qualified paleontological monitor who meets the standards of the SVP and who will be supervised by the Qualified Paleontologist. The Qualified Paleontologist may periodically inspect construction activities to adjust the level of monitoring (in consultation with the lead agency) in response to subsurface conditions. Monitoring efforts can be increased, reduced, or ceased entirely if determined adequate by the Qualified Paleontologist. Paleontological monitoring shall include inspection of exposed sedimentary units during active excavations within sensitive geologic sediments. The monitor shall have authority to temporarily divert activity away from exposed fossils to evaluate the significance of the find and, should the fossils be determined significant, professionally and efficiently recover the fossil specimens and collect associated data. The monitor shall record pertinent geologic data and collect appropriate sediment samples from any fossil localities. Recovered fossils shall be prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and deposited in an accredited repository (i.e., SDNHM in San Diego, California).	Monitoring by Qualified Paleontological Monitor	Qualified Paleontologist	During construction	Planning and Development Services Department			
GEO-5	**Prepare a Paleontological Resources Monitoring Report.** Upon conclusion of ground-disturbing activities, the Qualified Paleontologist overseeing implementation of the PRMP, including paleontological monitoring, will prepare a final Paleontological Resources Monitoring Report (PRMR) that documents the paleontological monitoring efforts for the project and describes any paleontological resources discoveries observed and/or recorded during ground-disturbing activities. If paleontological resources are curated, the PRMR and any associated data pertinent to the curated specimen(s) will be submitted to the designated repository. A copy of the final PRMR shall be filed with the lead agency for approval. Approval of the PRMR by the lead agency will signify completion of the monitoring program.	Preparation of Final Paleontological Resources Monitoring Report	Qualified Paleontologist	Upon conclusion of ground-disturbing activities	Planning and Development Services Department			

Table 1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
TR-1	If previously unidentified tribal cultural resources are identified during construction activities, construction work within 100 feet of the find shall be halted and directed away from the discovery until a Secretary of the Interior qualified archaeologist and tribal representative assesses the significance of the resource. The archaeologist, in consultation with Imperial County and any interested Tribes (e.g. Agua Caliente and/or Viejas), shall make the necessary plans for treatment of the find(s) and for the evaluation and mitigation of impacts if the finds are determined to be a tribal cultural resource as defined in PRC Section 21074.	Monitor grading activities by a qualified project archaeologist and tribal representative	Qualified project archaeologist and tribal representative	During grading and construction	Planning and Development Services Department			

ATTACHMENT E:

GENERAL PLAN AMENDMENT#24-0003

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, RECOMMENDS APPROVAL TO THE IMPERIAL COUNTY BOARD OF SUPERVISORS ON THE RENEWABLE ENERGY & TRANSMISSION ELEMENT OVERLAY EXPANSION ON THE SEVILLE 4 SOLAR AND BATTERY PROJECT AREA AND FOR THE UPDATE TO CHANGE THE INDUSTRIAL DESIGNATION TO AN AGRICULTURE DESIGNATION.

WHEREAS the applicant Seville 4 Solar and Battery Storage Project filed a request for a General Plan Amendment #24-0003 for the proposed renewable energy overlay expansion on project site and to change the current Industrial designation to Agriculture; and,

WHEREAS, the Planning Commission of the County of Imperial has been delegated with the responsibility of making recommendations to the Imperial County Board of Supervisors regarding the Project for approval; and,

WHEREAS the General Plan Amendment #24-0003 has been provided in a timely manner to public agencies; and

WHEREAS timely public notice of the Planning Commission's hearing on the Project application has been given, and the Planning Commission has considered evidence presented by the Imperial County Planning & Development Services Department and other interested parties at that public hearing held with respect to this item on September 24, 2025; and,

WHEREAS the General Plan Amendment includes analysis for the inclusion and revision to the Renewable Energy and Transmission Element Section IV (Implantation Programs and Policies (D) Land Use Designations). This section states an amendment to the overlay would only be approved by the Board of Supervisors if a future renewable energy project met the following conditions: 1) Proposed project site is near and adjacent to an existing RE Overlay Zone and 2) project environmental review shows project would not result in any significant impacts. Additionally, the General Plan includes analysis for updating the current Industrial Designation to change to an Agriculture Designation on parcels (APN) 018-170-058, 018-170-059, 018-170-060, 018-170-061, 018-170-062, 018-170-063, 018-170-064, and 018-170-065, and

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

SECTION 1. The Planning Commission independently reviewed and considered the proposed General Plan Amendment #24-0003 prior to a decision to recommend that the Board of Supervisors approve the change from Industrial designation to Agriculture Designation and for the expansion of the RE overlay zone on requested parcel. The Planning Commission finds and determines that the Environmental Impact Report is adequate and prepared in accordance with the requirements of the California

Environmental Quality Act (CEQA), which analyzes environmental effects, based upon the following findings and determinations that all significant impacts are mitigated to less than significant.

SECTION 2. That in accordance with CEQA, State Planning and Zoning law and the County of Imperial Land Use Ordinance, the following findings for the recommendation for approval and certification of the General Plan Amendment #24-0003 have been made as follows:

1. That the Initial Study 24-0020 **SCH# 2025070240**, CEQA Findings for SEVILLE 4 SOLAR AND BATTERY STORAGE ("Project") have been prepared in accordance with the requirements of the California Environmental Quality Act, the State CEQA Guidelines, and the County's Rules to Implement CEQA as amended, and such findings are incorporated by reference herein.

2. That the County independently reviewed, analyzed, and considered the Initial Study and the environmental impacts therein identified for this Project, and the Mitigation, Monitoring and Reporting Program, and the entire Record of Proceedings prior to recommending approval of this project.

3. The General Plan Amendment (map and text revision) for the Seville 4 Solar and Battery project is also consistent with the Imperial County General Plan's Renewable Energy & Transmission Element and allows for inclusion into the Renewable Energy Overlay Zone, as the project is not located in sensitive areas. The project will not create significant environmental impacts.

4. General Plan Amendment #24-0003 will not likely cause substantial environmental damage or substantially and avoidably injure fish, wildlife, or their habitat. Surveys accomplished for biological and fish and impacts show less than significant impacts with required mitigation.

5. The development and improvements are not likely to cause serious health problems.

NOW, THEREFORE, based on the above findings, the Planning Commission of the County of Imperial **DOES HEREBY RECOMMEND** that the Board of Supervisors **APPROVE** the proposed General Plan Amendment #24-0003, for the Seville 4 Solar and Battery Storage ("Project").

_____

Rudy Schaffner, Chairperson
Imperial County Planning Commission

I hereby certify that the Planning Commission at a meeting conducted on **September 24, 2025**, by the following vote took the preceding resolution:

AYES:

NOES:

ABSENT:

ABSTAIN:

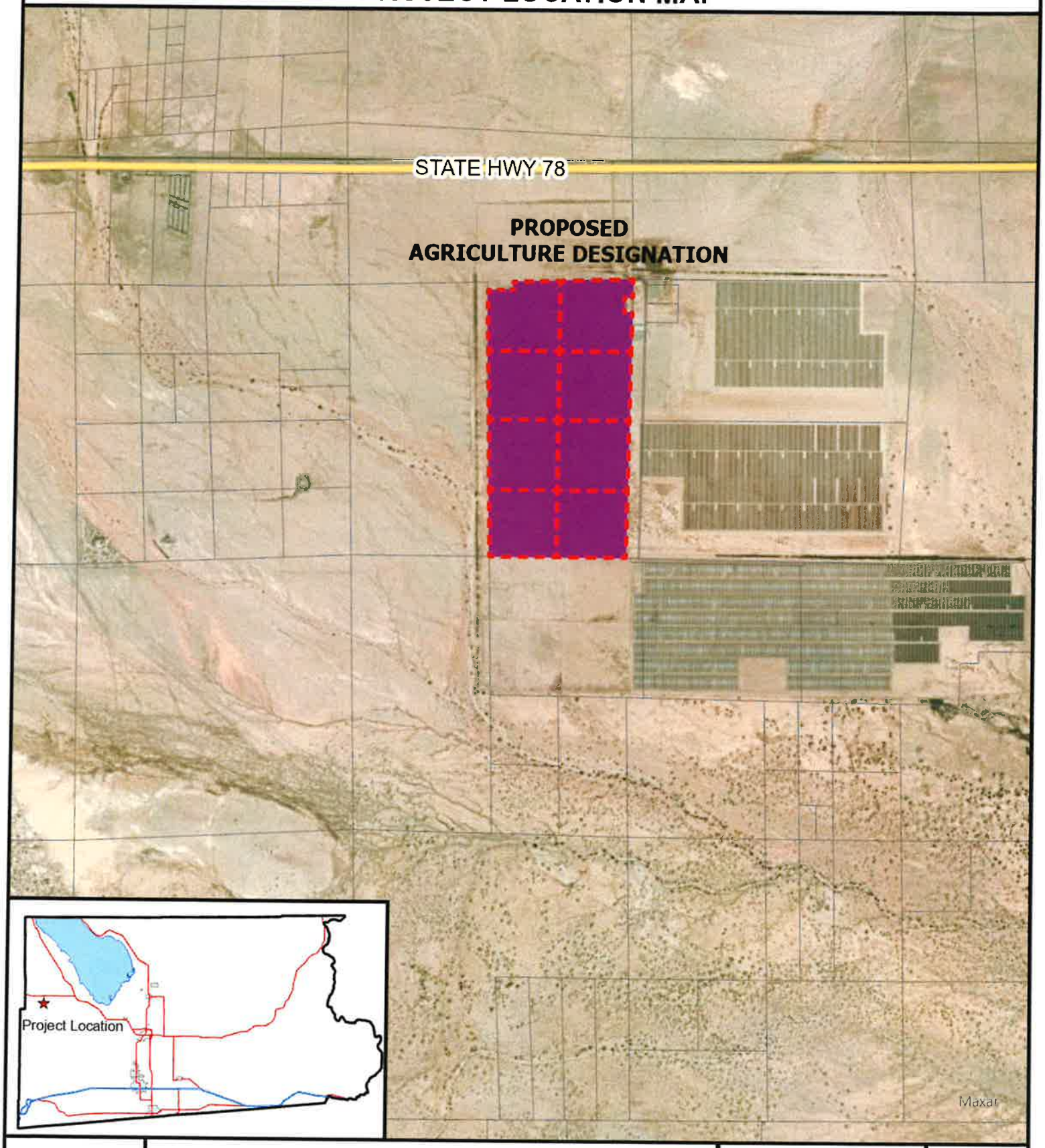
ATTEST:

_____

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

S:\APN\018\170\058\gpa\24-0003\pc\GPAresolution.docx

PROJECT LOCATION MAP



SEVILLE 4
GPA #24-0003 / ZC #24-0004
CUP #24-0012
APN'S 018-170-065, 064, 063, 062, 061, 060, 059, 058-000.

Project Location
Renewable Energy
Centerline
Parcels

N

ATTACHMENT F:

ZONE CHANGE #24-0004

RESOLUTION NO.

A RESOLUTION FOR THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, RECOMMENDS APPROVAL TO THE IMPERIAL COUNTY BOARD OF SUPERVISORS TO ADD AN OVERLAY ZONING CLASSIFICATION "RE" TO THE PROPOSED "A-2 AGRICULTURE ZONE WITH A RENEWABLE ENERGY "RE" OVERLAY (A-2/RE) ON THE SEVILLE 5 SOLAR AND BATTERY PROJECT AREA.

WHEREAS, the applicant Seville 5 Solar and Battery Storage has filed an application to amend to add a Renewable Energy Overlay zone on parcels (A-2RE) Assessor Parcel Numbers (APN) 018-010-043 in the unincorporated Imperial County, California; and,

WHEREAS, the Planning Commission of the County of Imperial has been delegated with the responsibility for making a recommendation to the Board of Supervisors on a decision for updates to Zoning Map No. 70 regarding this Renewable Energy Overlay expansion; and,

WHEREAS, a public notice of said application has been given, and the Planning Commission has considered evidence presented by the Imperial County Planning & Development Services Department and other interested parties at a public hearing held with respect to this item on September 24, 2025; and,

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

SECTION 1. The Planning Commission has considered the proposed Zone Change #24-0005, prior to making a recommendation to the Board of Supervisors on a decision for the proposed amendment to the Zoning Map. Planning Commission finds and determines that the Initial Study #24-0021 is adequate and prepared in accordance with the requirements of the California Environmental Quality Act (CEQA), which analyzes environmental effects, based upon the following findings and determinations.

SECTION 2. That in accordance with State Planning and Zoning law and the County of Imperial General Plan and zoning ordinances, the following findings for the approval of Zone Change #24-0005 have been made as follows:

1. The proposed Zone Change was analyzed relative to its potential to be detrimental to the health, safety, comfort and welfare of the persons residing or working within the neighborhood of the proposed Zone Change. Staff concluded that the project does not propose land uses, densities, or development patterns that will jeopardize the health and safety of the persons residing or working within the neighborhood of the property. Health, safety, and welfare will not be degraded as a result of this project.

2. The proposed Renewable Energy Overlay on the proposed A-2 General Agriculture site subject to this recommendation is consistent with the uses allowed by Imperial County's Land Use Ordinances for properties in the aforementioned zones, provided that the applicant obtains a conditional use permit. Ordinances Nos. 90508.02 represent the county's long-standing determination that conditionally-approved solar & battery storage projects are consistent with A-2 zones.

3. The site physically is suitable for this type of development and zoning. The project site consists of generally flat terrain with very gentle topography.

4. The change of zone will not conflict with any easements required by the public at large for access through or use of the property with the proposed zone change. Several easements surround and traverse the area.

5. The change of zone is consistent with the Imperial County Board of Supervisors' Resolution 2012-005, which established guidelines for the county's "Public Benefit Program for Use with Solar Power Plants & Battery Storage Projects," a codification of the county's commitment to "developing solar energy projects while addressing all environmental and economic negative effects and community concerns related to solar projects."

6. The addition for a renewable energy overlay zone would be consistent with the General Plan Land Use Element goals and objectives, including objectives to "[d]iversify employment and economic opportunities in the County while preserving agricultural activity" (Goal 2) and to "[p]reserve agriculture and natural resources while promoting diverse economic growth through sound land use planning" (Goal 3, Objective 3.2).

7. Economic Impact Analyses, Employment (Jobs) Impact Analyses and Fiscal Impact Analyses prepared for other utility-scale solar projects have repeatedly demonstrated that in addition to other economic benefits (construction jobs, fee payments, etc.), solar farms employ more full-time employees compared to the full-time employees estimated to be involved in the farming of grass-type crops. In addition, the County of Imperial has adopted a Renewable Energy and Transmission Element of its General Plan in recognition of the fact that, among other things, renewable energy projects offer "fiscal benefits from increased economic activity and local employment opportunities that do not threaten the economic viability of other industries." The conclusion that the Project will have a clear long-term economic benefit to the County is particularly evident here, where the land has been fallowed for at many years.

NOW, THEREFORE, based on the above findings, the Planning Commission of the County of Imperial **DOES HEREBY** recommend for the Board of Supervisors to **APPROVE** the proposed Zone Change #24-0005 add the Renewable Energy overlay zoning to the proposed zoning of A-2 RE and the proposed change to the Imperial County Codified Zoning Ordinance.

_____
Rudy Schaffner, Chairperson
Imperial County Planning Commission

I hereby certify that the Planning Commission at a meeting conducted on **September 24, 2025**, by the following vote took the preceding resolution:

AYES:

NOES:

ABSENT:

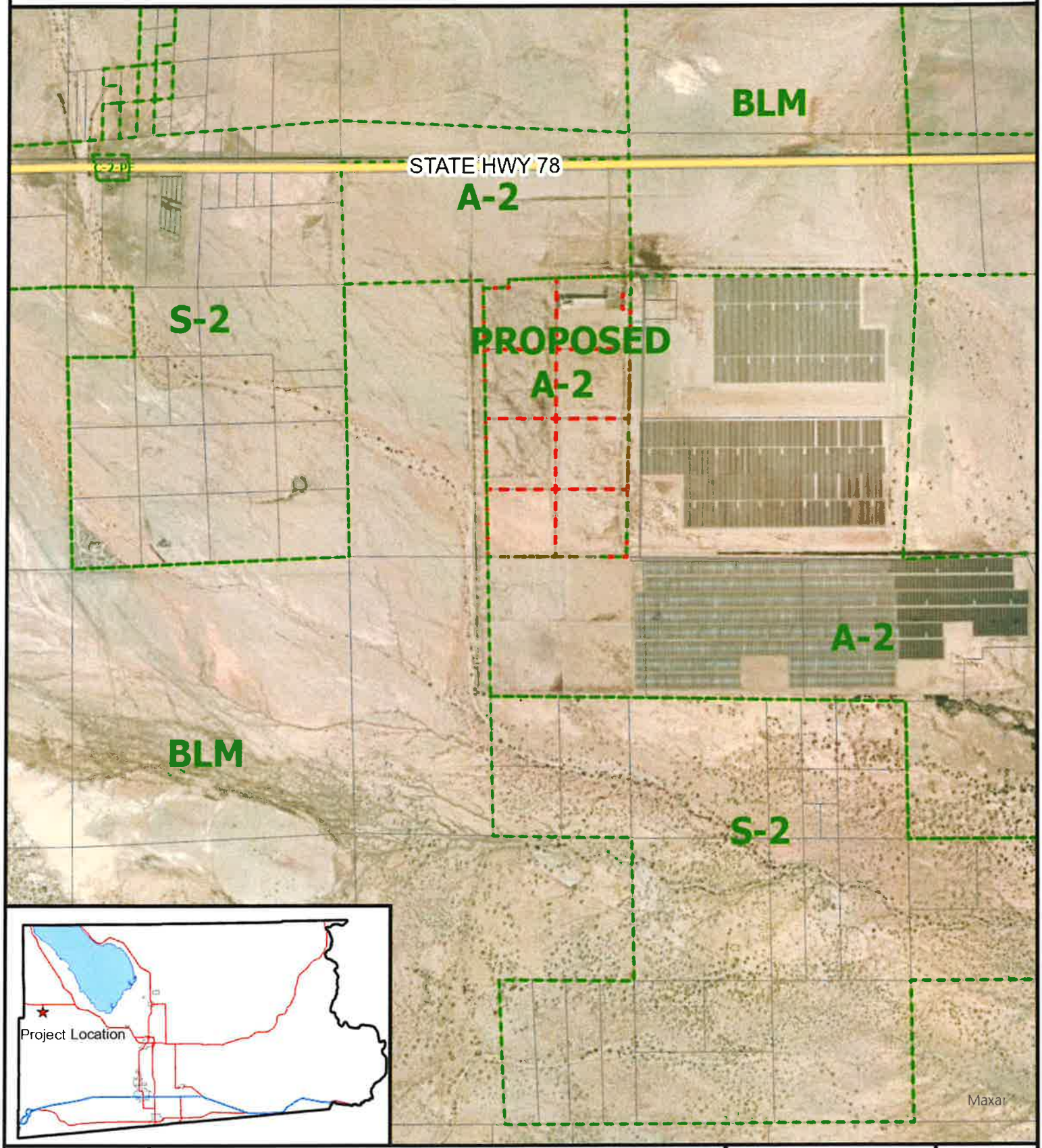
ABSTAIN:

ATTEST:

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

S\apn\018\010\043\gpa24-0004\pc\ZC\zcresolution

PROJECT LOCATION MAP



SEVILLE 4
GPA #24-0003 / ZC #24-0004
CUP #24-0012
APN'S 018-170-065, 064, 063, 062, 061, 060, 059, 058-000.

Project Location
Zone Change M1 (Light Industrial) to A2 (General Agricultural zone)
Centerline
Parcels

N

ATTACHMENT G:

CONDITIONAL USE PERMIT #24-0012

(SOLAR/BATTERTY)

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, RECOMMENDING APPROVAL TO THE BOARD OF SUPERVISORS FOR "SEVILLE 4 SOLAR & BATTERY STORAGE PROJECT" FOR CONDITIONAL USE PERMIT #24-0012"

WHEREAS, APEX ENERGY SOLUTIONS, LLC applied for Conditional Use Permit (CUP) #24-0012 to develop a nominal 90-megawatt (MW) solar photovoltaic (PV) energy generation project with an integrated battery storage system not to exceed 180 MW. The project includes a solar energy generation facility, battery storage system, switching station and gen-tie line. The project is to be located on approximately 325 acres; and,

WHEREAS, an CEQA Initial Study #24-0020 and CEQA Findings have been prepared in accordance with the requirements of the California Environmental Quality Act, the State Guidelines, and the County's "Rules and Regulations to Implement CEQA," as Amended; and,

WHEREAS, the Planning Commission of the County of Imperial has been delegated with the responsibility of approvals, certifications and making recommendations to the Imperial County Board of Supervisors for approvals of conditional use permits; and,

WHEREAS, public notice of said application has been given, and the Planning Commission has heard, received and considered all oral and written protests, objections and evidence presented by interested parties at a public hearing held with respect to this item on September 24, 2025, and,

WHEREAS, the Initial Study was received for comments by the State Clearinghouse on July 7, 2025, through August 11, 2025 (**SCH #2025070240**) with the commenting period ending August 11, 2025; and,

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

SECTION 1. The Planning Commission has considered the proposed Conditional Use Permit #24-0012 prior to recommending approval and the County's consideration of the Project has been noticed in compliance with law.

SECTION 2. That the Project complies with the requirements of the Imperial County Code and is in accordance with State Planning and Zoning law therefore, the following findings are made pursuant to Imperial County Code § 90203.09 as follows:

A. The proposed use is consistent with goals and policies of the adopted County General Plan. (Imperial County Code § 90203.09.A)

The General Plan land use designations of the project site and proposed parcels as approved by the Board of Supervisors are "Agriculture" Therefore, the proposed uses could be found consistent with the General Plan.

B. The proposed use is consistent with the purpose of the zone or sub-zone within which the use will be used. (Imperial County Code § 90203.09.B)

The proposed project parcels are zoned A-2. (General Agriculture). The proposed uses are consistent with the zone since they are listed as allowed uses under the A-2 zone with requirements for an approved Conditional Use Permit.

C. The proposed use is listed as a use within the zone or sub-zone or is found to be similar to a listed conditional use according to the procedures of Section 90203.00. (Imperial County Code § 90203.09.C)

The proposed use is consistent with the zone: A-2 (General Agriculture).

D. The proposed use meets the minimum requirements of this Title applicable to the use and complies with all applicable laws, ordinances and regulations of the County of Imperial and the State of California. (Imperial County Code § 90203.09.D)

The Project complies with the minimum requirements of this Title by, among other things, obtaining a CUP, complying with the California Environmental Quality Act, and participating in the public review and hearing process. Development standards have been established for the Project pursuant to these processes and will be enforced via imposition and enforcement of the Mitigation Monitoring and Reporting Program recommended for approval by separate Resolution, as well as the conditions of approval imposed on this CUP. The Conditions of Approval will ensure that the project complies with all applicable regulations of the County of Imperial and the State of California. Therefore, the proposed project meets the minimum requirements of the Land Use Ordinance, Section 90203.00.

E. The proposed use will not be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity. (Imperial County Code § 90203.09.E)

The Initial Study #24-0020 prepared for the Project analyzed the Project's potential effects on the health, safety, and welfare of the public and property and found that, with mitigation, the Project would have less than significant effects and impacts in all resource areas.

In addition, the project site is not near a residential community and is mostly surrounded by open space and other operational solar projects.

F. The proposed use does not violate any other law or ordinance. (Imperial County Code § 90203.09.F)

The proposed project will be subject to the Conditional Use Permit and current Federal, State and Local regulations. State Planning and Zoning Law (Cal. Govt. Code §§ 65000-66035) establishes minimum statewide standards for the regulation of local land use through planning and zoning. The County regulates local land use via Title 9 of the Imperial County Code. As found above, the proposed project is conditioned to be consistent with Imperial County, Title 9, Land Use Ordinance and CEQA mitigation measures and therefore complies with both State and local laws and ordinance.

Pursuant to CEQA, the County has prepared an Initial Study #24-0020 for the Project, which analyzes the proposed Project's compliance and consistency with other federal, state, and local laws and ordinances regulating the environment. Substantial evidence supports the conclusions that the Project complies with said environmental laws, and thus the finds that the proposed use does not violate any other law or ordinance.

G. The proposed use is not granting a special privilege. (Imperial County Code § 90203.09.G)

The proposed solar generating and storage facility is a permitted use subject to approval of the proposed Conditional Use Permit. No special privileges are being offered or will be granted.

SECTION 3. Approval of the Project is conditioned upon the terms and conditions set forth in the Agreement for Conditional Use Permit #24-0012 attached hereto and incorporated herein by this reference.

NOW, THEREFORE, based on the above findings, the Imperial County Planning Commission **DOES HEREBY RECOMMEND APPROVAL** of Conditional Use Permit #24-0012 to the Board of Supervisors, subject to the attached Conditions of Approval.

_____

Rudy Schaffner, Chairperson
Imperial County Planning Commission

I hereby certify that the Planning Commission at a meeting conducted on **September 24, 2025,** by the following vote approved the preceding resolution:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

_____

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

S:\AllUsers\APN\018\170\058\GPA24 0003ZC24 0004\pc\ CUP\ Resolution.docx

When Recorded Return To:

Imperial County
Planning & Development Services
801 Main Street
El Centro, California 92243

AGREEMENT FOR CONDITIONAL USE PERMIT #24-0012
SEVILLE 4 SOLAR BATTERY STORAGE PROJECT
APN's 018-170-058, 018-170-059, 018-170-060, 018-170-061, 018-170-062, 018-170-063, 018-170-064, & 018-170-065

This Agreement is made and entered into on this ___day of _____, 2025, by and between APEX ENERGY SOLUTIONS, LLC hereinafter referred to as the Permittee (Permittee), and the COUNTY OF IMPERIAL, a political subdivision of the State of California (County or Imperial County), related to the SEVILLE 4 SOLAR BATTERY STORAGE PROJECT (CUP #24-0012) project area.

RECITALS

WHEREAS, Permittee is the lessee or successor-in-interest of certain land in Imperial County to be improved with the proposed utility-scale solar and battery storage facility. The proposed Seville 4 project involves the construction and operation of an 90 mega-watts (MW) photovoltaic (PV) solar facility with an integrated 180 MW battery storage system (BESS) on approximately 325 acres of privately-owned land. The proposed Seville 4 Solar and Battery project would be comprised of solar PV arrays panels, an on-site substation, BESS, gen-tie line, inverters, transformers, underground electrical cables, and access roads. The proposed gen-tie line would be approximately 4-miles long and would connect to the Imperial Irrigation District's (IID) existing 92 kv" transmission line and connect to a new substation on the nearby Titan II solar project.

WHEREAS, The BESS system will be located on the southeast corner of the site, which will contain the battery modules, the inverters, the control structure, and the on site substation. From this location the gentie will go to the east to the Titan II substation before it goes to the IID 92 KV line.

WHEREAS, there will be a water storage pond and or tanks to provide a minimum of 80,000 gallons of water for firefighting use.

WHERAS, The Permittee for the Seville 4 Solar Battery Storage Project (CUP #24-0012) shall fully comply with all of the terms and conditions of the Project as specified hereinafter within this CUP.

The rest of this page is intentionally left blank.

GENERAL CONDITIONS:

The "GENERAL CONDITIONS" are shown by the letter "G". These conditions are conditions that are either routinely and commonly included in all Conditional Use Permits as "standardized conditions" and/or are conditions that the Imperial County Planning Commission has established as a requirement on all CUP's for consistent application and enforcement. The Permittee is hereby advised that the General Conditions are as applicable as the SITE SPECIFIC conditions. The General Conditions are in addition to the MMRP and any and all other requirements for the project.

G-1 GENERAL LAWS:

The Permittee shall obtain, comply with and maintain all applicable County, State, and federal laws, rules, regulations, ordinances, and/or standards as they may pertain to this project whether specified herein or not.

G-2 EFFECTIVE DATE:

The approved Conditional Use Permit shall not become effective until ten (10) calendar days after the decision of the Planning Director or Commission. Further the Conditional Use Permit shall not be effective until applicable conditions have been met, and the Conditional Use Permit is recorded with the County Recorder, with payment of recording fees being paid by applicant. In the case of a decision by the Board of Supervisors there is no 10-day appeal.

G-3 RECORDATION:

CUP #24-0012 shall **not be effective** until it is recorded at the Imperial County Recorder's Office and if no appeal has been made after approval from the hearing body. Payment of the recordation fee shall be the responsibility of the Permittee. If this CUP is not recorded within one hundred eighty (180) days from the date of approval the CUP shall be deemed null and void, without notice having to be provided to Permittee. Permittee may submit a written request for a recordation extension for this CUP by filing such a request with the Planning Director at least sixty (60) days prior to the one hundred eighty 180-day expiration. The Director may approve one (1) extension for a period not to exceed one hundred eighty (180) days. An extension may not be granted if the request for an extension is filed after the expiration date. Failure to record this CUP within one (1) year including the granted extension period shall deem this CUP null and void.

G-4 COMMENCEMENT OF WORK:

If the project for which a CUP has been approved has not commenced, or permits for said project have not been issued, within one (1) year from effective date, the CUP shall be null and void. If an applicant cannot initiate or obtain permits for the approved use during year one (1), applicant may request a one (1) year extension from the Department. The request for an extension shall be in writing and be submitted with explanation to the Planning & Development Services Department at least sixty days prior to the end of the extended one (1) year period. The Director shall have the authority to extend the initial start-up period, or commencement of work, of a CUP up to two (2) times for a maximum of two (2) years. Should the

Permittee desire to continue with the project, a new application shall be submitted and the entire process would have to begin anew.

G-5 TIME LIMIT:

Unless otherwise specified within the Site Specific Conditions, this Permit shall be limited to a maximum of thirty (30) years from the recordation of the CUP. The CUP may be extended for an additional ten (10) year period by the appropriate County entity (either the Planning Director, the Planning Commission or the Board of Supervisors as set forth in the applicable Imperial County Ordinances) upon a finding that the Project is in compliance with all conditions of the CUP as stated herein and any applicable Land Use regulation of the County of Imperial. In order to obtain an extension, the Permittee shall file a written extension request with the Planning Director at least sixty (60) days prior to the expiration date of the permit. Such an extension request shall include the appropriate extension fee. Nothing stated or implied within this Permit shall constitute a guarantee that an extension will be granted. An extension may or may not be granted if the Project is in violation of any one or all of the conditions or if there is a history of non-compliance with the Permit conditions.

G-6 ABANDONMENT:

If a CUP has been unused, abandoned, discontinued, or ceased for one (1) year, the CUP shall be null and void, and be of no effect. Notice to applicant/permittee under this division will not be required or provided by the Department.

G-7 PERMIT/LICENSE:

Permittee shall obtain and comply with any and all required permits, licenses, and/or approvals, for the construction and/or operation of this project. This shall include, but shall NOT be limited to, permits from the County Division of Environmental Health Services (EHS), Planning & Development Services Department, Office of Emergency Services (OES), Imperial County Air Pollution Control District (ICAPCD) and Public Works Department. Permittee shall likewise comply with all such permit requirements for the life of the project. **Additionally, Permittee shall submit a copy of such additional permit(s) and/or license(s) to the Planning & Development Services Department within 60-days of receipt, including amendments or alternatives thereto.**

G-8 APPROVALS AND CONDITIONS SUBSEQUENT TO GRANTING PERMIT:

Permittee acceptance of this CUP shall be deemed to constitute agreement with the terms and conditions contained herein. Where a requirement is imposed in this CUP that Permittee conduct a monitoring program, and where the County has reserved the right to impose or modify conditions with which the Permittee must comply based on data obtained therefrom, or where the Permittee is required to prepare specific plans for County approval and disagreement arises, the Permittee, operator and/or agent, the Planning and Development Services Director or other affected party, to be determined by the Planning and Development Services Director, may

request that a hearing be conducted before the Imperial County Planning Commission whereby they may state the requirements which will implement the applicable conditions as intended herein. Upon receipt of a request, the Planning Commission shall conduct a hearing and make a written determination. The Planning Commission may request support and advice from a technical advisory committee. Failure to take any action shall constitute endorsement of staff's determination with respect to implementation.

G-9 CONDITION PRIORITY:

This project shall be constructed/operated as described in the CUP application, the environmental documents, the project description, and as specified in these conditions. Where a conflict occurs, the CUP conditions shall govern.

G-10 INDEMNIFICATION:

As part of this application, applicant and real party in interest, if different, agree to defend, indemnify, hold harmless, and release the County of Imperial ("County"), its agents, officers, attorneys, and employees (including consultants) from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent negligence on the part of the County, its agents, officers, attorneys, or employees (including consultants).

If any claim, action, or proceeding is brought against the County, its agents, officers, attorneys, or employees (including consultants), to attack, set aside, void, or annul the approval of the application or adoption of the environmental document which accompanies it, then the following procedures shall apply: The Planning Director shall promptly notify the County Board of Supervisors of any claim, action or proceeding brought by an applicant challenging the County's action. The County, its agents, attorneys and employees (including consultants) shall fully cooperate in the defense of that action. The County shall have the final determination on how to best defend the case and will consult with applicant regularly regarding status and the plan for defense. The County will also consult and discuss with applicant the counsel to be used by County to defend it, either with in-house counsel, or by retaining outside counsel provided that the County shall have the final decision on the counsel retained to defend it. Applicant shall be fully responsible for all costs incurred. Applicant shall be entitled to provide his or her own counsel to defend the case and said independent counsel shall work with County Counsel to provide a joint defense.

G-11 INSURANCE:

The Permittee shall take out and maintain workers compensation insurance as required by the State of California. The Permittee shall also secure liability

insurance and such other insurance as required by state and/or federal law. A Certificate of Insurance is to be provided to the Planning and Development Services Department by the insurance carrier; said insurance and certificate shall be kept current for the life of the project. Certificates of Insurance shall be sent directly to the Planning and Development Services Department by the insurance carrier and shall name the Department as a recipient of both renewal and cancellation notices.

G-12 RIGHT OF ENTRY:

The County reserves the right to enter the premises at any time, announced or unannounced, in order to make the appropriate inspection(s) and to determine if the condition(s) of this CUP are complied with. Access by authorized enforcement agency personnel shall not be denied.

G-13 SEVERABILITY:

Should any condition(s) of this CUP be determined by a Court or other agency with proper jurisdiction to be invalid for any reason, such determination shall not invalidate the remaining provision(s) of this CUP.

G-14 PROVISION TO RUN WITH LAND:

The provisions of this CUP are to run with the land/project and shall bind the current and future owner(s) successor(s) of interest; assignee(s) and/or transferee(s) of said CUP. **Permittee shall not, without prior notification to the Planning & Development Services Department, assign, sell, or transfer, or grant control of CUP or any right or privilege therein.** The Permittee shall provide a minimum of 60 days' written notice prior to such proposed transfer becoming effective. The permitted use identified herein is limited for use upon this parcel described herein and may not be transferred to another parcel.

G-15 COMPLIANCE/REVOCATION:

Upon the determination by the Planning & Development Services Department that the project is or may not be in full compliance with any one or all of the conditions of this CUP, or upon the finding that the project is creating a nuisance as defined by law, the issue shall be brought immediately to the appropriate enforcement agency or to the Planning Commission for hearing to consider appropriate response including but not limited to the revocation of the CUP or to consider possible amendments to the CUP. The hearing shall be held upon due notice having been provided to the Permittee and to the public in accordance with established ordinance/policy.

G-16 NON-COMPLIANCE (ENFORCEMENT & TERMINATION):

Should the Permittee violate any condition herein, the County shall give written notice of such violations and actions required of Permittee to correct such violation. If Permittee does not act to correct the identified violation within forty-five (45) days after written notice, County may revoke the CUP. If Permittee pursues correction of

such violation with reasonable diligence, the County may extend the cure period. Upon such revocation, County may, at its sole discretion, cease processing, defending any lawsuit or paying for costs associated with the Project.

G-17 COSTS:

Permittee shall pay any and all amounts determined by the County to defray any and all cost(s) for the review of reports, field investigations, monitoring, and other activities directly related to the enforcement/monitoring for compliance of this CUP, County Ordinance or any other applicable law. Any billing against this project, now or in the future, by the Planning & Development Services Department or any County Department for costs incurred as a result of this CUP, shall be billed through the Planning & Development Services Department.

G-18 REPORT(S)

Permittee shall file an annual report with the Planning and Development Services Department to show that Permittee is in full compliance with this CUP. The report shall be filed at least fifteen (15) days prior to the anniversary (recordation date) of this CUP. It shall be the responsibility of the Permittee to provide all reports and to include the information about other users. The County may request information at any time from the Permittee or other users if applicable; however, it shall be the responsibility of the Permittee to assure that the County receives such information in a timely manner.

G-19 RESPONSIBLE AGENT

Permittee shall maintain on file with the Planning and Development Services Department the name and phone number of the responsible agent for the site. A back-up name shall also be provided, and a phone number for twenty-four (24) hour emergency contact shall also be on file. If there are other users, the same information (as applicable) required from the Permittee shall also be made available to the County from such other users.

G-20 WATER AND SEWER:

Permittee shall provide water and sewer to Federal, State and County standards. Water and sewer systems shall be approved by the Environmental Health Services and the Planning & Development Services Department. Permittee shall hook up to a public water system or supplier if and when available.

G-21 DEFINITIONS:

In the event of a dispute, the meaning(s) or the intent of any word(s) phrase(s) and/or conditions or sections herein shall be determined by the Planning Commission of the County of Imperial. Their determination shall be final unless an appeal is made to the Board of Supervisors ten (10) days from the date of their decision.

G-22 SPECIFICITY:

The issuance of this CUP does not authorize the Permittee to construct or operate this project in violation of any state, federal, local law nor beyond the specified boundaries of the project as shown in the application/project description/ CUP, nor shall this CUP allow any accessory or ancillary use not specified herein. This CUP does not provide any prescriptive right or use to the Permittee for future addition and/or modification to this project.

G-23 HEALTH HAZARD:

If the County Health Officer determines that a significant health hazard exists to the public, the County Health Officer may require appropriate measures and the Permittee shall implement such measures to mitigate the health hazard. If the hazard to the public is determined to be imminent, such measures may be imposed immediately and may include temporary suspension of the subject operations. However, within forty-five (45) days of any such suspension of operations, the measures imposed by the County Health Officer must be submitted to the Planning Commission for review and approval. Nothing shall prohibit Permittee from requesting a special Planning Commission meeting provided Permittee covers all costs.

G-24 CHANGE OF OWNER/OPERATOR:

In the event the ownership of the site or the operation of the site transfers from the current Permittee to a new successor Permittee, the successor Permittee shall be bound by all terms and conditions of this CUP as if said successor was the original Permittee. Current Permittee shall inform the County Planning & Development Services Department in writing at least sixty (60) days prior to any such transfer. Failure of a notice of change of ownership or change of operator shall be grounds for the immediate revocation of the CUP. In the event of a change, the new Owner/Operator shall file with the Department, via certified mail, a letter stating that they are fully aware of all conditions and acknowledge that they will adhere to all.

G-25 PERMITS OF OTHER AGENCIES INCORPORATED:

Permits granted by other governmental agencies in connection with the Project are incorporated herein by reference. The County reserves the right to apply conditions of those permits, as the County deems appropriate; provided, however, that enforcement of a permit granted by another governmental agency shall require concurrence by the respective agency. Permittee shall provide to the County, upon request, copies and amendments of all such permits.

G-26 MINOR AMENDMENTS:

The Planning Director may approve minor changes or administrative extensions, as requested in writing by the Permittee, provided they do not result in additional environmental impacts and/or are generally procedural or technical and/or which

may be necessary to comply with other government permit compliance requirements.

(TOTAL "G" CONDITIONS are 26)

SITE SPECIFIC CONDITIONS:

S-1 AUTHORIZED SCOPE OF ACTIVITIES:

(A) Permittee shall be responsible for all improvements, septic, sewer, approved potable water system(s), pipelines, roads and other improvements discussed in the CUP Application and Conditions of Approval, Initial Study, and MMRP. If Permittee sells all or part of this Project, an approved agreement shall be in place for new Project owner to build and maintain as agreed to by the conditions set forth in this CUP. Additionally, the County Assessor's Office shall be notified of any ownership change.

(B) Permittee shall develop this Project per approved CUP #24-0012 as a separate solar energy and energy (battery) storage facility. Any development with a combination of parcels will require the owner(s) to have a recorded deed restriction to "hold the parcel as one parcel" that runs with the land, or at Permittee's option merge the parcels. This deed restriction shall be for a minimum of thirty (30) years and shall only be released upon the expiration of the thirty (30) years, the expiration or termination of the CUP, or upon approval of the Imperial County Planning and Development Director that the restriction is no longer needed based on a change in the development or regulation.

(C) The Permittee shall construct and operate the 90 MW solar energy and 180 MW energy (battery) storage facility in compliance with the CUP, the County's General Plan's Land Use Element, Land Use Ordinance and all other applicable local, state, and federal LORS, to include any other permits which are incorporated herein by reference.

(D) Construction, operation, maintenance, replacement and removal of a solar energy facility & energy (battery) storage system shall be as described in Permittee's CUP Application and approved Initial Study #24-0020 for the Seville 4 Solar Battery Storage project (CUP #24-0012), to include photovoltaic (PV) modules, mounting structures, electrical wiring, inverters, transformers and alternating current (AC) electric collector system, project electric substation and ancillary facilities. Ancillary facilities include safety and security equipment, retention basins, perimeter fencing, access gates, lighting systems, access roads, and may include temporary construction trailers, equipment enclosures, water treatment system and building, septic

system, parking, and fire protection. The Project's PV arrays shall be comprised of solar PV panels organized into electrical groups referred to as "blocks." The panels shall be oriented from east to west for maximum sun exposure and the foundation shall be designed based on soil conditions. The PV panels are made of a poly-crystalline silicon semiconductor material encapsulated in glass. Installation of the PV arrays include installation of mounting posts, module rail assemblies, PV modules, inverters, transformers and buried electrical conductors. Concrete is required for the footings, foundations and pads for the transformers and substation work. Tracker foundations shall be comprised of either driven or vibrated steel posts/pipes, and/or concrete in some places (depending on soil and underground conditions).

(E) The Project's energy (battery) storage (BESS) component will be located on a concrete pad at the northeastern edge of the project site, unless final engineering design and/or IID requirements require a different location.

The BESS will consist of banks of batteries and will be supported by a DC Combiner, control panel, and inverter/transformer skid. Each enclosure will include built-in fire suppression systems. The batteries will be lithium-ion based and capable of storing up to 180 MW in total (not to exceed 180 MW. These racks would be integrated into containers or be self-contained in engineered systems such as, for example the Tesla Mega Pack. The Project design would meet the minimum spacing required by code and manufacturers specifications.

S-2 AESTHETICS:

(A) The Permittee shall design and maintain all buildings and equipment enclosures to have exterior surfaces with neutral, non-reflective colors.

(B) The Permittee shall design and install lighting at construction storage yards and staging areas, such that light bulbs and reflectors are not visible from public viewing areas; lighting does not create reflected glare; and illumination of the Project facilities, vicinity, and nighttime sky is minimized.

(C) Lighting shall be designed so exterior light fixtures are hooded, with lights directed downward or toward the area to be illuminated and so that backscatter to the nighttime sky is minimized. The design of the lighting shall be such that the luminescence or light source is shielded to minimize light trespass outside the Project boundary.

(D) All lighting shall be of minimum necessary brightness consistent with worker safety and OSHA requirements.

(E) High illumination areas not occupied on a continuous basis shall have switches or motion detectors to light the area only when occupied.

S-3 AIR QUALITY:

(A) The Permittee shall comply at all times with the ICAPCD Regulation VIII, Fugitive Dust Control. Please use MMRP for guidance.

(B) Prior to commencing construction, the Permittee shall submit a Dust Control Plan to the ICAPCD for approval identifying all sources of PM_{10} emissions and associated mitigation measures during the construction and operational phases of the Project. The Project Proponent shall submit a "Construction Notification Form" to the ICAPCD ten (10) days prior to the commencement of any earthmoving activity. The Dust Control Plan submitted to the ICAPCD shall meet all applicable requirements for control of fugitive dust emissions, including the following measures designed to achieve the no greater than 20% opacity performance standard for dust control:

(1) All on-site and off-site unpaved roads shall be effectively stabilized, and visible emissions shall be limited to no greater than 20% opacity for dust emissions by paving, chemical stabilizers, dust suppressants, and/or watering.

(2) All unpaved traffic areas one acre or more in size with seventy-five (75) or more average vehicle trips per day, shall be effectively stabilized, and visible emissions shall be limited to no greater than 20% opacity for dust emissions by paving, chemical stabilizers, dust suppressants and/or watering.

(3) The transport of bulk materials shall be completely covered, unless six inches of freeboard space from the top of the container is maintained with no spillage and loss of bulk material. In addition, the cargo compartment of all haul trucks shall be cleaned and/or washed at the delivery site after removal of bulk material.

(4) All track-out or carry-out, which includes bulk materials that adhere to the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto the pavement, shall be cleaned at the end of each workday, or immediately when mud or dirt extends a cumulative distance of fifty (50) linear feet or more onto a paved road within an urban area.

(5) Movement of bulk material handling or transfer shall be stabilized prior to handling, or at points of transfer with application of sufficient water, chemical stabilizers, or by sheltering or enclosing the operation and transfer line.

(6) The construction of new unpaved roads is prohibited within any area with a population of five hundred (500) or more, unless the road meets ICAPCD's definition of a "temporary unpaved road." Any temporary unpaved road shall be effectively stabilized, and visible emissions shall be limited to no greater than 20% opacity for dust emission by paving, chemical stabilizers, dust suppressants and/or watering.

(7) Shall comply with the MMRP's and its applicable mitigations.

(C) The Permittee shall implement all applicable standard mitigation measures for construction combustion equipment for the reduction of excess NOx emissions as contained in the Imperial County CEQA Air Quality Handbook and associated regulations. These measures include:

(1) Use of alternative fueled or catalyst equipped diesel construction equipment, including all off-road and portable diesel-powered equipment.

(2) Minimize idling time, either by shutting equipment off when not in use or reducing the time of idling to five minutes at a maximum.

(3) Limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use.

(4) Replace fossil-fueled equipment with electrically driven equivalents (assuming powered by a portable generator set and are available, cost effective, and capable of performing the task in an effective, timely manner).

(5) Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing construction activity during the peak hour of vehicular traffic on adjacent roadways.

(6) Implement activity management (e.g. rescheduling activities to avoid overlap of construction phases, which would reduce short-term impacts).

S-4 GEOLOGY/SOILS and MINERAL RESOURCES:

(A) Prior to approval of final engineering and grading plans for the Project, the County shall verify that all recommendations contained in the Geotechnical Report for this Solar Facility have been incorporated into all final engineering and grading plans. The County's soil engineer and engineering geologist shall review grading plans prior to finalization to verify compliance with the recommendations of the report.

S-5 CULTURAL RESOURCES:

(A) Compliance and Monitors shall insure all mitigations set forth in the MMRP are followed.

S-6 HEALTH, SAFETY AND HAZARDOUS MATERIAL/FIRE AND FUELS MANAGEMENT:

(A) All trash and debris within the Project site shall be disposed of off-site, in accordance with current, local, state, and federal disposal regulations. Compliance with this measure shall be verified by the Planning and Development Services Department.

(B) If it is determined that hazardous waste is, or will be generated by the proposed operations, the waste must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5).

(C) If it is determined that hazardous wastes will be generated, the Permittee should also obtain a United States Environmental Protection Agency, Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous material, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting the local CUPA.

(D) Firearms shall be prohibited in all Project areas except for those used by licensed security personnel.

(E) The recognized environmental concerns shall be cleaned up and properly disposed of in accordance with all federal, state and local regulations.

(F) Any hazardous materials storage areas shall be designed with curbs or other containment measures, e.g., double-walled storage tanks, to contain spills and leaks. If on-site hazardous materials exceed fifty-five (55) gallons, a **"Hazardous Material Management Plan**" shall be prepared and approved by the County Local Enforcement Agency (LEA) and the Imperial County CUPA. A copy of the approved plan shall be submitted to ICPDSD prior to the issuance of the grading/building permit (Source: Imperial County Renewable Energy Ordinance, Title 9, Division 17, § 91702.00).

(G) The Permittee shall present to the Department an Emergency Response/Action Plan that has been approved by the ICFD/OES Department, and the LEA and any other agencies with jurisdiction

(Source: Imperial County Renewable Energy Ordinance, Title 9, Division 17, § 91702.00).

The **Emergency Response/Action Plan** shall cover all possible foreseeable emergencies, e.g., major fluid spills, earthquakes, fires, floods or other emergencies. At all times, there shall be at least one employee either on the facility premises or on-call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility to coordinate all emergency response measures. This Emergency Coordinator shall be thoroughly familiar with all aspects of the Project's Emergency Response/Action Plan, all operations and activities at the facility, location of all records within the facility and the facility's layout. This Emergency Coordinator shall have the authority to commit the resources needed to carry out the contingency plan. Adequate personnel and equipment shall be available to respond to emergencies and to ensure compliance with the conditions of the Permit.

The Emergency Response/Action Plan shall be prepared in consultation with, but not be limited to, the ICFD/OES, County EHS/Health Department, County Sheriff/Coroner's office, County Department of Public Works, ICPDSD, and other appropriate state and county agencies. The plan shall include a notification list of response agencies which shall be notified immediately upon the discovery of a reportable unauthorized discharge and the list shall include:

- ICFD/OES;
- ICPDSD;
- County EHS/Health Department;
- County Department of Public Works; and
- California Highway Patrol, as applicable.

All employees shall be trained by classroom and hands-on training on safety procedures, maintenance programs and emergency response protocols to ensure safety and reliability in the event of an unforeseen emergency situation.

The Permittee shall provide adequate safety devices to protect against the hazard of fire and explosion for activities that involve the use and storage of flammable, explosive or highly corrosive or reactive materials as well as provide adequate firefighting and fire suppression equipment and using devices standard within the industry in compliance with all applicable state and local laws as determined by the ICFD/OES.
The Permittee shall implement all State and County-approved worker safety and fire protection plans and programs.

Any gates on-site shall have a "Knox" lock rapidly accessible by the ICFD/OES.

Appropriate first aid provisions for facility operations shall be made for emergency response during Project construction, operation, and maintenance activities with appropriate first aid training for Project employees.

During construction, a member of each working crew shall be trained in basic first aid and supplied with necessary medical equipment to respond to emergencies as provided for in the Emergency Response/Action Plan required above.

Permittee shall identify a responsible agent for emergency purposes, whose name, title, e-mail address and telephone number shall be provided to the County Department of Public Works, ICFD/OES, County Environmental Health Services/Health Department, County Sheriff/Coroner's office, IID, and ICPDSD.

S-7 HYDROLOGY AND WATER QUALITY:

Adhere to measures set forth in the MMRP.

S-8 BIOLOGICAL RESOURCES:

Adhere to all Biological measures in the MMRP

S-9 PUBLIC SERVICES:

(A) The Permittee shall widely publicize to County residents the availability of job opportunities associated with the Project (whether or not those job opportunities are within Imperial County or are regional). Postings at City Halls, newspaper and television advertisements, local job centers, and dedicated website shall offer sufficient avenues of communication. The Imperial County Office of Employment and Training in addition to Imperial Valley College presents viable sources for community awareness. The information shall provide available positions, details of positions including qualifications, number of openings, indicated the anticipated start date for each, and application process. In order to maintain oversight of the process, the application process can be completed both on a dedicated website and at dedicated computers at the County which would afford those without Internet connection the ability to apply. The Permittee's information shall be forwarded to the Permittee or their contractor and copies of applications files are maintained at the County.

(B) During the development phase of the Project, the Permittee shall provide a roster of employees to include their position and place of residence.

(C) Unless prohibited by local, state or federal law or regulation, Permittee shall make good faith efforts to hire qualified residents of the Imperial County with the objective that a majority of the total work force is comprised of the Imperial County residents.

(D) The Permittee shall install and implement security measures which may include, but not limited to, secured perimeter fencing with barbed wire, sensors, controlled access points, security alarms, security camera systems, and security guard vehicle patrols to deter trespass or unauthorized activities that would interfere with operation of the Project.

(E) Permittee shall compensate the County pursuant to the Department of Environmental Health Fee Schedule for any costs of calls related to bees and mosquitoes.

(F) The Permittee shall reimburse the Sheriff's Department for any investigations regarding theft on the Project site and related law enforcement.

(G) All construction supervisors and foremen shall be provided with communication devices, cell phones or walkie-talkies, in the event of an emergency situation on-site.

(H) All construction-related activities shall take place within the development footprint of the Project as defined by the final engineering plans. The anticipated impact areas, including staging areas, equipment access, and disposal or temporary placement of spoils, shall be delineated with staking and/or orange construction fencing prior to construction to avoid natural resources where possible. No construction-related activities shall occur outside of the designated impact area. All construction materials, staging, storage, dispensing, fueling, and maintenance activities shall be designated on construction maps and shall be situated a minimum of fifty (50) feet from all drainages. Staging and temporary access shall occur on existing roadways whenever possible.

(I) **Emergency Operations Plan** - The Applicant shall develop an Emergency Operation Plan in conjunction with local fire service personnel and the AHJ and hold a comprehensive understanding of the hazards associated with lithium-ion battery technology. Lithium-ion battery energy storage systems must incorporate adequate explosion prevention protection as required in NFPA 855 or International Fire Code Chapter 12, where applicable.

(J) **Signage** - The Applicant shall provide signage that identifies the contents of an energy storage system on all energy storage system installations to alert first responders to the potential hazards associated with the installation.

S-10 TRANSPORATION AND TRAFFIC:

A. Permittee shall prepare and submit a **Construction Traffic Control Plan** to Imperial County Department of Public Works-Development Review and Caltrans District 11, as appropriate, for approval. The Construction Traffic Control Plan must be prepared in accordance with both the California Department of Transportation Manual on Uniform Traffic Control Devices and Work Area Traffic Control Handbook and must include, but not be limited to, the following issues:

1. Timing of deliveries of heavy equipment and building materials;
2. Directing construction traffic with a flag person;
3. Placing temporary signing, lighting, and traffic control devices if required, including, but not limited to, appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic.
4. Ensuring access for emergency vehicles to the Project site.
5. Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections.
6. Maintaining access to adjacent property.
7. Specifying both construction-related vehicle travel and oversize load haul routes, minimizing construction traffic during the AM and PM peak hours, distributing construction traffic flow across alternative routes to access the Project site, and avoiding residential neighborhoods to the maximum extent feasible.

B. Permittee shall Institute construction work hours as necessary, such that the arrival and/or departure times of workers would be staggered as necessary.

C. Permittee shall identify vehicle safety procedure for entering and exiting site access roads.

D. Permittee shall submit documentation that identifies the roads to be used during construction.

E. The Permittee shall be responsible for repairing any damage to non-County maintained roads that may result from construction activities.

F. The Permittee shall submit a preconstruction video log and inspection report regarding roadway conditions for roads used during construction to the Imperial County Department of Public Works

G. Within 30 days of completion of construction, the project proponent/operator shall submit a post-construction video log and inspection report to the County. This information shall be submitted in electronic format. The County, in consultation with the Permittee's engineer, shall determine the extent of remediation required, if any.

S-11 COMMENCEMENT OF WORK:

(A) If the Project has not commenced, or permits for the Project have not been issued, within one (1) year from approval date this CUP shall be null and void. If this CUP has been unused, abandoned, discontinued, or ceased for one (1) year, it shall be null and void and of no effect.

(B) If Permittee cannot initiate or obtain permits for the approved use during the one (1) year period following approve of this CUP, Permittee may request a one (1) year extension from the ICPDSD. The request for an

extension shall be in writing and be submitted with explanation to the ICPDSD at least sixty (60) days prior to the end of the one (1) year period. The Director shall have the authority to extend the initial startup period of a CUP two times for a maximum of one (1) year each. No extension under this section shall be extended for more than two (2) years.

S-12 CONSTRUCTION STANDARDS:

(A) The solar energy and energy (battery) storage facility structures shall be built in accordance with the California Building Code requirements applicable to "Seismic Category D". All structures and facilities shall be designed in accordance with the publication entitled "Recommended Lateral Force Requirements and Commentary by the Structural Engineers Association of California". The structural components of the permitted facilities shall be reviewed by the Building Official/Planning and Development Services Director. Applicable building permits shall be procured from the County for facilities prior to commencement of construction of such facilities.

S-13 LAND USE IMPROVEMENTS:

(A) The Permittee shall prepare an appropriate parking plan for review and approval by the ICPDSD and County Public Works Department for any and/or all proposed Operation & Maintenance buildings.

(B) The Permittee shall surface with a material of higher quality all access drives, parking areas, and vehicular maneuvering areas from primary access to any constructed operation and maintenance buildings.

S-14 NOISE STANDARDS:

(A) During the construction period, heavy traffic shall be limited to the hours between 6:00 AM and 7:00 PM.

(B) During construction, in accordance with Imperial County Noise Element of the General Plan, the noise level shall not exceed 75 dBA_{Leq} at the property boundary when averaged over an 8-hour period.

(C) During operation of the facility, the maximum permitted continuous sound level shall be not more than 45 dBA_{Leq}, as measured at the nearest residence using the "A" scale and measured with a sound level meter and associated octave band analyzer. The level may be exceeded by ten percent (10%) if the noise is intermittent and during daylight hours.

(D) Haul trucks and other engine-powered equipment shall be muffled and operated with engine exhaust brake use limited to emergencies.

S-15 ODOR CONTROL:

The Permittee shall control all odor-causing, harmful, noxious emissions to ensure that quantities or air contaminants released as a result of the permitted facilities do not exceed County, State or Federal standards, nor constitute a public nuisance, per the Imperial County Land Use Ordinance, Division 13, Enforcement, Chapter 2, Abatement of Nuisances, Sections 91302.00 through 91301.02.

S-16 PLAN APPROVALS:

Permittee shall submit to the Imperial County Planning & Development Services Department (ICPDSD), architectural, landscaping and lighting plans prior to construction of those facilities, to include painting of structures, planting of trees and/or vegetation, and shall receive all approvals prior to commencing construction of the applicable permitted facilities. Approval shall not be unreasonably withheld so long as the plans are consistent with applicable Imperial County Land Use Ordinance requirements.

S-17 PROJECT DESIGN:

(A) All facility access and parking areas shall be constructed to the standards of the Imperial County Land Use Ordinance.

(B) All permitted activities shall provide for the minimum feasible surface land disturbance for compatibility with the existing uses wherever possible.

(C) All equipment and electrical interconnection facilities used at the solar plant facilities shall be maintained in a manner that prevents breaking, cracking, and leaking, e.g. operator staffing and training, including appropriate quality assurance procedures, with the operation of back-up or auxiliary facilities when necessary.

(D) All on-site basins, shall be designed and constructed under the supervision of a California-licensed Civil Engineer meeting sound engineering standards, with all applicable regulations and all requirements of the County EHS/Health Department and Public Works Departments are complied with.

(E) Permittee shall obtain encroachment permits for any construction or operation on IID existing rights of way or easements.

S-18 REPORTING AND MONITORING:

(A) The Permittee shall furnish to the County, at its sole cost within a reasonable time, any relevant reports/information which the County

requires for monitoring purposes to determine whether cause exists for revoking this Permit, or to determine compliance with this Permit. The Permittee shall submit all required reports to the Planning Director, County Planning and Development Services Department, 801 Main Street, El Centro, CA 92243.

(B) Permittee and ICPDSD Director shall agree upon an environmental consultant to oversee all the required mitigation, conditional use Permit conditions and public benefit agreement (if any) requirements during the construction of the Project.

(C) Permittee shall pay for third-party environmental consultant monitoring and compliance.

(D) The ICPDSD, in consultation with the third-party Environmental Consultant and the County Executive Office, will require that all mitigation measures be satisfied, all MMRP requirements have been satisfied, all Conditions of Approval in the CUP are in full compliance and all conditions of the Development Agreement (if any) have been satisfied before the Final Certificate of Occupancy Certificate is issued.

(E) During the operation of solar facility, an Annual Compliance Report shall be submitted to the ICPDS, documenting the implementation of the conditions and general measures as well as any resource-specific measures.

(F) The Permittee shall reimburse the ICPDS for County as well as monitoring and investigations related to the construction and operation of the Project. Permittee shall compensate the County pursuant to the ICPDSD Fee Schedule for any costs incurred.

(G) Permittee shall pay for all costs as required to comply with the Conditions of Approval and MMRP.

(H) All County staff time will be billed on a time and materials basis. Failure by Permittee to provide any payment required of Permittee to the County in the CUP shall cause Permittee to be in non-compliance of the CUP. Upon notice of such noncompliance, County may, at its sole discretion, cease processing, defending any lawsuit or paying for costs associated with the Project.

S-19 SPILLS AND RUNOFF:

The Permittee shall design and construct the permitted facilities to prevent spills from endangering adjacent properties and to prevent runoff from any source being channeled or directed in an unnatural way so as to cause erosion, siltation, or other detriments pursuant to the construction Storm Water Pollution Prevention Plan approved by the Regional Water Quality Control Board.

S-20 FACILITIES CLOSURE AND SITE RESTORATION:

(A) Permittee shall implement the site restoration plan at the earlier of when the operation of the permitted facilities herein authorized has ceased or the term of the CUP has expired. At such times, all facilities shall be dismantled, and the lands involved restored to their pre-construction condition and available for agricultural production uses as agreed to by the Imperial County Planning and Development Services Director.

(B) Prior to the issuance of a grading Permit, a decommissioning and restoration plan (the Reclamation Plan) shall be submitted and approved by the Imperial County Planning and Development Services Director. The Reclamation Plan shall document the procedures by which the Project site will be returned to its current conditions.

(C) Within thirty (30) days prior to ground disturbance, a Bond, or other acceptable surety, in the amount of the estimated site restoration financial calculations/bond, for the developed project area, or other forms of security acceptable to County Counsel's office, shall be filed with the County that guarantees restoration of the land to its condition prior to the permitted solar plant development.

(D) Upon completion of such site restoration, and demonstration that the land has been restored to the agriculturally productive/farmable condition prior to the permitted solar plant development the Bond or other surety shall be released by the County.

(E) The above financial calculations/bond shall be reviewed every five (5) years in December and adjusted on January 1st to add a Consumer Price Index (CPI) (Los Angeles) increase by the Planning and Development Services Director. This readjustment can be made in the County's sole discretion and must be funded by the Permittee within ninety (90) calendars after notice of the additional amount of such adjustment.

S-21 PUBLIC WORKS AND AIR POLLUTION CONTROL DISTRICT CONDITIONS

1. The Applicant shall acquire proper easements from adjacent property owners for the installation of any proposed transmission lines.

2. All survey monuments, including those within the interior of the project, shall be protected, and their locations shall remain accessible to any surveyor throughout the duration of the project. Section 8774 of the Business and Professions Code, and Section 846.5 of the Civil Code, each provide the right of entry to utilize boundary evidence and perform surveys, without undue delay, to any person authorized to practice land surveying. The right of entry is not contingent upon prior notice.

3. The Applicant shall furnish a Drainage and Grading Plan/Study to provide for property grading and drainage control, which shall also include prevention of sedimentation of damage to off-site properties. The Study/Plan shall be submitted to the Department of Public Works for review and approval. The applicant shall implement the approved plan. Employment of the appropriate Best Management Practices (BMP's) shall be included (Per Imperial County Code of Ordinances, Chapter 12.10.020 B).

4. Based on the information provided on the project documents, it is assumed that County roads will not be used for site access during or after construction activities have been completed. In the event that County roads are required for site access, the Applicant shall consult with this Department in advance for review and approval.

   Access to sites shall be completed from public roads.

5. Any unimproved access roads/routes between public roads and access gates shall be improved for all-weather access. Such all-weather improvements shall be completed as recommended by a Geotechnical Engineer licensed to practice in the State of California.

6. Each site shall have, as a minimum, one (1) primary Class 2 Base aggregate material driveway and one (1) emergency access Class 2 Base aggregate material driveway, if they are tied to a County Road only.

7. Access to project sites during and after construction is expected to be completed through private unpaved roads or private property.

The Applicant shall mitigate generation of dust caused by construction traffic as per Rule 805 – Paved and Unpaved Roads of the Imperial County Air Pollution Control District.

a. All solid and hazardous waste shall be disposed of in approved solid waste disposal sites in accordance with existing County, State and Federal regulations (Per Imperial County Code of Ordinances, Chapter 8.72).

b. All on-site traffic areas shall be hard surfaced to provide all weather access for emergency vehicles. The surfacing shall meet the Department of Public Works and Fire/Office of Emergency Services (EOS) Standards as well as those of the Air Pollution Control District (APCD).

c. The project may require a National Pollutant Discharge Elimination System (NPDES) permit and Notice of Intent (NOI) from the Regional Water Quality Control Board (RWQCB) prior to County approval of onsite grading plan (40 CFR 122.28).

d. A Transportation Permit may be required from road agency(s) having jurisdiction over the haul route(s) for any hauls of heavy equipment and/or

large vehicles which impose greater than legal loads on riding surfaces, including bridges. (Per Imperial County Code of Ordinances, Chapter 10.12 - OVERWEIGHT VEHICLES AND LOADS).

S-22 WASTE DISPOSAL

(A) The Permittee shall insure that all solar plant facilities waste, liquid, gas or solid, which are generated on-site shall be disposed of in compliance with appropriate local, state, and federal regulations, in effect or as subsequently duly enacted. All solid waste debris and/or any hazardous waste located on the Project site must be satisfactorily removed to a permitted facility prior to the commencement of grading earthen material at the site.

(B) Littering shall not be allowed. Project personnel shall not deposit or leave any food or waste in the Project area, and no biodegradable or non-biodegradable debris shall remain in the right-of-way or on the Project site following completion of construction.

S-23 Caltrans Condition requirements

A. Please provide a pre- and post-development hydraulics and hydrology study. Show drainage configurations and patterns.
B. Please provide drainage plans and details. Include detention basin details of inlets/outlet.
C. Please provide a contour grading plan with legible callouts and minimal building data. Show drainage patterns.
D. On all plans, show Caltrans' Right of Way (R/W).
E. Early coordination with Caltrans is recommended.
F. Caltrans generally does not allow development projects to impact hydraulics within the State's R/W. Any modification to the existing Caltrans drainage and/or increase in runoff to State facilities will not be allowed.
G. Place construction access pads at the driveway entrance during construction to minimize sediment and gravel from being tracked onto SR-
H. 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.
I. Any work performed within Caltrans' R/W will require discretionary review and approval by Caltrans and an encroachment

S-24 FIRE PROTECTION: letter dated January 8,2025

A. Standards and requirements for energy storage system includes but not limited to:
NFPA:
1 Fire Code
70 National Electrical Code
855 Standard for the installation of Energy Storage System
111 Stored Electrical Energy Emergency and Standby Power System

1710 Standard for Organization and Deployment of Fire Suppression Operations, Emergency Medial Operations, and Special Operations to the Public by Career Fire Departments.

OSHA:

29 CFR 1910.134(g)(4)

CFC:

Chapter 12 section 1206 Electrical Energy Storage System
Chapter 9 Fire Protection and Life Safety System

Fire Department requirements are the following:

Solar Requirements

- Approved all-weather access roads for fire protection vehicles shall be provided throughout the project, conforming with the California Fire Code Chapter 5, section 503. Access roadways shall be all-weather surface (suitable for use by fire apparatus) right-of-way not less than 20 feet in width.
- Access roadways shall provide intersecting roadways to allow unobstructed movement of fire apparatus throughout the project site. Solar array layout shall meet Imperial County Fire Department layout requirements.
- Additional access shall be provided to the project site in accordance with the California Fire Code Chapter 5, section 503.
- KNOX Box and/or Locks will be required for all access gates as determined by Imperial County Fire Department.
- Solar array fields shall be clear of all vegetation.
- A pre-incident plan shall be developed and approved by the Imperial County Fire/OES Department in a format and using a platform determined by ICFD.

Battery Energy Storage Systems

- An approved water supply capable of supplying the required fire flow determined by appendix B in the California Fire Code Shall be installed and maintained. (Minimum fire flow of 1500 GPM for 2 hours) Private fire service mains and appurtenance shall be installed in accordance with NFPA 20, 22, 24
- An approved automatic fire suppression system shall be installed on all required structures as per the California Fire Code Chapter 12 and NFPA 855. All fire suppression systems will be installed and maintained to the current adapted fire code and regulations.
- An approved automatic fire detection system shall be installed on all required structures as per the California Fire Code Chapter 12 and NFPA 855. All fire detection systems will be installed and maintained to the current adapted fire code and regulations.
- Owners and operators of ESS must develop and Emergency Operation Plan in conjunction with local fire service personnel, the AHJ, and hold a comprehensive understanding of the hazards associated with lithium-ion battery technology. Lithium-ion battery ESS's must incorporate adequate explosion prevention protection in accordance with NFPA 855 and/or California Fire Code Chapter 12.
- Signage shall be provided in accordance California Fire Code Chapter 12
- Compliance with all required sections of the fire code.

- Applicant shall provide product containment areas(s) for both product and water run-off in case of fire applications and retained for removal.
- An emergency response/action plan shall be prepared and approved by the Imperial County Fire/OES Department.
- A Hazardous Waste Material Plan shall be submitted to Certified Unified Program Agency (CUPA) for their review and approval.
- All hazardous material and wastes shall be handled, store, and disposed as per the approved Hazardous Waste Materials Plan. All spills shall be documented and reported to Imperial County Fire Department and CUPA as required by the Hazardous Waste Material Plan

Cost Recovery

- The applicant shall provide cost reimbursement for direct fire protectionservices. Service rate will be consistent with Imperial County Fire Department adopted fee schedule. Cost reimbursement will be from time of call to the conclusion of the incident as defined by the fire department.

Training

- The applicant shall provide training annually to emergency services personnel covering the emergency response to Battery Energy Storage Systems (BESS) emergencies and hazards related to BESS and electrical generation facilities.

S-25 COUNTY EXECUTIVE OFFICE:

1. Fiscal and Economic Impact Analysis. The Permittee will be invoiced by the Executive Office for expenses related to the procurement of a consultant to produce a Fiscal and Economic Impact Analysis (FEIA) and will be responsible for the cost of any subsequent updates as a result of modifications to the data and project by the developer.

2. Public Service Agreement ("Agreement" or "PSA"). Pursuant to the Guidelines for the Public Service Program for Solar Power Plants in Imperial County amended and adopted by the Board of Supervisors on May 9, 2023, (including any subsequent guideline amendments) PSA will be entered into by and between the County of Imperial and Developer to provide for a concerted and coordinated effort to maximize the benefits of the Project to the County of Imperial community.

Sales Tax Benefit Solar Farm:

(a) Developer will require that all qualifying contractors and subcontractors exercise their option to obtain a California Department of Tax and Fee Administration (CDTFA) sub-permit for the jobsite and allocate all eligible use tax payments to Imperial County and LTA. Prior to commencement of any construction activity on-site the developer will require that the contractor or subcontractor provide County of Imperial with either a copy of their CDTFA account number and sub-permit.

(b) To accomplish this, Permittee shall either cause its construction contractor to treat the project in accordance with California Regulation 1521(b)(2)(B), California Regulation 1521(c)(13)(B), and California Regulation 1826(b) for sales and use tax purposes or form a "Buying Company" as defined in the CDTFA 1699(h). Permittee can adopt an alternate methodology to accomplish this goal if such methodology is approved by the County Executive Officer prior to issuance of building permits. Not later than forty five (45) days after the due date for filing sales and use tax returns for each calendar quarter, occurring after the commencement of any construction activity on-site through and including the first anniversary of COD (as defined below),

(c) Developer shall report, or cause its general contractor to report to County, the total amount of sales and use taxes related to the Project that are allocated to the County, and reported on Developer's, general contractor's, and subcontractors' applicable California sales and use tax returns. The obligations of Developer under this Section III.A are hereinafter referred to as the "Developer Sales and Use Tax Responsibilities."

(d) Guarantee Amounts. In the event that Developer shall fail to perform the Developer Sales and Use Tax Responsibilities and as a result of such failure, with respect to the Project, (i) County receives less than the amount of such sales and use taxes it would have received under existing applicable sales and use tax laws had such responsibilities been fully performed subject to adjustment as set forth in Section IV.C below) or (ii) Local Transportation Authority (LTA) receives less than the amount of such sales and use taxes it would have received under existing applicable sales and use tax laws had such responsibilities been fully-performed, then Developer shall pay, as and when provided below, to County or LTA as applicable, the amount of the applicable shortfall.

(e) Adjustments to Guarantee Amounts.

(f) Developer's sales tax guarantee set out in Section III.B above shall be adjusted to be eighty-five percent (85%) of the projected sales and use taxes for the Project. At least ten (10) days prior to the issuance of the first (1st) grading permit, Developer shall provide County with evidence of such projected sales and use taxes, including but not limited to sales taxes receipts, engineering contracts, procurement contracts, construction contracts. County shall meet with Developer to confirm that amount.

(g) The amount of sales and use tax anticipated to be generated is based on the projected construction of an eighty (80) megawatts alternating current solar generation facility. Construction of any additional output capacity beyond the 80 MW output now projected will require the sales tax guarantee be adjusted based on the actual output from solar generation facilities of the Project as evidenced by any Power Purchase Agreement subsequently entered into by Developer related to this Project.

(h) To the extent of any reduction in the size of the Project as the result of any final ruling, stipulated judgment, or settlement, in accordance with Section V.C below, the not-to-exceed amounts set forth in Section III.B shall be reduced pro rata based on the size of such reduction.

(i) The complete amount due to County for the Project must be received within one (1) year after Commercial Operation Date ("COD") for this Project. If, within one (1) year after issuance of the final Certificate of Occupancy, the sales and use taxes received by the County are less than the amount guaranteed for that portion of the project, Developer shall pay the difference to the County.

(j) Payments to County and LTA as a result of a shortfall shall be due within thirty days of Developer's receipt of written notice of shortfall from the County. Payments received by County after the ninetieth (90th) day following Developer's receipt of notice shall be deemed late. Developer hereby agrees to pay interest at the rate of six percent (6%) per annum of the payment due for any payment received by County beyond the due date. Said interest shall be included with the late payment. The obligation to pay interest shall be stayed when such amounts are disputed in good faith, so long as Developer submits the payments "under written protest." Upon determination of dispute, such interest may be assessed if it is determined that the dispute was not made in good faith.

(k) If Developer repowers or replaces the equipment onsite, each Site shall be designated as the "Point of Sale" so as to create an additional local tax-funding source for the County of Imperial.

Sales Tax Benefit Battery Storage facility

1.1.1. To the extent permitted by applicable local, state, and Federal law, Developer will require that all qualifying contractors and subcontractors exercise their option to obtain a California Department of Tax and Fee Administration ("CDTFA") sub-permit for the jobsite and allocate all eligible sales and use tax payments to County and the Local Transit Authority ("LTA").

1.1.2. Prior to commencement of any construction activity onsite exclusive of grading, Developer shall require that the contractor or subcontractor provide County with a copy of their CDTFA account number and sub-permit. Developer shall either cause its construction contractor to treat the Project in accordance with California Sales and Use Tax Regulation 1521(b)(2)(B), California Sales and Use Tax Regulation 1521(c)(13)(B), and California Sales and Use Tax Regulation 1826(b) for sales and use tax purposes, or form a "Buying Company," as defined in the California Sales and Use Tax Regulation 1699(h). Developers may adopt an alternate methodology to accomplish this goal if such methodology is approved by the County's Executive Officer prior to issuance of any building permit.

1.1.3. No later than forty-five (45) days after the due date for filing sales and use tax returns for each calendar quarter, occurring after the commencement of any construction activity on-site through and including the first anniversary of commercial operating date ("COD"), Developer shall report, or cause its general contractor to report to County, the total amount of sales and use taxes related to the Project that are allocated to the County, and reported on Developer's, general contractor's and subcontractors' applicable California sales and use tax returns.

1.1.4. *Guarantee Amounts*. Prior to the issuance of any building permit for the Project, Developer shall provide County with a guarantee of the minimum sales and use that will be received by County and LTA under existing applicable sales and use tax laws. The guarantee amount shall be based on the total storage capacity of the Project in megawatts, which is projected to be one hundred eighty megawatts (180 MW) Should Developer choose to develop the Project in phases, and receives the required approvals from County to do so, then Developer shall provide a separate guarantee amount for each phase of the project based on the total storage capacity in megawatts for the applicable phase.

(a) Developer warrants that the sales/use tax guarantee amounts to be provided to County as mandated in this Subparagraph 9.2.4 shall be true and accurate estimates of the projected sales and use taxes that will be generated for this Project. Developers shall provide County with evidence of the projected sales/use taxes for the Project, including but not limited to sales tax receipts, and executed or anticipated engineering contracts, procurement contracts, and construction contracts. If the Parties are unable to agree upon a guaranteed amount, then the dispute shall be referred to an independent accountant mutually acceptable to both Parties. The costs for such nonbinding mediation shall be borne by Developer.

(b) Developer warrants that the sales/use tax guarantee amounts to be provided to County as mandated in this Subparagraph 9.2.4 will incorporate any and all sales/use tax exemptions that Developer and/or its contractors and subcontractors intend to utilize, and that such exemptions will be disclosed to County fully and in good faith prior to the issuance of any building permit for this Project.

(c) Developer understands and acknowledges that the sales/use tax guarantee amounts to be provided to County as mandated by this Subparagraph 9.2.4 are a part of the consideration to be received by County in return for entering into this Agreement, and further understands and acknowledges that County would not enter into this Agreement but for said guarantee from Developer.

1.1.5. In the event that County and / or LTA receives less than the amount of sales/use taxes guaranteed pursuant to Subparagraph 9.2.4, then Developer shall pay, as and when provided below, to County or LTA as applicable, the amount of the applicable shortfall.

1.1.6. *Adjustments to Guarantee Amounts.*

(a) The amount of sales and use tax anticipated to be generated is based on the projected construction of a 180 MW utility-scale energy storage complex incorporating lithium-ion batteries and/or flow battery technologies throughout the Project site. Construction of any additional storage capacity beyond the 180 MW storage capacity now projected will require the sales/use tax guarantee amounts to be adjusted based on the actual storage facilities of the Project as evidenced by any power purchase agreement or power storage agreement subsequently entered into by Developer related to this Project.

(b) To the extent of any reduction in the size of the Project as the result of any final ruling, stipulated judgment, or settlement, the sales/use tax guarantee amounts mandated under Subparagraph 9.2.4 shall be reduced pro rata based on the size of such reduction.

(c) Should Developer become of aware of a change in circumstances that would materially affect the sales/use tax guarantee amount, then Developer shall, within thirty (30) days of learning of such change in circumstances, inform the County in writing of the change in circumstances. If the County determines that such a change in circumstances warrants an adjustment to the sales/use tax guarantee amount, then County shall negotiate in good faith with Developer in revising the sales/use tax guarantee amount. If the Parties are unable to agree upon a revised guaranteed amount, then the dispute shall be referred to an independent accountant mutually acceptable to both Parties. The costs for such nonbinding mediation shall be borne by the Developer. Failure of the Developer to inform the County of the change in circumstances shall constitute a waiver of Developer's ability to seek any adjustment to the sales/use tax guarantee based on such change in circumstances.

1.1.7. The complete sales/use tax guarantee amount due to County and LTA for the Project must be received within one (1) year after COD for this Project, or such later date as any applicable sales/use tax is due or is transmitted from the CDTFA, unless it is delayed due to causes beyond Developer's control or for which Developer is not responsible. If, within one (1) year after issuance of the final certificate of occupancy, or such later date as any applicable sales/use tax is due or is transmitted from the CDTFA, the sales/use taxes received by the County are less than the sales use tax guarantee amounts mandated under Subparagraph 9.2.4, then Developer shall pay the difference to the County.

1.1.8. Payments to County and LTA as a result of a shortfall shall be due within thirty days of Developer's receipt of written notice of shortfall from the County. Payments received by County after the ninetieth (90th) day following Developer's receipt of notice shall be deemed late. Developer hereby agrees to pay interest at the rate of six percent (6%) per annum of the payment due for any payment received by County beyond the due date. Said interest shall be included with the late payment. The obligation to pay interest shall be stayed when such amounts are disputed in good

faith, so long as Developer submits the payments "under written protest." Upon determination of dispute, such interest may be assessed if it is determined that the dispute was not made in good faith.

In the event that Developer repowers or replaces the equipment onsite, each Site shall be designated as the "Point of Sale" so as to create an additional local tax-funding source for the County of Imperial

S-26 Additional Conditions

1. Because oversize vehicles may utilize this facility as a condition of the Conditional Use Permit, the project applicant will be required to obtain all applicable Caltrans permits required for construction of the project, including special transportation permits (if applicable) for oversize construction vehicles.
2. As a condition of the Conditional Use Permit, the applicant will be required to prepare and submit for approval a traffic management plan to Caltrans as specified in this comment.

As currently proposed, the project will require an encroachment permit. As a condition of the Conditional Use Permit, the applicant will be required to obtain necessary permits from Caltrans. This includes encroachment permits.

S-27 ACCEPTANCE:

Acceptance of this permit shall be deemed to constitute agreement by Permittee with all terms and conditions herein contained.

The rest of this page is intentionally left blank.

NOW THEREFORE, County hereby issues the Conditional Use Permit #24-0012, and Permittee hereby accepts such permit upon the terms and conditions set forth herein.

IN WITNESS THEREOF, the parties hereto have executed this Agreement the day and year first written.

PERMITTEE:

_____ _____

Date

COUNTY OF IMPERIAL, a political subdivision of the STATE OF CALIFORNIA

_____ _____

Jim Minnick, Director, Planning & Development Services Department

Date

PERMITTEE NOTARIZATION

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF _____} S.S.

On_____ before me, _____ a Notary Public in and for said County and State, personally appeared _____, who proved to on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature_____

_____

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document._____

Title or Type of Document_____
Number of Pages_____ Date of Document_____
Signer(s) Other Than Named Above_____

Dated_____

COUNTY NOTARIZATION

S A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF IMPERIAL} S.S.

On_____ before me, _____ a Notary Public in and for said County and State, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature_____

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

Title or Type of Document_____

Number of Pages_____ Date of Document_____

Signer(s) Other Than Named Above_____

ATTACHMENT H:

COMMENT LETTERS – APCD, CALTRANS, IID, ICFD, CEO, DEFENDERS OF WILDLIFE

California Department of Transportation

DISTRICT 11
4050 TAYLOR STREET, MS-240
SAN DIEGO, CA 92110
(619) 985-1587 | FAX (619) 688-4299 TTY 711
www.dot.ca.gov

August 8, 2025

11-IMP-78
PM 3.467
Seville 4 Solar Project
MND/SCH#2025070240

Mr. David Black
Planner IV
Imperial County
Planning and Development Services
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 Mitigated Negative Declaration (MND) on the Seville 4 Solar Plant near State Route 78 (SR-78) in Imperial County. 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.

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

We look forward to working with the Imperial County in areas where the County and Caltrans have joint jurisdiction to improve the transportation network and connections between various modes of travel, with the goal of improving the experience of those who use the transportation system.

Traffic Engineering and Analysis
Please place construction access pads at the driveway entrance during construction to minimize sediment and gravel from being tracked onto SR-78.

Hydrology and Drainage Studies

- The proposed project features may significantly alter the Federal Emergency Management Agency (FEMA) defined Floodplain and associated water surface elevations through the project area and have potential adverse impacts to State Route 78 (SR-78) facilities. Caltrans requests that the Imperial County, acting as the Local FEMA Administrator, include Caltrans in reviews of all submittals to the Development Services Department regarding floodplain administration and allow for Caltrans to comment prior to the Conditional Letter of Map Revision (CLOMR) application or the Permit issue, to assure that Caltrans' assets are not adversely impacted by any change in the water surface elevation resulting from this project.

- Per 44 CFR §65.12, Caltrans requests that a formal notification be sent to Caltrans when the Imperial County approves the permit to alter the floodplain and/or when the Developer applies for the CLOMR and Letter of Map Revision (LOMR).

Caltrans provided the following comments in January 2025, and they have not yet been addressed.

- Please provide a pre- and post-development hydraulics and hydrology study. Show drainage configurations and patterns.
- Please provide drainage plans and details. Include detention basin details of inlets/outlet.
- Please provide a contour grading plan with legible callouts and minimal building data. Show drainage patterns.
- On all plans, show Caltrans' Right of Way (R/W).
- Early coordination with Caltrans is recommended.
- Caltrans generally does not allow development projects to impact hydraulics within the State's R/W. Any modification to the existing Caltrans drainage and/or increase in runoff to State facilities will not be allowed.

Environmental
Caltrans welcomes the opportunity to be a Responsible Agency under the California Environmental Quality Act (CEQA), as we have some discretionary authority of a portion of the project that is in Caltrans' R/W through the form of an encroachment permit process. Please indicate our status as a Responsible Agency for the Final Environmental Document. We look forward to the coordination of our efforts to ensure that Caltrans can adopt the alternative and/or mitigation measure for our R/W. We

would appreciate meeting with you to discuss the elements of the Environmental Document that Caltrans will use for our subsequent environmental compliance. 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 approved final environmental documents for this project that include the work in Caltrans' R/W, corresponding technical studies, and necessary regulatory and resource agency permits. Specifically, CEQA determination or exemption. The supporting documents must address all environmental impacts within the Caltrans' R/W and address any impacts from avoidance and/or mitigation measures.

We recommend that this project specifically identifies and assesses potential impacts caused by the project or impacts from mitigation efforts that occur within Caltrans' R/W that includes impacts to the natural environment, infrastructure including but not limited to highways, roadways, structures, intelligent transportation systems elements, on-ramps and off-ramps, and appurtenant features including but not limited to fencing, lighting, signage, drainage, guardrail, slopes and landscaping. Caltrans is interested in any additional mitigation measures identified for the project's Final Document.

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

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

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

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

- require a Caltrans Encroachment Permit
- have completed the Caltrans Local Development Review (LDR) process
- have an approved environmental document

need to have documents submitted for Quality Management Assessment Process (QMAP) process via email to D11.QMAP.Permits@dot.ca.gov. Early coordination with Caltrans is strongly advised for all encroachment permits.

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

Sincerely,

Kimberly D. Dodson

KIMBERLY D. DODSON, GISP
Branch Chief
Local Development Review

California Department of Transportation

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

RECEIVED
By Imperial County Planning & Development Services at 2:32 pm, Jan 22, 2025

January 22, 2025

11- IMP-78
PM 3.691
Seville 4 Solar Plant
GPA #24-0003, ZC #24-0004
CUP #24-0012, IS #24-0020

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

Dear Mr. Newland:

Thank you for including the California Department of Transportation (Caltrans) in the review process for the General Plan Amendment (GPA), Zone Change (ZC), Conditional Use Permit (CUP) and Initial Study (IS) for the Seville 4 Solar Plant Project located adjacent to State Route 78 (SR-78) in Imperial County. 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.

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

Caltrans is committed to prioritizing projects that are equitable and provide meaningful benefits to historically underserved communities, to ultimately improve transportation accessibility and quality of life for people in the communities we serve.

We look forward to working with the County of Imperial in areas where the County and Caltrans have joint jurisdiction to improve the transportation network and connections between various modes of travel, with the goal of improving the experience of those who use the transportation system.

Caltrans has the following comments:

Traffic Engineering and Analysis

- Please provide a Vehicle Miles of Travel (VMT) based Traffic Impact Study (TIS) if one is prepared for this project. Please use the Governor's Office of Planning and Research Guidance to identify VMT related impacts.[1]

- The TIS may also need to identify the proposed project's near-term and long-term safety or operational issues, on or adjacent any existing or proposed State facilities.

- The Draft Environmental Impact Report needs to include a safety review that follows the Caltrans "Local Development Review (LDR) Safety Review Practitioner's Guidance" https://dot.ca.gov/-/media/dot-media/programs/safety-programs/documents/202402-ldr-safety-review-practitioners-guidance-a11y.pdf.

Hydrology and Drainage Studies

- Please provide hydraulics studies, drainage and grading plans to Caltrans for review.
- Provide a pre and post-development hydraulics and hydrology study. Show drainage configurations and patterns.
- Provide drainage plans and details. Include detention basin details of inlets/outlet.
- Provide a contour grading plan with legible callouts and minimal building data. Show drainage patterns.
- On all plans, show Caltrans' Right of Way (R/W).
- Early coordination with Caltrans is recommended.
- Caltrans generally does not allow development projects to impact hydraulics within the State's R/W. Any modification to the existing Caltrans drainage and/or increase in runoff to State facilities will not be allowed.

[1] California Governor's Office of Planning and Research (OPR) 2018. "Technical Advisory on Evaluating Transportation Impacts in CEQA." https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf

Design

A grinding project (EA 2N228 PID 1124000186) and rumble strip project (EA 2N225 PID 1124000121) have project footprints that pass this location. These are Maintenance projects.

Hauling

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

Noise

The applicant must be informed that in accordance with 23 Code of Federal Regulations (CFR) 772, Caltrans is not responsible for existing or future traffic noise impacts associated with the existing configuration of SR-78.

Glare

The proximity of the project site to SR-78 raises some concerns regarding potential glare that could pose a potential risk to motorists traveling on SR-78. The project's potential glare characteristics should be considered as part of the County's Permit approval. Caltrans would want to ensure that all lighting, including reflected sunlight and reflected night lighting, within this project should be placed and/or shielded so as not to be hazardous to vehicles traveling in both directions on SR-78.

Environmental

Caltrans welcomes the opportunity to be a Responsible Agency under the California Environmental Quality Act (CEQA), as we have some discretionary authority of a portion of the project that is in Caltrans' R/W through the form of an encroachment permit process. Please indicate our status as a Responsible Agency for the Final Environmental Document. We look forward to the coordination of our efforts to ensure that Caltrans can adopt the alternative and/or mitigation measure for our R/W. We

would appreciate meeting with you to discuss the elements of the Environmental Document that Caltrans will use for our subsequent environmental compliance.

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 approved final environmental documents for this project that include the work in Caltrans' R/W, corresponding technical studies, and necessary regulatory and resource agency permits. Specifically, CEQA determination or exemption. The supporting documents must address all environmental impacts within the Caltrans' R/W and address any impacts from avoidance and/or mitigation measures.

We recommend that this project specifically identifies and assesses potential impacts caused by the project or impacts from mitigation efforts that occur within Caltrans R/W that includes impacts to the natural environment, infrastructure (highways/roadways/on- and off-ramps) and appurtenant features (lighting/signs/guardrail/slopes). Caltrans is interested in the analysis for any work identified in Caltrans R/W and any additional mitigation measures identified for the Final Environmental Document.

There may be a need for access of if there are heavier vehicles now required. The asphalt life may need to be assessed.

Right-of-Way

- Per Business and Profession Code 8771, perpetuation of survey monuments by a licensed land surveyor is required, if they are being destroyed by any construction.
- Any work performed within Caltrans' R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans' R/W prior to construction.
- 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 CEQA determination addressing any environmental impacts within the Caltrans' R/W, and any corresponding technical studies.

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

- require a Caltrans Encroachment Permit.
- have completed the Caltrans Local Development Review (LDR) process.
- have an approved environmental document.

are to submit documents for Quality Management Assessment Process (QMAP) process via email to D11.QMAP.Permits@dot.ca.gov. Early coordination with Caltrans is strongly advised for all encroachment permits.

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

Sincerely,

Kimberly D. Dodson

KIMBERLY D. DODSON, GISP
Branch Chief
Local Development Review

California Program Office
P.O. Box 401, Folsom, California 95763
www.defenders.org

August 11, 2025

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

Re: Mitigated Negative Declaration: Seville 4 Solar Project
(SCH 2025070240)

Dear Mr. Black,

Thank you for the opportunity to provide comments in response to the Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed Seville 4 Solar Project (Project). 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 311,000 residing in California.

Defenders strongly supports renewable energy generation. 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 habitats critical to species.

The proposed Project is a solar photovoltaic facility that would generate up to 90 MW of renewable energy and includes an estimated 180 MW Battery Energy Storage System. The proposed Project would be sited on 325 acres of privately owned land in unincorporated Imperial County. It is located 0.4 miles south of State Route (SR) 78, 7 miles west of SR 86, 14 miles west from the southern tip of the Salton Sea and 4 miles east of the Imperial County-San Diego County line. The Seville 1 and Seville 2 solar facilities are located immediately to the east of the Project site, and the Titan I Solar facility is located immediately southeast of the site. The Project site is vacant and previously disturbed by historical agricultural uses that include in-filling of the former creek bottom of San Felipe Creek.

Comments
We offer the following comments on the IS/MND for the proposed Project.

1. **Protocol-Level Surveys**

The MND states a general biological survey of the Project site was conducted in May 2023; however, it appears that only BUOW protocol-level surveys were conducted prior to the development of the MND. Findings cannot be made without species-specific protocol-level surveys as they are necessary to provide thorough and accurate results that support informed decision-making and enable the identification of appropriate avoidance, minimization and mitigation measures for each species. To proceed without conducting species-specific protocol-level surveys on the entirety of the Project site is folly, as it is impossible to fully identify the risk of significant impact. If the project is discovered to have a significant impact with the application of mitigation measures as a result of the surveys, the development of an environmental impact report (EIR) would be required. Therefore, species-specific surveys should be conducted to ensure the development of the MND is appropriate instead of the development of an EIR.

Given the Project site contains sensitive biological resources, the biological resources surveys must adhere to wildlife agency-approved species-specific protocols and must identify the appropriate avoidance, minimization and mitigation measures based on survey results. If habitat management (HM) lands are deemed appropriate due to survey results, the HM lands must contain suitable habitat for the species and 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 California Department of Fish and Wildlife (CDFW) approved mitigation bank.

If special-status species are observed on-site, we recommend consultation with CDFW and the US Fish and Wildlife Service for the need to obtain an Incidental Take Permit.

a. **Burrowing Owl**

The Biological Resources Technical Report states that a protocol burrowing owl survey was conducted but fails to provide information on the surveys, including whether the surveys adhered to CDFW's *Staff Report on Burrowing Owl Mitigation*[1]; specifically, the time of day and year that the surveys were conducted, the number of site visits or if the surveys covered the entire project site. The MND states that four breeding season surveys will be completed prior to construction; however, if the original surveys did not follow protocol and the future surveys are the only ones that will adhere to the standards, it is inadequate. Surveys that fully comply with the *Staff Report* must be completed prior to the development of the MND to properly evaluate project

[1] California Department of Fish and Game. 2012. *Staff Report on Burrowing Owl Mitigation.*

impacts and determine whether the proposed mitigation measures are sufficient.

b. Desert Kit Fox

Desert kit fox was determined to be present during the field survey, and one active complex was observed within the Project site. A field survey was conducted in May 2023, and a pre-project transect survey is required within the MND; however, no species-specific survey was conducted prior to the development of the MND and associated mitigation measures. Defenders requests surveys be conducted that adhere to US Fish and Wildlife Service guidelines.[2]

c. Flat-Tailed Horned Lizard

Flat-tailed horned lizard (FTHL) was determined to be present during the field survey; however, no species-specific protocol-level surveys for the species were performed. MM BIO-7 states that a pre-construction survey will be performed within seven days prior to the start of ground-disturbing activities, in accordance with the guidelines from the *Flat-tailed Horned Lizard Rangewide Management Strategy Revision*.[3] As stated above, protocol-level surveys that adhere to guidance must be performed prior to the development of the MND.

2. **BUOW Plan for Avoidance, Minimization and Mitigation Measures**

The MND states that if burrowing owls or their sign are detected, a qualified biologist will prepare and implement a plan for avoidance, minimization and mitigation measures, which will be reviewed and approved by CDFW prior to project activities. However, this approach does not align with the intent of the California Environmental Quality Act (CEQA), which is to inform the public and decision-makers about potential environmental impacts before project approval. To fulfill this obligation, any avoidance, minimization or mitigation plans must be made available as part of the public review process. Deferring the development and disclosure of such plans until after project approval precludes meaningful public input and undermines CEQA's intent of transparency and informed decision-making.

The plan must include HM to mitigate for permanent impacts to loss of BUOW nesting and foraging habitat. We request consultation with CDFW to establish an appropriate

[2] US Fish and Wildlife Service. 2011. *U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior To or During Ground Disturbance.*

[3] Flat-tailed Horned Lizard Interagency Coordinating Committee. 2003. *Flat-tailed Horned Lizard Rangewide Management Strategy, 2003 Revision.*

ratio for BUOW HM lands for loss of habitat and request the inclusion of replacement burrows at a ratio of 1:1.[4]

3. **BUOW Buffers**

In MM BIO-6, there appears to be a typo, as the second sentence begins abruptly and lacks a subject: "Time lapses between project activities trigger subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance. is identified during the non-breeding season (September 1 through January 31), then a 50-meter buffer will be established by the biological monitor."

Additionally, the stated 50-meter buffer does not align with the buffer distances recommended in the *Staff Report on Burrowing Owl Mitigation*, which allows a 50-meter buffer only if there is a low level of disturbance during the timeframe of October 16th through March 31st. The MND further states that if burrowing owls are identified during the breeding season, then buffers will follow the Staff Report. However, appropriate buffer distances should be implemented year-round to ensure adequate protection. We request the MND be revised to ensure full alignment with the Staff Report's guidance throughout the year as defined in the table below.

Table 1: Burrowing Owl Avoidance Buffers[5]

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

If it is impossible to adhere to the recommended buffers and avoidance, Defenders would like to emphasize that burrow exclusion is not considered a take avoidance, minimization or mitigation method.[6] However, if burrow exclusion is necessary, Defenders recommends consultation with CDFW.

4. **Capture/Relocation Plan for FTHL**

MM BIO-7 states that relocation for FTHL may occur, however no specific plan is included to ensure successful capture and relocation. Defenders recommends the development of a Capture/Relocation Plan for FTHL in consultation with CDFW. In comments recently submitted by CDFW, the agency has requested the plan include

[4] The Burrowing Owl Consortium. 1993. *Burrowing Owl Protocol and Mitigation Guidelines.*
[5] California Department of Fish and Game. 2012. *Staff Report on Burrowing Owl Mitigation.*
[6] Ibid.

a preconstruction survey and monitoring methods, capture and relocation methods and suitable relocation areas.[7] Additionally, we request including avoidance, minimization and mitigation measures. The plan should be available to the interested public for comment prior to finalization.

5. **Trash Abatement**
   MM BIO-12 states that all trash and food-related waste shall be placed in self-closing containers and removed regularly from the site. Defenders recommends the measure be strengthened to require the use of secure, wildlife-proof containers to prevent wildlife access. Additionally, we recommend revising the measure to include a clearly defined trash removal schedule, with removals occurring at least once per week.

6. **Nighttime Construction and Speed Limit**
   MM BIO-14 states to avoid nighttime construction lighting or if nighttime construction cannot be avoided, use shielded directional lighting pointed down toward to avoid illumination of natural areas. We recommend that nighttime construction be avoided altogether, not simply nighttime construction lighting. Prohibiting nighttime construction avoids and minimizes impacts to sensitive species that are most active at night and, therefore, more vulnerable to construction and traffic-related incidents.

   MM BIO-13 establishes a 15 miles per hour speed limit for the Project site. If construction must be conducted at night, Defenders requests the speed limit be reduced to 10 miles per hour to avoid collisions with wildlife.

7. **Prohibition of Pets**
   MM BIO-17 states that personnel are prohibited from bringing dogs on the Project site. Defenders recommends extending this prohibition to all pets to reduce risk of any domestic animals disturbing or harassing wildlife.

8. **Wildlife-Friendly Fencing**
   The MND states that wildlife-friendly fencing will be utilized around the project site and designed to allow for the passage of wildlife, with gaps of approximately 4–6 inches at the bottom and knuckled edges to create a smooth surface. Based on this design, the MND concludes that impact would be less than significant. However, while this fencing design is mentioned, it is not identified as a formal mitigation measure. We request that wildlife-friendly fencing be explicitly included as a mitigation measure to ensure enforceability.

---

[7] California Department of Fish and Wildlife. 2023. *Glamis Specific Plan (Project) Draft Environmental Impact Report (DEIR) SCH 2020100348.*

Additionally, the MND does not address the potential impacts of fence posts on burrow-dwelling species, such as BUOW. Fence installation, particularly posts driven into the ground, can collapse or destroy burrows or otherwise deter BUOW from using adjacent habitat. The MND should be revised to analyze and mitigate for potential impacts of security fencing on BUOW.

Conclusion

Thank you once again for the opportunity to provide comments on the IS/MND for the proposed Seville 4 Solar Project and for considering our comments. Please feel free to contact me with any questions.

Respectfully submitted,

Sophia Markowska

Sophia Markowska
Senior California Representative
Defenders of Wildlife
Smarkowska@defenders.org

COUNTY EXECUTIVE OFFICE

Miguel Figueroa
County Executive Officer
miguelfigueroa@co.imperial.ca.us
www.co.imperial.ca.us

County Administration Center
940 Main Street, Suite 208
El Centro, CA 92243
Tel: 442-265-1001
Fax: 442-265-1010

January 16, 2025

TO: Derek Newland, Planning and Development Services Department

FROM: Rosa Lopez-Solis, Executive Office

SUBJECT: Updated Comments – Seville 4/Apex Energy Solutions, LLC - GPA24-0003/ZC24-0004/CUP24-0012/IS24-0020

The County of Imperial Executive Office is providing comments on the Seville 4/Apex Energy Solutions, LLC - GPA24-0003/ZC24-0004/CUP24-0012/IS24-0020. The Executive Office would like to inform the developer of the conditions and responsibilities that will apply if the applicant seeks approval of a future solar photovoltaic facility, battery energy storage system, on-site substation and an interconnection line . Prior to the issuance of any grading permit the following shall be completed and submitted:

- Sales Tax Guarantee. The permittee is required to have a Construction Site Permit reflecting the project site address, allowing all eligible sales tax payments are allocated to the County of Imperial, Jurisdictional Code 13998. The permittee will provide the County of Imperial a copy of the CDTFA account number and sub-permit for its contractor and subcontractors (if any) related to the jobsite. Permittee shall provide in written verification to the County Executive Office that the necessary sales and use tax permits have been obtained, prior to the issuance of any grading permits.

- Construction/Material Budget: The permittee will provide the County Executive Office a construction materials budget: an official construction materials budget or detailed budget outlining the construction and materials cost for the processing facility on permittee letterhead.

- At developers cost, the County Executive Office shall hire a third-party consultant to produce a Fiscal and Economic Impact Analysis & Job and Employment Analysis (FEIA & JEIA) prior to project being placed on Planning Commission meeting.

- Public Service Agreement. The developer shall enter into a Public Service Agreement with the County of Imperial.

Should there be any concerns and/or questions, do not hesitate to contact me.

ADMINISTRATION / TRAINING
1078 Dogwood Road
Heber, CA 92249

Administration
Phone: (442) 265-6000
Fax: (760) 482-2427

Training
Phone: (442) 265-6011

OPERATIONS/PREVENTION
2514 La Brucherie Road
Imperial, CA 92251

Operations
Phone: (442) 265-3000
Fax: (760) 355-1482

Prevention
Phone: (442) 265-3020

January 8, 2025

RE: Apex Energy Solutions, LLC, Seville 4

Imperial County Fire Department Fire Prevention Bureau would like to thank you for the opportunity to review and comment on Seville 4 Solar Energy Project and Battery Electric Storage Systems (BESS). GPA24-0003, ZC#24-0004, CUP#24-0012, IS#24-0020

The project description is developing and operating a ninety (90) megawatt (MW) alternating current (AC) solar photovoltaic (PV) energy generation and one hundred and eighty (180) megawatt (MW) battery storage project (BESS). This project is located on approximately 325 acres on APN: 018-70-058, 059, 060, 062, 063, 064, 065. The location current address is 1821 West US Highway 78, Ocotillo Wells, CA 92004.

Energy storage facilities create extreme hazards for firefighters and emergency responders with the possibility of explosions, flammable gases, toxic fumes, water-reactive materials, electrical shock, corrosives, and chemical burns. Due to limited resources, the hazards listed can create potential significant impacts for fire department personnel to safely perform firefighting operations and hazardous material response to a utility-scale energy storage facility. The remote location of the project will result longer response times. These long response times may result in incidents that are more difficult to stabilize and requiring additional resources to manage safely. Utility-scale energy storage requires specialized and reliable equipment to perform firefighting operations safely and effectively to NFPA recommendations, OSHA requirements, and ICFD standards.

Standards and requirements for energy storage system includes but not limited to:
NFPA:

1 Fire Code
70 National Electrical Code
855 Standard for the installation of Energy Storage System
111 Stored Electrical Energy Emergency and Standby Power System
1710 Standard for Organization and Deployment of Fire Suppression Operations, Emergency Medial Operations, and Special Operations to the Public by Career Fire Departments.

OSHA:

29 CFR 1910.134(g)(4)

ADMINISTRATION / TRAINING
1078 Dogwood Road
Heber, CA 92249

Administration
Phone: (442) 265-6000
Fax: (760) 482-2427

Training
Phone: (442) 265-6011

OPERATIONS/PREVENTION
2514 La Brucherie Road
Imperial, CA 92251

Operations
Phone: (442) 265-3000
Fax: (760) 355-1482

Prevention
Phone: (442) 265-3020

CFC:

Chapter 12 section 1206 Electrical Energy Storage System
Chapter 9 Fire Protection and Life Safety System

Fire Department requirements are the following:

Solar Requirements

- Approved all-weather access roads for fire protection vehicles shall be provided throughout the project, conforming with the California Fire Code Chapter 5, section 503. Access roadways shall be all-weather surface (suitable for use by fire apparatus) right-of-way not less than 20 feet in width.
- Access roadways shall provide intersecting roadways to allow unobstructed movement of fire apparatus throughout the project site. Solar array layout shall meet Imperial County Fire Department layout requirements.
- Additional access shall be provided to the project site in accordance with the California Fire Code Chapter 5, section 503.
- KNOX Box and/or Locks will be required for all access gates as determined by Imperial County Fire Department.
- Solar array fields shall be clear of all vegetation.
- A pre-incident plan shall be developed and approved by the Imperial County Fire/OES Department in a format and using a platform determined by ICFD.

Battery Energy Storage Systems

- An approved water supply capable of supplying the required fire flow determined by appendix B in the California Fire Code Shall be installed and maintained. (Minimum fire flow of 1500 GPM for 2 hours) Private fire service mains and appurtenance shall be installed in accordance with NFPA 20, 22, 24
- An approved automatic fire suppression system shall be installed on all required structures as per the California Fire Code Chapter 12 and NFPA 855. All fire suppression systems will be installed and maintained to the current adapted fire code and regulations.
- An approved automatic fire detection system shall be installed on all required structures as per the California Fire Code Chapter 12 and NFPA 855. All fire detection systems will be installed and maintained to the current adapted fire code and regulations.
- Owners and operators of ESS must develop and Emergency Operation Plan in conjunction with local fire service personnel, the AHJ, and hold a

ADMINISTRATION / TRAINING
1078 Dogwood Road
Heber, CA 92249

Administration
Phone: (442) 265-6000
Fax: (760) 482-2427

Training
Phone: (442) 265-6011

OPERATIONS/PREVENTION
2514 La Brucherie Road
Imperial, CA 92251

Operations
Phone: (442) 265-3000
Fax: (760) 355-1482

Prevention
Phone: (442) 265-3020

comprehensive understanding of the hazards associated with lithium-ion battery technology. Lithium-ion battery ESS's must incorporate adequate explosion prevention protection in accordance with NFPA 855 and/or California Fire Code Chapter 12.

- Signage shall be provided in accordance California Fire Code Chapter 12
- Compliance with all required sections of the fire code.
- Applicant shall provide product containment areas(s) for both product and water run-off in case of fire applications and retained for removal.
- An emergency response/action plan shall be prepared and approved by the Imperial County Fire/OES Department.
- A Hazardous Waste Material Plan shall be submitted to Certified Unified Program Agency (CUPA) for their review and approval.
- All hazardous material and wastes shall be handled, store, and disposed as per the approved Hazardous Waste Materials Plan. All spills shall be documented and reported to Imperial County Fire Department and CUPA as required by the Hazardous Waste Material Plan

Cost Recovery

- The applicant shall provide cost reimbursement for direct fire protection services. Service rate will be consistent with Imperial County Fire Department adopted fee schedule. Cost reimbursement will be from time of call to the conclusion of the incident as defined by the fire department.

Training

- The applicant shall provide training annually to emergency services personnel covering the emergency response to Battery Energy Storage Systems (BESS) emergencies and hazards related to BESS and electrical generation facilities.

Again, thank you for the opportunity to comment. Imperial County Fire Department reserves the right to comment and request additional requirements pertaining to this project regarding fire and life safety measures, California building and fire code, and National Fire Protection Association standards at a later time as we see necessary.

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

Sincerely

Andrew Loper *Andrew Loper*
Deputy Fire Marshal

ADMINISTRATION / TRAINING
1078 Dogwood Road
Heber, CA 92249

Administration
Phone: (442) 265-6000
Fax: (760) 482-2427

Training
Phone: (442) 265-6011

OPERATIONS/PREVENTION
2514 La Brucherie Road
Imperial, CA 92251

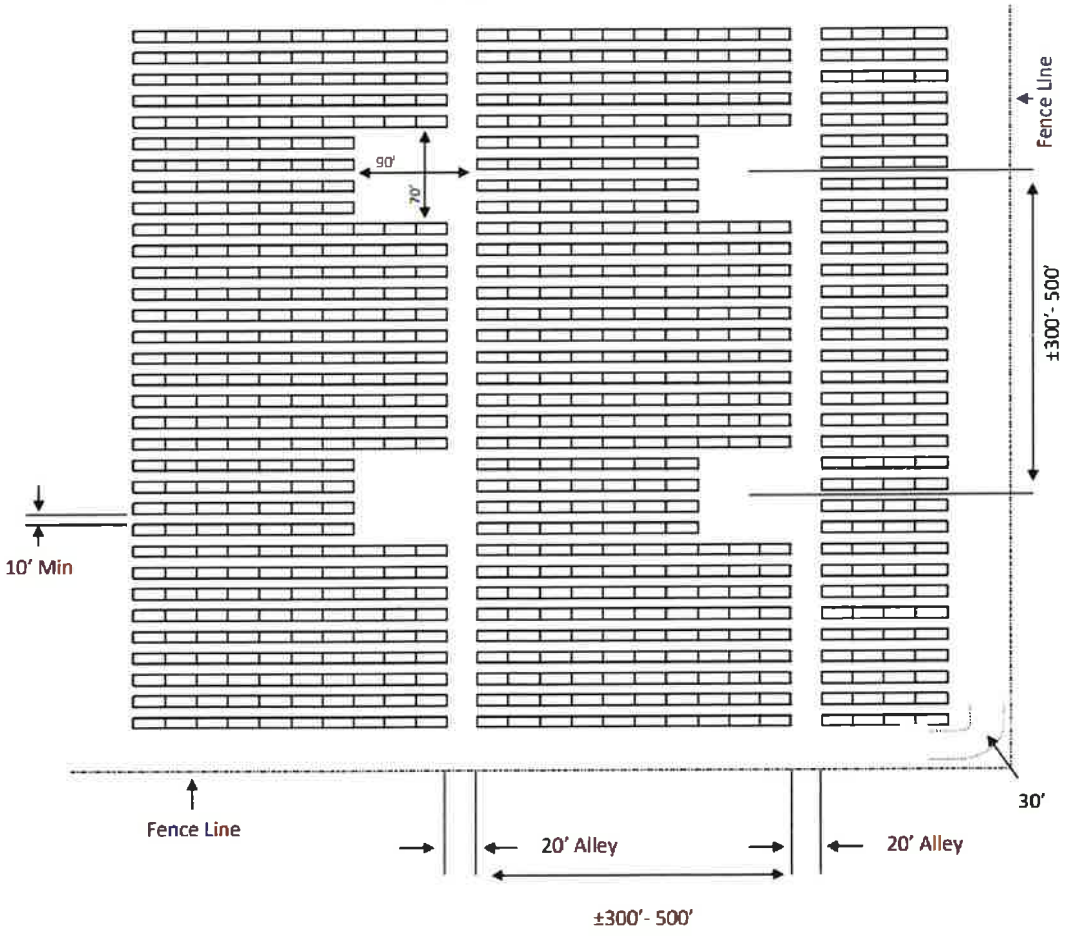
Operations
Phone: (442) 265-3000
Fax: (760) 355-1482

Prevention
Phone: (442) 265-3020

Imperial County Fire Department
Fire Prevention Division

CC: David Lantzer Fire Chief
Imperial County Fire Department

General Layout for Road Access



IID

www.iid.com

A century of service.

Since 1911

January 6, 2025

RECEIVED
By Imperial County Planning & Development Services at 2:13 pm, Jan 06, 2025

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

SUBJECT: Seville 4 Solar Project; GPA24-0003, ZC24-0004, CUP24-0012, IS24-0020

Dear Mr. Newland:

On December 19, 2024, the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, a request for agency comments on the Seville 4 Solar Project; General Plan Amendment No. 24-0003, Zone Change No. 24-0004, Conditional Use Permit No. 24-0012, Initial Study No.24-0020. The applicant, Apex Energy Solutions, LLC; proposes to construct and operate a 90MW PV solar facility with an integrated 180MW battery energy storage system, an on-site substation and a gen-tie line to connect to the Titan 2 substation with ultimate delivery to the IID's 92kV R-Line. The project site is located 1821 W Hwy. 78, Ocotillo Wells, CA (APN 018-010-043-000).

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

1. For distribution-rated electrical service for the project, the applicant should be advised to contact Gabriel Ramirez, IID 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 IID website http://www.iid.com/home/showdocument?id=12923), the applicant will be required to submit an AutoCAD file of site plan, approved electrical plans, electrical panel size and panel location, operating voltage, electrical loads, project schedule, and the applicable fees, permits, easements and environmental compliance documentation pertaining to the provision of electrical service to a project. The applicant shall be responsible for all costs and mitigation measures related to providing electrical service to a project.

2. Electrical capacity is limited in the project area. A circuit study may be required. Any system improvements or mitigation identified in the circuit study to enable the provision of electrical service to the project shall be the financial responsibility of the applicant.

3. Applicant shall provide a surveyed legal description and an associated exhibit certified by a licensed surveyor for all rights of way deemed by IID as necessary to accommodate the project electrical infrastructure. Rights-of-Way and easements shall be in a form acceptable to and at no cost to IID for installation, operation, and maintenance of all electrical facilities.

4. The applicant will be required to provide and bear all costs associated with acquisition of rights of way, easements, and infrastructure relocations deemed necessary to accommodate the project. Any street or road improvements imposed by the local governing authority shall also be at the project proponent cost.

5. The applicant will be required to provide rights of ways and easements for any proposed power line extensions and/or any other infrastructure needed to serve the project as well as the necessary access to allow for continued operation and maintenance of any IID facilities located on adjoining properties where no public access exists.

6. Public utility easements over all private public roads and additional ten (10) feet in width on both side of the private and public roads shall be dedicated to IID for the construction, operation, and maintenance of its electrical infrastructure.

7. Substations and switchyards shall be located on property that will transferred to IID in fee simple ownership with legal access.

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

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

10. 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

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.

11. When the project goes through the CEQA compliance process, it is important to bear in mind that to address the project impacts to the electrical utility (i.e., the IID electrical grid), considered under the environmental factor "Utilities and Services" of the Environmental Checklist/Initial Study, to determine if the project would require or result in the relocation or construction of new or expanded electric power facilities, the construction or relocation of which could cause significant environmental effects; a circuit study/distribution impact study, facility study, and/or system impact study must be performed.

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

Jamie Asbury – General Manager
Mike Pacheco – Manager, Water Dept.
Matthew H Smelser – Manager, Power Dept.
Paul Rodriguez – Deputy Mgr. Power Dept.
Geoffrey Holbrook – General Counsel
Joanna Smith-Hoff – Deputy General Counsel
Laura Cervantes. – Supervisor, Real Estate
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.

150 SOUTH NINTH STREET
EL CENTRO, CA 92243-2850

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

AIR POLLUTION CONTROL DISTRICT

RECEIVED
By Imperial County Planning & Development Services at 3:02 pm, Jan 03, 2025

January 3, 2025

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

SUBJECT: General Plan Amendment 24-0003, Zone Change 24-0004, Conditional Use Permit 24-0012 – Apex Energy Solutions, LLC

Dear Mr. Minnick:

The Imperial County Air Pollution Control District (Air District) would like to thank you for the opportunity to review and comment on the General Plan Amendment (GPA) 24-0003, Zone Change (ZC) 24-0004, & Conditional Use Permit (CUP) 24-0012 (Project). The project proposes the construction and operation of a 90-megawatt (MW) solar photovoltaic (PV) facility, a 180-MW battery energy storage system (BESS), an on-site substation, and an interconnection line to the Titan 2 substation. The project is located at 1821 W Hwy 78, Ocotillo Wells and consists of eight existing parcels identified with Assessor's Parcel Numbers 018-170-058, -059, -060, -061, -062, -063, -64, & -65.

As you know, the Air District's established programs help to keep the quality of air in Imperial County from declining. The programs, Rules and Regulations of the Air District in conjunction with the California Environmental Quality Act (CEQA), the most current CEQA Air Quality Handbook for Imperial County (Handbook), and the Air District's State Implementation Plans (SIPs) for Ozone, $PM_{2.5}$ and PM_{10} work together to ensure that air quality improves or does not degrade. Currently, the non-attainment status of marginal for the 2015 ozone standard, moderate for $PM_{2.5}$ and the maintenance requirements for PM_{10} are the driving criteria in establishing the thresholds for NOx, ROG, PM_{10}, SOx and CO found in the Handbook. These thresholds and their significance are explained under Section 6 of the handbook and The Air District strongly recommends referencing the Handbook, as the Handbook has helpful information regarding emission thresholds and the development of an adequate air quality analysis.

When exploring the impacts of renewable projects, it is a common misconception that these types of projects are not a significant source of air pollution. While it is true that renewable projects that do not employ fuel-based combustion units as supplemental power are typically cleaner projects during their operational phases, in most cases construction and cumulative impacts have the potential to cause adverse air quality impacts. Specifically for solar field projects, PM10 and NOx emissions are the primary pollutants of concern during the construction and operational phases

of these types of renewable projects. Historical experience has demonstrated that shortened construction periods not previously analyzed during the CEQA process create a potential for elevated levels of NOx emissions, as well as elevated levels of PM10 during earthmoving activities.

In order to identify NO_x emissions created during the construction phase of the renewable project, a Construction Equipment List detailing the equipment type, make, model, year, horsepower, hours of daily operation, date arrived onsite, and date removed from site should be provided to the Air District in Excel format.[1] This is to ensure NO_x emissions during the construction period remain under the CEQA thresholds of significance. Should it be determined the project exceeded these emission thresholds it may become subject to Policy 5 requirements.

With regards to cumulative impacts, which occur during the operational phase of renewable projects, PM_{10} is of main concern and an Operational Dust Control Plan (ODCP) will be required for the project. The ODCP details how dust emissions will be controlled and maintained during the operational phase of the project.[2] An initial site visit is required to confirm the elements of any draft ODCP before it can be finalized. Please note that an ODCP is intended to provide pertinent information specific to the operation and for the reduction of fugitive dust emissions created by the ongoing operations at the facility.

Should the project operate combustion equipment such as emergency generators, an Air District permit may be required for the project. In the event of such equipment being operated for the project, the Air District requests the applicant submit a permit application for engineering review of the project, pay the applicable review fees, and coordinate with the Air District Engineering and Permitting Division directly to discuss the permitting requirements of the project.

The following is a synopsis of the information pertinent to the development of a Comprehensive Air Quality analysis. A thorough analysis should include a description, impacts and health consequences of all air quality and associated emissions. The analysis must be conducted using the Air Districts approved modeling factors.[3] The analysis should include short- and long-term emissions as well as daily and yearly emission calculations. Project alternatives should be included along with a thorough emissions analysis per alternative. A description of the Air District attainment status, State and Federal, is required as is describing any regulatory restrictions to the project.

Existing and proposed projects must have a cumulative impact analysis. For each sub-analysis and risk assessment mitigation measures should be identified, quantified for effectiveness, and incorporated into the environmental document (i.e. Environmental Impact Report EIR or Environmental Impact Statement EIS). All mitigation measures must follow District Rules and Regulations including the most current Handbook. Consultation with the most recent Clean Air Plans (SIPs), District Rules and Regulations and other Air District approved programs is strongly

[1] The Equipment List submittal will require a written commitment by the applicant to a submittal schedule agreed upon between the applicant and the Air District

[2] The ODCP needs to be approved prior to the issuance of the Certificate of Occupancy.

[3] The most current modeling tool recently adopted is CalEEMod.

recommended to achieve effective applicability of standards. When it becomes apparent that on-site mitigation is insufficient to reduce the impacts to insignificance then off-site mitigation should be discussed and appropriately applied.

Finally, in accordance with Assembly Bill 32 and the most recent amendments to the CEQA Guidelines, a discussion of the impacts from Green House Gas (GHG) emissions and its relation to Climate Change is required. Given the Air District has not currently developed its own GHG thresholds, using a threshold from an area similar in size, topography, climate, and population is preferred by the Air District. The Air District also recommends using the Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Heath and Equity (GHG Handbook) which was developed by the California Air Pollution Control Officer's Association (CAPCOA) to assist in creating an adequate GHG analysis.

Finally, the Air District requests a copy of the draft CUP prior to recording for review.

All Air District rules and regulations can be found for review on our website at https://apcd.imperialcounty.org/rules-and-regulations/, the Handbook can be accessed at https://apcd.imperialcounty.org/wp-content/uploads/2020/01/CEQAHandbk.pdf, and the GHG Handbook can be found at https://www.caleemod.com/handbook/index.html. Please contact our office at (442) 265-1800 to set up discussions for the project or if you have any further questions or concerns.

Respectfully,

Ismael Garcia
Environmental Coordinator

Monica N. Soucier
APC Division Manager

150 SOUTH NINTH STREET
EL CENTRO, CA 92243-2850

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

AIR POLLUTION CONTROL DISTRICT

RECEIVED
By Imperial County Planning & Development Services at 3:02 pm, Jan 03, 2025

January 3, 2025

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

SUBJECT: General Plan Amendment 24-0003, Zone Change 24-0004, Conditional Use Permit 24-0012 – Apex Energy Solutions, LLC

Dear Mr. Minnick:

The Imperial County Air Pollution Control District (Air District) would like to thank you for the opportunity to review and comment on the General Plan Amendment (GPA) 24-0003, Zone Change (ZC) 24-0004, & Conditional Use Permit (CUP) 24-0012 (Project). The project proposes the construction and operation of a 90-megawatt (MW) solar photovoltaic (PV) facility, a 180-MW battery energy storage system (BESS), an on-site substation, and an interconnection line to the Titan 2 substation. The project is located at 1821 W Hwy 78, Ocotillo Wells and consists of eight existing parcels identified with Assessor's Parcel Numbers 018-170-058, -059, -060, -061, -062, -063, -64, & -65.

As you know, the Air District's established programs help to keep the quality of air in Imperial County from declining. The programs, Rules and Regulations of the Air District in conjunction with the California Environmental Quality Act (CEQA), the most current CEQA Air Quality Handbook for Imperial County (Handbook), and the Air District's State Implementation Plans (SIPs) for Ozone, $PM_{2.5}$ and PM_{10} work together to ensure that air quality improves or does not degrade. Currently, the non-attainment status of marginal for the 2015 ozone standard, moderate for $PM_{2.5}$ and the maintenance requirements for PM_{10} are the driving criteria in establishing the thresholds for NOx, ROG, PM_{10}, SOx and CO found in the Handbook. These thresholds and their significance are explained under Section 6 of the handbook and The Air District strongly recommends referencing the Handbook, as the Handbook has helpful information regarding emission thresholds and the development of an adequate air quality analysis.

When exploring the impacts of renewable projects, it is a common misconception that these types of projects are not a significant source of air pollution. While it is true that renewable projects that do not employ fuel-based combustion units as supplemental power are typically cleaner projects during their operational phases, in most cases construction and cumulative impacts have the potential to cause adverse air quality impacts. Specifically for solar field projects, PM10 and NOx emissions are the primary pollutants of concern during the construction and operational phases

of these types of renewable projects. Historical experience has demonstrated that shortened construction periods not previously analyzed during the CEQA process create a potential for elevated levels of NOx emissions, as well as elevated levels of PM10 during earthmoving activities.

In order to identify NO_x emissions created during the construction phase of the renewable project, a Construction Equipment List detailing the equipment type, make, model, year, horsepower, hours of daily operation, date arrived onsite, and date removed from site should be provided to the Air District in Excel format.[1] This is to ensure NO_x emissions during the construction period remain under the CEQA thresholds of significance. Should it be determined the project exceeded these emission thresholds it may become subject to Policy 5 requirements.

With regards to cumulative impacts, which occur during the operational phase of renewable projects, PM_{10} is of main concern and an Operational Dust Control Plan (ODCP) will be required for the project. The ODCP details how dust emissions will be controlled and maintained during the operational phase of the project.[2] An initial site visit is required to confirm the elements of any draft ODCP before it can be finalized. Please note that an ODCP is intended to provide pertinent information specific to the operation and for the reduction of fugitive dust emissions created by the ongoing operations at the facility.

Should the project operate combustion equipment such as emergency generators, an Air District permit may be required for the project. In the event of such equipment being operated for the project, the Air District requests the applicant submit a permit application for engineering review of the project, pay the applicable review fees, and coordinate with the Air District Engineering and Permitting Division directly to discuss the permitting requirements of the project.

The following is a synopsis of the information pertinent to the development of a Comprehensive Air Quality analysis. A thorough analysis should include a description, impacts and health consequences of all air quality and associated emissions. The analysis must be conducted using the Air Districts approved modeling factors.[3] The analysis should include short- and long-term emissions as well as daily and yearly emission calculations. Project alternatives should be included along with a thorough emissions analysis per alternative. A description of the Air District attainment status, State and Federal, is required as is describing any regulatory restrictions to the project.

Existing and proposed projects must have a cumulative impact analysis. For each sub-analysis and risk assessment mitigation measures should be identified, quantified for effectiveness, and incorporated into the environmental document (i.e. Environmental Impact Report EIR or Environmental Impact Statement EIS). All mitigation measures must follow District Rules and Regulations including the most current Handbook. Consultation with the most recent Clean Air Plans (SIPs), District Rules and Regulations and other Air District approved programs is strongly

[1] The Equipment List submittal will require a written commitment by the applicant to a submittal schedule agreed upon between the applicant and the Air District

[2] The ODCP needs to be approved prior to the issuance of the Certificate of Occupancy.

[3] The most current modeling tool recently adopted is CalEEMod.

recommended to achieve effective applicability of standards. When it becomes apparent that on-site mitigation is insufficient to reduce the impacts to insignificance then off-site mitigation should be discussed and appropriately applied.

Finally, in accordance with Assembly Bill 32 and the most recent amendments to the CEQA Guidelines, a discussion of the impacts from Green House Gas (GHG) emissions and its relation to Climate Change is required. Given the Air District has not currently developed its own GHG thresholds, using a threshold from an area similar in size, topography, climate, and population is preferred by the Air District. The Air District also recommends using the Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Heath and Equity (GHG Handbook) which was developed by the California Air Pollution Control Officer's Association (CAPCOA) to assist in creating an adequate GHG analysis.

Finally, the Air District requests a copy of the draft CUP prior to recording for review.

All Air District rules and regulations can be found for review on our website at https://apcd.imperialcounty.org/rules-and-regulations/, the Handbook can be accessed at https://apcd.imperialcounty.org/wp-content/uploads/2020/01/CEQAHandbk.pdf, and the GHG Handbook can be found at https://www.caleemod.com/handbook/index.html. Please contact our office at (442) 265-1800 to set up discussions for the project or if you have any further questions or concerns.

Respectfully,

Ismael Garcia
Environmental Coordinator

Monica N. Soucier
APC Division Manager

ATTACHMENT I:
RESPONSES TO COMMENTS

Responses to Comments

Seville 4 Solar Project – SCH #2025070240

Initial Study #24-0020

General Plan Amendment #24-0003

Zone Change #24-0004

Conditional Use Permit #24-0012

Imperial County, CA

August 2025

Prepared for

County of Imperial
801 Main Street
El Centro, CA 92243

Prepared by

HDR
591 Camino de la Reina
Suite 300
San Diego, CA 92108

This page is intentionally blank.

Contents

Tables

This page is intentionally blank.

1 Introduction

Pursuant to CEQA Guidelines Section 15074(b), "Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process." This document provides the comments received during the public review process along with responses, that will be considered by the County of Imperial decision-making bodies when considering whether or not to approve the proposed Seville 4 Solar Project. The project involves the following discretionary approvals by the County:

- General Plan Amendment #24-0003
- Zone Change #24-0004
- Conditional Use Permit #24-0012
- Initial Study #24-0020

The proposed project is located on 325 acres and consists of: 1) 90-megawatt (MW) solar photovoltaic (PV) facility; 2) 180-MW battery energy storage system (BESS); 3) on-site substation; and 4) an interconnection line to the Titan II substation with ultimate delivery to Imperial Irrigation District's (IID) existing 92-kV "R" Line.

2 Comments and Responses to Comment Letters

This section contains responses to all comment letters received on the Draft Initial Study/Mitigated Negative Declaration (IS/MND). Four comment letters were received during the comment period, which began on July 7, 2025, and closed on August 11, 2025. 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 1.

Table 1. Seville 4 Solar Project Draft IS/MND Comment Letters

Letter	Commenter	Date
State Agency		
S1	California Department of Transportation	August 8, 2025
S2	California Department of Fish and Wildlife	August 11, 2025
Local Agency		
L1	Imperial County Air Pollution Control District	August 11, 2025
Organization		
O1	Defenders of Wildlife	August 11, 2025

This page is intentionally blank.

LETTER S1

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

California Department of Transportation

DISTRICT 11
4050 TAYLOR STREET, MS-240
SAN DIEGO, CA 92110
(619) 985-1587 | FAX (619) 688-4299 TTY 711
www.dot.ca.gov

August 8, 2025

11-IMP-78
PM 3.467
Seville 4 Solar Project
MND/SCH#2025070240

Mr. David Black
Planner IV
Imperial County
Planning and Development Services
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 Mitigated Negative Declaration (MND) on the Seville 4 Solar Plant near State Route 78 (SR-78) in Imperial County. 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. S1-1

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

We look forward to working with the Imperial County in areas where the County and Caltrans have joint jurisdiction to improve the transportation network and connections between various modes of travel, with the goal of improving the experience of those who use the transportation system.

LETTER S1

Traffic Engineering and Analysis
Please place construction access pads at the driveway entrance during construction to minimize sediment and gravel from being tracked onto SR-78. S1-2

Hydrology and Drainage Studies

- The proposed project features may significantly alter the Federal Emergency Management Agency (FEMA) defined Floodplain and associated water surface elevations through the project area and have potential adverse impacts to State Route 78 (SR-78) facilities. Caltrans requests that the Imperial County, acting as the Local FEMA Administrator, include Caltrans in reviews of all submittals to the Development Services Department regarding floodplain administration and allow for Caltrans to comment prior to the Conditional Letter of Map Revision (CLOMR) application or the Permit issue, to assure that Caltrans' assets are not adversely impacted by any change in the water surface elevation resulting from this project. S1-3

- Per 44 CFR §65.12, Caltrans requests that a formal notification be sent to Caltrans when the Imperial County approves the permit to alter the floodplain and/or when the Developer applies for the CLOMR and Letter of Map Revision (LOMR).

Caltrans provided the following comments in January 2025, and they have not yet been addressed.

- Please provide a pre- and post-development hydraulics and hydrology study. Show drainage configurations and patterns. S1-4
- Please provide drainage plans and details. Include detention basin details of inlets/outlet.
- Please provide a contour grading plan with legible callouts and minimal building data. Show drainage patterns.
- On all plans, show Caltrans' Right of Way (R/W).
- Early coordination with Caltrans is recommended.
- Caltrans generally does not allow development projects to impact hydraulics within the State's R/W. Any modification to the existing Caltrans drainage and/or increase in runoff to State facilities will not be allowed.

Environmental
Caltrans welcomes the opportunity to be a Responsible Agency under the California Environmental Quality Act (CEQA), as we have some discretionary authority of a portion of the project that is in Caltrans' R/W through the form of an encroachment permit process. Please indicate our status as a Responsible Agency for the Final Environmental Document. We look forward to the coordination of our efforts to ensure that Caltrans can adopt the alternative and/or mitigation measure for our R/W. We S1-5

LETTER S1

would appreciate meeting with you to discuss the elements of the Environmental Document that Caltrans will use for our subsequent environmental compliance. 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 approved final environmental documents for this project that include the work in Caltrans' R/W, corresponding technical studies, and necessary regulatory and resource agency permits. Specifically, CEQA determination or exemption. The supporting documents must address all environmental impacts within the Caltrans' R/W and address any impacts from avoidance and/or mitigation measures.

S1-5 cont'd

We recommend that this project specifically identifies and assesses potential impacts caused by the project or impacts from mitigation efforts that occur within Caltrans' R/W that includes impacts to the natural environment, infrastructure including but not limited to highways, roadways, structures, intelligent transportation systems elements, on-ramps and off-ramps, and appurtenant features including but not limited to fencing, lighting, signage, drainage, guardrail, slopes and landscaping. Caltrans is interested in any additional mitigation measures identified for the project's Final Document.

S1-6

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

S1-7

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

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

S1-8

LETTER S1

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

- require a Caltrans Encroachment Permit
- have completed the Caltrans Local Development Review (LDR) process
- have an approved environmental document

need to have documents submitted for Quality Management Assessment Process (QMAP) process via email to D11.QMAP.Permits@dot.ca.gov. Early coordination with Caltrans is strongly advised for all encroachment permits.

S1-8 cont'd

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

S1-9

Sincerely,

Kimberly D. Dodson

KIMBERLY D. DODSON, GISP
Branch Chief
Local Development Review

California Department of Transportation

August 8, 2025

S1-1 This comment is an introductory comment which summarizes the proposed project and Caltran's overall goal of safety and prioritization of projects that improve accessibility in underserved communities. This comment does not address the adequacy of the IS/MND. As such, no further response is necessary.

S1-2 Placement of construction access pads at the driveway entrance during construction, with the intent to minimize sediment and gravel potentially tracked to SR-78 has been added as a condition of approval of the Conditional Use Permit. This comment does not otherwise address the adequacy of the IS/MND. As such, no further response is necessary.

S1-3 The project site is located approximately ½ mile south of the SR-78, and no drainage is proposed to the north of the site that would affect the SR-78 right of way. No alteration of flood flows or impacts to Caltrans drainage facilities are proposed. However, as a condition of approval of the Conditional Use Permit, the Applicant is required to include Caltrans review and comment prior to the Conditional Letter of Map Revision (CLOMR) application (if applicable to the project) to confirm that Caltran's assets are not adversely impacted by any change in water surface elevation resulting from the proposed project.

S1-4 The project site is located approximately ½ mile south of SR-78 and would not impact any Caltrans facilities with respect to hydrology and drainage. The proposed project would not involve the construction of substantial impervious surfaces that would increase the rate of run-off. Construction activities would be localized to the project site boundary, and the surrounding pervious surface would remain similar to pre-project conditions. Water will continue to percolate through the ground, as a majority of the surfaces on the project site will remain pervious. In this context, the proposed project would not result in substantial increases in run-off. This is considered a less than significant impact.

S1-5 The County acknowledges Caltran's role as a Responsible Agency with respect to the proposed project should an encroachment permit be required. Item 10 on page 7 of the Final Initial Study has been revised to list Caltrans under "Other public agencies whose approval is required":

- California Department of Transportation – Encroachment Permit (if required)

S1-6 The project applicant will be responsible for coordinating with Caltrans and obtaining an encroachment permit for the proposed project (if required), including CEQA compliance and provision of final CEQA documentation and supporting technical studies to Caltrans. Impacts and corresponding mitigation measures associated with construction of the proposed project, including any improvements needed for site access that would require an encroachment permit, are addressed in the IS/MND, and the environmental findings and mitigation measures would apply.

S1-7 The County acknowledges Caltran's authority with respect to highways under Caltrans jurisdiction including that permits may be required for movement of certain vehicles or mobile equipment that are considered oversize/overweight vehicles. Compliance with applicable state agency permits, including that of oversize/overweight vehicles, is included

as a condition of approval of the Conditional Use Permit. This comment does not address the adequacy of the IS/MND. As such, no further response is necessary.

S1-8 This comment is noted regarding survey monuments. Please also refer to preceding response to comments S1-2 through S1-4 regarding Caltrans discretionary review and CEQA compliance.

S1-9 The County acknowledges and appreciates the contact information provided and will provide this information to the project applicant.

LETTER S2

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

August 11, 2025
Sent via email

David Black
Planner IV
Imperial County Planning & Development Services
801 Main Street
El Centro, CA, 92243
davidblack@co.imperial.ca.us

Dear Mr. Black:

Seville 4 Solar Project (Project)
MITIGATED NEGATIVE DECLARATION (MND)
SCH# 2025070240

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from Imperial County Planning & Development Services for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

S2-1

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

S2-2

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

S2-3

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

S2-4

Proponent: Apex Energy, LLC
Objective: The objective of the Project is to construct a 90 megawatt (MW) solar photovoltaic facility, construct a 180-MW battery energy storage system, construct an on-site substation, and develop an interconnection line to the Titan II substation with ultimate delivery to Imperial Irrigation District's existing 92-kV "R" Line. Primary Project activities include Site Preparation and Grading, Trenching and Interconnection Construction, Substation and Switching Station installation, and Solar Array Installation.

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

LETTER S2

Location: The project is located approximately 0.40 miles south of SR 78, approximately 7 miles east of the unincorporated community of Ocotillo Wells, and approximately 7 miles west of SR 86. The project site is approximately 14 miles west from the southern tip of the Salton Sea and 4 miles east of the Imperial County-San Diego County line.
Timeframe: July 2026 to December 2027

S2-4 cont'd

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Imperial County Planning & Development Services in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

S2-5

I. Environmental Setting and Related Impact Shortcoming

Would the Project substantially reduce the number or restrict the range of an endangered, rare or threatened species?

COMMENT 1:

Section IV, Biological Resources, Page 37

Issue: The Initial Study/Mitigated Negative Declaration does not analyze the Project's potential to reduce the number or range of State and Federally Endangered desert pupfish (*Cyprinodon macularis*), changes to the baseline water supplies of the Ocotillo-Clark Valley groundwater basin, or cumulative impacts to desert pupfish from the proposed Seville 4, 5 and related Seville 1-3 projects.

S2-6

Specific impact: Project-related groundwater drafting may result in reduced or unreliable water flows within San Felipe Wash resulting in a corresponding reduction in number of desert pupfish and extent of its range.

Why impact would occur: Desert pupfish is a California Endangered Species Act (CESA) and Federal Endangered Species Act (ESA) endangered species that has experienced significant population and habitat declines and threats. Throughout the desert pupfish's range, the loss of habitat associated with reduced water quantities received by streams and unreliable water supplies and prevalence of non-native species are a primary threat to its persistence. The U.S. Fish and Wildlife Service designated San Felipe Creek, its tributaries, and San Sebastian Marsh as the only Designated Critical Habitat for desert pupfish located approximately 2.5 miles downstream (southeast) of the Seville 4 and 5 Projects, and 2 miles northwest of the existing Seville 1, 2, and 3 (a.k.a., Titan III) projects. The San Sebastian Marsh is a 3-mile stretch of riparian habitat within a perennial section of San Felipe Creek, which itself is in a "trough" approximately 30-feet below the surrounding landscape. *In the summer of 2017, the main perennial surface water channel within the marsh went dry*[2] *triggering a CDFW-lead desert pupfish salvage effort to relocate 350 individuals.* At the time of the relocation effort, 200 desert pupfish mortalities had already occurred, and any remaining individuals are not expected to have survived.[3] The Bureau of Land Management (BLM) prepared an information/briefing memo (BLM Memo) investigating the summer of 2017 drying of San Felipe Creek, San Sebastion Marsh, and made monitoring and management recommendations to address future uncertainty[4].

[2] Poff, Borris, 2017. Bureau of Land Management, Southern Nevada District; Information/Briefing Memorandum for the California Desert District, El Centro Field Office—Desert Pupfish Management in San Sebatian Marsh.
[3] *Ibid.*
[4] *Ibid.*

LETTER S2

A total of three wells are proposed for construction and operation of the Seville 4 and 5 projects. The Seville 4 IS/MND[5] (p. 77) states that the "...project's water supply would be provided by groundwater from two private wells. An existing well located in the southeast corner of the project site would be used for construction needs. The second well, located in the northern portion of the project site, would be used for operation and maintenance purposes." The IS/MND estimates that the Project will require 112.5 acre-feet (af) of water for an 18-month construction period, and 7.5 acre-feet per year (AFY) for the duration of the 25-year operation and maintenance period. Similarly, the Water Supply Assessment (WSA; SWCA, 2025) for the Seville 5 project estimates that it will *also* require the same amount of water for construction and operations,[6] "[i]t was assumed for the purpose of this analysis that reasonably foreseeable water use within the vicinity of the proposed project would include the water demand associated with the project, which requires the same water demand as Seville [4]5[7]." Table 4 (Groundwater Availability Projections for the First 12 Months of Construction) and Table 5 (Groundwater Availability Projections for the Operations and Maintenance (Years 2.5-25)) of the WSA include ground water availability projections for potential multiple dry year events. The multiple dry year projections are limited to three-year periods, with some dry year projections resulting in a negative balance of -121 AFY. Within the last twenty five years, Imperial County has experienced four periods of drought conditions that meet or exceed the 3 year "dry-year balance" periods utilized by the WSAs including two, 3-year periods (2002-2005 and 2020-2023), one 4-year period of drought (2006-2010), and one, 7.5-year period of drought (2011-2019).[8] It is reasonable to infer that the region will experience periods of consecutive droughts that meet or exceed the 3-year drought modeling, and periods where the local water demands of the projects meet or exceed the local groundwater balance.

S2-6 cont'd

Reductions and/or fluctuations in groundwater within the Basin could substantially impact flows at San Felipe Creek and negatively impact desert pupfish, its range and designated critical habitat.

Evidence impact would be significant: San Felipe Creek is a groundwater-dependent ecosystem within the Ocotillo-Clark Valley Groundwater Basin as established in the Desert Valley Company Monofill Expansion Project, Cell 4 Environmental Impact Report[9]. San Felipe Creek and San Sabastian Marsh occur within the understudied and poorly monitored Ocotillo-Clark Valley Groundwater Basin (Basin). The Seville 4 WSA[10] cites Department of Water Resources data from 2004 indicating Basin recharge rates of 1,200 acre-feet per year (afy) for the Clark Valley portion of the Basin and1,100 afy for the Ocotillo Valley portion of the Basin, and a total groundwater storage capacity of the Ocotillo-Clark Valley as 6,250,000 af. The WSA further explains that within the vicinity of the Project, the Basin consists of a shallow, unconfined aquifer feeding San Felipe and Fish Creeks approximately 100-feet above the depth of (at least) a partially confined deep-water aquifer.[11] In an unconfined aquifer the pattern of drawdown during well water pumping is referred to as the cone of depression. The cone of depression intercepts water that would ordinarily flow past a well, through an aquifer toward a stream. The cone of depression created by the well can create "'...divides' or dividing lines that separate areas of groundwater that flow back and are captured by the well from areas that are not."[12] It is not well documented what depths each of the three wells associated with the Seville 4 and 5 projects will be,

S2-7

[5] Imperial County Planning & Development Services, 2025. Draft Initial Study, Seville 4 Solar project. Initial Study #24-0020.
[6] SWCA Environmental Consultants, 2025. Water Supply Assessment for the Seville 4 Solar Project, Imperial County, California. P.11
[7] SWCA Environmental Consultants, 2025. Water Supply Assessment for the Seville 5 Solar Project, Imperial County, California. P.13
[8] University of Nebraska-Lincoln, 2025. University of Nebraska-Lincoln. U.S. Drought Monitor [web application]. University of Nebraska-Lincoln National Drought Mitigation Center, Lincoln NE. Available: https://droughtmonitor.unl.edu/DmData/TimeSeries.aspx Accessed August 1, 2025.
[9] Imperial County Planning and Development Services, 2021. Desert Valley Company Monofill Expansion Project, Cell 4 Environmental Impact Report
[10] SWCA Environmental Consultants, 2025. Water Supply Assessment for the Seville 4 Solar Project, Imperial County, California. P.8
[11] *Ibid.*
[12] H. Simpson, P. Geo., and J. Myslik, P., 2021. OMAFRA Engineering Fact Sheet #21-013 AGDEX 716/552.

LETTER S2

or what the potential near or long-term effects will be associated with use of groundwater production of the partially confined deep-water aquifer or how it may influence the shallow water aquifer.

The 2017 BLM Memo documented the September 2017 drying of San Sebastian Marsh, a portion of San Felipe Creek, exploring potential and likely causes of the changed hydrologic conditions. The BLM Memo establishes that this area is underlain with many geologic fault lines, including the Coyote Creek Fault (see also California Department of Water Resources, Bulletin 118)[13] and theorized that a potential cause of the changed hydrology could be connected to one of several seismic activities (e.g., a 5.2 magnitude earthquake near Borrego Springs in the summer of 2016 and its proceeding aftershocks, and/or two 4.1 and 4.0 magnitude earthquakes near the border of Mexico, in March 2017). Conversely, the BLM Memo also explores the "unlikely" drop in water levels associated with groundwater pumping citing "...the location of the closest notable well fields/pumping locations...are located 20 miles to the north-northwest of the Marsh and about 700 feet higher in elevation."[14] It is unclear if, at that time, the author of the BLM Memo would have had knowledge of the construction, and operation and maintenance water demands of Seville 1-3 (approximately 2 miles northwest of San Felipe Creek). The BLM Memo further suggests "i[l]f a known well is suspected to have caused the water level drop, a pump/aquifer test could either confirm or eliminate such suspicion.[15]" The Ocotillo-Clark Valley groundwater basin is poorly studied and monitored basin. The WSA references Department of Water Resources data regarding the Basin's capacity and recharge rates from 2004[16], predating the 2017 San Sebastian Marsh dry out event. Regardless of the cause, the drying of San Felipe Creek and San Sebastian Marsh indicate clear changes in baseline conditions of the Ocotillo Clark-Valley Groundwater subbasin from the 2004 DWR data, whether that change is attributed to seismic activity, groundwater overdraft, or other causes. These changes have altered the environmental baseline of the Seville 4 and 5 projects— significantly impacting the endangered desert pupfish, and its range. Further disruptions to water sources for San Felipe Creek may jeopardize the local desert pupfish population.

S2-7 cont'd

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Environmental Setting and Related Impact Shortcoming): CDFW recommends that the enforceable mitigation measures below are adopted to address the following: 1) installation of groundwater monitoring wells to address the uncertainty of the environmental baseline of the headwaters of San Felipe Creek; 2) installation of groundwater monitoring wells to actively monitor the Project's (newly proposed Seville 4 and 5, and existing Seville 1-3) potential to impact water availability for San Felipe Creek and desert pupfish during construction and operation and maintenance periods; 3) Develop a CDFW-approved groundwater monitoring plan to monitor local groundwater levels in relation to Project activities, establish thresholds for contingent actions, and identify contingency actions to avoid detrimental impacts to desert pupfish; 4) prohibit the use of chemicals for washing solar panels and other infrastructure, dust suppression, and other ancillary Project uses without prior CDFW and County approval; and 5) provide groundwater recharge basins to capture stormwater flows and ancillary water uses (e.g. panel washing) to maximize water infiltration into the shallow groundwater aquifer and San Felipe Creek.

S2-8

Mitigation Measure BIO-27:

To reduce impacts to less than significant: Prior to grading, grubbing or other ground disturbing activities, the project proponent shall install one shallow-groundwater monitoring well at a CDFW and County-approved location and design within Assessor's

[13] California Department of Water Resources, 2004. Hydrologic Region Colorado River Ocotillo-Clark Valley Groundwater Basin, California's Groundwater, Bulletin 118.
[14] Poff, Borris, 2017. Bureau of Land Management, Southern Nevada District; Information/Briefing Memorandum for the California Desert District, El Centro Field Office—Desert Pupfish Management in San Sebatian Marsh.
[15] *Ibid.*
[16] SWCA Environmental Consultants, 2025. Water Supply Assessment for the Seville 4 Solar Project, Imperial County, California P.5

LETTER S2

Parcel Number 018-170-067-000 or similarly situated location within the San Felipe Creek, OR the Project proponent shall install two shallow-groundwater monitoring wells, one at a CDFW and County-approved location and design within the footprint of Seville 4, and one groundwater monitoring well at a CDFW and County-approved location and design within the footprint of Seville 5.

Mitigation Measure BIO-28: 30 days prior to the installation of the shallow-groundwater monitoring well, the Project proponent shall obtain CDFW and County approval of a final groundwater management plan (Groundwater Plan). The Plan shall demonstrate necessary funding to endow a third-party to maintain the well(s), monitor, collect and record groundwater level data, analyze and report the data to CDFW and the County at a meaningful interval or triggering event(s) identified in the CDFW and County-approved Groundwater Plan. The Groundwater Plan shall identify specific and quantifiable thresholds for implementing a suite of adaptive management strategies. The Groundwater Plan shall include the immediate discontinuation of temporary and permanent groundwater pumping, and identify alternative sources of water as viable adaptive management strategies. The Groundwater Plan shall require written notification to CDFW and the County upon commencement of well pumping in excess of 500 gallons per day. The date and quantity of all water use shall be logged daily during construction and decommissioning, and monthly during operations and maintenance. The Groundwater Plan shall be reviewed every five years and revised with mutual agreement from CDFW and the County.

S2-8 cont'd

Mitigation Measure BIO-29: No chemicals shall be used for dust suppression, panel washing, or ancillary uses with the prior written approval of CDFW and the County.

Mitigation Measure BIO-30: Water infiltration basins of sufficient size and location(s) will be utilized to maximize groundwater percolation of clean water, free of chemicals deleterious to fish and amphibians.

COMMENT 2:

Section IV. Biological Resources, Page 47

Issue: CDFW is concerned that the MND has not accurately described or fully established the biological resources present onsite, limiting the CEQA Lead Agency's and CDFW's ability to analyze the Project's potential impacts, avoidance, and/or mitigation measures on candidate, sensitive, or special status species. The MND relies on general field reconnaissance surveys of the Project area that were conducted on May 1st through May 5th and May 8th through May 9th, 2023 with an emphasis on documenting the biological conditions to support special status plant species, habitats, and wildlife.

S2-9

Specific impact: The Project's Biological Resources Technical Report includes a reconnaissance survey to identify potential habitat for special status plants which was performed twice, over a 7-day period, during drought conditions. As noted in the MND, only one of the three special status plant species with a high potential to occur within the Project site (per the MND) has a late spring blooming period consistent with the timing of the reconnaissance survey. The reconnaissance survey was performed during an inappropriate time of year for the other two species and did not follow the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*[17]. Without protocol surveys, potential Project impacts to candidate, sensitive, or special status species may be mischaracterized, resulting in avoidable, unminimized, or unmitigated impacts not analyzed by the MND.

Why impact would occur: The MND and accompanying Biological Technical Resources Report for the Project does not have sufficient information as to whether there's suitable habitat and potential impacts to Abrams' spurge (*Euphorbia abramsiana*), Ribbed cryptantha (*Johnstonella costata*), and Thurber's pilostyles

[17] Department of Fish and Wildlife, 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities.

LETTER S2

(*Pilostyles thurberi*). A reconnaissance survey is too general in nature to accurately characterize the biological baseline conditions on which the MND must base its analysis concerning potentially significant impacts. Focused botanical surveys were not performed, rather the MND relies on a general reconnaissance habitat assessment. The Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities[17] state botanical field surveys need to be conducted when plants will be both evident and identifiable, with the timing and number of visits considered to determine presence of special status species and floristic diversity. Multiple surveys during the season may be warranted to capture floristic diversity[17]. Habitats, such as desert plant communities that have annual and short-lived perennial plants as major floristic components, may require yearly surveys to accurately document baseline conditions for purposes of impact assessment[17]. Focused surveys limited to certain habitats and species "are not considered floristic in nature and are not adequate to identify all plants in a project area to the level necessary to determine if they are special status plants"[17]. S2-9 cont'd

Evidence impact would be significant: Sensitive plant species listed under the CESA as threatened, or endangered, or proposed candidates for listing; designated as rare under the Native Plant Protection Act; meet the definition of rare, threatened, or endangered species under CEQA. Plants constituting California Rare Plant Ranks 1A, 1B, 2A, and 2B generally meet the criteria of a CESA-listed species and should be considered as an endangered, rare or threatened species for the purposes of CEQA analysis. Take of any CESA-listed species is prohibited except as authorized by state law (Fish and Game Code, §§ 2080 & 2085). Fish and Game Code Sections 1900–1913 includes provisions that prohibit the take of endangered and rare plants from the wild and a salvage requirement for landowners. S2-10

CDFW is concerned that the assessment of the existing environmental setting with respect to biological resources, particularly sensitive plant species has not been adequately analyzed in the MND. CDFW is concerned that without a complete and accurate description of the existing environmental setting, the MND likely provides an incomplete or inaccurate analysis of Project-related environmental impacts and whether those impacts have been mitigated to a level that is less than significant. Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a Project is critical to the assessment of environmental impacts, that special emphasis should be placed on environmental resources that are rare or unique to the region, and that significant environmental impacts of the proposed Project are adequately investigated and discussed. Absent a thorough species impact analysis and mitigation strategy, it is unclear whether the Project's impacts can be adequately identified, disclosed, or mitigated. CDFW recommends the MND be revised and circulated to provide this information. However, if Imperial County chooses not to collect and disseminate this information, then the mitigation measure should be updated, as provided below, to address a scenario in which the site is determined to be occupied.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Environmental Setting and Related Impact Shortcoming)

To reduce impacts to less than significant: CDFW recommends botanical field surveys following the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*[17] be conducted by qualified personnel prior to the start of construction. One botanical field survey may be insufficient to detect plants that are not evident and identifiable every year, therefore CDFW recommends multiple surveys. Appropriate surveys will identify the species present to allow development of effective mitigation measures. If surveys for Special Status Plant species find that the project area is occupied, the Project shall mitigate the permanent loss of habitat with the ratio of acquisition to loss at a minimum of 1:1. The ratio shall be higher for occupied and irreplaceable habitats. Permanent protection of mitigation land shall be established through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission, and include development and implementation of a mitigation land management plan to S2-11

LETTER S2

address long-term ecological sustainability and maintenance of the site for sensitive plant species, and funding for the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment. S2-11 cont'd

II. Mitigation Measure or Alternative and Related Impact Shortcoming

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

COMMENT 3:

Section IV. Biological Resources, Page 49

Issue: Mitigation measure BIO-3 as written does not explicitly permit the Project Biologist to have the authority to halt Project activities if special status species are located on site. S2-12

Specific impact: Potential, avoidable take of special status species and loss of habitat.

Why impact would occur: Project implementation could result in direct mortality and/or injury to special status species through staging of construction equipment, vehicles, and foot traffic and in the loss of nesting and/or foraging habitat from grading, ground disturbance, and vegetation clearing.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Mitigation Measure or Alternative and Related Impact Shortcoming)
CDFW supports the inclusion of MM BIO-3 with minor revisions in the final MND, as per below to avoid impacts to special status species (additions are in **bold**):

Mitigation Measure BIO-3:

Project Biologist. The project proponent shall designate a project Biologist**, approved by CDFW,** who 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 have experience performing all necessary surveys and monitoring for biological resources present on site. The project Biologist shall also maintain communications with the Contractor to ensure that issues relating to biological resources are appropriately and lawfully managed and shall monitor construction. The project Biologist shall monitor all ground disturbing activities within construction areas, including activities during nesting bird season (generally February 1 to September 15), such as vegetation removal, the implementation of Best Management Practices (BMPs), and installation of security fencing to protect native species. **The Project Biologist shall have the authority to halt all work if special status species are found on site during Project activities.** The project Biologist shall ensure that all wildlife and regulatory agency permit requirements, conservation measures, and general avoidance and minimization measures are properly implemented and followed.

COMMENT 4:

Section IV. Biological Resources, Page 50 S2-13

Issue: The MND does not fully analyze the project's potential to impact or otherwise result in take of burrowing owl (*Athene cunicularia hypugaea*). CDFW recommends that the MND analyze the Project's potential to impact burrowing owl by following the recommendations and guidelines provided in the *Staff Report on Burrowing Owl*

LETTER S2

Mitigation[18], available for download from CDFW's website: Survey and Monitoring Protocols and Guidelines (ca.gov). Although the Biological Technical Report indicates that a protocol burrowing owl survey was conducted and suitable habitat was identified within the project area,[19] the MND should include burrow mapping and analyze the project's potential to impact burrowing owl by including the results of the focused surveys conducted in accordance with CDFW's 2012 Staff Report on Burrowing Owl Mitigation.

On October 10, 2024, the California Fish and Game Commission accepted a petition to list Western Burrowing Owl as endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. The Project may have a significant impact on burrowing owl and burrowing owl habitat. Due to western burrowing owl being currently reviewed as a CESA candidate species, CDFW is providing additional recommendations for mitigation of this species. More specific mitigation for western burrowing owl is provided below in mitigation measure BIO-6.

S2-13 cont'd

Specific impact: Project construction and activities may result in injury or mortality of burrowing owl, disrupt natural burrowing owl breeding behavior, and reduce reproductive capacity. Also, the Project may impact breeding, wintering, and foraging habitat for the species. Habitat loss could result in local extirpation of the species and contribute to local, regional, and statewide declines of burrowing owl. The current MND did not note or analyze the presence of fossorial mammal burrows originally identified within the Project site by the *Seville Burrowing Owl Report* dated November 4, 2013 prepared by Helix Environmental Planning. The potential for the collapsing of burrows, entombment, displacement, direct take associated with vehicle and equipment strike, indirect take associated with Project operations such as attracting predators, reduction of habitat and habitat quality could occur. The Project, as described, will potentially cause permanent and temporary impacts to western burrowing owl foraging and nesting habitat.

Why impact would occur: Burrowing owls have a high potential to move into disturbed areas since they are adapted to highly modified habitats[20][21]. Impacts to burrowing owls from the Project could include take of burrowing owls, their nest, or eggs, or destroying nest, foraging, or over-wintering habitat, thus impacting burrowing owl populations. Impacts can result from grading, earthmoving, burrow blockage, heavy equipment compaction and crushing of burrows, general Project disturbance that has the potential to stress owls at occupied burrows, and other activities.

Evidence impact would be significant: The current MND and the 2013 *Seville Burrowing Owl Report* identified suitable burrowing owl habitat within and adjacent to the proposed Project associated with the current CEQA action. Burrowing owl is a candidate species for CESA-listing, which gives the species protection under CESA during its candidacy period. Take of any CESA-listed species or candidate is prohibited except as authorized by state law (Fish and Game Code §§ 2080 & 2085). Take of individual burrowing owls and their nest is also defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5, and 3513. Take is defined in Fish and Game Code section 86 as "hunt, pursue, catch, capture, or kill, or the attempt to hunt, pursue, catch, capture, or kill." During the recent Fish and Game Commission meeting to petition to list, it was stated that take of owls is often delayed by eviction or relocation due to strong site fidelity, resulting in reluctance to leave the site[22].

S2-14

[18] Department of Fish and Game, 2012. "Staff Report on Burrowing Owl Mitigation."
[19] SWCA, 2025. Biological Resources Technical Report for the Seville 4 Solar Energy Project, Imperial County, California.
[20] Chipman, Erica D., *et al.* 2008. "Effects of human land use on western Burrowing Owl foraging and activity budgets." Journal of Raptor Research 42.2: 87-98.
[21] Coulombe, Harry N. 1971. "Behavior and population ecology of the burrowing owl, *Speotyto cunicularia*, in the Imperial Valley of California." The Condor 73.2: 162-176.
Department of Fish and Game, 2012. "Staff Report on Burrowing Owl Mitigation."
[22] Center for Biological Diversity *et al.*, 2024. "To List California Population of the Western Burrowing Owl (Athene cunicularia hypugaea) as Endangered or Threatened Under the California Endangered Species Act."

LETTER S2

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Mitigation Measure or Alternative and Related Impact Shortcoming) CDFW appreciates that the MND provides a measure to minimize the Project's impacts to burrowing owl. CDFW offers the following revisions to mitigation measure BIO-6 (edits are in strikethrough and bold) for inclusion in the MND

Mitigation Measure BIO-6:
Burrowing Owl Avoidance and Minimization, and Mitigation. Four breeding season surveys for burrowing owl shall be completed prior to project construction by a qualified avian biologist. Surveys shall be conducted as detailed within Appendix D of the Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game [CDFG] 2012). This survey shall include 100 percent coverage of the project site. A report summarizing the breeding season surveys including all requirement for survey reports shall be submitted to CDFW for review and approval. ~~If burrowing owl or sign thereof is not detected, no further action is necessary.~~

S2-15

~~If burrowing owl, active burrowing owl burrows, or sign thereof are found, the qualified avian biologist shall prepare and implement a plan for avoidance, minimization, and mitigation measures to be reviewed and approved by CDFW prior to commencing project activities. The plan shall propose mitigation for permanent impacts to nesting, loss of foraging habitat, occupied and satellite burrows and/or burrowing owl habitat such that the habitat acreage, number of burrows and burrowing owls impacted are replaced with permanent conservation of similar vegetation communities to provide for burrowing owl nesting, foraging, wintering, and dispersal comparable to or better than that of the impact area. The mitigation land shall be sufficiently large acreage with presence of fossorial mammals. The mitigation lands may require habitat enhancements including enhancement or expansion of burrows for breeding, shelter, and dispersal opportunity, and remove or control of population stressors. Permanent protection of mitigation land shall be through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission. The project proponent shall develop and implement a mitigation land management plan to address long-term ecological sustainability and maintenance of the site for burrowing owls, and funding for the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment. If deemed appropriate by CDFW, conservation species credits may also be purchased at a CDFW approved conservation bank~~

~~To ensure that the project avoids impacts to burrowing owl, a qualified avian biologist shall complete a take avoidance survey no less than 14 days prior to initiating ground disturbing activities using the recommended methods described in the Staff Report on Burrowing Owl Mitigation (CDFG, 2012). Burrowing owls may recolonize a site after only a few days. Time lapses between project activities trigger subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance. is identified during the non-breeding season (September 1 through January 31), then a 50 meter buffer will be established by the biological monitor. Construction within the buffer will be avoided until a qualified biologist determines that burrowing owl is no longer present or until a CDFW approved exclusion plan has been implemented. The buffer distance may be reduced if noise attenuation buffers such as hay bales are placed between the occupied burrow and construction activities.~~

~~If burrowing owl is identified during the breeding season (February 1 through August 31), then an appropriate buffer will be established by the biological monitor in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012). Construction within the buffer will be avoided until a qualified biologist determines that burrowing owl is no longer present or until young have fledged. The buffer distance may be reduced in consultation with CDFW if noise attenuation buffers such as hay bales are placed between the occupied burrow and construction activities.~~

LETTER S2

If complete avoidance cannot be achieved, an Incidental Take Permit (ITP) for burrowing owl shall be obtained prior to initiation of ground disturbing activities. The Project proponent shall adhere to measures and conditions set forth within the ITP. Compensatory mitigation for direct impacts shall be fulfilled through conservation of suitable burrowing owl habitat. Permanent protection of mitigation land shall be established through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission, and include development and implementation of a mitigation land management plan to address long-term ecological sustainability and maintenance of the site for burrowing owls, and funding for the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment.

S2-15 cont'd

BIO-6.1: If present, the Project proponent shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval at least 30 days prior to initiation of ground disturbing activities. The Burrowing Owl Plan shall include 1) provide details with the number and location of occupied burrow sites, and acres of burrowing owl habitat; 2) if avoidance of impacts is proposed, details on avoidance actions and monitoring such as proposed buffers, visual barriers and other actions; 3) site monitoring to be conducted prior to, during, and after any ground disturbance sufficient to ensure take is avoided, daily monitoring with cameras and direct observation. 4) Information shall be provided regarding adjacent or nearby suitable habitat available to owls. The Project proponent shall implement the Burrowing Owl Plan following CDFW review and approval.

BIO-6.2: Burrowing Owl Avoidance. If burrowing owls are detected on-site, a Designated Biologist, knowledgeable of burrowing owl habitat and behavior, shall establish a no-disturbance buffer following the 2012 Staff Report around all burrowing owl burrows such as roosting and satellite burrows within the Project area and an appropriate buffer determined by the Designated Biologist, with posted signs demarking the area to avoid, using stakes, flags, and/or rope or cord to minimize the disturbance of burrowing owl habitat. The Designated Biologist shall delineate burrows with different materials than those used to delineate the Project area. Project proponent shall remove and properly dispose of all materials used for delineation immediately upon completion of the Project.

BIO-6.3: To ensure that the Project avoids impacts to burrowing owl, a qualified biologist shall complete a take avoidance survey no less than 14 days prior to initiating ground disturbance activities using the recommended methods described in the 2012 Staff Report. Burrowing owls may re-colonize a site after only a few days. Time lapses or a break in construction activities of 3 days will trigger subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance.

BIO-6.4: During take avoidance surveys, the Project proponent shall have a Designated Biologist(s), pre-approved by CDFW, inspect all burrows that exhibit typical characteristics of owl activity prior to any site-preparation activities. Evidence of owl activity may include presence of owls themselves, burrows, and owl sign at burrow entrances such as pellets, whitewash or other "ornamentation," feathers, prey remains, etc. If it is evident that the burrows are actively being used, the Project proponent shall follow the guidelines in the CDFW approved Burrowing Owl Plan. If no Plan has been approved, the Project proponent shall not commence activities until owls have been confirmed absent, as determined in consultation with CDFW, and the burrows are no longer in use by adult or juvenile owls or until a Burrowing Owl Plan has been submitted and approved.

COMMENT 5:

S2-16

Section IV. Biological Resources, Page 51

LETTER S2

Issue: The Project will result in the loss of flat-tailed horned lizard habitat, and likely result in take of individuals. Flat-tailed horned lizard mitigation should be consistent with the *Flat-tailed Horned Lizard Rangewide Management Strategy*.

S2-16 cont'd

Specific impact: Mitigation measure BIO-7 does not identify mitigation consistent with the *Flat-tailed Horned Lizard Rangewide Management Strategy*. Without following the guidelines within the *Flat-tailed Horned Lizard Rangewide Management Strategy*, flat-tailed horned lizards may endure significant impacts to individuals and their habitat[23].

Why impact would occur: Project activities have the potential to significantly impact flat-tailed horned lizards via habitat destruction, direct mortality, and loss of foraging habitat.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Mitigation Measure or Alternative and Related Impact Shortcoming)
CDFW supports the inclusion of MM BIO-7 with minor revisions in the final MND, as per below to avoid impacts to special status species (edits are in ~~strikethrough~~ and additions are in **bold**):

Mitigation Measure BIO-7:

Flat-Tailed Horned Lizard. **Following standard mitigation measures listed in the *Flat-tailed Horned Lizard Rangewide Management Strategy,*** ~~A~~**a** qualified biologist shall conduct a preconstruction survey for flat-tailed horned lizard within seven days before the start of ground disturbing construction activities. The pre-construction survey will cover all suitable areas on site and focus on areas with suitable habitat for the species and where individuals were previously found. The preconstruction survey may be conducted in phases based on the construction schedule as ground-disturbing activities may occur during different phases of construction. Individual flat-tailed horned lizards found will be relocated to suitable habitat at least 200 feet from impact areas, roads, and laydown or staging areas. Translocation may only be conducted by a **qualified** biologist who holds a current CDFW Scientific Collection Permit that authorizes handling of this species.

S2-17

The project work areas will be clearly flagged or marked at the outer boundaries to define the limit of work activities. All work activities will be restricted to the flagged areas to avoid impacts to flat-tailed horned lizard and their habitat.

A qualified biological monitor**, approved by CDFW,** shall be present during ground-disturbing activities. The biological monitor will examine areas of active surface disturbance periodically (at least hourly when surface temperatures exceed 85°F) for the presence of flat-tailed horned lizards. In addition, open trenches, holes, or other excavated areas will be examined at least twice per day, and immediately prior to backfilling. If avoidance is not feasible or a flat-tailed horned lizard becomes trapped within the work area, the biological monitor, who will hold a Scientific Collecting Permit for this species, may capture the lizard by hand and relocate it ~~to suitable habitat~~ outside of the impact area **in the shade of a large shrub a short distance from the construction zone and in the direction of undisturbed habitat when surface temperatures range from 90° F and 104° F. If surface temperatures in the sun are less than 86° F or exceed 122° F, the qualified biological monitor shall hold the flat-tailed horned lizard in an appropriate clean, dry container (cloth bag or empty cooler) for later release when surface temperatures are in the acceptable range.** Dead or injured flat-tailed horned lizards will be reported to CDFW and the Imperial County Planning & Development Services Department.

COMMENT 6: S2-18

[23] Foreman, L. D. (Ed.) 1997. Flat-tailed Horned Lizard Rangewide Management Strategy. Report of interagency working group. 61pp. plus appendices.

LETTER S2

Section IV. Biological Resources, Page 51

Issue: As written, mitigation measure BIO-8 is not sufficient to mitigate impacts to desert kit fox. CDFW recommends additional mitigation be included in a revision of mitigation measure BIO-8. S2-18 cont'd

Specific impact: Project activities may result in degradation and permanent loss of desert kit fox habitat and may also result in direct mortality and/or injury to desert kit fox onsite.

Desert kit fox is protected as a fur-bearing mammal under title 14 of the California Code of Regulations (Chap. 5, §460) and may not be taken at any time. Because desert kit fox exhibits high fidelity to natal dens, it is crucial to adequately assess whether desert kit fox is present on the Project site well in advance of commencing Project activities. If desert kit fox is found on-site during breeding season, it could delay Project activities until appropriate buffers can be established on the Project site.

Why impact would occur: The staging of construction equipment, vehicles, and foot traffic may result in the collapse of occupied burrows and result in direct mortality and/or injury. Project-related vehicular activities may result in direct mortality or injury associated with collisions. Project construction may result in increased predator presence and depredation of desert kit fox.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Mitigation Measure or Alternative and Related Impact Shortcoming)
CDFW supports the inclusion of MM BIO-8 with minor revisions in the final MND, as per below to avoid impacts to special status species (edits are in ~~strikethrough~~ and additions are in **bold**): S2-19

Mitigation Measure BIO-8:

Desert Kit Fox and American Badger: Prior to the beginning of surface disturbance, the project Biologist shall conduct a pre-project 10-meter transect survey (or reduced based on topography and vegetation), to attain 100% visual coverage within the project area and a minimum 200-meter buffer to determine the presence or absence of desert kit fox and/or American badger individuals, dens, and sign. If potential dens are located, they shall be monitored by the project Biologist. Trail cameras may be used to assist with observation but shall not be the sole basis upon which the status is determined. **All desert kit fox dens identified as potentially active or active within the Project footprint (solar site and transmission line work sites) will be monitored for a minimum of 3 consecutive nights. Surveys shall monitor for tracks in loose dirt at den entrances or using a tracking medium (e.g., diatomaceous earth) and infra-red cameras at the den entrance(s). Using both methods (monitoring tracks and cameras) will help to ascertain whether desert kit fox in photos are actively using den sites.** The project proponent shall provide the results of the survey to CDFW prior to start of project activities. The project proponent shall provide a determination if active dens can be avoided and buffered from project activities to prevent take and disturbance with the survey results. Should active dens be present within the project area that cannot be avoided with an adequate buffer, the project proponent shall reschedule project activities or submit a monitoring and passive relocation plan for CDFW's review and approval. No disturbance or passive relocation of active dens may take place during the breeding season or when juveniles are dependent on parental care. **Burrows that have been confirmed inactive within the Project site, that are not being excavated and filled, will be blocked with rocks and sticks to discourage use during Project activities and removed when construction is complete. The Project Biologist shall periodically check that the inactive burrows remain blocked and are not reoccupied**

COMMENT 7: S2-20

Section IV. Biological Resources, Page 55

LETTER S2

Issue: As written, Mitigation measure BIO-25 will not account for all resources potentially impacted pursuant to Fish and Game Code 1600.

Specific impact: If Project activities will impact resources pursuant to Fish and Game Code 1600 et seq., the Project proponent will need to notify for a Lake or Streambed Alteration Agreement (LSA), and if deemed necessary by CDFW, be issued a Streambed Alteration Agreement and avoid, minimize, and mitigate the impacts to the Fish and Game Code 1600 resources. S2-20 cont'd

Why impact would occur: Mitigation measure BIO-25 only specifies a small portion of what needs to be covered in an LSA Agreement in order to adhere to what is required in Fish and Game Code 1600.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Mitigation Measure or Alternative and Related Impact Shortcoming)
CDFW supports the inclusion of MM BIO-25 with minor revisions in the final MND, as per below to avoid impacts to special status species (edits are in ~~strikethrough~~ and additions are in **bold**):

Mitigation Measure BIO-25:

Aquatic Resources Regulatory Permitting: ~~If~~ **pProject**-related impacts that will occur ~~to the riparian areas or areas~~ **in any resource** subject to Fish and Game Code section 1602 shall be mitigated at a minimum of 2:1 ratio (two acres of mitigation for every impact to one acre of resource). The project proponent shall obtain all necessary regulatory permits for resources that may also fall under the jurisdiction of the USACE, CDFW, and/or RWQCB, a regulatory permit with those agencies is needed prior to the impact occurring. Refer to the Aquatic Resource Delineation Report for the Aquatic Resources Delineation Report for the Seville 4 Solar Project (Appendix D of this Initial Study) for preliminary determination of regulatory limits that of areas that may be regulated by USACE, CDFW, or RWQCB. Permitting includes preparation and submittal of a Pre-Construction Notification under Section 404 of the federal CWA, an Application for Water Quality Certification under Section 401 of the federal CWA and a notification of Lake or Streambed Alteration under Section 1600 of the California Fish and Game Code. A completed CEQA document, and Notice of Determination, will be necessary to submit along with the applications. Other items such as finalized project plans, quantities of fill material, supporting technical studies, etc., are also submitted along with the applications. As a part of this process, the project must also identify and approve mitigation through the respective agencies. S2-21

Mitigation shall include: onsite or offsite options or land acquisition that is conserved and managed in perpetuity for the resource; could include, payment of an in-lieu fee to a conservation organization; and/or types of mitigation can include restoration, creation, rehabilitation, enhancement, or other types of habitat improvement. Typically, the type of mitigation and final acreage of mitigation is negotiated shall be approved by with the regulatory agencies during the permitting process.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals. S2-22

ENVIRONMENTAL DOCUMENT FILING FEES S2-23

LETTER S2

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.) S2-23 cont'd

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist Imperial County Planning & Development Services in identifying and mitigating Project impacts on biological resources. S2-24

Questions regarding this letter or further coordination should be directed to Austin Gutierrez, Environmental Scientist at (909) 544-2525 or Austin.Gutierrez@Wildlife.ca.gov.

Sincerely,

DocuSigned by:
Magdalena Rodriguez
[illegible]

Brandy Wood
Environmental Program Manager

Attachments

Attachment A: Draft Mitigation Monitoring and Reporting Program

ec: Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@lci.ca.gov

Sharyn Hidalgo, Project Manager, HDR Inc.
sharyn.hidalgo@hdrinc.com

Charles Land, CDFW Salton Sea Program
charles.land@wildlife.ca.gov

LETTER S2 ATTACHMENT

Attachment A

Draft Mitigation Monitoring and Reporting Program and Draft Recommendations

Draft Mitigation Monitoring and Reporting Program (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Biological Resources (BIO)		
Mitigation Measure (MM) Description	**Implementation Schedule**	**Responsible Party**
Mitigation Measure BIO-3: Project Biologist. The project proponent shall designate a project Biologist, approved by CDFW, who 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 have experience performing all necessary surveys and monitoring for biological resources present on site. The project Biologist shall also maintain communications with the Contractor to ensure that issues relating to biological resources are appropriately and lawfully managed and shall monitor construction. The project Biologist shall monitor all ground disturbing activities within construction areas, including activities during nesting bird season (generally February 1 to September 15), such as vegetation removal, the implementation of Best Management Practices (BMPs), and installation of security fencing to protect native species. The Project Biologist shall have the authority to halt all work if special status species are found on site during Project activities. The project Biologist shall ensure that all wildlife and regulatory agency permit requirements, conservation measures, and general avoidance and minimization measures are properly implemented and followed.	Prior to and during construction	Project Proponent
Mitigation Measure BIO-6: Burrowing Owl Avoidance and Minimization, and Mitigation. Four breeding season surveys for burrowing owl shall be completed prior to project construction by a qualified avian biologist. Surveys shall be conducted as detailed within Appendix D of the Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game [CDFG] 2012). This survey shall include 100 percent coverage of the project site. A report summarizing the breeding season surveys including all requirement for survey reports shall be submitted to CDFW for review and approval. If complete avoidance cannot be achieved, an Incidental Take Permit (ITP) for burrowing owl shall be obtained prior to initiation of ground disturbing activities. The Project proponent shall adhere to measures and conditions set forth within the ITP. Compensatory mitigation for direct impacts shall be fulfilled through conservation of suitable burrowing owl habitat. Permanent protection of mitigation land shall be established through a conservation	Prior to and during construction	Project Proponent

LETTER S2 ATTACHMENT

David Black
Imperial County Planning & Development Services
August 11, 2025

easement deeded to a nonprofit conservation organization or public agency with a conservation mission, and include development and implementation of a mitigation land management plan to address long-term ecological sustainability and maintenance of the site for burrowing owls, and funding for the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment.		
Mitigation Measure BIO-6.1: If present, the Project proponent shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval at least 30 days prior to initiation of ground disturbing activities. The Burrowing Owl Plan shall include 1) provide details with the number and location of occupied burrow sites, and acres of burrowing owl habitat; 2) if avoidance of impacts is proposed, details on avoidance actions and monitoring such as proposed buffers, visual barriers and other actions; 3) site monitoring to be conducted prior to, during, and after any ground disturbance sufficient to ensure take is avoided, daily monitoring with cameras and direct observation. 4) Information shall be provided regarding adjacent or nearby suitable habitat available to owls. The Project proponent shall implement the Burrowing Owl Plan following CDFW review and approval.	Prior to and during construction	Project Proponent
Mitigation Measure BIO-6.2: Burrowing Owl Avoidance. If burrowing owls are detected on-site, a Designated Biologist, knowledgeable of burrowing owl habitat and behavior, shall establish a no-disturbance buffer following the 2012 Staff Report around all burrowing owl burrows such as roosting and satellite burrows within the Project area and an appropriate buffer determined by the Designated Biologist, with posted signs demarking the area to avoid, using stakes, flags, and/or rope or cord to minimize the disturbance of burrowing owl habitat. The Designated Biologist shall delineate burrows with different materials than those used to delineate the Project area. Project proponent shall remove and properly dispose of all materials used for delineation immediately upon completion of the Project.	Prior to and during construction	Project Proponent
Mitigation Measure BIO-6.2: To ensure that the Project avoids impacts to burrowing owl, a qualified biologist shall complete a take avoidance survey no less than 14 days prior to initiating ground disturbance activities using the recommended methods described in the 2012 Staff Report. Burrowing owls may re-colonize a site after only a few days. Time lapses or a break in construction activities of 3 days will trigger subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance.	Prior to Construction	Project Proponent
Mitigation Measure BIO-6.4:	Prior to Construction	Project Proponent

LETTER S2 ATTACHMENT

David Black
Imperial County Planning & Development Services
August 11, 2025

During take avoidance surveys, the Project proponent shall have a Designated Biologist(s), pre-approved by CDFW, inspect all burrows that exhibit typical characteristics of owl activity prior to any site-preparation activities. Evidence of owl activity may include presence of owls themselves, burrows, and owl sign at burrow entrances such as pellets, whitewash or other "ornamentation," feathers, prey remains, etc. If it is evident that the burrows are actively being used, the Project proponent shall follow the guidelines in the CDFW approved Burrowing Owl Plan. If no Plan has been approved, the Project proponent shall not commence activities until owls have been confirmed absent, as determined in consultation with CDFW, and the burrows are no longer in use by adult or juvenile owls or until a Burrowing Owl Plan has been submitted and approved.		
Mitigation Measure BIO-7: Flat-Tailed Horned Lizard. Following standard mitigation measures listed in the Flat-tailed Horned Lizard Rangewide Management Strategy, Aa qualified biologist shall conduct a preconstruction survey for flat-tailed horned lizard within seven days before the start of ground disturbing construction activities. The pre-construction survey will cover all suitable areas on site and focus on areas with suitable habitat for the species and where individuals were previously found. The preconstruction survey may be conducted in phases based on the construction schedule as ground-disturbing activities may occur during different phases of construction. Individual flat-tailed horned lizards found will be relocated to suitable habitat at least 200 feet from impact areas, roads, and laydown or staging areas. Translocation may only be conducted by a qualified biologist who holds a current CDFW Scientific Collection Permit that authorizes handling of this species. The project work areas will be clearly flagged or marked at the outer boundaries to define the limit of work activities. All work activities will be restricted to the flagged areas to avoid impacts to flat-tailed horned lizard and their habitat. A qualified biological monitor, approved by CDFW, shall be present during ground-disturbing activities. The biological monitor will examine areas of active surface disturbance periodically (at least hourly when surface temperatures exceed 85°F) for the presence of flat-tailed horned lizards. In addition, open trenches, holes, or other excavated areas will be examined at least twice per day, and immediately prior to backfilling. If avoidance is not feasible or a flat-tailed horned lizard becomes trapped within the work area, the biological monitor, who will hold a Scientific Collecting Permit for this species, may capture the lizard by hand and relocate it to suitable habitat outside of the impact area in the shade of a large shrub a short distance from the construction zone and in the direction of undisturbed habitat when surface temperatures range from 90° F and 104° F. If surface temperatures in the sun are less than 86° F or exceed 122° F, the qualified biological monitor shall hold the flat-tailed horned lizard in an appropriate	Prior to and during Construction	Project Proponent

LETTER S2 ATTACHMENT

clean, dry container (cloth bag or empty cooler) for later release when surface temperatures are in the acceptable range. Dead or injured flat-tailed horned lizards will be reported to CDFW and the Imperial County Planning & Development Services Department.		
Mitigation Measure BIO-8: Desert Kit Fox and American Badger: Prior to the beginning of surface disturbance, the project Biologist shall conduct a pre-project 10-meter transect survey (or reduced based on topography and vegetation), to attain 100% visual coverage within the project area and a minimum 200-meter buffer to determine the presence or absence of desert kit fox and/or American badger individuals, dens, and sign. If potential dens are located, they shall be monitored by the project Biologist. Trail cameras may be used to assist with observation but shall not be the sole basis upon which the status is determined. All desert kit fox dens identified as potentially active or active within the Project footprint (solar site and transmission line work sites) will be monitored for a minimum of 3 consecutive nights. Surveys shall monitor for tracks in loose dirt at den entrances or using a tracking medium (e.g., diatomaceous earth) and infra-red cameras at the den entrance(s). Using both methods (monitoring tracks and cameras) will help to ascertain whether desert kit fox in photos are actively using den sites. The project proponent shall provide the results of the survey to CDFW prior to start of project activities. The project proponent shall provide a determination if active dens can be avoided and buffered from project activities to prevent take and disturbance with the survey results. Should active dens be present within the project area that cannot be avoided with an adequate buffer, the project proponent shall reschedule project activities or submit a monitoring and passive relocation plan for CDFW's review and approval. No disturbance or passive relocation of active dens may take place during the breeding season or when juveniles are dependent on parental care. Burrows that have been confirmed inactive within the Project site, that are not being excavated and filled, will be blocked with rocks and sticks to discourage use during Project activities and removed when construction is complete. The Project Biologist shall periodically check that the inactive burrows remain blocked and are not reoccupied	Prior to and during Construction	Project Proponent
Mitigation Measure BIO-25: Aquatic Resources Regulatory Permitting: If pProject-related impacts that will occur to the riparian areas or areas in any resource subject to Fish and Game Code section 1602 shall be mitigated at a minimum of 2:1 ratio (two acres of mitigation for every impact to one acre of resource). The project proponent shall obtain all necessary regulatory permits for resources that may also fall under the jurisdiction of the USACE, CDFW, and/or RWQCB, a regulatory permit with those agencies is needed prior to the impact occurring. Refer to the Aquatic Resource Delineation Report for the Aquatic Resources Delineation Report for the Seville 4 Solar Project (Appendix D of this Initial Study) for preliminary determination of regulatory limits that of areas that may be regulated by USACE, CDFW, or RWQCB. Permitting	Prior to Construction	Project Proponent

LETTER S2 ATTACHMENT

includes preparation and submittal of a Pre-Construction Notification under Section 404 of the federal CWA, an Application for Water Quality Certification under Section 401 of the federal CWA and a notification of Lake or Streambed Alteration under Section 1600 of the California Fish and Game Code. A completed CEQA document, and Notice of Determination, will be necessary to submit along with the applications. Other items such as finalized project plans, quantities of fill material, supporting technical studies, etc., are also submitted along with the applications. As a part of this process, the project must also identify and approve mitigation through the respective agencies. Mitigation shall include: onsite or offsite options or land acquisition that is conserved and managed in perpetuity for the resource; could include, payment of an in-lieu fee to a conservation organization; and/or types of mitigation can include restoration, creation, rehabilitation, enhancement, or other types of habitat improvement. Typically, the type of mitigation and final acreage of mitigation is negotiated shall be approved by with the regulatory agencies during the permitting process.		
Mitigation Measure BIO-27: To reduce impacts to less than significant: Prior to grading, grubbing or other ground disturbing activities, the project proponent shall install one shallow-groundwater monitoring well at a CDFW and County-approved location and design within Assessor's Parcel Number 018-170-067-000 or similarly situated location within the San Felipe Creek, OR the Project proponent shall install two shallow-groundwater monitoring wells, one at a CDFW and County-approved location and design within the footprint of Seville 4, and one groundwater monitoring well at a CDFW and County-approved location and design within the footprint of Seville 5.	Prior to Construction	Project Proponent
Mitigation Measure BIO-28: 30 days prior to the installation of the shallow-groundwater monitoring well, the Project proponent shall obtain CDFW and County approval of a final groundwater management plan (Groundwater Plan). The Plan shall demonstrate necessary funding to endow a third-party to maintain the well(s), monitor, collect and record groundwater level data, analyze and report the data to CDFW and the County at a meaningful interval or triggering event(s) identified in the CDFW and County-approved Groundwater Plan. The Groundwater Plan shall identify specific and quantifiable thresholds for implementing a suite of adaptive management strategies. The Groundwater Plan shall include the immediate discontinuation of temporary and permanent groundwater pumping, and identify alternative sources of water as viable adaptive management strategies. The Groundwater Plan shall require written notification to CDFW and the County upon commencement of well pumping in excess of 500 gallons per day. The date and quantity of all water use shall be logged daily during construction and decommissioning, and monthly during operations	Prior to Construction	Project Proponent/Project Operator

LETTER S2 ATTACHMENT

and maintenance. The Groundwater Plan shall be reviewed every five years and revised with mutual agreement from CDFW and the County.		
Mitigation Measure BIO-29: No chemicals shall be used for dust suppression, panel washing, or ancillary uses with the prior written approval of CDFW and the County.	During Life of Project	Project Operator
Mitigation Measure BIO-30: Water infiltration basins of sufficient size and location(s) will be utilized to maximize groundwater percolation of clean water, free of chemicals deleterious to fish and amphibians.	During Life of Project	Project Operator

California Department of Fish and Wildlife

August 11, 2025

S2-1 Comment noted. This comment does not address the adequacy of the IS/MND. As such, no further response is necessary.

S2-2 The County acknowledges CDFW's role as a Trustee Agency and CDFW's potential role as a Responsible Agency associated with the proposed project. Item 10 on page 7 of the Final Initial Study has been revised to list CDFW under "Other public agencies whose approval is required":

- California Department of Fish and Wildlife – Trustee Agency (Public Resources Code §21070)/Responsible Agency (Public Resources Code §21069)

Mitigation Measures proposed in the IS/MND require coordination with the CDFW with respect to both potential impacts to protected species, as well as the potential for a Section 1600 Streambed Alteration Agreement (e.g., see Mitigation Measure BIO-25). These measures have also been revised in part, or replaced in these responses to comments in order to address CDFW's comments. In compliance with CEQA Guideline Section 15074.1. Substitution of Mitigation Measures in a Proposed Mitigated Negative Declaration, the County will hold a public hearing on the project, which will include consideration of the substituted or otherwise modified measures (Section 15074.1(b)(1) and will adopt equivalency findings (Section 15074.1(b)(2)).

S2-3 The County acknowledges CDFW's potential role as a Responsible Agency pursuant to CEQA Guideline 15381. Please refer to response to comment S2-2.

S2-4 This comment provides a summary of the proposed project and does not raise an issue related to the adequacy of the Draft IS/MND. As such, no further response is necessary.

S2-5 Comment noted.

S2-6 As indicated in the biology technical report (Appendix B of the Initial Study), desert pupfish critical habitat is approximately 3.3 miles southeast of the project site. In general, vegetation within the project site itself is largely degraded in part due to past agricultural activities. There is no suitable desert pupfish habitat within the project site. The nearest CNDDB occurrence is from 1994 and critical habitat for this species is approximately 3 miles southeast of the project site. The range of habitat requirements include desert ponds, springs, marshes, and streams. None of these features are present within or adjacent to the project site.

As discussed in the water supply assessment (Appendix G of the Initial Study), groundwater generally flows southeastward. A shallow aquifer and a deep aquifer are in the vicinity of the project area. Water levels in the shallow aquifer are about 100 feet higher than the deep aquifer. The water supply assessment indicates that the shallow aquifer is described as "unconfined and appears to feed the San Felipe Creek and Fish Creek springs that are located to the southeast of the project site."

S2-7 The County agrees that groundwater well depths have not been established at this time, as the exact well depths will be determined as part of the ground water well permit.

Pursuant to Division 21: Water Well Regulations §92102.01, the application requires the specification of the proposed minimum and maximum depth of the well.

S2-8 The County agrees that there is a potential indirect impact to desert pupfish should the use of groundwater significantly alter groundwater flows that feed the San Felipe Creek riparian trough. As such, the following Mitigation Measures BIO-26 through BIO-29 have been included in the Final Initial Study/Mitigated Negative Declaration, which would reduce this potential indirect impact to a level less than significant:

BIO-26 Prior to grading, grubbing or other ground disturbing activities, the project proponent shall install one shallow-groundwater monitoring well at a CDFW and County-approved location and design within Assessor's Parcel Number 018-170-067-000 or similarly situated location within the San Felipe Creek, or the project proponent shall install two shallow-groundwater monitoring wells, one at a CDFW and County-approved location and design within the footprint of Seville 4, and one groundwater monitoring well at a CDFW and County-approved location and design within the footprint of Seville 5.

BIO-27 30 days prior to the installation of the shallow-groundwater monitoring well, the project proponent shall obtain CDFW and County approval of a final groundwater management plan (Groundwater Plan). The Plan shall demonstrate necessary funding to endow a third-party to maintain the well(s), monitor, collect and record groundwater level data, analyze and report the data to CDFW and the County at a meaningful interval or triggering event(s) identified in the CDFW and County-approved Groundwater Plan. The Groundwater Plan shall identify specific and quantifiable thresholds for implementing a suite of adaptive management strategies. The Groundwater Plan shall include the immediate discontinuation of temporary and permanent groundwater pumping, and identify alternative sources of water as viable adaptive management strategies. The Groundwater Plan shall require written notification to CDFW and the County upon commencement of well pumping in excess of 500 gallons per day. The date and quantity of all water use shall be logged daily during construction and decommissioning, and monthly during operations and maintenance. The Groundwater Plan shall be reviewed every five years and revised with mutual agreement from CDFW and the County.

BIO-28 No chemicals shall be used for dust suppression, panel washing, or ancillary uses without the prior written approval of CDFW and the County.

BIO-29 Water infiltration basins of sufficient size and location(s) will be utilized to maximize groundwater percolation of clean water, free of chemicals deleterious to fish and amphibians.

S2-9 As described in the IS/MND and Appendix C and D, a series of biological surveys, data collection and mapping was conducted in order to establish the baseline for the project and the basis for recommendation of appropriate mitigation measures to reduce impacts to a level less than significant. Please refer to Appendix C Section 3 Methods (pages 12 through 15) for a detailed review of the biology survey methods.

Please refer to responses to comments S2-10 through S2-24.

S2-10 As indicated in the biological resources technical report (Appendix B of the Initial Study), field surveys included a habitat assessment, vegetation mapping, rare plant surveys, and a waters jurisdictional delineation. Table 1 Field Survey Dates and Personnel summarizes the field surveys. The plant surveys were conducted according to the Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018), and the USFWS Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants (USFWS 2000). However, as noted in the biological resources technical report, many of the annual plant species had seeded at the time of the survey(s), and because of this, several annual plants could not be identified due to lack of diagnostic characteristics such as leaves and flowers. Because most of the annual and perennial plants found on-site had seeded, several species with potential to occur could not be conclusively determined to be absent due to the lack of diagnostic characteristics. However, several rare shrubs and tree species can be identified even outside of their respective blooming period; these species were conclusively determined to be absent from the site based on the field survey results. The results of the rare plant survey were used to inform the presence/absence determinations of each species with potential to occur at the project site, along with the habitat, soil types, and vegetation communities observed on-site.

S2-11 Consistent with this comment, Mitigation Measure BIO-1 Rare Plant Surveys requires that prior to initiating ground disturbance, three rare plant botanical field surveys be conducted in accordance with the USFWS Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants (USFWS 1996); the CDFW Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018); and the CNPS Botanical Survey Guidelines (CNPS 2001). The project proponent shall mitigate the loss of the plant(s) through the purchase of mitigation credits from a CDFW-approved bank or land acquisition and conservation at a minimum 2:1 (replacement to impact) ratio for occupied habitat should success criteria not be met, or presence of the specific is assumed based on suitable habitat acreage within the project area. Note that a higher ratio may be warranted if the proposed mitigation lands are located far away from the project site. Please refer to Mitigation Measure BIO-1 in the Initial Study, page 47.

S2-12 The County agrees that, with incorporation of the CDFW recommended modifications to Mitigation Measure BIO-3, as identified by CDFW in this comment, potential impacts related to potential, avoidable take of special status species and loss of habitat will be mitigated to a level less than significant. Mitigation Measure BIO-3 has been modified as follows:

BIO-3 **Project Biologist.** The project proponent shall designate a project Biologist, approved by CDFW, who 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 have experience performing all necessary surveys and monitoring for biological resources present on site. The project Biologist shall also maintain communications with the Contractor to ensure that issues relating to biological resources are appropriately and lawfully managed and shall monitor construction. The project Biologist shall monitor all ground disturbing activities within construction areas, including

activities during nesting bird season (generally February 1 to September 15), such as vegetation removal, the implementation of Best Management Practices (BMPs), and installation of security fencing to protect native species. The project Biologist shall have the authority to halt all work if special status species are found on site during project activities. The project Biologist shall ensure that all wildlife and regulatory agency permit requirements, conservation measures, and general avoidance and minimization measures are properly implemented and followed.

S2-13 As indicated in the Appendix B of the Initial Study, a protocol burrowing owl survey was conducted, but no burrows with characteristic sign were found on-site and no signs of burrowing owls were observed. Nevertheless, burrowing owl mitigation is proposed that would address potential impacts to burrowing owl. Please refer to response to comment S2-15.

S2-14 The County agrees that the potential impact to burrowing owl is significant. The Draft IS/MND identifies the potential impact to this species as significant and requires implementation of Mitigation Measure BIO-6 to reduce the impact to a level less than significant. Please refer to IS/MND page 47. Additionally, please refer to response to comment S2-15.

S2-15 The County agrees that, with incorporation of the CDFW recommended modifications to Mitigation Measure BIO-6, as identified by CDFW in this comment, potential impacts to burrowing owl will be mitigated to a level less than significant. Mitigation Measure BIO-6 has been modified as follows:

BIO-6 **Burrowing Owl Avoidance and Minimization, and Mitigation.** Four breeding season surveys for burrowing owl shall be completed prior to project construction by a qualified avian biologist. Surveys shall be conducted as detailed within Appendix D of the Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game [CDFG] 2012). This survey shall include 100 percent coverage of the project site. A report summarizing the breeding season surveys including all requirement for survey reports shall be submitted to CDFW for review and approval. ~~If burrowing owl or sign thereof is not detected, no further action is necessary.~~

~~If burrowing owl, active burrowing owl burrows, or sign thereof are found, the qualified avian biologist shall prepare and implement a plan for avoidance, minimization, and mitigation measures to be reviewed and approved by CDFW prior to commencing project activities. The plan shall propose mitigation for permanent impacts to nesting, loss of foraging habitat, occupied and satellite burrows and/or burrowing owl habitat such that the habitat acreage, number of burrows and burrowing owls impacted are replaced with permanent conservation of similar vegetation communities to provide for burrowing owl nesting, foraging, wintering, and dispersal comparable to or better than that of the impact area. The mitigation land shall be sufficiently large acreage with presence of fossorial mammals. The mitigation lands may require habitat enhancements including enhancement or expansion of burrows for breeding, shelter, and dispersal opportunity, and remove or control of population stressors. Permanent protection of mitigation land shall be through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission. The project proponent shall develop~~

~~and implement a mitigation land management plan to address long-term ecological sustainability and maintenance of the site for burrowing owls, and funding for the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment. If deemed appropriate by CDFW, conservation species credits may also be purchased at a CDFW-approved conservation bank.~~

~~To ensure that the project avoids impacts to burrowing owl, a qualified avian biologist shall complete a take avoidance survey no less than 14 days prior to initiating ground disturbing activities using the recommended methods described in the Staff Report on Burrowing Owl Mitigation (CDFG, 2012). Burrowing owls may recolonize a site after only a few days. Time lapses between project activities trigger subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance. is identified during the non-breeding season (September 1 through January 31), then a 5O-meter buffer will be established by the biological monitor. Construction within the buffer will be avoided until a qualified biologist determines that burrowing owl is no longer present or until a CDFW-approved exclusion plan has been implemented. The buffer distance may be reduced if noise attenuation buffers such as hay bales are placed between the occupied burrow and construction activities.~~

~~If burrowing owl is identified during the breeding season (February 1 through August 31), then an appropriate buffer will be established by the biological monitor in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012). Construction within the buffer will be avoided until a qualified biologist determines that burrowing owl is no longer present or until young have fledged. The buffer distance may be reduced in consultation with CDFW if noise attenuation buffers such as hay bales are placed between the occupied burrow and construction activities.~~

If complete avoidance cannot be achieved, an Incidental Take Permit (ITP) for burrowing owl shall be obtained prior to initiation of ground disturbing activities. The project proponent shall adhere to measures and conditions set forth within the ITP. Compensatory mitigation for directs impacts shall be fulfilled through conservation of suitable burrowing owl habitat. Permanent protection of mitigation land shall be established through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission, and include development and implementation of a mitigation land management plan to address long-term ecological sustainability and maintenance of the site for burrowing owls, and funding for the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment.

BIO-6.1: If present, the project proponent shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval at least 30 days prior to initiation of ground disturbing activities. The Burrowing Owl Plan shall include 1) provide details of the number and location of occupied burrow sites, and acres of burrowing owl habitat; 2) if avoidance of impacts is proposed, details on avoidance actions and monitoring such as proposed buffers, visual barriers and other actions; 3) site monitoring to be conducted prior to, during, and after any ground disturbance sufficient to ensure take is avoided, daily monitoring with cameras and direct observation; 4) information shall be provided regarding adjacent or nearby

suitable habitat available to owls. The project proponent shall implement the Burrowing Owl Plan following CDFW review and approval.

BIO-6.2: Burrowing Owl Avoidance. If burrowing owls are detected on-site, a Designated Biologist, knowledgeable of burrowing owl habitat and behavior, shall establish a no-disturbance buffer following the 2012 Staff Report around all burrowing owl burrows such as roosting and satellite burrows within the project area and an appropriate buffer determined by the Designated Biologist, with posted signs demarking the area to avoid, using stakes, flags, and/or rope or cord to minimize the disturbance of burrowing owl habitat. The Designated Biologist shall delineate burrows with different materials than those used to delineate the project area. The project proponent shall remove and properly dispose of all materials used for delineation immediately upon completion of the project.

BIO-6.3: To ensure that the project avoids impacts to burrowing owl, a qualified biologist shall complete a take avoidance survey no less than 14 days prior to initiating ground disturbance activities using the recommended methods described in the 2012 Staff Report. Burrowing owls may re-colonize a site after only a few days. Time lapses or a break in construction activities of 3 days will trigger subsequent avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance.

BIO-6.4: During take avoidance surveys, the project proponent shall have a Designated Biologist(s), pre-approved by CDFW, inspect all burrows that exhibit typical characteristics of owl activity prior to any site-preparation activities. Evidence of owl activity may include presence of owl themselves, burrows, and owl sign at burrow entrances such as pellets, whitewash or other "ornamentation", feathers prey remains, etc. If it is evident that burrows are actively being used, the project proponent shall follow the guidelines in the CDFW approved Burrowing Owl Plan. If no Plan has been approved, the project proponent shall not commence activities until owls have been confirmed absent, as determined in consultation with CDFW, and the burrows are no longer in use by adult or juvenile owls or until a Burrowing Owl Plan has been submitted and approved.

S2-16 The County agrees that the potential impact to flat-tailed horned lizard is significant. The Draft IS/MND identifies the potential impact to this species as significant and requires implementation of Mitigation Measure BIO-7 to reduce the impact to a level less than significant. Please refer to IS/MND page 47. Additionally, please refer to response to comment S2-17.

S2-17 The County agrees that, with incorporation of the CDFW recommended Mitigation Measure BIO-7, as identified by CDFW in this comment, potential impacts to flat-tailed horned lizard will be mitigated to a level less than significant. Mitigation Measure BIO-7 has been modified as follows:

BIO-7 **Flat-Tailed Horned Lizard.** Following standard mitigation measures listed in the Flat-tailed Horned Lizard Rangewide Management Strategy, A a qualified biologist shall conduct a pre-construction survey for flat-tailed horned lizard within seven days before the start of ground disturbing construction activities. The pre-construction survey will cover all suitable areas on site and focus on areas with suitable habitat for the species and where individuals were previously found. The pre-construction survey may

be conducted in phases based on the construction schedule as ground-disturbing activities may occur during different phases of construction. Individual flat-tailed horned lizards found will be relocated to suitable habitat at least 200 feet from impact areas, roads, and laydown or staging areas. Translocation may only be conducted by a qualified biologist who holds a current CDFW Scientific Collection Permit that authorizes handling of this species.

The project work areas will be clearly flagged or marked at the outer boundaries to define the limit of work activities. All work activities will be restricted to the flagged areas to avoid impacts to flat-tailed horned lizard and their habitat.

A qualified biological monitor, approved by CDFW, shall be present during ground-disturbing activities. The biological monitor will examine areas of active surface disturbance periodically (at least hourly when surface temperatures exceed 85°F) for the presence of flat-tailed horned lizards. In addition, open trenches, holes, or other excavated areas will be examined at least twice per day, and immediately prior to backfilling. If avoidance is not feasible or a flat-tailed horned lizard becomes trapped within the work area, the biological monitor, who will hold a Scientific Collecting Permit for this species, may capture the lizard by hand and relocate it ~~to suitable habitat~~ outside of the impact area in the shade of a large shrub a short distance from the construction zone and in the direction of undisturbed habitat when surface temperatures range from 90 degrees F and 104 degrees F. If surface temperatures in the sun are less than 86 degrees F or exceed 122 degrees F, the qualified biological monitor shall hold the flat-tailed horned lizard in an appropriate clean, dry container (cloth bag or empty cooler) for later release when surface temperatures are in the acceptable range. Dead or injured flat-tailed horned lizards will be reported to CDFW and the Imperial County Planning and Development Services Department.

S2-18 The County agrees that the potential impact to desert kit fox is significant. The Draft IS/MND identifies the potential impact to this species as significant and requires implementation of Mitigation Measure BIO-8 to reduce the impact to a level less than significant. Please refer to IS/MND page 47. Additionally, please refer to response to comment S2-19.

S2-19 The County agrees that, with incorporation of the CDFW recommended Mitigation Measure BIO-8, as identified by CDFW in this comment, potential impacts to Desert Kit Fox and American Badger will be mitigated to a level less than significant. Mitigation Measure BIO-8 has been modified as follows:

BIO-8 **Desert Kit Fox and American Badger:** Prior to the beginning of surface disturbance, the project Biologist shall conduct a pre-project 10-meter transect survey (or reduced based on topography and vegetation), to attain 100% visual coverage within the project area and a minimum 200-meter buffer to determine the presence or absence of desert kit fox and/or American badger individuals, dens, and sign. If potential dens are located, they shall be monitored by the project Biologist. Trail cameras may be used to assist with observation but shall not be the sole basis upon which the status is determined. All desert kit fox dens identified as potentially active or active within the project footprint (solar site and transmission line work sites) will be monitored for a minimum of 3 consecutive nights. Surveys

shall monitor for tracks in loose dirt at den entrances or using a tracking medium (e.g., diatomaceous earth) and infra-red cameras at the den entrance(s). Using both methods (monitoring tracks and cameras) will help to ascertain whether desert kit fox in photos are actively using den sites. The project proponent shall provide the results of the survey to CDFW prior to start of project activities. The project proponent shall provide a determination if active dens can be avoided and buffered from project activities to prevent take and disturbance with the survey results. Should active dens be present within the project area that cannot be avoided with an adequate buffer, the project proponent shall reschedule project activities or submit a monitoring and passive relocation plan for CDFW's review and approval. No disturbance or passive relocation of active dens may take place during the breeding season or when juveniles are dependent on parental care. Burros that have been confirmed inactive within the project site, that are not being excavated and filled, will be blocked with rocks and sticks to discourage use during project activities and removed when construction is complete. The project Biologist shall periodically check that the inactive burrows remain blocked and are not reoccupied.

S2-20 The County agrees that the potential impact to aquatic resources is significant. The Draft IS/MND identifies the potential impact as significant and requires mitigation measures to reduce the impact to a level less than significant. Please refer to IS/MND page 56. Additionally, please refer to response to comment S2-21.

S2-21 The County agrees that, with incorporation of the CDFW recommended modifications to Mitigation Measure BIO-25, as identified by CDFW in this comment, potential impacts related to aquatic resources will be mitigated to a level less than significant. Mitigation Measure BIO-25 has been modified as follows:

BIO-25 **Aquatic Resources Regulatory Permitting:** ~~If p~~Project-related impacts that will occur ~~to the riparian areas or areas~~ in any resource subject to Fish and Game Code section 1602 shall be mitigated at a minimum of 2:1 ratio (two acres of mitigation for every impact to one acre of resource). The project proponent shall obtain all necessary regulatory permits for resources that may also fall under the jurisdiction of the USACE, CDFW, and/or RWQCB, a regulatory permit with those agencies is needed prior to the impact occurring. Refer to the *Aquatic Resource Delineation Report for the Aquatic Resources Delineation Report for the Seville 4 Solar Project* (Appendix D of this Initial Study) for preliminary determination of regulatory limits that of areas that may be regulated by USACE, CDFW, or RWQCB. Permitting includes preparation and submittal of a Pre-Construction Notification under Section 404 of the federal CWA, an Application for Water Quality Certification under Section 401 of the federal CWA and a notification of Lake or Streambed Alteration under Section 1600 of the California Fish and Game Code. A completed CEQA document, and Notice of Determination, will be necessary to submit along with the applications. Other items such as finalized project plans, quantities of fill material, supporting technical studies, etc., are also submitted along with the applications. As a part of this process, the project must also identify and approve mitigation through the respective agencies.

Mitigation shall include: onsite or offsite options or land acquisition that is conserved and managed in perpetuity for the resource; could include, payment of an in-lieu fee to a conservation organization; and/or types of

mitigation can include restoration, creation, rehabilitation, enhancement, or other types of habitat improvement. Typically, the type_of mitigation and final acreage of mitigation is negotiated shall be approved by the regulatory agencies during the permitting process.

S2-22 Information requested in this comment will be submitted to the link provided.

S2-23 The County acknowledges the applicable CDFW filing fees identified in this comment.

S2-24 Comment noted. The County appreciates CDFW providing direct contact information regarding this specific project. If necessary, the County and/or Applicant, will contact the CDFW staff person identified in this comment.

LETTER S2 Attachment

The recommended modifications and/or replacement to proposed mitigation measures have been identified in the preceding responses to comments. The mitigation measures have been incorporated into the MMRP for the proposed project.

This page is intentionally blank.

LETTER L1

150 SOUTH NINTH STREET
EL CENTRO, CA 92243-2850

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

AIR POLLUTION CONTROL DISTRICT

August 11, 2025

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

SUBJECT: Notice of Intent for a Mitigated Negative Declaration (NOI-MND) for Initial Study 24-0020 for the Seville 4 Solar Project (CUP 24-0012, ZC 24-0004, GPA 24-0003) and Initial Study 24-0021 (CUP 24-0013, ZC 24-0005, GPA 24-0004) for the Seville 5 Solar Project

Dear Mr. Minnick:

The Imperial County Air Pollution Control District (Air District) appreciates the opportunity to review and comment on the Notice of Intent for a Mitigated Negative Declaration (NOI-MND) for Initial Study 24-0020 for the Seville 4 Solar Project (CUP 24-0012, ZC 24-0004, GPA 24-0003) and Initial Study 24-0021 (CUP 24-0013, ZC 24-0005, GPA 24-0004) for the Seville 5 Solar Project.

Seville Solar 4 proposes the construction and operation of a 90-megawatt (MW) solar photovoltaic energy facility generation facility, a 180-MW battery energy storage system facility, and an interconnection line to the Titan II substation with ultimate delivery to Imperial Irrigation District's existing 92-kilovolt R line. Seville Solar 5 proposes the construction and operation of a 65-megawatt (MW) solar photovoltaic energy generation facility, a 130-MW battery energy storage system facility, and a gen-tie line to an existing substation immediately south of the project site with ultimate delivery to Imperial Irrigation District's existing 92-kilovolt K line. Seville Solar 4 will be located on eight (8) parcels (Assessor Parcel Number 018-170-058, 018-170-059, 018-170-060, 018-170-061, 018-170-062, 018-170-063, 018-170-064, 018-170-065) encompassing 325 acres located about 0.40 miles south of State Route 78 and approximately seven miles west of State Route 86, adjacent to the Seville I, Seville II, and Titan 1 (aka Seville 3) solar facilities. Seville Solar 5 consists of one (1) 270-acre parcel (APN 018-010-043) located adjacent to the north end of Seville Solar 4. Apex Energy Solutions, LLC is the applicant for both projects. L1-1

The following comments apply to both CUP 24-0012 (Seville 4) and CUP 24-0013 (Seville 5) solar projects. On December 19, 2024, the Air District received an electronic packet with request for comments. No air quality analysis was included. On January 3, 2025, the Air District submitted L1-2

LETTER L1

comments which provided detailed guidance on expectations for a thorough air quality analysis and requested the project proponent consult with the Air District. The project proponent did not contact the Air District. The Environmental Evaluation Committee packet (April 24, 2025) included a summarized air quality analysis but did not include Appendix B—Air Quality and Greenhouse Gas Technical Report. This precluded the Air District from providing comprehensive comments. This, combined with the project proponent's failure to reach out to the Air District early in the process, resulted in insufficient communication between the two parties. The outcome is that the findings for air quality impacts within the proposed MND are inconsistent with the Air District's rules, regulations, and its California Environmental Quality Act (CEQA) Air Quality Handbook.

L1-2 cont'd

While construction-related activities are a short-term source of air pollution, historical experience with projects of this nature have demonstrated emissions in the form of PM10 and NOx can be substantial during construction. Fugitive dust emissions result not just from grading or on-road trucks as discussed in the NOI-MND, but from numerous other on-site activities and the constant passage of off-road vehicles on unpaved roads. Additionally, NOx emissions from construction equipment, particularly during compacted schedules, can be potentially significant. However, as the Air District did not have the opportunity to review Appendix B and inputs used in the California Emissions Estimator Modeler, it cannot verify the analysis either in construction or operational emissions.

L1-3

Insufficient discussion on emissions during the operational phase of the project raises questions about the "less than insignificant" assumption for cumulative significance. A cumulative analysis should analyze potential emissions from activities originating within the project as well as potential emissions from the surrounding area. The proposed location for the project is subject to seasonally strong winds which entrain fugitive dust. The surrounding area experiences high year-round use by off-road recreational vehicles which create considerable PM_{10} emissions and to a lesser extent $PM_{2.5}$ emissions. The project is to be located adjacent to the operating Seville 1, Seville 2, and Titan 1 solar facilities. Additionally, future solar facilities (some which are pending entitlement) are planned in the vicinity. All these projects are sources of PM_{10} and could be cumulatively considerable. Cumulatively considerable per California Environmental Quality Act section 15065(a)(3) means that "the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." Further, the statement "No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards" is incorrect. The sum of emissions from any project could potentially result in nonattainment of an air quality standard.

L1-4

LETTER L1

However, the Air District has found through historical experience modeling other projects with similar footprint and location characteristics that certain measures can achieve a "less than significant" finding, provided the following are **placed as conditions in the CUP**:

- The Permittee shall comply at all times with the Imperial County Air Pollution Control District's (ICAPCD) Regulation VIII, Fugitive Dust Control. The primary pollutant controlled by this regulation is PM10, "fugitive dust." All identified PM10 sources associated with the construction and operation of the facility, such as open areas, roads, stock piles, material transport and grading activities, shall be controlled such that surface areas are stabilized and visible dust emissions are below 20%. Any control measure not listed within the appropriate sections of Regulation VIII, such as but not limited to watering, graveling, chemical stabilizers and wind barriers shall not be utilized without prior approval from the ICAPCD. L1-5
- The Permittee shall submit to the ICAPCD for approval a Construction Dust Control Plan (CDCP) identifying all sources of PM10 emissions and associated mitigation measures during the construction phase of the project. Permittee shall submit a "Construction Notification Form" to the ICAPCD 10 days prior to the commencement of any earthmoving activity.
- The Permittee shall submit to the ICAPCD for approval an Operational Dust Control Plan (ODCP) identifying all sources of PM10 emissions and associated mitigation measures during the operational phase of the project. The ODCP will be verified by Air District staff with a site visit prior to the issuance of a Certificate of Occupancy.
- Standard and Discretionary Mitigation Measures as identified in section 7.1 of the CEQA Handbook for Fugitive PM10 Control will apply at all times during construction of the facility.
- Standard and Enhanced Mitigation Measures as identified in section 7.1 of the CEQA Handbook for Construction Equipment shall be implemented prior to and during construction. The ICAPCD will verify implementation and compliance with these measures as part of the grading permit review/approval process.
- A review of NOx emissions under Policy 5. This requires the applicant to periodically submit a list in Excel format of all In-Use Off-Road construction equipment brought on site that identifies each piece of equipment by make, model, year, and actual hours of usage sufficient to perform a NOx evaluation. All equipment must provide proof of compliance with CARB regulations for In-Use Off-Road equipment by providing the Engine Identification Number (EIN). If the NOx analysis is found to exceed the threshold of

LETTER L1

significance for construction activities (per Table 4, page 20 of the District's CEQA Handbook) the project will be subject to Policy 5.

- ICAPCD Rule 310 Operational Development Fees apply to any project applying for a building permit. At the time that building permits are submitted for the proposed project, ICAPCD shall review the project to determine if Rule 310 fees are applicable to the project

L1-5 cont'd

Air District staff can be reached at (442) 265-1800. District rules and regulations can be accessed at https://apcd.imperialcounty.org.

L1-6

Respectfully,

Curtis Blondell
APC Environmental Coordinator II

Monica N Soucier
APC Division Manager

Imperial County Air Pollution Control District

August 11, 2025

L1-1 This comment is an introductory comment and provides a summary of the Seville 4 and Seville 5 Solar project characteristics. It should be noted that although the ICAPCD has provided combined comments for Seville 4 and Seville 5, this comment letter is addressed in these responses to comments as it relates specific to the Seville 4 Solar Project IS/MND (SCH # 2025070240). Responses to comments by the ICAPCD are also provided specifically for the Seville 5 Solar Project in the document "Responses to Comments Seville 5 Solar Project SCH #2025070239."

L1-2 The County acknowledges that the project proponent did not consult with ICAPCD prior to release of the IS/MND for a formal public review period which resulted in some inconsistencies with the Air District's rules, regulations, and its CEQA Air Quality Handbook. These inconsistencies are addressed in ensuing responses to comments L1-3 through L1-5.

The Air Quality Report (Appendix B of the Initial Study) was provided and made available during the 35-day public review period, including as posted on CEQAnet. Regardless, please refer to responses to comment L1-3 through L1-5.

L1-3 Please refer to response to comment L1-2.

L1-4 Page 34 of the Initial Study has been revised to delete the sentence as follows:

> **Less than Significant Impact.** By its very nature, air pollution is largely a cumulative impact. ~~No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a~~ A project's individual emissions contribute to existing cumulatively significant adverse air quality impacts.

L1-5 The following have been added as conditions of approval of the Conditional Use Permit for the Seville 4 Solar Project:

- The Permittee shall comply at all times with the Imperial County Air Pollution Control District's (ICAPCD) Regulation VIII, Fugitive Dust Control. The primary pollutant controlled by this regulation is PM_{10} "fugitive dust." All identified PM_{10} sources associated with the construction and operation of the facility, such as open areas, roads, stock piles, material transport and grading activities, shall be controlled such that surface areas are stabilized and visible dust emissions are below 20%. Any control measure not listed within the appropriate sections of Regulation VIII, such as but not limited to watering, graveling, chemical stabilizers and wind barriers shall not be utilized without prior approval from the ICAPCD.
- The Permittee shall submit to the ICAPCD for approval a Construction Dust Control Plan (CDCP) identifying all sources of PM10 emissions and associated mitigation measures during the construction phase of the project. Permittee shall submit a "Construction Notification Form" to the ICAPCD 10 days prior to the commencement of any earthmoving activity.
- The Permittee shall submit to the ICAPCD for approval an Operational Dust Control Plan (ODCP) identifying all sources of PM_{10} emissions and associated

mitigation measures during the operational phase of the project. The ODCP will be verified by Air District staff with a site visit prior to the issuance of a Certificate of Occupancy.

- Standard and Discretionary Mitigation Measures as identified in section 7.1 of the ICAPCD CEQA Handbook for Fugitive PM_{10} Control will apply at all times during construction of the facility.
- Standard and Enhanced Mitigation Measures as identified in section 7.1 of the ICAPCD CEQA Handbook for Construction Equipment shall be implemented prior to and during construction. The ICAPCD will verify implementation and compliance with these measures as part of the grading permit review/approval process.
- A review of Nox emissions under Policy 5. This requires the applicant to periodically submit a list in Excel format of all In-Use Off-Road construction equipment brought on site that identified each piece of equipment by make, model, year, and actual hours of usage sufficient to perform a Nox evaluation. All equipment must provide proof of compliance with CARB regulations for In-Use Off-Road equipment by providing the Engine Identification Number (EIN). If the NOx analysis is found to exceed the threshold of significance for construction activities (per Table 4, page 20 of the District's CEQA Handbook) the project will be subject to Policy 5.
- ICAPCD Rule 310 Operational Development Fees apply to any project applying for a building permit. At the time that building permits are submitted for the proposed project, ICAPCD shall review the project to determine if Rule 310 fees are applicable to the project.

L1-6 Comment noted.

LETTER O1

California Program Office
P.O. Box 401, Folsom, California 95763
www.defenders.org

August 11, 2025

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

Re: Mitigated Negative Declaration: Seville 4 Solar Project
(SCH 2025070240)

Dear Mr. Black,

Thank you for the opportunity to provide comments in response to the Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed Seville 4 Solar Project (Project). 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 311,000 residing in California.

Defenders strongly supports renewable energy generation. 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 habitats critical to species. Intro

The proposed Project is a solar photovoltaic facility that would generate up to 90 MW of renewable energy and includes an estimated 180 MW Battery Energy Storage System. The proposed Project would be sited on 325 acres of privately owned land in unincorporated Imperial County. It is located 0.4 miles south of State Route (SR) 78, 7 miles west of SR 86, 14 miles west from the southern tip of the Salton Sea and 4 miles east of the Imperial County-San Diego County line. The Seville 1 and Seville 2 solar facilities are located immediately to the east of the Project site, and the Titan I Solar facility is located immediately southeast of the site. The Project site is vacant and previously disturbed by historical agricultural uses that include in-filling of the former creek bottom of San Felipe Creek.

Comments
We offer the following comments on the IS/MND for the proposed Project.

National Headquarters | 1130 17th Street NW | Washington, DC 20036 | 202-682-9400

LETTER O1

1. **Protocol-Level Surveys**
The MND states a general biological survey of the Project site was conducted in May 2023; however, it appears that only BUOW protocol-level surveys were conducted prior to the development of the MND. Findings cannot be made without species-specific protocol-level surveys as they are necessary to provide thorough and accurate results that support informed decision-making and enable the identification of appropriate avoidance, minimization and mitigation measures for each species. To proceed without conducting species-specific protocol-level surveys on the entirety of the Project site is folly, as it is impossible to fully identify the risk of significant impact. If the project is discovered to have a significant impact with the application of mitigation measures as a result of the surveys, the development of an environmental impact report (EIR) would be required. Therefore, species-specific surveys should be conducted to ensure the development of the MND is appropriate instead of the development of an EIR. O1-1a

Given the Project site contains sensitive biological resources, the biological resources surveys must adhere to wildlife agency-approved species-specific protocols and must identify the appropriate avoidance, minimization and mitigation measures based on survey results. If habitat management (HM) lands are deemed appropriate due to survey results, the HM lands must contain suitable habitat for the species and 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 California Department of Fish and Wildlife (CDFW) approved mitigation bank.

If special-status species are observed on-site, we recommend consultation with CDFW and the US Fish and Wildlife Service for the need to obtain an Incidental Take Permit.

   a. **Burrowing Owl**
   The Biological Resources Technical Report states that a protocol burrowing owl survey was conducted but fails to provide information on the surveys, including whether the surveys adhered to CDFW's *Staff Report on Burrowing Owl Mitigation*[1]; specifically, the time of day and year that the surveys were conducted, the number of site visits or if the surveys covered the entire project site. The MND states that four breeding season surveys will be completed prior to construction; however, if the original surveys did not follow protocol and the future surveys are the only ones that will adhere to the standards, it is inadequate. Surveys that fully comply with the *Staff Report* must be completed prior to the development of the MND to properly evaluate project

[1] California Department of Fish and Game. 2012. *Staff Report on Burrowing Owl Mitigation*.

LETTER O1

impacts and determine whether the proposed mitigation measures are sufficient. O1-1a cont'd

b. Desert Kit Fox
Desert kit fox was determined to be present during the field survey, and one active complex was observed within the Project site. A field survey was conducted in May 2023, and a pre-project transect survey is required within the MND; however, no species-specific survey was conducted prior to the development of the MND and associated mitigation measures. Defenders requests surveys be conducted that adhere to US Fish and Wildlife Service guidelines.[2] O1-1b

c. Flat-Tailed Horned Lizard
Flat-tailed horned lizard (FTHL) was determined to be present during the field survey; however, no species-specific protocol-level surveys for the species were performed. MM BIO-7 states that a pre-construction survey will be performed within seven days prior to the start of ground-disturbing activities, in accordance with the guidelines from the *Flat-tailed Horned Lizard Rangewide Management Strategy Revision*.[3] As stated above, protocol-level surveys that adhere to guidance must be performed prior to the development of the MND. O1-1c

2. **BUOW Plan for Avoidance, Minimization and Mitigation Measures**
The MND states that if burrowing owls or their sign are detected, a qualified biologist will prepare and implement a plan for avoidance, minimization and mitigation measures, which will be reviewed and approved by CDFW prior to project activities. However, this approach does not align with the intent of the California Environmental Quality Act (CEQA), which is to inform the public and decision-makers about potential environmental impacts before project approval. To fulfill this obligation, any avoidance, minimization or mitigation plans must be made available as part of the public review process. Deferring the development and disclosure of such plans until after project approval precludes meaningful public input and undermines CEQA's intent of transparency and informed decision-making. O1-2

The plan must include HM to mitigate for permanent impacts to loss of BUOW nesting and foraging habitat. We request consultation with CDFW to establish an appropriate

[2] US Fish and Wildlife Service. 2011. *U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior To or During Ground Disturbance.*
[3] Flat-tailed Horned Lizard Interagency Coordinating Committee. 2003. *Flat-tailed Horned Lizard Rangewide Management Strategy, 2003 Revision.*

LETTER O1

ratio for BUOW HM lands for loss of habitat and request the inclusion of replacement burrows at a ratio of 1:1.[4] O1-2 cont'd

3. **BUOW Buffers**

In MM BIO-6, there appears to be a typo, as the second sentence begins abruptly and lacks a subject: "Time lapses between project activities trigger subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance. is identified during the non-breeding season (September 1 through January 31), then a 50-meter buffer will be established by the biological monitor."

Additionally, the stated 50-meter buffer does not align with the buffer distances recommended in the *Staff Report on Burrowing Owl Mitigation*, which allows a 50-meter buffer only if there is a low level of disturbance during the timeframe of October 16th through March 31st. The MND further states that if burrowing owls are identified during the breeding season, then buffers will follow the Staff Report. However, appropriate buffer distances should be implemented year-round to ensure adequate protection. We request the MND be revised to ensure full alignment with the Staff Report's guidance throughout the year as defined in the table below. O1-3

Table 1: Burrowing Owl Avoidance Buffers[5]

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

If it is impossible to adhere to the recommended buffers and avoidance, Defenders would like to emphasize that burrow exclusion is not considered a take avoidance, minimization or mitigation method.[6] However, if burrow exclusion is necessary, Defenders recommends consultation with CDFW.

4. **Capture/Relocation Plan for FTHL**

MM BIO-7 states that relocation for FTHL may occur, however no specific plan is included to ensure successful capture and relocation. Defenders recommends the development of a Capture/Relocation Plan for FTHL in consultation with CDFW. In comments recently submitted by CDFW, the agency has requested the plan include O1-4

[4] The Burrowing Owl Consortium. 1993. *Burrowing Owl Protocol and Mitigation Guidelines.*
[5] California Department of Fish and Game. 2012. *Staff Report on Burrowing Owl Mitigation.*
[6] Ibid.

LETTER O1

a preconstruction survey and monitoring methods, capture and relocation methods and suitable relocation areas.[7] Additionally, we request including avoidance, minimization and mitigation measures. The plan should be available to the interested public for comment prior to finalization. O1-4 cont'd

5. **Trash Abatement**
MM BIO-12 states that all trash and food-related waste shall be placed in self-closing containers and removed regularly from the site. Defenders recommends the measure be strengthened to require the use of secure, wildlife-proof containers to prevent wildlife access. Additionally, we recommend revising the measure to include a clearly defined trash removal schedule, with removals occurring at least once per week. O1-5

6. **Nighttime Construction and Speed Limit**
MM BIO-14 states to avoid nighttime construction lighting or if nighttime construction cannot be avoided, use shielded directional lighting pointed down toward to avoid illumination of natural areas. We recommend that nighttime construction be avoided altogether, not simply nighttime construction lighting. Prohibiting nighttime construction avoids and minimizes impacts to sensitive species that are most active at night and, therefore, more vulnerable to construction and traffic-related incidents.

   MM BIO-13 establishes a 15 miles per hour speed limit for the Project site. If construction must be conducted at night, Defenders requests the speed limit be reduced to 10 miles per hour to avoid collisions with wildlife. O1-6

7. **Prohibition of Pets**
MM BIO-17 states that personnel are prohibited from bringing dogs on the Project site. Defenders recommends extending this prohibition to <u>all</u> pets to reduce risk of any domestic animals disturbing or harassing wildlife. O1-7

8. **Wildlife-Friendly Fencing**
The MND states that wildlife-friendly fencing will be utilized around the project site and designed to allow for the passage of wildlife, with gaps of approximately 4–6 inches at the bottom and knuckled edges to create a smooth surface. Based on this design, the MND concludes that impact would be less than significant. However, while this fencing design is mentioned, it is not identified as a formal mitigation measure. We request that wildlife-friendly fencing be explicitly included as a mitigation measure to ensure enforceability. O1-8

[7] California Department of Fish and Wildlife. 2023. *Glamis Specific Plan (Project) Draft Environmental Impact Report (DEIR) SCH 2020100348*.

LETTER O1

Additionally, the MND does not address the potential impacts of fence posts on burrow-dwelling species, such as BUOW. Fence installation, particularly posts driven into the ground, can collapse or destroy burrows or otherwise deter BUOW from using adjacent habitat. The MND should be revised to analyze and mitigate for potential impacts of security fencing on BUOW. O1-8 cont'd

Conclusion

Thank you once again for the opportunity to provide comments on the IS/MND for the proposed Seville 4 Solar Project and for considering our comments. Please feel free to contact me with any questions. O1-9

Respectfully submitted,

Sophia Markowska

Sophia Markowska
Senior California Representative
Defenders of Wildlife
Smarkowska@defenders.org

Defenders of Wildlife

August 11, 2025

Intro This comment is an introductory comment and does not address the adequacy of the Draft IS/MND; therefore, no further response is necessary.

O1-1a In response to address CDFW's comments regarding potential burrowing owl impacts (see response to comment S2-14 and S2-15), Mitigation Measure BIO-6 has been modified to incorporate suggested changes by CDFW which would reduce potential impacts to a level less than significant.

O1-1b In response to address CDFW's comments regarding potential kit fox impacts (see response to comment S2-18 and S2-19, Mitigation Measure BIO-8 has been modified to incorporate suggested changes by CDFW which would reduce potential impacts to a level less than significant.

O1-1c Mitigation Measure BIO-7 has been modified to include the requirement to follow standard mitigation measures listed in the Flat-tailed Horned Lizard Rangewide Management Strategy, and other provisions as recommended by the CDFW. Please refer to response to comments S2-16 and S2-17.

O1-2 Please refer to responses to comments S2-13, S2-14 and S2-15. Mitigation Measure BIO-6 has been modified in order to address comments from CDFW and to be consistent with the *Staff Report on Burrowing Owl Mitigation.*

O1-3 Please refer to responses to comments S2-13, S2-14 and S2-15. Mitigation Measure BIO-6 has been modified in order to address comments from CDFW and to be consistent with the *Staff Report on Burrowing Owl Mitigation.*

O1-4 Mitigation Measure BIO-7 has been modified in order to address comments from CDFW and to be consistent with the Flat-tailed Horned Lizard Rangewide Management Strategy. Please refer to responses to comments S2-16 and S2-17.

O1-5 In response to this comment, Mitigation Measure BIO-12 has been revised as follows:

BIO-12 **Trash Abatement.** All trash and food-related waste shall be placed in self-closing, secure, wildlife-proof containers to prevent wildlife access and removed regularly, at a minimum once a week, from the site to prevent overflow. Workers shall not feed wildlife.

O1-6 Nighttime construction is not proposed or anticipated. However, there may be certain instances where it cannot be avoided. Therefore, in response to this comment, Mitigation Measure 13 has been revised as follows:

BIO-13 **Project Site Speed Limit.** To minimize the likelihood for vehicle strikes on wildlife, speed limits shall not exceed 15 miles per hour when driving on access roads during daytime construction activities. Should any nighttime construction activity occur, speed limits shall not exceed 10 miles per hour when driving on access roads. All vehicles required for O&M must remain on designated access/maintenance roads.

O1-7 In response to this comment, Mitigation Measure BIO-17 has been revised as follows:

BIO-17 **Firearms and Pets.** Project personnel and any other individuals associated with the project are prohibited from bringing any firearms or dogs or other pets on the project Area during, except those in the possession of authorized security personnel or local, state, or federal law enforcement officials, dogs that may be used to aid in official and approved monitoring procedures/protocols, or service dogs under Title II and Title III of the American with Disabilities Act. Firearms, open fires, and pets shall be prohibited at all work locations and access roads. Smoking shall be prohibited along the project alignment.

O1-8 In response to this comment, Mitigation Measure BIO-10 has been revised as follows:

BIO-10 **Wildlife Entrapment Avoidance.** No potential wildlife entrapments (e.g., trenches, bores) shall be left uncovered overnight. Any uncovered pitfalls will be excavated to 3:1 slopes at the ends to provide wildlife escape ramps. Alternatively, man-made ramps may be installed. Covered pitfalls will be covered completely to prevent access by small mammals or reptiles.

To avoid wildlife entrapment (including birds), all pipes or other construction materials or supplies shall be covered or capped in storage or laydown areas, and at the end of each construction workday in construction, quarrying and processing/handling areas. No pipes or tubing of sizes or inside diameters ranging from 1 to 10 inches shall be left open either temporarily or permanently.

Wildlife friendly fencing shall be utilized for the site perimeter fencing. The fencing shall be designed to allow for the passage of wildlife, with gaps of approximately 4-6 inches at the bottom and knuckled edges to create a smooth surface.

O1-9 Comment noted.

ATTACHMENT J:

EEC PACKET

PROJECT REPORT

TO: ENVIRONMENTAL EVALUATION (EEC) COMMITTEE **AGENDA DATE: April 24, 2025**

FROM: PLANNING & DEVELOPMENT SERVICES **AGENDA TIME 1:30 PM / No. 1**

Seville 4 Solar and Battery

PROJECT TYPE: GPA #24-0003, ZC #24-0004, CUP #24-0012, WSA SUPERVISOR DIST # 3

LOCATION: 8.5 miles west of Hwy 78 and Hwy 86 intersection along Hwy 78 APN: 018-17-058 et al

Imperial County, CA 92243 PARCEL SIZE: 338 total aces

GENERAL PLAN (existing) Industrial GENERAL PLAN (proposed) Agriculture/RE

ZONE (existing) M-1 (Light Industrial ZONE (proposed) A-2/RE General Agriculture

GENERAL PLAN FINDINGS ☐ CONSISTENT ☐ INCONSISTENT ☒ MAY BE/FINDINGS

PLANNING COMMISSION DECISION: HEARING DATE: _____

☐ APPROVED ☐ DENIED ☐ OTHER

PLANNING DIRECTORS DECISION: HEARING DATE: _____

☐ APPROVED ☐ DENIED ☐ OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: 04/24/2025

INITIAL STUDY: #24- 0020

☐ NEGATIVE DECLARATION ☒ MITIGATED NEG. DECLARATION ☒ EIR

DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS	☐ NONE	☐ ATTACHED
AG	☐ NONE	☐ ATTACHED
APCD	☒ NONE	☐ ATTACHED
E.H.S.	☐ NONE	☐ ATTACHED
FIRE / OES	☐ NONE	☒ ATTACHED
SHERIFF	☐ NONE	☐ ATTACHED
OTHER	Caltrans, IID	

REQUESTED ACTION:

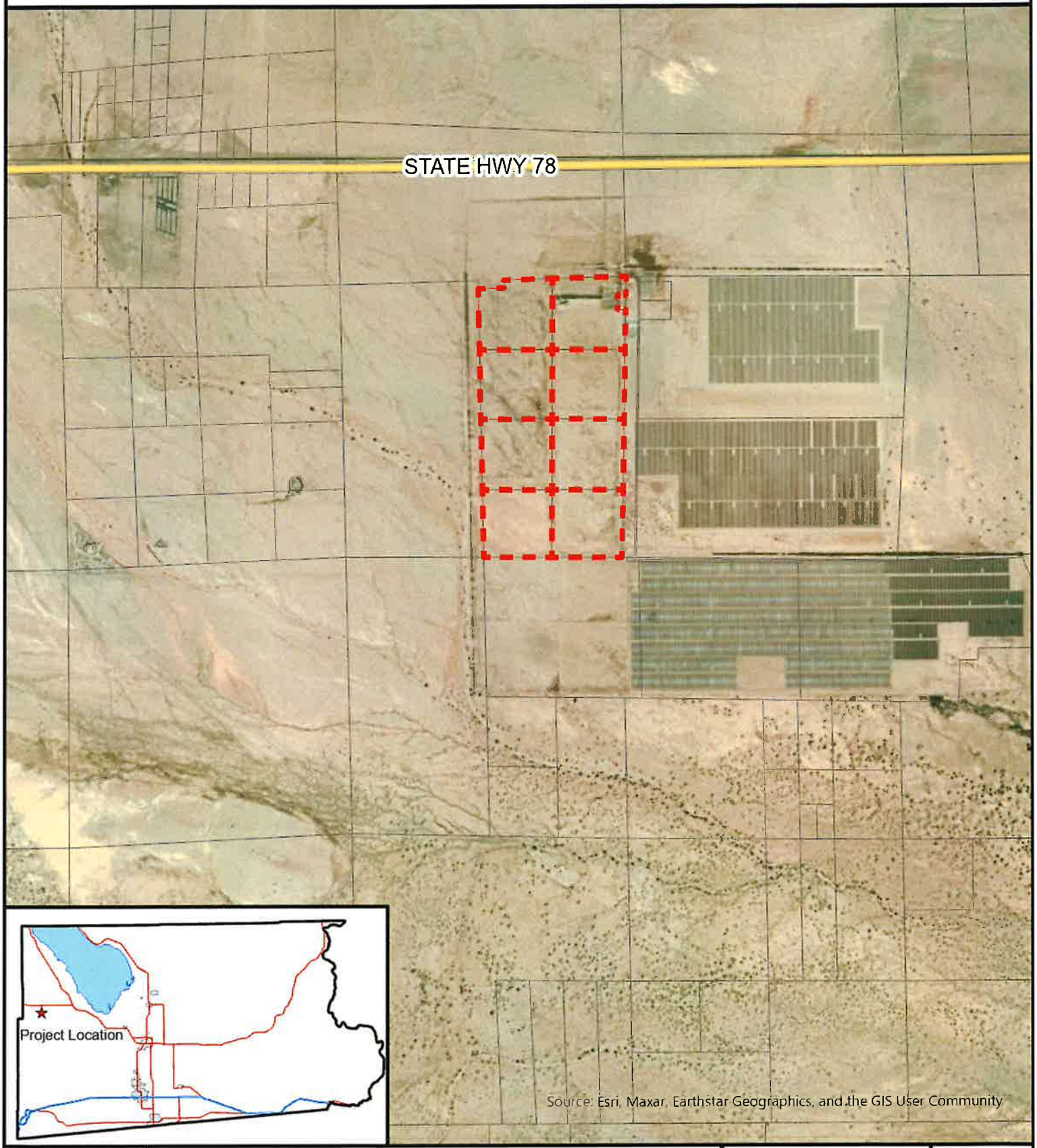
(See Attached)

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

Attachment A.

Location Map

PROJECT LOCATION MAP



SEVILLE 4
GPA #24-0003 / ZC #24-0004
CUP #24-0012
APN'S 018-170-065, 064, 063, 062, 061, 060, 059, 058-000.

Project Location
Centerline
Parcels

N

EEO ORIGINAL PKG

Attachment B.

IS

Draft

Initial Study

Seville 4 Solar Project

Initial Study #24-0020

General Plan Amendment #24-0003

Zone Change #24-0004

Conditional Use Permit #24-0012

Imperial County, CA

July 2025

Reviewed by:

County of Imperial

Planning & Development Services Department

801 Main Street

El Centro, CA 92243

Prepared by:

HDR Engineering, Inc.

591 Camino de la Reina, Suite 300

San Diego, CA 92108

This page is intentionally blank.

Contents

Tables

Figures

Appendices

Introduction

A. Purpose

This document is a ☐ policy-level; ☒ project-level Initial Study for evaluation of potential environmental impacts resulting with the proposed Seville 4 Solar Project.

B. CEQA Requirements and the Imperial County's Rules and Regulations for Implementing CEQA

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

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

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

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

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

This Initial Study has determined that the proposed Seville 4 Solar Project will result in potentially significant environmental impacts; however, mitigation measures are available to reduce the potentially significant impacts and therefore, a Mitigated Negative Declaration is deemed as the appropriate document to provide necessary environmental evaluations and clearance for the proposed approvals under review in this Initial Study.

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

Pursuant to the County of Imperial's CEQA Regulations, Guidelines for the Implementation of CEQA, depending on the project scope, the County of Imperial Board of Supervisors, Planning

Commission and/or Planning Director is designated the Lead Agency, in accordance with Section 15050 of the CEQA Guidelines. The Lead Agency is the public agency which has the principal responsibility for approving the necessary environmental clearances and analyses for any project in the County.

C. Intended Uses of Initial Study

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

The Initial Study prepared for the project will be circulated for a period of no less than 35 days for public and agency review and comments.

D. Contents of Initial Study

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

SECTION 1

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

SECTION 2

II. ENVIRONMENTAL CHECKLIST FORM contains the County's Environmental Checklist Form. The checklist form presents results of the environmental evaluation for the proposed Seville 4 Solar Project and those issue areas that would have either a significant impact, potentially significant impact, or no impact.

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

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

SECTION 3

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

E. Scope of Environmental Analysis

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

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

F. Policy-Level or Project-Level Environmental Analysis

This Initial Study will be conducted under a ☐ policy-level, ☒project-level analysis.

Regarding mitigation measures, it is not the intent of this document to “overlap” or restate conditions of approval that are commonly established for future known projects or the proposed project and associated entitlement applications. Additionally, those other standard requirements and regulations that any development must comply with, that are outside the County’s jurisdiction, are also not considered mitigation measures, and therefore, will not be identified in this document.

G. Tiered Documents and Incorporation by Reference

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

1. **Tiered Documents**

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

   “Tiering refers to using the analysis of general matters contained in a broader EIR (such as the one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project.”

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

   “Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including the general plans, zoning changes, and development

projects. This approach can eliminate repetitive discussion of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of environmental review. Tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration."

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

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

(1) Were not examined as significant effects on the environment in the prior EIR; or

(2) Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means."

2. **Incorporation by Reference**

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

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

- The incorporated document must be available to the public or be a matter of public record (CEQA Guidelines Section 15150[a]). The General Plan EIR is available, along with this document, at the County of Imperial Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 Ph. (442) 265-1736.
- This document must be available for inspection by the public at an office of the lead agency (CEQA Guidelines Section 15150[b]). These documents are available at the County of Imperial Planning & Development Services Department, 801 Main Street, El Centro, CA 92243, Ph. (442) 265-1736.
- These documents must summarize the portion of the document being incorporated by reference or briefly describe information that cannot be summarized. Furthermore, these documents must describe the relationship between the incorporated information and the analysis in the tiered documents (CEQA Guidelines Section 15150[c]). As discussed above, the tiered EIRs address the entire project site and provide background and inventory information and data which apply to the project site. Incorporated information and/or data will be cited in the appropriate sections.

- These documents must include the State identification number of the incorporated documents (CEQA Guidelines Section 15150[d]). The State Clearinghouse Number for the County of Imperial General Plan EIR is SCH #93011023.

The material to be incorporated in this document will include general background information (CEQA Guidelines Section 15150[f]).

Environmental Checklist Form

1. **Project Title:** Seville 4 Solar Project
2. **Lead Agency Name and Address:** Imperial County Planning & Development Services Department, 801 Main Street, El Centro, CA 92243
3. **Contact Person and Phone Number:** David Black, Planner IV, (442) 265-1756
4. **Project Location:** The project site is located on eight privately-owned parcels (Assessor Parcel Number (APN) 018-170-058, 018-170-059, 018-170-060, 018-170-061, 018-170-062, 018-170-063, 018-170-064, and 018-170-065. These eight parcels encompass approximately 325 acres in unincorporated Imperial County, California (Figure 1), The project is located approximately 0.40 miles south of State Route (SR) 78, approximately 7 miles east of the unincorporated community of Ocotillo Wells, and approximately 7 miles west of SR 86 (Figure 2). The project site is approximately 14 miles west from the southern tip of the Salton Sea and 4 miles east of the Imperial County-San Diego County line. Local unpaved roads provide access to the project site from SR 78. Federal lands managed by the Bureau of Land Management (BLM) are located immediately west and northeast of the project site (Figure 3).
5. **Project Sponsor's Name and Address:** Apex Energy Solutions, LLC, 750 W. Main Street, El Centro, CA 92243
6. **General Plan Designation:** Industrial
7. **Zoning:** Light Industrial (M-1)
8. **Description of Project:** The proposed project consists of four primary components: 1) 90-megawatt (MW) solar photovoltaic (PV) facility; 2) 180-MW battery energy storage system (BESS); 3) on-site substation; and 4) an interconnection line to the Titan II substation with ultimate delivery to Imperial Irrigation District's (IID) existing 92-kV "R" Line. These four components are collectively referred to as the "proposed project" or "project." A detailed project description is provided in the Project Summary section below.
9. **Surrounding Land Uses and Setting: Briefly describe the project's surroundings:**

   The project site is vacant and previously disturbed by historical agricultural uses. The area surrounding the project site is predominantly flat as most of the land has been leveled to accommodate past agricultural activities and facilitate irrigation. San Felipe Creek, in its natural state, previously flowed through the southern portion of the project site in a southeasterly direction. In the 1970's, the Creek was diverted around the southwestern corner of the project site by an earthen berm constructed along the western boundary of the project site.

   The surrounding area, specifically to the east and southeast of the project site, has been developed with renewable energy facilities (Figure 2). The Seville 1 and Seville 2 solar facilities are located immediately east of the project site, and the Titan I Solar facility is located immediately southeast of the project site. The parcels immediately north and south of the project site are also planned to be developed with renewable energy facilities.

   The project site is located in a sparsely populated portion of Imperial County. There are no established residential communities located within or in the vicinity of the project site. The

nearest residence is approximately 1.15 miles west of the southwest corner of the project site. The Ocotillo Recreational Vehicle Resort is located approximately 1.15 miles northwest of the project site.

The project site is zoned M-1. The parcels immediately surrounding the project site to the north, south, and east are zoned A-2, and federal lands managed by the BLM are directly west and northeast of the project site (Figure 3). The Ocotillo Wells State Vehicular Recreation Area is immediately north of SR 78.

10. **(Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):**

    - California Regional Water Quality Control Board, Colorado River Basin Region
    - Imperial County Air Pollution Control District
    - Imperial County Public Works Department
    - Imperial Irrigation District

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

    To date, the County has received one response related to the AB 52 and SB 18 Native American consultation processes – Agua Caliente Band of Cahuilla Indians (January 31, 2025). The Agua Caliente Band of Cahuilla Indians has requested formal government consultation under AB 52 and SB 18, that a cultural resources inventory be prepared for the project, and copies of the report and record search be provided. Additionally, the Agua Caliente Band of Cahuilla Indians requested the presence of an approved Cultural Resource Monitor(s) from a Consulting Tribe during any ground disturbing activities.

Environmental Factors Potentially Affected

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

☐	Aesthetics	☐	Agriculture and Forestry Resources	☐	Air Quality
☒	Biological Resources	☒	Cultural Resources	☐	Energy
☒	Geology/Soils	☐	Greenhouse Gas Emissions	☐	Hazards & Hazardous Materials
☐	Hydrology / Water Quality	☐	Land Use/Planning	☐	Mineral Resources
☐	Noise	☐	Population/Housing	☐	Public Services
☐	Recreation	☐	Transportation	☐	Tribal Cultural Resources
☐	Utilities/Service Systems	☐	Wildfire	☐	Mandatory Findings of Significance

Environmental Evaluation Committee Determination

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

☐ Found that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ Found that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ Found that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ Found that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ Found that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

EEC ORIGINAL PKG

EEC VOTES	YES	NO	ABSENT
PUBLIC WORKS	☒	☐	☐
ENVIRONMENTAL HEALTH	☒	☐	☐
OFFICE EMERGENCY SERVICES	☒	☐	☐
APCD	☒	☐	☐
AG	☒	☐	☐
SHERIFF DEPARTMENT	☒	☐	☐
ICPDS	☒	☐	☐

For

Jim Minnick, Director of Planning/EEC Chairman

4/24/2025

Date:

EEC ORIGINAL PKG

This page is intentionally blank.

Project Summary

Project Location

The project site is located on eight privately-owned parcels APN's 018-170-058, 018-170-059, 018-170-060, 018-170-061, 018-170-062, 018-170-063, 018-170-064, and 018-170-065. The project site encompasses approximately 325 acres in unincorporated Imperial County, California (Figure 1). The project is located approximately 0.40 miles south of SR 78, approximately 7 miles east of the unincorporated community of Ocotillo Wells, and approximately 7 miles west of SR 86 (Figure 2). The project site is approximately 14 miles west from the southern tip of the Salton Sea and 4 miles east of the Imperial County-San Diego County line. Local unpaved roads provide access to the project site from SR 78. Federal lands managed by the BLM are located immediately west and northeast of the project site (Figure 3).

Renewable Energy Overlay Zone

In 2015, the County adopted the Imperial County Renewable Energy and Transmission Element, which includes an RE Zone (RE Overlay Map). This General Plan element was created as part of the California Energy Commission Renewable Energy Grant Program to amend and update the County's General Plan to facilitate future development of renewable energy projects.

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

The parcels that comprises the project site are outside of the County's RE Overlay Zone. Therefore, the applicant is requesting a General Plan Amendment and Zone Change to include/classify APNs 018-170-058, 018-170-059, 018-170-060, 018-170-061, 018-170-062, 018-170-063, 018-170-064, and 018-170-065 into the RE Overlay Zone. The underlying "Industrial" General Plan designation would be changed to "Agriculture."

Environmental Setting

The project site is vacant and previously disturbed by historical agricultural uses. The area surrounding the project site is predominantly flat as most of the land has been leveled to accommodate past agricultural activities and facilitate irrigation. San Felipe Creek, in its natural state, previously flowed through the southern portion of the project site in a southeasterly direction. In the 1970's, the Creek was diverted around the southwestern corner of the project site by an earthen berm constructed along the western boundary of the project site.

The surrounding area, specifically to the east and southeast of the project site, has been developed with renewable energy facilities (Figure 2). The Seville 1 and Seville 2 solar facilities are located immediately east of the project site, and the Titan I Solar facility is located immediately southeast of the project site. The parcels immediately north and south of the project site are also planned to be developed with renewable energy facilities.

The project site is located in a sparsely populated portion of Imperial County. There are no established residential communities located within or in the vicinity of the project site. The nearest residence is approximately 1.15 miles west of the southwest corner of the project site. The Ocotillo Recreational Vehicle Resort is located approximately 1.15 miles northwest of the project site.

The project site is zoned M-1. The parcels immediately surrounding the project site to the north, south, and east are zoned A-2, and federal lands managed by the BLM are directly west and northeast of the project site (Figure 3). The Ocotillo Wells State Vehicular Recreation Area is immediately north of SR 78.

Project Components

Apex Energy Solutions, LLC (project applicant) proposes to construct and operate the project, consisting of four primary components: 1) 90-MW PV energy generation facility; 2) 180-MW BESS; 3) on-site substation; and 4) an interconnection line to the Titan II substation with ultimate delivery to IID's existing 92-kV "R" Line. These four components together are collectively referred to as the "proposed project" or "project." These project components are described below and depicted on Figure 4.

Solar Energy Facility

The proposed project involves the construction of a 90-MW single axis tracking PV solar energy facility.

The solar energy facility would involve solar PV technology modules mounted on horizontal single-axis tracker (HSAT) systems. The fixed-frame PV module arrays would be mounted on racks that would be supported by driven piles and arranged in arrays spaced up to 30 feet apart (pile to pile) to maximize performance and to allow access for panel cleaning. Solar modules would be a maximum of 10 feet high. These arrays would be separated from each other and the perimeter security fence by at least 20-foot-wide interior roads to provide access to all areas for maintenance and emergency vehicles.

Electricity generated by the PV modules would be collected by a direct current (DC) collection system routed underground in trenches. This DC power would be delivered to one of the pad-mounted inverters in weatherproof enclosures located within the arrays. Underground or overhead 12.5-kV or 34.5-kV collection lines would transmit the electricity to a new on-site substation, further described below.

Battery Energy Storage System

As shown in Figure 4, a 180-MW BESS is proposed within the southeast portion of the project site, adjacent to the proposed solar energy facility. The proposed BESS would consist of either lithium ion or flow batteries. The on-site BESS facility would include battery modules, inverters, and a control structure. The BESS would include approximately 192 battery packs/modules and 29 inverters.

The batteries will be housed in either storage containers or buildings fitted with heating, ventilation, and air conditioning and fire suppression systems as necessary, depending on the final selection of battery technology. Inside the housing, the batteries will be placed on racks, the orientation of which depends on the type of housing. Underground trenches with conduits will be used to connect the batteries to the control and monitoring systems, and inverters will be used to convert the PV produced DC power to AC power. Direct burial of cables would also be considered.

On-Site Substation

The proposed substation would be approximately 150 feet by 150 feet (0.5 acre) in size and would be located adjacent to the BESS in the southeast corner of the project site. The proposed substation would be unstaffed and automated. The California Building Code and the IEEE 693, Recommended Practices for Seismic Design of Substations, will be followed for the substation's design, structures, and equipment.

Gen-tie Line

As previously mentioned above, underground or overhead 12.5-kV or 34.5-kV collection lines would transmit the electricity to a new on-site substation. The proposed project includes a new 92 kV gen-tie line to deliver electricity from the on-site substation to a new substation at the Titan II project site (APN 018-170-057) located east of the project site (Figure 4). From the Titan II substation, electricity would ultimately be delivered to IID's existing 92 kV "R" Line located immediately east of the Titan II project site. The project will require an on-site switching station to loop in-and-out of the IID "R" Line. Interconnection poles would be approximately 40 to 45 feet in height.

Security

Six-foot high security fencing and a three-foot stand of barbed wire would be installed around the perimeter of the project site at the commencement of construction and site access would be limited to authorized site workers. In addition, a video surveillance system would also be installed for security.

Site Access

Vehicular access to the project site will be from an existing unpaved private road that intersects SR 78. This road is currently used to access the existing solar facilities to the east (Seville 1 and Seville 2) and southeast (Titan I Solar) (Figure 2). This private road would provide a direct entrance to the project site at its northeast corner and would be the primary route for construction vehicle traffic (Figure 4). During operation, PV panels would be spaced to maintain appropriate clearance to accommodate emergency access.

Fire Protection/Fire Suppression

Fire protection systems for battery systems would be designed in accordance with California Fire Code and would take into consideration the recommendations of the National Fire Protection Association (NFPA) 855.

Fire suppression agents such as Novec 1230 or FM 2000, or water may be used as a suppressant. In addition, fire prevention methods would be implemented to reduce potential fire risk, including voltage, current, and temperature alarms. Energy storage equipment would comply with Underwriters Laboratory (UL)-95401 and test methods associated with UL-9540A. The project would include lithium-ion batteries. For lithium-ion batteries storage, a system would be used that would contain the fire event and encourage suppression through cooling, isolation, and containment. Suppressing a lithium-ion (secondary) battery is best accomplished by cooling the burning material. A gaseous fire suppressant agent (e.g., 3M™ Novec™ 1230 Fire Protection Fluid or similar) and an automatic fire extinguishing system with sound and light alarms would be used for lithium-ion batteries.

To mitigate potential hazards, redundant separate methods of failure detection would be implemented. These would include alarms from the Battery Management System (BMS), including voltage, current,

and temperature alarms. Detection methods for off gas detection would be implemented, as applicable. These are in addition to other potential protective measures such as ventilation, overcurrent protection, battery controls maintaining batteries within designated parameters, temperature and humidity controls, smoke detection, and maintenance in accordance with manufacturer guidelines. Remote alarms would be installed for operations personnel as well as emergency response teams in addition to exterior hazard lighting. In addition, an Incidence Response Plan would be implemented. Additionally, the project applicant would contribute its proportionate share for purchase of any fire-suppression equipment, if determined warranted by the County Fire Department for the proposed project.

Construction

Construction of the project is anticipated to be completed over the course of 12 to 18 months, assumed to occur from July 2026 until the end of December 2027 in the following proposed phases:

- Site Preparation and Grading (including construction equipment delivery, graveling new access roads, grubbing, and grading necessary for construction of the racking system, inverter pads, switching station, substation and energy storage system);
- Trenching and Interconnection Construction (including the delivery of solar components, trenching for underground electrical conduit, and substation, transmission lines and installation of electrical infrastructure);
- Substation and Switching Station (installing potential foundations and the substation and switching station apparatus); and
- Solar Array Installation (including security fencing and finalization).

All construction activities, including construction staging of equipment, would be situated entirely within the project site. Typical construction equipment would be used during all phases of project construction; would be stored within the staging area; and would potentially include graders, water trucks, forklifts, bulldozers, and backhoes. Grading for solar field construction is expected to be minor because the site is fairly level. However, grading would be necessary for construction of the racking system, inverter pads, switching station, substation, and energy storage system.

Operations

The project would be operated on an unstaffed basis and be monitored remotely, with periodic on-site personnel visitations for security, maintenance and system monitoring. No full-time site personnel would be required on-site during operations. Any required planned maintenance activities would generally consist of equipment inspection and replacement and would be scheduled to avoid peak load periods. Any unplanned maintenance would be responded to as needed, depending on the event.

Water Use

Water demand for the project would consist of water needed during construction, primarily for dust control, and water needed for maintenance during operation. Construction water demand is anticipated to be approximately 112.5 acre-feet (AF) over the course of 12 to 18 months. The operational and maintenance water demand is anticipated to be 7.5 AF of water annually for duration of the 25-year project life. The project's water supply would be provided by groundwater from two private wells owned by the project proponent. An existing well located in the southeast corner of the

project site would be used for construction needs. The second well, located in the northern portion of the project site, would be used for operation and maintenance purposes. Figure 4 shows the location of these on-site wells.

Decommissioning

Electricity generated by the project could be sold under the terms of a power purchase agreement (PPA) with a power purchaser (i.e., utility service provider). The projected life of the project is 25 years. At the end of the PPA term, the owner of the project may choose to enter into a subsequent PPA, update technology and re-commission, or decommission and remove the generating facility and its components. Upon decommissioning, the site could be converted to other uses in accordance with applicable land use regulations in effect at that time. A collection and recycling program will be executed to promote recycling of project components and minimize disposal in landfills. All permits related to decommissioning would be obtained, where required.

Project decommissioning may include the following activities:

- The facility would be disconnected from the utility power grid.
- Project components would be dismantled and removed using conventional construction equipment and recycled or disposed of safely.
- PV panel support steel and support posts would be removed and recycled off-site by an approved metals recycler.
- All compacted surfaces within the project site and temporary on-site haul roads would be de-compacted.
- Electrical and electronic devices, including inverters, transformers, panels, support structures, lighting fixtures, and their protective shelters would be recycled off-site by an approved recycler.
- All concrete used for the underground distribution system would be recycled off-site by a concrete recycler or crushed on-site and used as fill material.
- Fencing would be removed and recycled off-site by an approved metals recycler.
- Soil erosion and sedimentation control measures would be re-implemented during the decommissioning period and until the site is stabilized.

Prior to issuance of the initial grading permit for the project, a Site Reclamation Plan in conformance with County of Imperial requirements would be prepared for review and approval by the Imperial County Planning and Development Services Department. This plan would be implemented at the end of power operations and would describe the proposed equipment dismantling, removal and site restoration program, in conformance with County requirements.

Project Approvals

Imperial County

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

1. **General Plan Amendment (#24-0003).** An amendment to Imperial County's General Plan, Renewable Energy and Transmission Element (County of Imperial 2015) is required to implement the proposed project. CUP applications proposed for specific renewable energy projects not located in the RE Overlay Zone would not be allowed without an amendment to the RE Overlay Zone. The parcels that comprises the project site are outside of the County's RE Overlay Zone. Therefore, the applicant is requesting a General Plan Amendment to expand the overlay to include/classify APNs 018-170-058, 018-170-059, 018-170-060, 018-170-061, 018-170-062, 018-170-063, 018-170-064, and 018-170-065 into the RE Overlay Zone. The underlying "Industrial" General Plan designation would be changed to "Agriculture."
2. **Zone Change (#24-0004).** The applicant is requesting a zone change to include/classify APNs 018-170-058, 018-170-059, 018-170-060, 018-170-061, 018-170-062, 018-170-063, 018-170-064, and 018-170-065into the RE Overlay Zone (i.e. zone change from M-1 to A-2-RE).
3. **Approval of Conditional Use Permit (CUP #24-0012).** Implementation of the project would require the approval of a CUP by Imperial County to allow for the construction and operation of the proposed solar energy facility with an integrated BESS. The project parcel is currently zoned as M-1. With approval of the GPA and Zone Change, the site would be re-zoned to A-2. Pursuant to Title 9, Division 5, Chapter 8, the following uses are permitted in the A-2 zone subject to approval of a CUP from Imperial County:

   j) Battery Storage Facility (must be connected to an existing electrical power generation plant such as solar, geothermal, wind, natural gas, or other renewable energy generator, as an accessory unit to said power plant) The maximum allowance of battery shall be in a ratio of 2 to 1 compared to solar.

   pp) Major facilities relating to the generation and transmission of electrical energy, provided such facilities are not, under State or Federal law, to be approved exclusively by an agency or agencies of the State and/or Federal governments and provided that such facilities shall be approved subsequent to coordination and review with the Imperial Irrigation District for electrical matters. The maximum allowance of battery shall be in a ratio of 2 to 1 compared to solar.

Figure 1. Regional Location

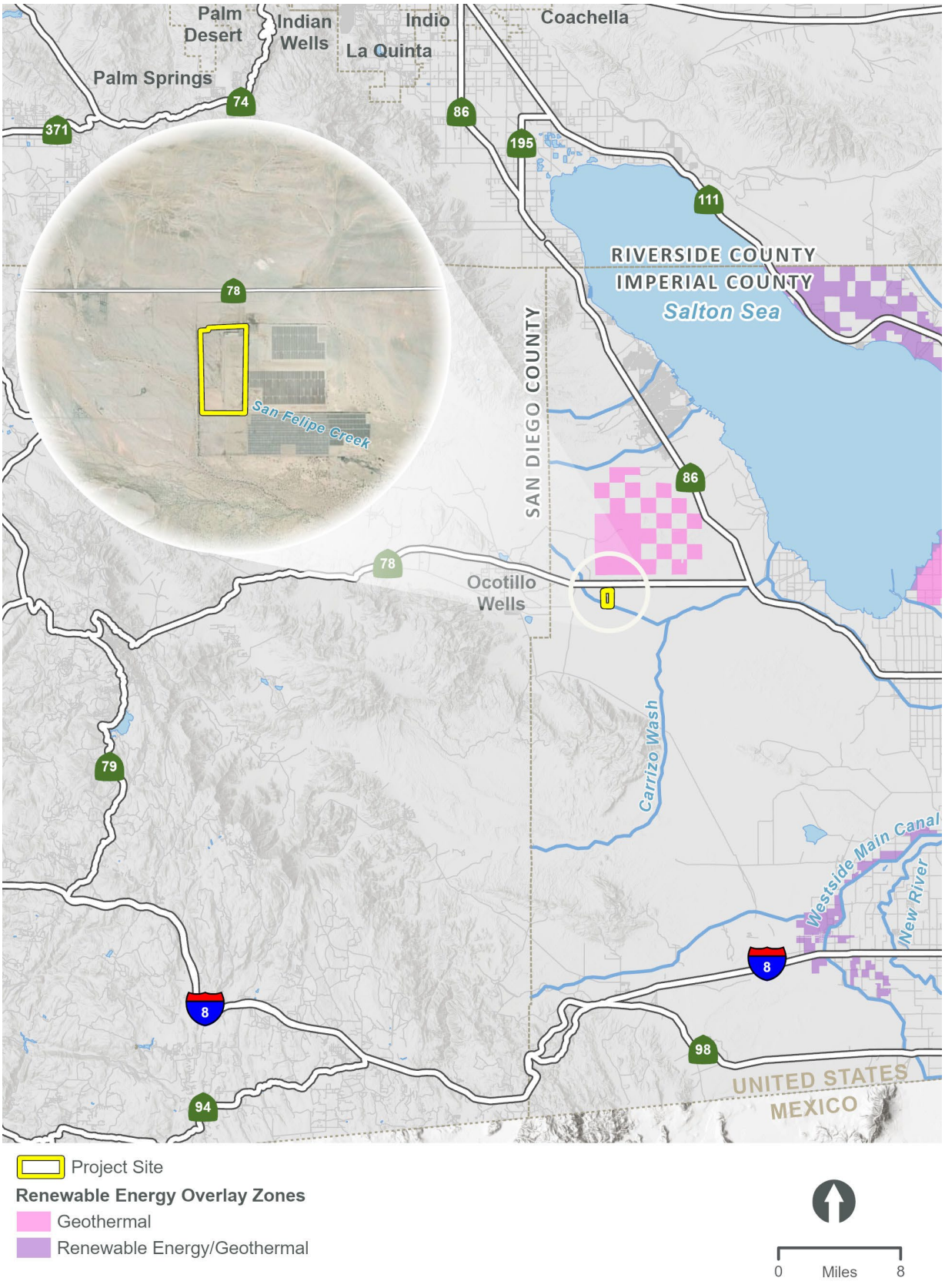


Figure 2. Local Vicinity

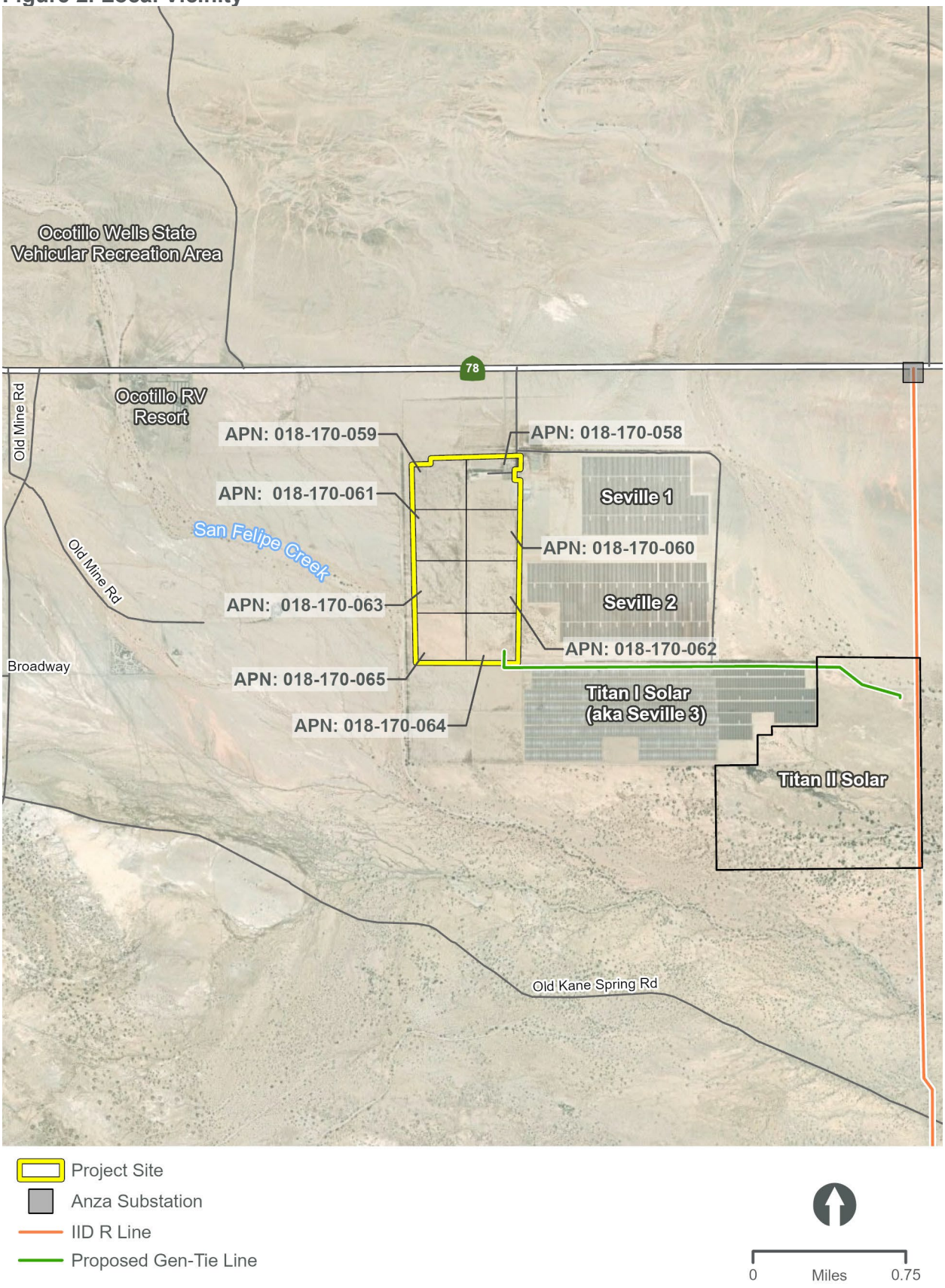


Figure 3. Project Site and Surrounding Zoning

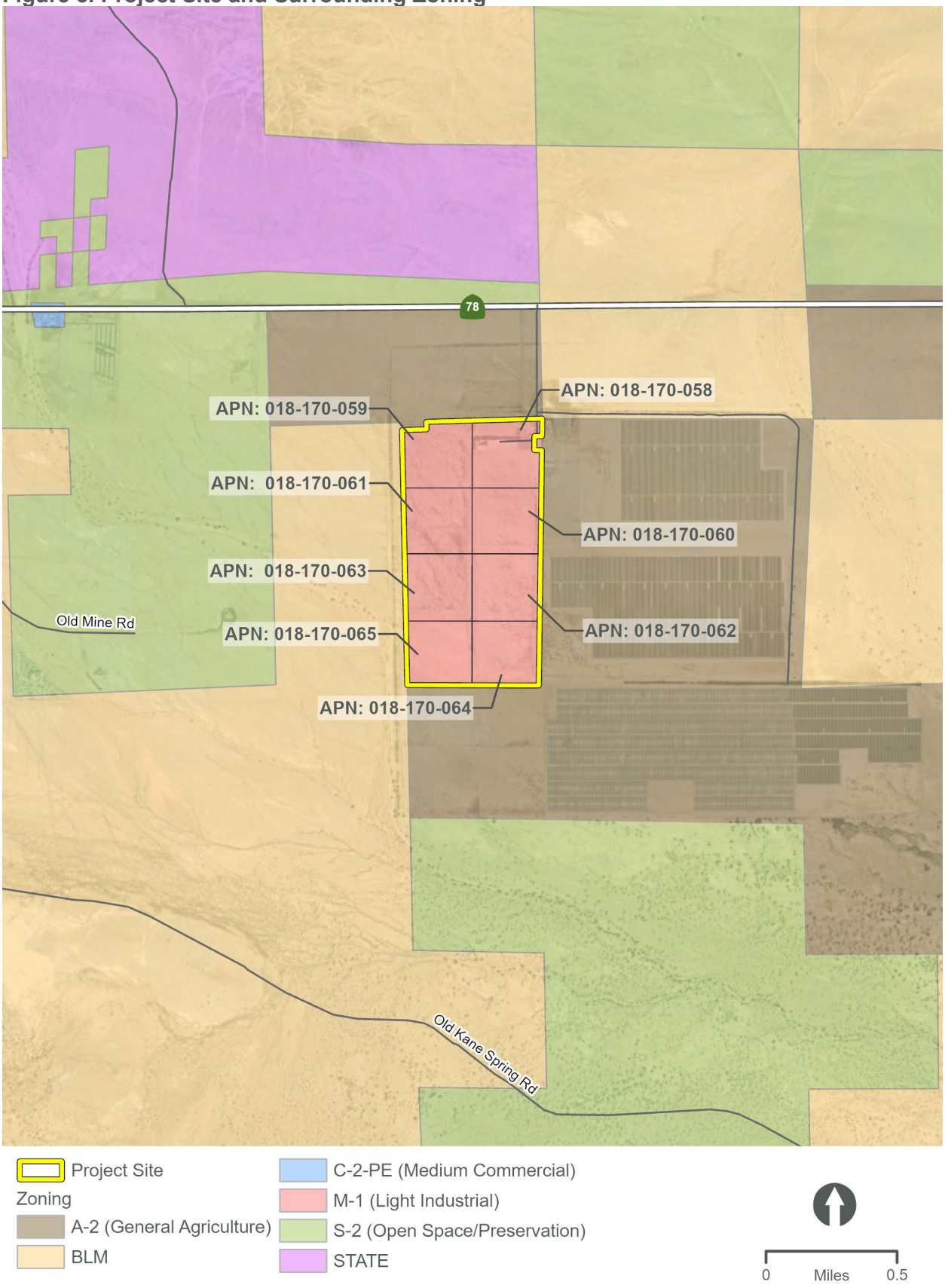
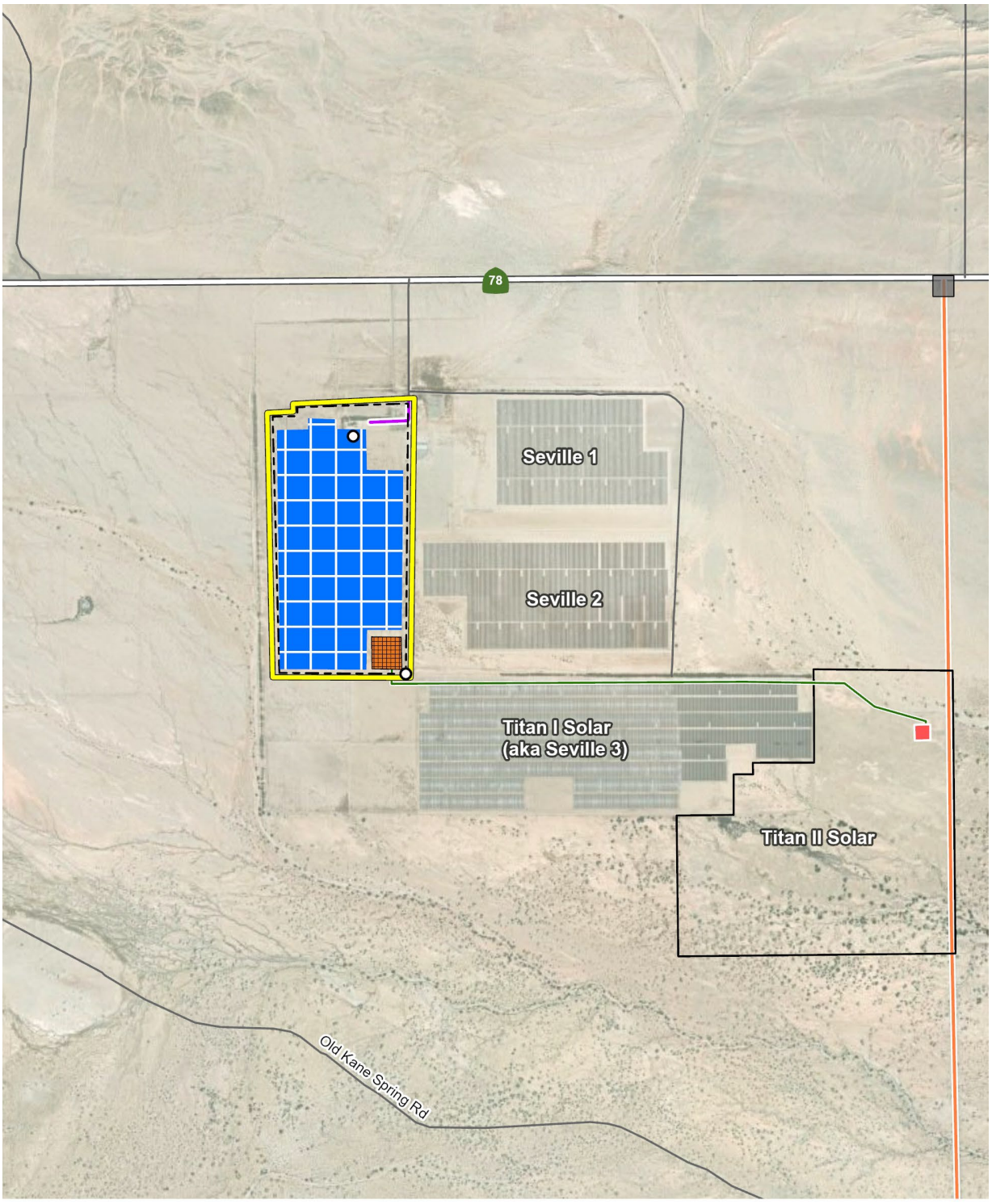


Figure 4. Proposed Site Plan



Evaluation of Environmental Impacts

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

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
    a. The significance criteria or threshold, if any, used to evaluate each question; and
    b. The mitigation measure identified, if any, to reduce the impact to less than significance.

I. Aesthetics

Environmental Issue Area:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?	☐	☐	☒	☐
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Impact Analysis

The following information is summarized from the *Visual Assessment and Glare Analysis for the Seville Solar Energy Project* prepared by SWCA Environmental Consultants (SWCA). This report is provided as Appendix A of this Initial Study.

a) **No Impact.** The project site is located in a rural portion of Imperial County and is not located within an area containing a designated scenic vista or any formal or informal turnouts along the highway near the project site. Therefore, the proposed project would not have a substantial adverse effect on a scenic vista. No impact would occur.

b) **Less Than Significant Impact.** According to the California Department of Transportation (Caltrans) State Scenic Highway System Map, there are no designated or eligible scenic highways within or surrounding the project site, (Caltrans 2019). The nearest road segment considered eligible for a State scenic highway designation is SR 78 located approximately 0.40 miles north of the project site. The project site would be visible from this eligible portion of SR 78; however, there are multiple other solar projects in operation in the immediate vicinity of the project site and the proposed project would be consistent with the visual character. A less than significant impact would occur.

c) **Less than Significant Impact.** The project site was viewed from potential viewer group locations in the surrounding area. Representative public viewpoints were identified for further analysis, based on dominance of the project site within the view, the relationship to visual resources, duration of views, and expected sensitivity of the viewer group. Of those

representative viewpoints, four key observation points (KOPs) were selected that best illustrate the visual changes that would occur as a result of the project. Because of the project's proximity to a state highway and to recreation areas, combined with the general openness of the desert landscape, the potential for public visibility of project improvements is moderately high.

General Project Visibility

Visibility from Residences

A few private residences are scattered west and southwest of the project site. Most of these residences have viewing distances to the site ranging from approximately 1 to 1.5 miles. The nearest residence is approximately 1.15 miles west of the southwest corner of the project site. The extent of views from these locations to the project site varies with the adjacent topography and surrounding vegetation. Existing views toward the site from these residences include the existing Titan I, Seville 1, and Seville 2 solar facilities immediately southeast of the project site.

Visibility from Transportation Corridors

The project would have the potential to be seen from an approximately 7-mile section of SR 78, generally between Old Mine Road to the west and around 3 miles east of Pole Line Road. An annual average of approximately 1,200 vehicles daily travel SR 78 adjacent to the project site (Appendix A of this Initial Study). From the more distant viewpoints along SR 78, although theoretically visible, the project site is difficult to identify within the overall landscape. From closer viewpoints along SR 78, the site becomes more distinguishable, as do the existing solar facilities (Seville 1 and 2).

Visibility from Recreational Areas

Formal recreation areas having potential views of the project site include the Ocotillo Wells State OHV Recreation Area, which occupies most of the land north of SR 78. The quality of views from the OHV recreation area to the project site varies greatly depending on distance, elevation, orientation, landform, and vegetation. Recreational users of the OHV area may be as close as 100 feet (from directly across SR 78), to several miles away from the site, where viewing distances would effectively eliminate visual perception of the project. Ocotillo RV Resort is located approximately 0.6 mile west of the project site along SR 78.

Visibility from the San Juan Bautista De Anza National Historic Trail

The Juan Bautista De Anza National Historic Trail corridor passes to the southwestern portion of the project site. Although the specific trail alignment is uncertain and undeveloped in this area, official National Park Service (NPS) signage on SR 78 and the National Park Service Juan Bautista de Anza National Historic Trail website information directs the public to this area, as part of the overall Historic Trail corridor alignment. In general, views from the Historic Trail to the project site would vary, but along some segments would likely be close-range and unobscured.

Key Observation Points and Contrast Analysis

Of the representative viewpoints described above, four KOPs were selected that best illustrate the visual changes that would occur as a result of the project. KOPs selected for further analysis represent visually sensitive areas that would have potential views of the project and consist of either high-use travel routes, public roadways serving nearby residential development, or public recreational facilities. Assessments of existing visual conditions take into consideration sensitive receptors and sensitive viewing areas in the project vicinity.

The following visual contrast analysis is a qualitative discussion of anticipated contrast between the existing landscape character and the proposed activities and/or facilities. Factors taken into consideration for such an analysis include distance of the proposed

project elements from the viewer and the level of perceived contrast between the proposed project elements and the existing landscape.

The levels of perceived contrast between the proposed project elements and the existing landscape from each KOP were classified using the following terms:

- None: The element contrast is not visible or perceived.
- Weak: The element contrast can be seen but does not attract attention.
- Moderate: The element contrast begins to attract attention and begins to dominate the characteristic landscape.
- Strong: The element contrast demands attention, would not be overlooked, and is dominant in the landscape.

KOP 1 - From near the Ocotillo RV Resort and SR 78; view facing southeast

KOP 1 represents recreational views from the Ocotillo RV Resort and the view of a passenger in a vehicle traveling on SR 78 northeast of the project site (see Appendix A of this Initial Study). The view from this KOP is characterized by broad, panoramic views of slightly undulating terrain leading to the curving and irregular low mountains in the distant background. The vegetation consists of generally rounded low to moderate course patches of light to dark khaki and light green to dark green desert shrubs consistent through the scenery. Transmission lines made of coarse dark brown, vertically standing wood poles and smaller dark fence poles with a thin wireframe continue consistently horizontally through the midground in addition to geometric residential and existing solar facility structures. The transmission pole and fence line in the foreground draw the eye and are a focus of attention from this KOP because of their prominence against the broad, panoramic landscape, pale soft sandy soil, and the pale blue sky.

The proposed project would be approximately 1.1 miles southeast of this KOP location. Based on the level viewer perspective, the close distance to the KOP, and the short duration of recreation and travel route views, the proposed project would begin to attract attention from this KOP. The project would begin to be perceivable from this viewpoint, would introduce similar form, line, color, and texture to the existing solar facility infrastructure in the immediate area, and would screen or partially screen existing quality views. Therefore, it is anticipated that there would be weak (low) perceived visual contrast created by the project within the existing landscape from KOP 1.

KOP 2: From SR-78, view facing southwest

KOP 2 represents vehicular traffic traveling on SR 78, northeast of the project site. Views of the immediate foreground are represented by light to dark khaki and low to moderate shrubs, fine sandy soils, and bright white and yellow lane lines on an asphalt road. Transmission lines made of coarse dark brown, vertically standing wood poles connected by curved galvanized conductor wires are consistently spaced apart, and geometric residential and existing solar facility structures through the midground. In the background, views are represented by mountains to the northwest, west, and south.

The project site is approximately 0.2 mile southwest of this KOP location. Based on the level viewer perspective, close distance to the KOP, high travel speeds of the viewer, and the presence of existing features within the immediate foreground, views of the project would be partially obstructed and very noticeable from this KOP due to the close proximity to SR 78 and is the focus of viewer attention. Where visible, the project would introduce form, line, and color similar to existing solar facilities in the form of subdued gray to black geometric solar arrays, which would attract attention to the viewer. Therefore, it is anticipated that there would be moderate (medium) perceived visual contrast created by the project within the existing landscape from KOP 2.

KOP 3: From Pole Line Road approximately 0.35 mile north of SR 78, view facing southwest

KOP 3 represents views from recreation users traveling along Pole Line Road, northeast of the project site. Views from this KOP are characterized by broad, panoramic views of soft, curving, and slightly undulating terrain with irregular small and large areas of light khaki to light brown and green low to high desert shrubs. Views in the immediate foreground are represented by the light tan soft sandy soils from Pole Line Road, and small, irregular desert shrubs. The consistent brown wooden vertical geometric transmission structures and the geometric smooth and continuous subdued grey to dark blue of the existing solar facilities through the midground are a focus of attention from this location because of their prominence in the broad, panoramic landscape. In the background, views are represented by rectangular residential and existing solar facility structures leading up to the mountains to the northwest, west, and south.

The proposed project would be approximately 2.1 miles southwest of this KOP location. Based on the superior viewer perspective, the distance to the KOP, and the short duration of recreation views, the proposed project would begin to attract attention from this KOP. The project would begin to be perceivable from this viewpoint and would introduce similar form, line, color, and texture to the existing solar facility infrastructure in the immediate area and would screen or partially screen existing quality views. Therefore, it is anticipated that there would be weak (low) perceived visual contrast created by the project within the existing landscape from KOP 3.

KOP 4: From BLM Road 191, approximately 300 feet south of SR 78, view facing southwest

KOP 4 represents the view of a recreation user just south of SR 78 approaching the BLM open space to the south. This KOP also represents potential viewers accessing the Juan Batista de Anza National Historic Trail corridor, which passes approximately 3 miles south of this viewpoint and is identified by BLM interpretive signage along SR 78. Views from this KOP are characterized by broad, panoramic views of soft, curving, and slightly undulating terrain with irregular small and large areas of light khaki to light brown and green low to high desert shrubs. Views in the immediate foreground are represented by the light tan rocky sandy soils from Juan Batista de Anza National Historic Trail and BLM 191, and small, irregular desert shrubs. The geometric smooth and continuous subdued grey to black of the existing solar facilities through the midground are a focus of attention from this location because of their prominence in the broad, panoramic landscape. In the background, views are represented by tall, dark, consistently spaced transmission monopoles and rectangular residential and existing solar facility structures leading up to soft undulating and curving mountains to the northwest, west, and south.

The proposed project would be approximately 2 miles southwest of this KOP location. Based on the level viewer perspective, the distance to the KOP, and the short duration of recreation, the proposed project would begin to attract attention from this KOP. The project would begin to be perceivable from this viewpoint, would introduce form, line, color, and texture similar to the existing solar facility infrastructure in the immediate area, and would screen or partially screen existing quality views. Therefore, it is anticipated that there would be weak (low) perceived visual contrast created by the project within the existing landscape from KOP 4.

Impact Analysis

Short-term visual impacts would occur in association with construction activities, including introducing heavy equipment (e.g., cranes), staging and materials storage areas and potential dust and exhaust to the project area. While construction equipment and activity may present a visual nuisance, it would be temporary (approximately 12-18 months) and would not represent a permanent change in views. Therefore, impacts associated with degradation of the existing visual character or quality of the project site during construction are considered less than significant.

Project implementation would change the natural conditions of the site with development of a solar energy and battery storage facility. Onsite vegetation would be completely removed, and the site would be graded to accommodate the installation of PV module frames in arrays. Although project implementation would result in the conversion of a naturally vegetated area with energy-related facilities, open space vegetated areas are not considered to be scenic resources by the County of Imperial.

As described in the contrast analysis above for the 4 KOPs, it is anticipated that there would be weak (low) perceived visual contrast created by the project within the existing landscape from KOPs 1, 3, and 4 and a moderate (medium) perceived visual contrast created by the project within the existing landscape from KOP 2. Furthermore, the addition of solar panels and new electrical lines and poles associated with the proposed gen-tie line would be absorbed into the broader landscape that already includes existing solar facilities and transmission lines. Based on these considerations, impacts associated with degradation of the existing visual character or quality of the project site during operation are considered less than significant.

d) **Less than Significant Impact.** The proposed project would not include any substantial source of nighttime light in the vicinity of the project site. Any lighting required for safety and security within the project site would be hooded and oriented downward to avoid spilling over to adjacent parcels consistent with Title 9, Division 17, Chapter 2: Specific Standards for all Renewable Energy Projects, of the County's Zoning Ordinance.

A glare analysis was conducted to determine the potential for significant glint or glare from solar panels and other built-project components that may affect residents, motorists, or airborne travelers. The analysis for the proposed project used the GlareGauge (also known as Solar Glare and Flux Analysis Tool) model developed by Forge Solar and the U.S. Department of Energy's Sandia National Laboratories to evaluate potential glare. The analysis focused on potential glare impacts on observation points and linear travel routes (refer to Figure 6 of the *Visual Assessment and Glare Analysis for the Seville Solar Energy Project* [Appendix A of this Initial Study]). Aircraft landing and approach were considered at three airports: Ocotillo Wells Airport, Salton Sea Airport, and Borrego Air Ranch Airport. The proposed project site is approximately 6.3 miles southeast of the county-owned and publicly used Ocotillo Wells Airport, approximately 8.9 miles southwest of the privately owned and publicly used Salton Sea Airport, and approximately 15.3 miles southeast of the private Borrego Air Ranch Airport. There are no air traffic control towers at these airports; therefore, none were included in the analysis.

If glare is found in the glare analysis using the GlareGauge model, the following is assumed:

- "Green" glare is glare with low potential to cause an afterimage (flash blindness) when observed prior to a typical blink response time.
- "Yellow" glare is glare with potential to cause an afterimage (flash blindness) when observed prior to a typical blink response time.
- "Red" glare is glare with potential to cause retinal burn and permanent eye damage.

The glare analysis for the proposed project determined that the site would have zero minutes of potential glint or glare at all airports and route receptors. No green, yellow, or red glare would be observed from the project site based on the model output in the glare analysis.

II. Agriculture and Forestry Resources

Environmental Issue Area:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☒	☐
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Impact Analysis

a) **No Impact.** According to the California Department of Conservation's (DOC) California Important Farmland Finder, the project site is not located on land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (DOC 2020). The project site is designated as Other Land by the DOC. Therefore, the proposed project would not

convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use and no impact is identified.

b) **Less than Significant Impact.** The project site is currently zoned as M-1 (Light Industrial) . The project site would be rezoned from M-1 to A-2 as part of the project approvals. Pursuant to Title 9, Division 5, Chapter 8, the following uses are permitted in the A-2 zone subject to approval of a CUP from Imperial County:

> *j) Battery Storage Facility (must be connected to an existing electrical power generation plant such as solar, geothermal, wind, natural gas, or other renewable energy generator, as an accessory unit to said power plant) The maximum allowance of battery shall be in a ratio of 2 to 1 compared to solar.*
>
> *pp) Major facilities relating to the generation and transmission of electrical energy, provided such facilities are not, under State or Federal law, to be approved exclusively by an agency or agencies of the State and/or Federal governments and provided that such facilities shall be approved subsequent to coordination and review with the Imperial Irrigation District for electrical matters. The maximum allowance of battery shall be in a ratio of 2 to 1 compared to solar.*

Upon approval of a CUP, the project's uses would be consistent with the Imperial County Land Use Ordinance. Additionally, operation of the proposed project is not expected to inhibit or adversely affect adjacent agricultural operations through the placement of sensitive land uses or generation of excessive dust or shading. Based on these considerations, impacts are considered to be less than significant.

As of December 31, 2018, all Williamson Act contracts in Imperial County have been terminated. The project site is not located on Williamson Act contracted land. Therefore, the proposed project would not conflict with a Williamson Act contract and no impact is identified.

c) **No Impact.** The project site is not located on forest land as defined in PRC Section 1220 (g). There are no existing forest lands, timberlands, or timberland zoned Timberland Production either on-site or in the immediate vicinity; therefore, the project would not conflict with existing zoning of forest land or cause rezoning of any forest land. Additionally, the site is not zoned as forest, timberland or for Timberland Production. Therefore, no impact is identified for this issue area.

d) **No Impact.** There are no existing forest lands either on site or in the immediate vicinity of the project site. The proposed project would not result in the loss of forest land or conversion of forest land to non-forest use. Therefore, no impact is identified for this issue area.

e) **No Impact.** As discussed in Response II. a) above, the project site is not located on land designated as Important Farmland and would not convert farmland to non-agriculture use. As discussed in Response II. d) above, there are no existing forest lands either on site or in the immediate vicinity of the project site. Therefore, the proposed project would not result in the conversion of forest land to non-forest use. Therefore, no impact is identified for this issue area.

III. Air Quality

Environmental Issue Area:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?	☐	☐	☒	☐

Impact Analysis

The following information is summarized from the *Air Quality and Greenhouse Gas Technical Report for the Seville 4 Solar Project* prepared by SWCA. This report is provided as Appendix B of this Initial Study.

a) **Less Than Significant Impact.** The proposed project is located within the jurisdiction of the Imperial County Air Pollution Control District (ICAPCD) in the Salton Sea Air Basin. The project region is designated as a nonattainment area for the federal and state O_3 and maintenance for state PM_{10} standards. The project region is considered an "attainment/unclassified" area for all other pollutants.

The U.S. Environmental Protection Agency, under the provisions of the Clean Air Act, requires each state with regions that have not attained the federal air quality standards to prepare a State Implementation Plan (SIP), detailing how these standards are to be met in each local area.

The region's SIP is constituted of the ICAPCD air quality plans: 2018 PM_{10} SIP, 2018 Annual $PM_{2.5}$ SIP, 2017 8-Hour Ozone SIP, 2013 24-Hour $PM_{2.5}$ SIP, 2009 1997 8-Hour Ozone Reasonably Available Control Technology SIP, 2009 PM_{10} SIP, and the 2008 Ozone Early Progress Plan. Conformance with the Air Quality Management Plan (AQMP) for development projects is determined by demonstrating compliance with local land use plans and/or population projections, meeting the land use designation set forth in the local General Plan, and comparing assumed emissions in the AQMP to proposed emissions. The project must demonstrate compliance with all ICAPCD applicable rules and regulations, as well as local land use plans and population projections.

Although the project would contribute to energy supply, which is one factor of population growth, the project would not significantly increase employment, population, or growth within

the region. The project does not include residential development or large local or regional employment centers, and thus would not result in significant population or employment growth. Furthermore, the operation of the project would create renewable energy over its planned lifetime, helping California meet its Renewable Portfolio Standard (RPS), and decrease the need for energy from fossil fuel-based power plants in the state, which is considered a beneficial impact to statewide air quality. The energy produced by the project would displace the criteria pollutant emissions that would otherwise be produced by existing, business-as-usual power generation resources (including natural gas and coal).

The thresholds of significance, adopted by the ICAPCD, determine compliance with the goals of attainment plans in the region. As such, emissions below the ICAPCD regional mass daily emissions thresholds would not conflict with or obstruct implementation of the applicable air quality plans. The following provides an analysis of potential impacts during construction of the project followed by an analysis of potential impacts during operation of the project.

Construction

Air quality impacts related to construction were calculated using CalEEMod Version 2022.1.1.17 air quality model. The construction module in CalEEMod is used to calculate the emissions associated with the construction of the project. The project's construction assumptions used in the CalEEMod, including the construction schedule and equipment mix, are described in the project's air quality analysis (Appendix B of this Initial Study).

By default, CalEEMod assumes the percentage of paved and unpaved roads for each district as provided by the district. For Imperial County, the default assumption is 50 percent paved and 50 percent unpaved. However, this is not characteristic of the roads in the vicinity of the project site. Construction vehicles would access the site via SR 78, which is paved. Therefore, worker, vendor, and haul trucks to the project site are assumed to travel on roads that are 98 percent paved. Construction emissions were mitigated in the CalEEMod model to comply with any ICAPCD fugitive dust control rules or client-committed mitigation measures. In CalEEMod, the following mitigation measures were included to reflect these fugitive dust controls: reduce speed on unpaved roads to 15 miles per hour, water exposed areas two times per day, and water the unpaved roads traveled to the project a minimum of two times per day.

The ICAPCD requires that, regardless of the size of a project, all feasible standard measures for fugitive PM_{10} must be implemented at construction sites. Additionally, all feasible discretionary measures for PM_{10} apply to those construction sites that are 5 acres or more for non-residential developments or 10 acres or more in size for residential developments. Standard and discretionary measures from the ICAPCD handbook include:

Standard Measures for Fugitive PM_{10} Control:

a. All disturbed areas, including bulk material storage which is not being actively utilized, shall be effectively stabilized and visible emissions shall be limited to no greater than 20 percent opacity for dust emissions by using water, chemical stabilizers, dust suppressants, tarps or other suitable material such as vegetative ground cover.

b. All on-site and off-site unpaved roads will be effectively stabilized and visible emissions shall be limited to no greater than 20 percent opacity for dust emissions by paving, chemical stabilizers, dust suppressants and/or watering.

c. All unpaved traffic areas one acre or more with 75 or more average vehicle trips per day will be effectively stabilized and visible emission shall be limited to no greater than 20 percent opacity for dust emissions by paving, chemical stabilizers, dust suppressants and/or watering. The transport of bulk materials shall be completely covered unless six inches of freeboard space from the top of the container is maintained with no spillage and loss of bulk material. In addition, the cargo

compartment of all haul trucks is to be cleaned and/or washed at delivery site after removal of bulk material.

d. The transport of bulk materials shall be completely covered unless six inches of freeboard space from the top of the container is maintained with no spillage and loss of bulk material. In addition, the cargo compartment of all haul trucks is to be cleaned and/or washed at delivery site after removal of bulk material.

e. All track-out or carry-out will be cleaned at the end of each workday or immediately when mud or dirt extends a cumulative distance of 50 linear feet or more onto a paved road within an urban area.

f. Movement of bulk material handling or transfer shall be stabilized prior to handling or at points of transfer with application of sufficient water, chemical stabilizers or by sheltering or enclosing the operation and transfer line.

g. The construction of any new unpaved road is prohibited within any area with a population of 500 or more unless the road meets the definition of a temporary unpaved road. Any temporary unpaved road shall be effectively stabilized and visible emissions shall be limited to no greater than 20 percent opacity for dust emission by paving, chemical stabilizers, dust suppressants and/or watering.

Discretionary Measures for Fugitive PM_{10} Control

a. Water exposed soil with adequate frequency for continued moist soil.

b. Replace ground cover in disturbed areas as quickly as possible.

c. Automatic sprinkler system installed on all soil piles.

d. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.

e. Develop a trip reduction plan to achieve a 1.5 average vehicle ridership for construction employees.

f. Implement a shuttle service to and from retail services and food establishments during lunch hours.

The ICAPCD requires that, regardless of the size of a project, all feasible standard measures for construction equipment must be implemented at construction sites. Standard measures from the ICAPCD handbook include:

Standard Measures for Construction Combustion Equipment

a. Use of alternative fueled or catalyst equipped diesel construction equipment, including all off-road and portable diesel-powered equipment.

b. Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes as a maximum.

c. Limit, to the extent feasible, the hours of operation of heavy-duty equipment and/or the amount of equipment in use.

d. Replace fossil fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set).

Construction-related Emissions. Construction-related activities are temporary, short-term sources of air pollutant emissions. Sources of construction-related emissions include:

- Fugitive dust from grading activities;
- Exhaust emissions form construction equipment;
- Application of chemical coatings (paints, stains, sealants, etc.); and

- Exhaust and fugitive dust emissions from on-road vehicles (trips by workers, delivery trucks, and material-hauling trucks).

The estimated unmitigated emissions from construction of the project are summarized in Table 1. The detailed assumptions and calculations, as well as CalEEMod outputs are provided in Appendix B of this Initial Study.

Table 1. Unmitigated Construction Emissions Summary

Construction Year	Unmitigated Construction Emissions Summary					
	ROG	NOx	CO	PM_{10}	$PM_{2.5}$	SO_2
Pollutant Emission (pounds per day)						
2026 Peak daily emission	3.30	27.22	32.38	48.13	7.67	0.07
2027 Peak daily emission	2.31	19.38	32.76	39.87	4.07	0.06
ICAPCD significance thresholds	75	100	550	150	N/A	N/A
Threshold exceeded?	No	No	No	No	N/A	N/A

Source: Appendix B of this Initial Study

As shown in Table 1, estimated unmitigated construction emissions for all pollutants are below ICAPCD significance thresholds. The application of mitigation measures which comply with the standard mitigation measures for fugitive dust control regarding on- and off-site unpaved roads and all unpaved traffic areas 1 acre or more with 75 or more average vehicle trips per day being effectively stabilized, and visible emissions limited to no greater than 20 percent opacity for dust emissions by paving, chemical stabilizers, dust suppressants and/or watering. In CalEEMod, the following mitigation measures were included to reflect these standard mitigation measures for fugitive dust control: reduce speed on unpaved roads to 15 miles per hour, water exposed areas two times per day, and water the unpaved roads traveled to the project a minimum of two times per day. The estimated mitigated emissions from construction of the project are summarized below in Table 2. The combined construction emissions from all components of the project are below the recommended ICAPCD thresholds of significance. Therefore, project construction would have a less than significant impact.

Table 2. Mitigated Construction Emissions Summary

Construction Year	Unmitigated Construction Emissions Summary					
	ROG	NOx	CO	PM_{10}	$PM_{2.5}$	SO_2
Pollutant Emission (pounds per day)						
2026 Peak daily emission	3.30	27.22	32.38	39.54	5.15	0.07
2027 Peak daily emission	2.31	19.38	32.76	36.16	3.74	0.06
ICAPCD significance thresholds	75	100	550	150	N/A	N/A
Threshold exceeded?	No	No	No	No	N/A	N/A

Source: Appendix B of this Initial Study

Operation

The project's operation is limited to panel washing and maintenance, which is not anticipated but is conservatively assumed to be up to 13 one-way employee vehicle trips per weekday. Project operations would generate VOC, NO_x, CO, SO_x, PM_{10}, and $PM_{2.5}$ emissions from mobile sources and water use. The estimated emissions from operation of the project are summarized below in Table 3. As shown in Table 3, the proposed project would not exceed

ICAPCD thresholds during operations. As such, operations-related emissions would be less than significant for the proposed project.

Table 3. Unmitigated Operational Emissions Summary

Operation Year 2028	Unmitigated Operational Emissions Summary					
	ROG	NOx	CO	PM_{10}	$PM_{2.5}$	SO_2
Pollutant Emission (pounds per day)						
Mobile	0.02	0.50	0.23	4.73	0.51	0.007
Area	0	0	0	0	0	0
Energy	0	0	0	0	0	0
Total	**0.02**	**0.50**	**0.23**	**4.73**	**0.51**	**0.007**
ICAPCD significance thresholds	137	137	550	150	550	150
Threshold exceeded?	No	No	No	No	No	No

Source: Appendix B of this Initial Study

Decommissioning

Solar equipment has a lifespan of approximately 20 to 25 years. At the end of the project's operational term, the project applicant may determine that the project site should be decommissioned and deconstructed, or it may seek an extension of its CUP. The emissions associated with decommissioning of the project are not quantitatively estimated, as the extent of activities and emissions factors for equipment and vehicles at the time of decommissioning are unknown. The overall activity would be anticipated to be somewhat less than project construction, and the emissions from off- and on-road equipment are expected to be much lower than those for the project construction. However, without changes in fugitive dust control methods, it is likely that fugitive dust emissions would be closer to those estimated for construction. Overall, similar to construction, emissions associated with decommissioning would be less than significant.

Conclusion

As described above, conformance with the AQMP for development projects is determined by demonstrating compliance with local land use plans and/or population projections and comparing assumed emissions in the AQMP to proposed emissions. Because the proposed project complies with local land use plans and population projections and would not exceed ICAPCD's thresholds during construction and operations, the proposed project would not conflict with or obstruct implementation of the applicable air quality plan. This is considered a less than significant impact.

b) **Less than Significant Impact.** By its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. The ICAPCD's thresholds of significance represent the allowable emissions a project can generate without generating a cumulatively considerable contribution to regional air quality impacts. Therefore, a project that would not exceed the ICAPCD thresholds of significance on a project level also would not be considered to result in a cumulatively considerable contribution to these regional air quality impacts.

As discussed above in Response III. a), emissions generated during project construction and operations would not exceed the ICAPCD's thresholds of significance. Therefore, project construction and operations would not result in a cumulatively considerable net

increase in emissions of ozone, PM_{10}, or $PM_{2.5}$, and impacts would be considered less than significant.

c) **Less than Significant Impact**. Sensitive receptor locations typically include residential areas, hospitals, elder-care facilities, rehabilitation centers, daycare centers, and parks. The project site is in a rural area surrounded by a few private residencies scattered west and southwest of the project site. The nearest residence is approximately 500 feet west of the project site, with the next closest residence approximately 1,500 feet from the project site.

Diesel Particulate Matter

Construction-related activities that would result in temporary, intermittent emissions of diesel PM would be from the exhaust of off-road equipment and on-road, heavy-duty trucks. On-road, diesel-powered haul trucks traveling to and from the construction area to deliver materials and equipment are less of a concern because they do not operate at any one location for extended periods of time such that they would expose a single receptor to excessive diesel PM emissions.

Based on the construction-related emissions modeling conducted (see Appendix B of this Initial Study), maximum daily emissions of exhaust PM_{10} (used as a surrogate for diesel PM) would be less than 1.5 pounds during peak construction. A portion of these emissions would be related to haul trucks traveling to and from the project site. In addition, studies show that diesel PM is highly dispersive and that concentrations of diesel PM decline with distance from the source (e.g., 500 feet from a freeway, the concentration of diesel PM decreases by 70 percent) (Appendix B of this Initial Study). Additionally, the nearest residence is approximately 500 feet west of the project site. Construction would not be limited to only one portion of the project site but would rather occur throughout the project site in phases. Construction-related TAC emissions would not expose sensitive receptors to an incremental increase in cancer risks greater than 10 in 1 million or a hazard index greater than 1.0 because the low exposure level reflects the 1) relatively low mass of diesel PM emissions that would be generated by construction activity on the project site (i.e., less than 1.5 pound (lb)/day of exhaust PM_{10}), 2) the relatively short duration of diesel PM-emitting construction activity at the project site (12-18 months), and 3) the highly dispersive properties of diesel PM. Therefore, this is considered a less than significant impact.

Operation-related TAC emissions would be negligible, and the project would be remotely controlled, with very few visits to the site for maintenance. Also, any on-road, diesel-powered haul trucks traveling to and from the construction area to deliver materials and equipment are less of a concern because they do not operate at any one location for extended periods of time such that they would expose a single receptor to excessive diesel PM emissions. No other TAC emission sources would occur during operations. Therefore, operation-generated emissions of TACs would be less than significant.

Fugitive Dust

During construction and operation-related activities, the project would implement dust control measures, including an operational dust control plan, to ensure receptors in the project vicinity would not be impacted by the project's dust emissions during operations. Therefore, this is considered a less than significant impact.

Naturally Occurring Asbestos

Airborne asbestos is classified as a known human carcinogen and was identified by as a TAC by CARB in 1986. The project is not located in a geological setting with a potential to host asbestos and, therefore asbestos will not be an issue for this project (Appendix B of this Initial Study). No impact related to asbestos would occur.

Carbon Monoxide Hot Spots

A CO hot spot is an area of localized CO pollution that is caused by severe vehicle congestion on major roadways, typically near intersections. CO hot spots have the potential

to violate state and federal CO standards at intersections, even if the broader basin is in attainment for federal and state levels.

A CO hot spot would occur if an exceedance of the state 1-hour standard of 20 parts per million (ppm) or the 8-hour standard of 9 ppm were to occur. The analysis prepared for CO attainment in the South Coast Air Quality Management District (SCAQMD) 1992 Federal Attainment Plan for Carbon Monoxide in Los Angeles County and a Modeling and Attainment Demonstration prepared by the SCAQMD as part of the 2003 AQMP can be used to demonstrate the potential for CO exceedances of these standards. The SCAQMD is the air pollution control officer for much of southern California. The SCAQMD conducted a CO hot spot analysis as part of the 1992 CO Federal Attainment Plan at four busy intersections in Los Angeles County during the peak morning and afternoon time periods. The intersections evaluated included Long Beach Boulevard and Imperial Highway (Lynwood), Wilshire Boulevard and Veteran Avenue (Westwood), Sunset Boulevard and Highland Avenue (Hollywood), and La Cienega Boulevard and Century Boulevard (Inglewood). The busiest intersection evaluated was at Wilshire Boulevard and Veteran Avenue, which has a traffic volume of approximately 100,000 vehicles per day. Despite this level of traffic, the CO analysis concluded that there was no violation of CO standards (Appendix B of this Initial Study). In order to establish a more accurate record of baseline CO concentrations affecting Los Angeles, a CO “hot spot” analysis was conducted in 2003 at the same four busy intersections in Los Angeles at the peak morning and afternoon time periods. This “hot spot” analysis did not predict any violation of CO standards. The highest 1-hour concentration was measured at 4.6 ppm at Wilshire Boulevard and Veteran Avenue and the highest 8-hour concentration was measured at 8.4 ppm at Long Beach Boulevard and Imperial Highway. Thus, there was no violation of CO standards (Appendix B of this Initial Study).

Similar considerations are employed by other air districts when evaluating potential CO concentration impacts. More specifically, the Bay Area Air Quality Management District, the air pollution control officer for the San Francisco Bay Area, concludes that under existing and future vehicle emission rates, a given project would have to increase traffic volumes at a single intersection by more than 44,000 vehicles per hour or 24,000 vehicles per hour where vertical and/or horizontal air does not mix in order to generate a significant CO impact (Appendix B of this Initial Study).

Project operations are anticipated to result in only two washing events per year, with up to 24 one-way trips per day. It is noted that this is a conservative estimate, and many days will have no operational related vehicle trips. Thus, the project would not generate traffic volumes at any intersection of more than 100,000 vehicles per day (or 44,000 vehicles per day), and there is no likelihood of the project traffic exceeding CO values.

d) **Less than Significant Impact.** The project would not be a source of any odors during operations. During construction, a limited number of diesel engines would be operated on the project site for limited durations. Diesel exhaust and VOCs would be emitted from these diesel engines during construction of the project. However, construction activities would have a short duration lasting approximately 12 to 18 months and emissions would disperse quickly from the project site.

Land uses commonly considered to be potential sources of obnoxious odorous emissions include agriculture (farming and livestock), wastewater treatment plants, food processing plants, chemical plants, composting facilities, refineries, landfills, dairies, and fiberglass molding. The project does not include any uses associated with odors.

Based on these considerations, construction and operation of the project would not create emissions or odors adversely affecting a substantial number of people. A less than significant impact would occur.

IV. Biological Resources

Environmental Issue Area:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☒	☐	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☒	☐	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Impact Analysis

The following information is summarized from the *Biological Resources Technical Report for the Seville 4 Solar Project and Aquatic Resources Delineation Report for the Seville 4 Solar Project* prepared by SWCA. These reports are provided as Appendix C and Appendix D of this Initial Study, respectively.

a) **Less than Significant with Mitigation Incorporated.** SWCA biologists conducted a general biological survey of the project site in May 2023. Prior to conducting field surveys, SWCA conducted a search of existing biological data for the project site, including a review of biological databases for sensitive plant and animal species reported within one mile of the project site, and a review of the site's physical characteristics (e.g., location, elevation, soils/substrate, topography). The desktop analysis was updated in February 2025. Databases included the California Natural Diversity Database (CNDDB) and the All-Species Occurrences Database.

Existing Conditions

Vegetation Communities

Six vegetation communities and land cover types were identified within the project site:

- Fourwing Saltbush Scrub (*Atriplex canescens* Shrubland Alliance),
- Creosote Bush Scrub (*Larrea tridentata* Shrubland Alliance),
- Mesquite Thickets (*Prosopis glanduslosa – Prosopis velutina – Prosopis pubescens* Woodland Alliance),
- Tamarisk Thickets (*Tamarix* spp. Shrubland Semi-Natural Alliance),
- Disturbed – Fallow Agriculture, and
- Developed

Plants

Based on an evaluation of local occurrence records, habitat conditions, elevation, and the results of the habitat assessment and plant survey, it was determined that 15 special-status plants species have the potential to occur in the project site. These 15 species include:

- Salton milk-vetch (*Astragalus crotalariae*)
- Harwood's milk-vetch (*Astragalus insularis* var. *harwoodii*)
- Borrego milk-vetch (*Astragalus lentiginosus* var. *borreganus*)
- gravel milk-vetch (*Astragalus sabulonum*)
- Peirson's pincushion (*Chaenactis carphoclinia* var. *peirsonii*)
- California ditaxis (*Ditaxis serrata* var. *californica*)
- Abrams' spurge (*Euphorbia abramsiana*)
- Newberry's velvet-mallow (*Horsfordia newberryi*)
- ribbed cryptantha (*Johnstonella costata*)
- winged cryptantha (*Johnstonella holoptera*)
- Torrey's box-thorn (*Lycium torreyi*)
- brown turbans (*Malperia tenuis*)
- Thurber's pilostyles (*Pilostyles thurberi*)
- desert unicorn-plant (*Proboscidea althaeifolia*), and
- Orcutt's woody-aster (*Xylorhiza orcuttii*)

Table 4 provides the special-status ranking, range or habitat requirements, and potential to occur in the project site for each of the 15 species listed above.

Of the 15 special-status plants species that have the potential to occur in the project site, only Salton milk-vetch was observed during surveys. A total of 18 individual plants were identified in southwestern portion of the project site, including 10 in the project site and eight in the 150-meter buffer area.

Wildlife

Based on the assessment of local occurrence records, habitat conditions, and environmental requirements, nine species have the potential to occur within the project site. These species include:

- Flat-tailed Horned Lizard (*Phrynosoma mcallii*)
- Golden Eagle (*Aquila chrysaetos*)
- Burrowing Owl (*Athene cunicularia*)
- Mountain Plover (*Charadrius montanus*)
- Loggerhead Shrike (*Lanius ludovicianus*)
- LeConte's thrasher (*Toxostoma lecontei*)
- Palm Springs Pocket Mouse (*Perognathus longimembris bangsi*)
- American Badger (*Taxidea taxus*), and
- Desert Kit Fox (*Vulpes macrotis arsipus*)

Table 5 provides the special-status ranking, range or habitat requirements, and potential to occur in the project site for each of the nine species listed above.

Of the nine special-status wildlife species that have the potential to occur in the project site, the following 3 species where confirmed to be present based on live observations or sign present during the field survey:

- Flat-tailed Horned Lizard: This species was observed on the project site.
- Loggerhead Shrike: Several loggerhead shrikes were observed on the project site during all field surveys.
- Desert Kit Fox: No kit foxes were observed during any of the surveys, likely due to their nocturnal habits. There were multiple old and collapsed burrows, and one active complex within the project site. The complex (with eight entrances) was classified as active due to clear signs such as fresh desert kit fox scat and tracks in and around the complex. Desert kit fox den entrances typically include multiple entrances that are narrow and often keyhole-shaped. Old and fresh desert kit fox scat and tracks were observed throughout the project site and at Seville 5.

This page is intentionally blank.

Table 4. Special-Status Plant Species with a Potential to Occur in the Project Area

Common Name *Scientific Name*	Status	Range or Habitat Requirements	Potential to Occur in the Project Area
Salton milk-vetch Astragalus crotalariae	CRPR 4.3	This perennial herb is found in gravelly or sandy soils within Sonoran desert scrub. Elevation range: 60 meters below mean sea level (bmsl) to 250 meters above mean sea level (amsl). Blooming Period: January-April.	**Occurs.** The project site occurs within the known range of this species. Suitable habitat is located within the project site, and this species was documented on-site.
Harwood's milk-vetch Astragalus insularis var. harwoodii	CRPR 2B.2	This annual herb is found in gravelly or sandy soils within Mojavean desert scrub and desert dunes. Elevation: 0-710 meters amsl. Blooming Period: January-May.	**Moderate**. The project site occurs within the known range of this species and the nearest record is approximately 5 miles south of the project site. Suitable habitat is potentially located within the project site.
Borrego milk-vetch *Astragalus lentiginosus var. borreganus*	CRPR 4.3	This annual herb is found in sandy flats and stabilized dunes within Mojavean desert scrub and Sonoran desert scrub. Elevational Range: 30-2,895 meters amsl. Blooming Period: February-May.	**Low.** The project occurs slightly below the known elevational range of this species. The nearest record is approximately 5.7 miles northwest of the project. Suitable habitat is not likely to occur within the project site.
Gravel milk-vetch Astragalus sabulonum	CRPR 2B.2	This annual/perennial herb is found predominantly in sandy soils, occasionally in gravely soils in desert dunes, Mojavean desert scrub, or Sonoran desert scrub. Elevation Range: 60 meters bmsl to 930 meters amsl. Blooming Period: February-June.	**Moderate**. The project site occurs within the known range of this species and the nearest record is approximately 3.3 miles southeast of the project site. Suitable habitat is potentially located within the project site.
Peirson's pincushion Chaenactis carphoclinia var. peirsonii	CRPR 1B.3, BLM_S	This annual herb is found in sandy soils within Sonoran desert scrub. Elevation Range: 3-500 meters amsl. Blooming Period: March-April.	**Moderate.** The project site occurs within the known range of this species and the nearest record is approximately 0.6 mile west of the project site. Suitable habitat is potentially present within the project site.
California ditaxis Ditaxis serrata var. californica	CRPR 3.2	This perennial herb is found in Sonoran desert scrub. Elevation Range: 30-1,000 meters amsl. Blooming Period: March-December.	**Low.** The project site occurs within the known range of this species and the nearest record is approximately 6.1 miles southwest of the project site. Marginally suitable habitat is potentially located within the project site.

Table 4. Special-Status Plant Species with a Potential to Occur in the Project Area

Common Name *Scientific Name*	Status	Range or Habitat Requirements	Potential to Occur in the Project Area
Abrams' spurge Euphorbia abramsiana	CRPR 2B.3	This annual herb is found in sandy soils in Sonoran and Mojavean desert scrub. Elevation Range: 5 meters bmsl to 1,310 meters amsl. Blooming Period: September to November.	**High.** The project site occurs within the known range of this species and the nearest record is approximately 0.8 mile east and west of the project site. Suitable habitat is present within the project site.
Newberry's velvet-mallow Horsfordia newberryi	CRPR 4.3	This perennial shrub is found in rocky soils in Sonoran desert scrub. Elevation Range: 3-800 meters amsl. Blooming Period: February to December.	**Low.** The project site occurs within the known range of this species and the nearest record is approximately 6 miles southwest of the project site. Suitable habitat is potentially located within the project site.
Ribbed cryptantha Johnstonella costata	CRPR 4.3	This annual herb is found in sandy soils desert dunes, Mojavean desert scrub, and Sonoran desert scrub. Elevation Range: 60 meters bmsl to 500 meters amsl. Blooming Period: February to May.	**High.** The project site occurs within the known range of this species and the nearest record is approximately 0.2 mile north of the project site. Suitable habitat is present within the project site.
Winged cryptantha Johnstonella holoptera	CRPR 4.3	This annual herb is found in sandy soils and desert dunes, Mojavean desert scrub, and Sonoran desert scrub. Elevation Range: 100-1,690 meters amsl. Blooming Period: March to April.	**Low.** The project site falls outside the known elevation range of this species. The nearest record is approximately 7.4 miles southwest of the project site. Suitable habitat is potentially located within the project site.
Torrey's box-thorn Lycium torreyi	CRPR 4.2	This perennial shrub is found in rocky, sandy, streambanks, washes in Sonoran and Mojavean desert scrub. Elevation Range: 50 meters bmsl to 1,200 meters amsl. Blooming Period: (January-February) March-June (September-November).	**Low.** The project site occurs within the known range of this species and the nearest record is approximately 9 miles east of the project site. Suitable habitat is potentially located within the project site. No box thorn species were detected on-site.
Brown turbans Malperia tenuis	CRPR 2B.3	This annual herb is found in rocky slopes and sandy soils in Sonoran desert scrub. Elevation Range: 15-335 meters amsl. Blooming Period: March-April.	**Low.** The project site occurs within the known range of this species and the nearest record is approximately 5.8 miles southwest of the project site. Suitable habitat is not likely to occur within the project site.
Thurber's pilostyles Pilostyles thurberi	CRPR 4.3	This perennial herb (parasitic) is found in Sonoran desert scrub. Parasite on indigo	**High.** The project site occurs within the known range of this species and the nearest record is

Table 4. Special-Status Plant Species with a Potential to Occur in the Project Area

Common Name *Scientific Name*	Status	Range or Habitat Requirements	Potential to Occur in the Project Area
		bush species (Psorothamnus spp.) especially Emory's indigo bush (P. emoryi). Elevation Range: 0-365 meters amsl. Blooming Period: December-April.	approximately 1.5 miles east of the project site. Suitable habitat is present within the project site. Emory's indigo bush was detected on-site.
Desert unicorn-plant Proboscidea althaeifolia	CRPR 4.3	This perennial herb is found on gently sloping sandy flats and washes, sometimes on roadsides, in Sonoran desert scrub. Elevation Range: 85-1,000 meters amsl. Blooming Period: May-September.	**Low.** The project site falls outside the known elevation range of this species and the nearest record is approximately 8.2 miles west of the project site. Suitable habitat is not likely to occur within the project site.
Orcutt's woody-aster Xylorhiza orcuttii	CRPR 1B.2, BLM_S	This perennial herb is found in arid canyons, barren slopes in creosote-bush scrub. Elevation Range: 0-365 meters amsl. Blooming Period: March-April.	**Low.** The project site occurs within the known range of this species, and the nearest record is approximately 8.8 miles west of the project site. Suitable habitat is not likely to occur within the project site.

Source: Appendix C of this Initial Study

Notes:

*Status Codes:

Federal Status:

BLM_S = BLM Sensitive

California Rare Plant Ranking:

1B = Plants rare, threatened, or endangered in California and elsewhere

2B = Plants rare, threatened, or endangered in California, but more common elsewhere

3 = Plants about which more information is needed

4 = Plants with a limited distribution, watch list

0.1 = Seriously threatened in California

0.2 = Moderately threatened in California

0.3 = Not very threatened in California

Table 5. Special-Status Wildlife Species with a Potential to Occur in the Project Area

Common Name *Scientific Name*	Status	Range or Habitat Requirements	Potential to Occur in the Project Area
Flat-tailed horned lizard *Phrynosoma mcallii*	SSC BLM_S	Restricted to desert washes and desert flats in central Riverside, eastern San Diego, and Imperial Counties. Critical habitat element is fine sand, into which lizards burrow to avoid temperature extremes; requires vegetative cover and ants. Associated with desert dunes, and Mojavean and Sonoran desert scrub.	**Present.** Suitable habitat is present within the project area. The project area is within the known range of this species. There are multiple recent CNDDB occurrences on-site and this species was observed during the survey.
Golden eagle *Aquila chrysaetos*	FP BGEPA BLM_S	Nests in a wide variety of habitats from near sea level to 3,630 feet amsl. Nesting habitat includes tundra, shrublands, grasslands, woodland-brushlands, and coniferous forests. Nesting habitat is often associated with either cliffs or trees, although some nests are built on the ground.	**Low (foraging only)**. Suitable foraging habitat occurs within the project area; however, the project area is unlikely to support nesting habitat. The project area occurs within the known range of this species. Nearest CNDDB occurrence from 1972 is approximately 13 miles west of the project site. The nearest eBird record from 2020 is approximately 2.5 miles northwest of the project site.
Burrowing owl *Athene cunicularia*	SSC BLM_S	Open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. Subterranean nester, dependent upon burrowing mammals, most notabl, the California ground squirrel (*Spermophilus beecheyi*).	**Low.** Suitable habitat is present within the project site. The nearest CNDDB record from 2010 is 6 miles west of the project site. Nearest eBird record from 2015 is approximately 2 miles northwest of the project area, with multiple recent records within 5 miles of the project site.
Mountain plover *Charadrius montanus*	SSC BLM_S	Short grasslands, freshly plowed fields, newly sprouting grain fields, and sometimes sod farms. Short vegetation, bare ground, and flat topography. Prefers grazed areas and areas with burrowing rodents.	**Low (overwintering only).** Suitable habitat is present within the project area. Nearest CNDDB occurrence from 2009 is approximately 10 miles northeast of the project area. There are multiple recent eBird records 20 miles east of the project.
Loggerhead shrike *Lanius ludovicianus*	SSC	Broken woodlands, savannah, pinyon-juniper, Joshua tree, and riparian woodlands, desert oases, scrub and washes. Prefers open country for hunting, with perches for scanning, and fairly dense shrubs and brush for nesting.	**Present.** Suitable habitat is present within the Project site. The nearest CNDDB record from 2010 is 6 miles west of the project site. There are multiple recent eBird records within 5 miles of the project, and this species was observed during the survey.

Table 5. Special-Status Wildlife Species with a Potential to Occur in the Project Area

Common Name *Scientific Name*	Status	Range or Habitat Requirements	Potential to Occur in the Project Area
LeConte's thrasher *Toxostoma lecontei*	SSC, BLM_S	Desert resident; primarily of open desert wash, desert scrub, alkali desert scrub, and desert succulent scrub habitats.	**Low.** Suitable habitat is present within the project site. The nearest CNDDB record from 1933 is 6 miles east of the project site, although there are multiple more recent sightings within 10 miles. There are multiple recent eBird records within approximately 5 miles of the project.
Palm Springs pocket mouse *Perognathus longimembris bangsi*	SSC BLM_S	Desert riparian, desert scrub, desert wash and sagebrush habitats. Most common in creosote bush–dominated desert scrub. Rarely found on rocky sites. Occurs in all canopy coverage classes.	**Low.** Suitable habitat is present within the project area. The project is within the known range of this species. The nearest CNDDB occurrence from 2015 is approximately 9 miles northwest of the project area.
American badger *Taxidea taxus*	SSC	Badgers are generally associated with dry, open, treeless regions, prairies and grasslands, low-intensity agriculture (e.g., pasture, dryland crops), drier open scrublands and forest, parklands, and cold desert areas.	**Low.** Suitable habitat is present within the project site. There are no CNDDB occurrences near the project site. However, there are multiple recent iNaturalist observations within 5 miles of the project.
Desert kit fox *Vulpes macrotis arsipus*	CPF	Occurs in a wide range of desert habitats consisting of desert scrub and washes, and may also occur in grasslands or ruderal habitats.	**Present.** Desert kit fox is not tracked in CNDDB. However, the species is widespread throughout the Colorado Desert and expected to be present in the project vicinity. One dig site, several collapsed complexes, and old scat was found in the project site.

Source: Appendix C of this Initial Study
Notes:
*Status Codes:
Federal Status:
FE = Federally Listed Endangered
FT = Federally Listed Threatened
FC = Federal Candidate for Listing
BGEPA = Bald and Golden Eagle Protection Act
BLM_S = BLM Sensitive
California State Status:

Table 5. Special-Status Wildlife Species with a Potential to Occur in the Project Area

Common Name *Scientific Name*	Status	Range or Habitat Requirements	Potential to Occur in the Project Area

SE = California State-Listed Endangered
ST = California State-Listed Threatened
FP = CDFW Fully Protected
SSC = CDFW Species of Special Concern
CPF = California Protected Fur-Bearer

Project Impacts

Special-Status Plants

The results of the habitat assessment and rare plant survey determined that 15 special-status plant species were determined to occur or have the potential to occur in the project area. These species include Salton milk-vetch, Harwood's milk-vetch, Borrego milk-vetch, gravel milk-vetch, Peirson's pincushion, California ditaxis, Abrams' spurge, Newberry's velvet-mallow, ribbed cryptantha, winged cryptantha, Torrey's box-thorn, brown turbans, Thurber's pilostyles, desert unicorn-plant, and Orcutt's woody-aster.

Of these species, only Salton milk-vetch was observed in the project site. The survey was conducted during the appropriate blooming season for most species; however, most annuals in the project site had already seeded at the time of the survey. Additionally, some species including, Abrams' spurge, bloom after summer monsoon storms and would not have been identifiable during the survey. Annual plant growth varies from year to year, depending on precipitation and other factors. Sensitive plant species could be found in subsequent years if weather conditions are ideal.

Potential direct impacts to special-status plants in the project area include vegetation removal or crushing of plants, which could result in the loss of individuals or populations. Special-status plants may also be subject to short-term indirect impacts, such as excessive fugitive dust, which can settle on plants, restricting light penetration and photosynthesis. Implementation of Mitigation Measures BIO-1 through BIO-5 would reduce potential impacts on special-status plant species to a level less than significant.

Special-Status Wildlife

Based on the assessment of local occurrence records, habitat conditions, and environmental requirements, nine species have the potential to occur within the project site. These species include: Flat-tailed Horned Lizard, Golden Eagle, Burrowing Owl, Mountain Plover, Loggerhead Shrike, LeConte's thrasher, Palm Springs Pocket Mouse, American Badger, and Desert Kit Fox. Direct impacts to these species that could occur include injury, mortality, nest or maternity colony failures, and loss of young. Indirect impacts include loss of nesting, roosting, and foraging habitat, and increase in anthropogenic effects (i.e., noise levels, introduction of invasive/nonnative species, increase in human activity, increase in dust). Mitigation Measures BIO-2 through BIO-4, and BIO-6 through BIO-24 would reduce potential impacts on special-status wildlife species to a level less than significant.

The project site has suitable nesting habitat for several special-status species and common bird species. The trees on-site provide suitable nesting habitat for raptors and other tree-nesting species. Direct impacts to nesting avian species include injury, mortality, loss of young, and nest failure. Indirect impacts include loss of foraging and nesting habitat for passerine and raptors species, increase in noise and human activities, and potential introduction of invasive/nonnative species. Impacts to nesting avian species could be considered significant. Implementation of Mitigation Measures BIO-2 through BIO-4, BIO-6, BIO-9, BIO-23 and BIO-24 would reduce potential impacts on nesting avian species to a level less than significant.

Mitigation Measures:

BIO-1 **Rare Plant Surveys.** Prior to initiating ground disturbance, three rare plant botanical field surveys shall be conducted that are floristic in nature (i.e., identifying all plant species to the taxonomic level necessary to determine rarity), and inclusive of areas proposed for disturbance and indirectly impacts by the project. The surveys shall be conducted by a qualified botanist or qualified biologist in accordance with the USFWS Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants (USFWS 1996); the CDFW Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive

Natural Communities (CDFW 2018); and the CNPS Botanical Survey Guidelines (CNPS 2001). If any special-status species are observed during the botanical field surveys, the project shall be designed to reduce impacts to these species through the establishment of buffers, to the extent feasible.

Buffer distances will be determined by the qualified botanist or biologist, typically 50 feet or greater from an identified special-status plant species, unless the qualified botanist or biologist determines a reduced buffer would suffice to avoid impacts to the species. All special-status plant species identified on site shall be mapped with a submeter GPS device and depicted on a site-specific aerial photograph and topographic map and included on any construction, grading, fuel modification, or other pertinent plans. If avoidance of special-status plant species is not feasible, a Special-Status Plant Relocation Plan shall be developed and implemented. The Special-Status Plant Relocation Plan shall address mitigation for special-status plants, including topsoil salvage to preserve seed bank and management of salvaged topsoil; seed collection, storage, possible nursery propagation, and planting; salvage and planting of bulbs as feasible; location of on-site receptor sites; land protection instruments for receptor areas; and funding mechanisms. The Special-Status Plant Relocation Plan shall include methods, monitoring, reporting, success criteria, adaptive management, and contingencies for achieving success.

The project proponent shall mitigate the loss of the plant(s) through the purchase of mitigation credits from a CDFW-approved bank or land acquisition and conservation at a minimum 2:1 (replacement to impact) ratio for occupied habitat should success criteria not be met, or presence of the specific is assumed based on suitable habitat acreage within the project area. Note that a higher ratio may be warranted if the proposed mitigation lands are located far away from the project site.

BIO-2 **Worker Environmental Awareness Program.** Prior to project construction, a Worker Environmental Awareness Program shall be developed and implemented by a qualified biologist and shall be available in both English and Spanish. Handouts summarizing potential impacts on special-status biological resources and the potential penalties for impacts on these resources shall be provided to all construction personnel. At a minimum, the education program shall include the following:

- the purpose for resource protection;
- a description of special-status species including representative photographs and general ecology;
- occurrences of USACE, RWQCB, and CDFW regulated features in the project study area;
- regulatory framework for biological resource protection and consequences if violated;
- sensitivity of the species to human activities;
- avoidance and minimization measures designed to reduce the impacts on special-status biological resources;
- environmentally responsible construction practices;
- reporting requirements;

- the protocol to resolve conflicts that may arise at any time during the construction process; and
- workers sign acknowledgement form indicating that the Environmental Awareness Training and Education Program that has been completed, which shall be kept on record.

BIO-3 **Project Biologist.** The project proponent shall designate a project Biologist who 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 have experience performing all necessary surveys and monitoring for biological resources present on site. The project Biologist shall also maintain communications with the Contractor to ensure that issues relating to biological resources are appropriately and lawfully managed and shall monitor construction. The project Biologist shall monitor all ground disturbing activities within construction areas**,** including activities during nesting bird season (generally February 1 to September 15), such as vegetation removal, the implementation of Best Management Practices (BMPs), and installation of security fencing to protect native species. The project Biologist shall ensure that all wildlife and regulatory agency permit requirements, conservation measures, and general avoidance and minimization measures are properly implemented and followed.

BIO-4 **Project Site Delineation.** The boundaries of all areas to be newly disturbed (including solar facility areas, staging areas, access roads, and sites for temporary placement of construction materials and spoils) shall be delineated with stakes and flagging prior to disturbance. All disturbances, vehicles, and equipment shall be confined to the flagged areas. Stockpiling of material shall only be allowed within established work areas.

BIO-5 **Invasive Plants.** The Contractor shall actively manage the spread of invasive and nonnative plants noxious weeds by implementing weed control activities, including, but not limited to, cleaning equipment and inspecting equipment prior to transport to the sites and cleaning of tires and underside of equipment prior to leaving the site, vacuuming and cleaning the interior of vehicles and heavy equipment that have been used off-site before bringing them to the project site, clean by pressure washing, washing in hot water, freezing, or bleaching personal gear and clothing, including footwear, that have been worn offsite before bringing them to the project site, and not transporting soil or other fill material from off-site locations to the project area unless they are certified weed free. The introduction of exotic, nonnative, weed, and/or invasive plant species will be avoided and controlled wherever possible, and may be achieved through physical or chemical removal and prevention, limiting the size of any vegetation and/or ground disturbance to the absolute minimum, and limiting ingress and egress to defined routes. Preventing exotic plants from entering the site via vehicular sources will include measures such as cleaning vehicles coming into and going from the site. Any use of herbicide for chemical removal of invasive and nonnative plants shall only use herbicides containing a harmless dye and registered with the California Department of Pesticide Regulation (DPR). All herbicides shall be applied in accordance with regulations set by the DPR. All herbicides shall be used according to label instructions. Labeled instructions of the herbicide used shall be made available to CDFW upon request. No herbicide application when winds are greater than five (5) miles per hour.

BIO-6 **Burrowing Owl Avoidance and Minimization, and Mitigation.** Four breeding season surveys for burrowing owl shall be completed prior to project construction by a qualified avian biologist. Surveys shall be conducted as detailed within Appendix D of the Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game [CDFG] 2012). This survey shall include 100 percent coverage of the project site. A report summarizing the breeding season surveys including all requirement for survey reports shall be submitted to CDFW for review and approval. If burrowing owl or sign thereof is not detected, no further action is necessary.

If burrowing owl, active burrowing owl burrows, or sign thereof are found, the qualified avian biologist shall prepare and implement a plan for avoidance, minimization, and mitigation measures to be reviewed and approved by CDFW prior to commencing project activities. The plan shall propose mitigation for permanent impacts to nesting, loss of foraging habitat, occupied and satellite burrows and/or burrowing owl habitat such that the habitat acreage, number of burrows and burrowing owls impacted are replaced with permanent conservation of similar vegetation communities to provide for burrowing owl nesting, foraging, wintering, and dispersal comparable to or better than that of the impact area. The mitigation land shall be sufficiently large acreage with presence of fossorial mammals. The mitigation lands may require habitat enhancements including enhancement or expansion of burrows for breeding, shelter, and dispersal opportunity, and remove or control of population stressors. Permanent protection of mitigation land shall be through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission. The project proponent shall develop and implement a mitigation land management plan to address long-term ecological sustainability and maintenance of the site for burrowing owls, and funding for the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment. If deemed appropriate by CDFW, conservation species credits may also be purchased at a CDFW-approved conservation bank.

To ensure that the project avoids impacts to burrowing owl, a qualified avian biologist shall complete a take avoidance survey no less than 14 days prior to initiating ground disturbing activities using the recommended methods described in the Staff Report on Burrowing Owl Mitigation (CDFG, 2012). Burrowing owls may recolonize a site after only a few days. Time lapses between project activities trigger subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance. is identified during the non-breeding season (September 1 through January 31), then a 5O-meter buffer will be established by the biological monitor. Construction within the buffer will be avoided until a qualified biologist determines that burrowing owl is no longer present or until a CDFW-approved exclusion plan has been implemented. The buffer distance may be reduced if noise attenuation buffers such as hay bales are placed between the occupied burrow and construction activities.

If burrowing owl is identified during the breeding season (February 1 through August 31), then an appropriate buffer will be established by the biological monitor in accordance with the Staff Report on Burrowing Owl Mitigation {CDFG 2012). Construction within the buffer will be avoided until a qualified biologist determines that burrowing owl is no longer present or until young have fledged. The buffer distance may be reduced in consultation with CDFW if noise attenuation buffers such as hay bales are placed between the occupied burrow and construction activities.

BIO-7 **Flat-Tailed Horned Lizard.** A qualified biologist shall conduct a pre-construction survey for flat-tailed horned lizard within seven days before the start of ground disturbing construction activities. The pre-construction survey will cover all suitable areas on site and focus on areas with suitable habitat for the species and where individuals were previously found. The pre-construction survey may be conducted in phases based on the construction schedule as ground-disturbing activities may occur during different phases of construction. Individual flat-tailed horned lizards found will be relocated to suitable habitat at least 200 feet from impact areas, roads, and laydown or staging areas. Translocation may only be conducted by a biologist who holds a current CDFW Scientific Collection Permit that authorizes handling of this species.

The project work areas will be clearly flagged or marked at the outer boundaries to define the limit of work activities. All work activities will be restricted to the flagged areas to avoid impacts to flat-tailed horned lizard and their habitat.

A qualified biological monitor shall be present during ground-disturbing activities. The biological monitor will examine areas of active surface disturbance periodically (at least hourly when surface temperatures exceed 85°F) for the presence of flat-tailed horned lizards. In addition, open trenches, holes, or other excavated areas will be examined at least twice per day, and immediately prior to backfilling. If avoidance is not feasible or a flat-tailed horned lizard becomes trapped within the work area, the biological monitor, who will hold a Scientific Collecting Permit for this species, may capture the lizard by hand and relocate it to suitable habitat outside of the impact area. Dead or injured flat-tailed horned lizards will be reported to CDFW and the Imperial County Planning and Development Services Department.

BIO-8 **Desert Kit Fox and American Badger:** Prior to the beginning of surface disturbance, the project Biologist shall conduct a pre-project 10-meter transect survey (or reduced based on topography and vegetation), to attain 100% visual coverage within the project area and a minimum 200-meter buffer to determine the presence or absence of desert kit fox and/or American badger individuals, dens, and sign. If potential dens are located, they shall be monitored by the project Biologist. Trail cameras may be used to assist with observation but shall not be the sole basis upon which the status is determined. The project proponent shall provide the results of the survey to CDFW prior to start of project activities. The project proponent shall provide a determination if active dens can be avoided and buffered from project activities to prevent take and disturbance with the survey results. Should active dens be present within the project area that cannot be avoided with an adequate buffer, the project proponent shall reschedule project activities or submit a monitoring and passive relocation plan for CDFW's review and approval. No disturbance or passive relocation of active dens may take place during the breeding season or when juveniles are dependent on parental care.

BIO-9 **Pre-Construction Survey for Special-Status Species:** A pre-construction survey shall be conducted for special-status wildlife species within all areas of potential permanent and temporary disturbance. The pre-construction survey shall take place no more than 14 days prior to the start of ground-disturbing activities. The pre-construction surveys shall take place regardless of breeding season timing and shall focus on identifying the presence of special-status wildlife species present within the Survey Area or

that were identified as having a high/moderate potential to occur on the site. Should any special status species be identified during the pre-construction survey, consultation to develop suitable avoidance and minimization measures with the appropriate agency (USFWS, CDFW) may need to be undertaken.

BIO-10 **Wildlife Entrapment Avoidance.** No potential wildlife entrapments (e.g., trenches, bores) shall be left uncovered overnight. Any uncovered pitfalls will be excavated to 3:1 slopes at the ends to provide wildlife escape ramps. Alternatively, man-made ramps may be installed. Covered pitfalls will be covered completely to prevent access by small mammals or reptiles.

To avoid wildlife entrapment (including birds), all pipes or other construction materials or supplies shall be covered or capped in storage or laydown areas, and at the end of each construction workday in construction, quarrying and processing/handling areas. No pipes or tubing of sizes or inside diameters ranging from 1 to 10 inches shall be left open either temporarily or permanently.

BIO-11 **Rodenticide.** No anticoagulant rodenticides, such as Warfarin and related compounds (indandiones and hydroxycoumarins), shall be used within the project site, on off-site project facilities and activities, or in support of any other project activities.

BIO-12 **Trash Abatement.** All trash and food-related waste shall be placed in self-closing containers and removed regularly from the site to prevent overflow. Workers shall not feed wildlife.

BIO-13 **Project Site Speed Limit.** To minimize the likelihood for vehicle strikes on wildlife, speed limits shall not exceed 15 miles per hour when driving on access roads. All vehicles required for O&M must remain on designated access/maintenance roads.

BIO-14 **Artificial Lighting.** Avoid nighttime construction lighting or if nighttime construction cannot be avoided, use shielded directional lighting pointed downward and towards the interior of the project sites, thereby avoiding illumination of adjacent natural areas and the night sky.

BIO-15 **Equipment Mufflers.** All construction equipment used for the projects shall be equipped with properly operating and maintained mufflers.

BIO-16 **Hazardous Substances.** Hazardous materials and equipment stored overnight, including small amounts of fuel to refuel hand-held equipment, shall be stored within secondary containment when within 50 feet of open water or resources subject to Fish and Game Code section 1602 to the fullest extent practicable. Secondary containment shall consist of a ring of sandbags around each piece of stored equipment/structure. A plastic tarp/visqueen lining with no seams shall be placed under the equipment and over the edges of the sandbags, or a plastic hazardous materials secondary containment unit shall be utilized by the Contractor. The Contractor will be required to conduct vehicle refueling in upland areas where fuel cannot enter waters of the U.S. or areas subject to Fish and Game Code section 1602, and in areas that do not have potential to support federally threatened or endangered species. Any fuel containers, repair materials, including creosote-treated wood, and/or stockpiled material that is left on site overnight, shall be secured in secondary containment within the work area and staging/assembly area and covered with plastic at the end of each workday. In the event that no activity is to occur in the work area for the

weekend and/or a period of time greater than 48 hours, the Contractor shall ensure that all portable fuel containers are removed from the project site. All equipment shall be maintained in accordance with the manufacturer's recommendations and requirements. Equipment and containers shall be inspected daily for leaks. Should a leak occur, contaminated soils and surfaces will be cleaned up and disposed of following the guidelines identified in the Stormwater Pollution Prevention Plan or equivalent, Materials Safety Data Sheets, and any specifications required by other permits issued for the project. The Contractor shall utilize off-site maintenance and repair shops as much as possible for maintenance and repair of equipment. If maintenance of equipment must occur onsite, fuel/oil pans, absorbent pads, or appropriate containment will be used to capture spills/leaks within all areas. Where feasible, Maintenance of equipment shall occur in upland areas where fuel cannot enter waters of the U.S. or areas subject to Fish and Game Code section 1602, and in areas that do not have potential to support federally threatened or endangered species.

BIO-17 **Firearms and Pets.** Project personnel and any other individuals associated with the project are prohibited from bringing any firearms or dogs on the project Area during, except those in the possession of authorized security personnel or local, state, or federal law enforcement officials, dogs that may be used to aid in official and approved monitoring procedures/protocols, or service dogs under Title II and Title III of the American with Disabilities Act. Firearms, open fires, and pets shall be prohibited at all work locations and access roads. Smoking shall be prohibited along the project alignment.

BIO-18 **Best Management Practices.** Appropriate BMPs shall be used by the Contractor to control erosion and sedimentation and to capture debris and contaminants from construction to prevent their deposition in waterways. Erosion and sediment control devices used for the proposed project, including fiber rolls and bonded fiber matrix, shall be made from biodegradable materials such as jute, with no plastic mesh, to avoid creating a wildlife entanglement hazard.

BIO-19 **Cross-country Vehicle Use.** Cross-country vehicle and equipment use outside of approved designated work areas and access roads shall be prohibited to prevent unnecessary ground and vegetation disturbance.

BIO-20 **Injured or Dead Wildlife.** Any injured or dead wildlife encountered during project-related activities shall be reported to the project Biologist, biological monitor, CDFW, or a CDFW-approved veterinary facility as soon as possible to report the observation and determine the best course of action. For special-status species, the project Biologist shall notify by phone or email the County, USFWS, and/or CDFW, as appropriate, within 24 hours of the discovery.

BIO-21 **Checking Beneath Vehicles.** The ground beneath all parked equipment and vehicles shall be inspected for wildlife before moving.

BIO-22 **Fugitive Dust Abatement.** Water applied to dirt roads and construction areas for dust abatement shall be used the minimal amount needed to meet safety and air quality standards to prevent the formation of puddles, which could attract wildlife. Pooled rainwater or floodwater within retention basins shall be removed to avoid attracting wildlife to the active work areas.

BIO-23 **Pre-Construction Nesting Bird Survey:** If construction or other project activities are scheduled to occur during the bird breeding season (typically February 1 through August 31 for raptors and February 15 through August

31 for the majority of migratory bird species), a pre-construction nesting-bird survey shall be conducted by a qualified avian biologist to ensure that active bird nests will not be disturbed or destroyed. The survey shall be completed no more than three days prior to initial ground disturbance. The nesting-bird survey shall include the project site and adjacent areas where project activities have the potential to affect active nests, either directly or indirectly due to construction activity or noise. If an active nest is identified, the biologist shall establish an appropriately sized disturbance-limit buffer around the nest using flagging or staking. Construction activities shall not occur within any disturbance-limit buffer zones until the nest is deemed inactive by the qualified biologist. If construction activities cease for a period of greater than three days during the bird breeding season, a pre-construction nesting bird survey shall be conducted prior to the commencement of activities. Final construction buffers or setback distances shall be determined by the qualified biologist in coordination with USFWS and CDFW on a case-by-case basis, depending on the species, season in which disturbance shall occur, the type of disturbance, and other factors that could influence susceptibility to disturbance (e.g., topography, vegetation, existing disturbance levels, etc.).

BIO-24 **General Impact Avoidance and Minimization Measures.** Minimization of Impacts to Migratory Birds and Raptors: To reduce indirect impacts on migratory birds and raptors, the project shall comply with APLIC 2012 Guidelines for overhead utilities, as appropriate, to minimize avian collisions with transmission facilities (APLIC 2012). All electrical components on the project site shall either be underground or the transmission lines and poles will follow design plans recommended by APLIC (i.e., installing covers over the insulator and conductor on the center phase, installing phase covers over all three insulators and conductors for three phase transmission lines, lowering and/or replacing the crossarm with a longer cross arm on pole-top pin constructions), or utilizing link marking devices (e.g., aerial marker spheres, spirals, or suspended devices).

b) **No Impact.** No riparian habitat or other sensitive natural communities were identified within the project site. Mesquite Thickets, considered a sensitive alliance by CDFW, were only identified in the 150-meter buffer area. Therefore, the proposed project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community and no impact would occur.

c) **Less than Significant with Mitigation Incorporated.** SWCA conducted an aquatic resources delineation for the project site. Aquatic resources and data collected in the field were evaluated to determine the extent of potentially regulated aquatic resources within the review area. The review area, including a 100-foot buffer around the project site, was assessed for potentially jurisdictional aquatic resources.

Ten non-wetland aquatic resource features were recorded in the review area. No wetlands were identified. Features consist of a network of poorly defined braided and single-thread channels, and most features consist of a series of discontinuous ordinary high-water mark (OHWM) segments. San Felipe Creek is the only feature associated with a mapped National Hydrography Dataset stream feature (Appendix D of this Initial Study).

Aquatic resources within the review area did not include any Wetland Waters of the United States (WOUS)/Wetland Waters of the State (WS) but did include non-wetland WOUS/non-wetland WS, and CDFW jurisdictional resources (streambed and associated riparian habitat) (Appendix D of this Initial Study).

Total potential temporary impacts to aquatic resources are estimated to be approximately 0.23 acre (448 linear feet) to RWQCB non-wetland-WOUS, as well as approximately 0.23 acre (448 linear feet) to CDFW Jurisdictional Resources (Appendix D of this Initial Study).

All temporary impacts to aquatic resources are associated with San Felipe Creek. No impacts to other aquatic resources would result from project-related activities. Under the current design, no permanent impacts are anticipated to result from the installation of project-related battery storage facilities and substations. Permanent impacts may result from the solar array footings and installation of internal roads.

Impacts to aquatic features may require permits from several regulatory agencies pursuant to federal and State laws. Jurisdictional waters would require certification compliance with Section 401 of the Clean Water Act (CWA) (USACE) and the Porter-Cologne Act (RWQCB), and an agreement pursuant to California Fish and Game Code Sections 1600 and 1602 (CDFW). With implementation of Mitigation Measure BIO-25, impacts to jurisdictional waters would be reduced to a level less than significant with compliance to aquatic resources regulatory permitting.

Mitigation Measure

BIO-25 **Aquatic Resources Regulatory Permitting:** If project-related impacts that will occur to the riparian areas or areas subject to Fish and Game Code section 1602 shall be mitigated at a minimum of 2:1 ratio (two acres of mitigation for every impact to one acre of resource). The project proponent shall obtain all necessary regulatory permits for resources that may also fall under the jurisdiction of the USACE, CDFW, and/or RWQCB, a regulatory permit with those agencies is needed prior to the impact occurring. Refer to the *Aquatic Resource Delineation Report for the Aquatic Resources Delineation Report for the Seville 4 Solar Project* (Appendix D of this Initial Study) for preliminary determination of regulatory limits that of areas that may be regulated by USACE, CDFW, or RWQCB. Permitting includes preparation and submittal of a Pre-Construction Notification under Section 404 of the federal CWA, an Application for Water Quality Certification under Section 401 of the federal CWA and a notification of Lake or Streambed Alteration under Section 1600 of the California Fish and Game Code. A completed CEQA document, and Notice of Determination, will be necessary to submit along with the applications. Other items such as finalized project plans, quantities of fill material, supporting technical studies, etc., are also submitted along with the applications. As a part of this process, the project must also identify and approve mitigation through the respective agencies.

Mitigation shall include**:** onsite or offsite options or land acquisition that is conserved and managed in perpetuity for the resource; could include**,** payment of an in-lieu fee to a conservation organization; and/or types of mitigation can include restoration, creation, rehabilitation, enhancement, or other types of habitat improvement. Typically, the type of mitigation and final acreage of mitigation is negotiated shall be approved by with the regulatory agencies during the permitting process.

d) **Less than Significant Impact.** The project site is not within any mapped wildlife movement corridor or linkage. Migratory birds may utilize the project site for breeding, nesting, foraging, or transient rest sites. The Salton Sea located approximately 12 miles northeast of the project site hosts one of the most significant, diverse populations of avian species in the United States. However, the project is not expected to substantially impact the movement of resident or migratory birds that utilize the Salton Sea. Wide-ranging mammals, such as coyote, desert kit fox, and American badger may utilize the project site for denning or foraging. However, fencing installed around the project would be designed to allow for the passage of wildlife. Depending on the fencing material, the bottom of the fence line would have gaps of approximately 4-6 inches and knuckled back to create a smooth edge. Therefore, a less than significant impact would occur.

e) **Less than Significant with Mitigation Incorporated.** As described in Responses IV. a-c), the proposed project has the potential to impact special-status plant and wildlife species, and aquatic resources during construction. However, the proposed project would not conflict with any local policies or ordinances protecting biological resources with implementation of mitigation. Implementation of Mitigation Measures BIO-1 through BIO-25 would reduce potential impacts to special-status plants, wildlife, and aquatic resources to a less than significant level.

f) **No Impact.** The proposed project would not conflict with the provisions of any adopted habitat conservation plans or natural community plans. Therefore, no impact would occur.

V. Cultural Resources

Environmental Issue Area:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☒	☐	☐

Impact Analysis

The following information is summarized from the *Cultural Resources Assessment for the Seville 4 Solar Project* prepared by SWCA. This report is provided as Appendix E of this Initial Study.

a) **Less than Significant Impact with Mitigation Incorporated.** SWCA prepared a *Cultural Resources Assessment* (Appendix E of this Initial Study) for the proposed project, which included a records search, Sacred Lands Files (SLF) search, and a pedestrian survey. Following the pedestrian survey. The results are summarized below.

Records Search

On March 28, 2023, SWCA requested a search of the California Historical Resources Information System (CHRIS) records at the South Coastal Information Center (SCIC) at San Diego State University for the project area and a surrounding 0.25-mile radius. The purpose of the records search was to identify all previously conducted cultural resources surveys and all previously recorded cultural resources within the project area, including potential eligibility for inclusion in the NRHP and CRHR. The CHRIS search also included a review of the California Office of Historic Preservation (OHP) Built Environment Resources Directory and the Archaeological Determinations of Eligibility list. The results were received by SWCA on April 24, 2023.

The record search results from the SCIC revealed that six cultural resources, all pre-historic isolated finds, have been previously recorded within a 0.25-mile radius of the project area. None of these resources are mapped within the project area. Although no archaeological sites were recorded within the record search area, a relatively large prehistoric site, which contains substantial remains including burial features, was recorded approximately 0.5-mile from the project area.

Sacred Lands File Search

On April 6, 2023, a letter was sent to the Native American Heritage Commission (NAHC) requesting a search of their Sacred Lands File (SLF) to identify spiritually significant and/or sacred sites or traditional use areas in the project vicinity. The NAHC was also asked to provide a list of local Native American tribes, bands, or individuals that may have concerns or interests regarding cultural resources potentially occurring within the project area. The SLF results were received from the NAHC on May 3, 2023 with positive results for the presence of Native American sacred sites within the project vicinity.

Pedestrian Survey

An intensive pedestrian survey of the solar facility portion of the project site was conducted between May 15 through May 18, 2023. The purpose of the survey was to identify cultural resources and historic built-environment resources that may be present in the survey area. The survey inventoried approximately 247 acres of the 339-acre project area property.

SWCA archaeologists examined the ground surface for the presence of prehistoric artifacts (e.g., flaked stone tools, tool-making debris, or stone milling tools); historic-era artifacts (e.g., metal, glass, or ceramics); sediment discoloration that might indicate the presence of a cultural midden; roads and trails; and depressions and other features that might indicate the former presence of structures or buildings (e.g., post holes or foundations).

No cultural resources were encountered with the 247 acres of land that were inspected during SWCA's survey. A possible historic-era structure was observed within the 92-acre portion of the project that was not surveyed. Because the structure was located outside of the survey area, it was noted but not formally recorded.

Impacts

The SCIC records search was negative for the project area and returned only one pre-historic site was recorded approximately 0.5-mile from the project area. Furthermore, no significant or potentially significant prehistoric or historic cultural resources were observed during the pedestrian survey of the project area. The possibility of intact buried significant cultural resources being present within the project site is considered low due to past agriculture disturbance of the project site.

Based on the distance from known resources, disturbance from past agricultural activities, and the negative results of the SCIC survey, the proposed project would have no impact on historical resources.

b) **Less than Significant Impact with Mitigation Incorporated.** As described above, no evidence of cultural resources was identified on the project site during the survey. Although no prehistoric resources were identified in the survey area, the results of the preliminary buried site sensitivity assessment in Appendix E of this Initial Study concluded a moderate level of potential for buried archaeological resources to be encountered during ground-disturbing activities. The potential of finding a buried archaeological site during construction is considered low. However, like all construction projects in the state, the possibility exists. This potential impact is considered significant. Implementation of Mitigation Measure CR-1 would reduce the potential impact associated with the inadvertent discovery of archaeological resources to a level less than significant.

Mitigation Measure

CR-1 In the event of the discovery of previously unidentified archaeological materials, the contractor shall immediately cease all work activities within approximately 100 feet of the discovery. After cessation of excavation, the contractor shall immediately contact the Imperial County Department of Planning and Development Services Department. Except in the case of cultural items that fall within the scope of the Native American Grave Protection and Repatriation Act, the discovery of any cultural resource within the project area shall not be grounds for a "stop work" notice or otherwise interfere with the project's continuation except as set forth in this paragraph.

In the event of an unanticipated discovery of archaeological materials during construction, the applicant shall retain the services of a qualified professional archaeologist, meeting the Secretary of the Interior's Standards for a Qualified Archaeologist, to evaluate the significance of the materials prior to resuming any construction-related activities in the vicinity of 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.

c) **Less than Significant Impact with Mitigation Incorporated.** During the construction of the proposed project, grading, excavation and trenching will be required. Although the potential for encountering subsurface human remains within the project site is low, there remains a possibility that human remains are present beneath the ground surface, and that such remains could be exposed during construction. The potential to encounter human remains is considered a significant impact. Mitigation Measure CR-2 would ensure that the potential impact on previously unknown human remains does not rise to the level of significance pursuant to CEQA.

Mitigation Measure

CR-2 If subsurface deposits believed to be human in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist who meets the Secretary of the Interior's Standards for prehistoric and historic archaeology and is familiar with the resources of the region, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:

If the find includes human remains, or remains that are potentially human, the professional archaeologist shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the Imperial County Coroner (per § 7050.5 of the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and AB 2641 will be implemented.

If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the project (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC may mediate (§ 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§ 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the Imperial County Planning and Development Services Department, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.

VI. Energy

Environmental Issue Area:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

Impact Analysis

The following information is summarized from the *Seville 4 Solar Energy Assessment contained within the Air Quality and Greenhouse Gas Technical Report* prepared by SWCA. This report is provided as Appendix B of this Initial Study.

a) **Less than Significant Impact.** The following impact analysis focuses on the sources of energy that are relevant to the proposed project: electricity, natural gas, and the fuel necessary for project construction and operation.

Electricity and Natural Gas

The project proposes to construct a 90-MW solar energy generation facility with accompanying 180-MW BESS on approximately 325 acres of land. Operation of the proposed project would not result in the consumption of electricity or natural gas and thus, would not contribute to the countywide usage. Instead, the project would directly support the RPS goal of increasing the percentage of electricity procured from renewable sources.

Fuel

The two sources of energy associated with the project includes the equipment fuel necessary for construction and the automotive fuel necessary for ongoing maintenance activities. For the purposes of this analysis, project increases in automotive fuel consumption are compared with the countywide fuel sales in 2023 (Table 6), the most recent full year of data. This analysis conservatively assumes that all the automobile trips projected to arrive at the project site during operation would be new to Imperial County.

Table 6. Automotive Fuel Sales in Imperial County 2017-2023

Year	Total Gasoline Fuel Sales (million gallons)	Total Diesel Fuel Sales (million gallons)
2017	74	11
2018	78	20
2019	73	21
2020	59	22
2021	56	27
2022	48	23

2023	69	26

Source: Appendix B of this Initial Study

Energy and fuel consumption associated with the proposed project is summarized in Table 7. The fuel expenditure necessary to construct the proposed project would be temporary, lasting only as long as project construction. As shown in Table 7, the project's gasoline fuel consumption during construction is estimated to be 125,465 gallons, which would increase the annual countrywide gasoline fuel usage by 0.001 percent (Appendix B of this Initial Study). The proposed project's fuel consumption during construction would have a nominal effect on local and regional energy supplies. No unusual project characteristics would necessitate the use of construction equipment that would be less energy efficient than at comparable construction sites in the region or the state. Construction contractors would purchase their own gasoline and diesel fuel from local suppliers and would judiciously use fuel supplies to minimize costs due to waste and subsequently maximize profits. Additionally, construction equipment fleet turnover and increasingly stringent state and federal regulations on engine efficiency combined with state regulations limiting engine idling times and requiring recycling of construction debris, would further reduce the amount of transportation fuel demand during project construction. For these reasons, it is expected that construction fuel consumption associated with the project would not be any more inefficient, wasteful, or unnecessary than other similar development projects of this nature.

Table 7. Proposed Project Energy and Fuel Consumption

Energy Type	Annual Energy Consumption	Percentage Increase Countywide
Electricity Consumption	0 kWh	0.0
Natural Gas	0 therms	0.0
Automative Fuel Consumption		
Construction	125,465 gallons	0.001
Operations	9,598 gallons	0.0001

Source: Appendix B of this Initial Study

Once construction is completed, the project would be remotely controlled. No employees would be based at the project site. The only operational emissions associated with the project would be associated with motor vehicle use for routine maintenance work, and site security as well as panel upkeep and cleaning. As shown in Table 7, the project's gasoline fuel consumption during operation would be approximately 9,598 gallons per year, which would increase the annual countywide automotive fuel consumption by 0.0001 percent (Appendix B of this Initial Study).

Fuel consumption associated with both the construction equipment needed to construct the project and the operational vehicle trips generated by the project during ongoing maintenance activities would not be considered inefficient, wasteful, or unnecessary comparison to other similar developments in the region. Based on these considerations, the proposed project would not result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. Therefore, this is considered a less than significant impact.

b) **Less than Significant Impact.** The proposed project involves the construction of a renewable energy and storage facility. Once in operation, it will decrease the need for energy from fossil fuel–based power plants in the state. The result would be a net increase in electricity resources available to the regional grid, generated from a renewable source. Therefore, the project would directly support the RPS goal of increasing the percentage of electricity procured from renewable sources. Additionally, the project would also be consistent with Imperial County's General Plan Conservation and Open Space Element,

Objective 9.2 which encourages renewable energy developments. Therefore, the project would directly support state and local plans for renewable energy development and would be considered a less than significant impact.

VII. Geology and Soils

Environmental Issue Area:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	☐	☐	☐	☒
ii. Strong seismic ground shaking?	☐	☐	☒	☐
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv. Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial direct or indirect risk to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

Impact Analysis

a) **No Impact**. According to the DOC's California Earthquake Hazards Zone Application (EQ Zapp), the project site is not located within or adjacent to any earthquake fault zone as delineated on the most recent Alquist-Priolo Earthquake Zoning Map (California DOC n.d.). However, the Coyote Creek Fault, which is a segment of the San Jacinto Fault Zone is located approximately 1.25 miles southwest of the project site. The proposed project would not result in the construction of any structure intended for human occupancy and all structures and onsite facilities would be designed in accordance with the most recent California Building Code (CBC). Therefore, no impact would occur.

aii) **Less than Significant Impact.** Southern California is a seismically active region, therefore it is highly likely that regional earthquakes would occur that could affect the proposed project. As previously mentioned above, no active faults are underlaying the project site. However, the Coyote Creek Fault is located approximately 1.25 miles southwest of the project site. All structures and onsite facilities would be designed in accordance with the most recent CBC for peak site ground acceleration. Since the design and construction of the project would be required to conform to the specific mandated structural design requirements to protect against strong seismic shaking, the potential impacts due to strong seismic ground shaking are considered to be a less than significant impact.

aiii) **Less than Significant Impact.** Four conditions are generally required for liquefaction to occur, including: 1) saturated soil, 2) loosely packed soil, 3) relatively cohesionless soil, and 4) ground shaking of sufficient intensity must occur to trigger the mechanism. All four conditions may exist to some degree at the project site; however, the project site is not located in an area susceptible to liquefaction hazards (California DOC n.d.). Additional geotechnical investigation would be required in order to assess the risk of liquefaction in the project area.

As required by the County and in accordance with local and state building code requirements, any proposed development would be required to complete a geotechnical evaluation of any onsite hazards. As a standard condition of project approval, the proposed project would be constructed in accordance with the most current CBC and Imperial County Building Code to minimize or avoid the potential hazard of liquefaction. A less than significant impact is identified for this issue area.

aiv) **Less than Significant Impact.** The project site is located in a relatively flat portion of Imperial County and is not identified as an area at risk of landslide (County of Imperial 1997). Therefore, the impact associated with landslides is considered less than significant.

b) **Less than Significant Impact.** Soil erosion and loss of topsoil could result during construction as grading and construction can loosen surface soils and make soils susceptible to wind and water movement across the surface. Construction activities are regulated under the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Runoff Associated with Construction Activity (General Construction Permit) which covers stormwater runoff requirements for projects where the total amount of ground disturbance during construction exceeds 1 acre. The proposed project would be required to comply with the General Construction Permit because ground disturbance would exceed 1 acre. Coverage under a General Construction Permit requires the preparation of a Storm Water Pollution Prevention Plan (SWPPP) and submittal of a Notice of Intent (NOI) to comply with the General Construction Permit. The SWPPP would identify best management practices (BMPs) that would reduce any impacts associated with soil erosion or loss of topsoil. Therefore, this impact is considered less than significant.

c) Less than Significant Impact.

Landslides. As described in Response VII. aiv) above, the project site is located in a relatively flat portion of Imperial County and is not identified as an area at risk of landslide (County of Imperial 1997). Therefore, the impact associated with landslides is considered less than significant.

Liquefaction. As described in Response VII. aiii) above, the project site is not located in an area susceptible to liquefaction hazards (California DOC n.d.). Additional geotechnical investigation would be required in order to assess the risk of liquefaction to occur on the project site. As required by the County and in accordance with local and state building code requirements, any proposed development would be required to complete a geotechnical evaluation of any onsite hazards. As a standard condition of project approval, the proposed project would be constructed in accordance with the most current CBC and Imperial County Building Code to minimize or avoid the potential hazard of liqeufaction. A less than significant impact is identified for this issue area.

Lateral Spreading. The potential for lateral spreading to occur on the project site has not yet been determined. Additional geotechnical investigation would be required in order to assess the risk of lateral spreading to occur on the project site. As required by the County and in accordance with local and state building code requirements, any proposed development would be required to complete a geotechnical evaluation of any onsite hazards. As a standard condition of project approval, the proposed project would be constructed in accordance with the most current CBC and Imperial County Building Code to minimize or avoid the potential hazard of lateral spreading. A less than significant impact is identified for this issue area.

Subsidence. The potential for subsidence to occur on the project site has not yet been determined. Additional geotechnical investigation would be required in order to assess the risk of subsidence to occur on the project site. As required by the County and in accordance with local and state building code requirements, any proposed development would be required to complete a geotechnical evaluation of any onsite hazards. As a standard condition of project approval, the proposed project would be constructed in accordance with the most current CBC and Imperial County Building Code to minimize or avoid the potential hazard of subsidence. A less than significant impact is identified for this issue area.

Collapse. The potential for collapse to occur on the project site has not yet been determined. Additional geotechnical investigation would be required in order to assess the risk of collapse to occur on the project site. As required by the County and in accordance with local and state building code requirements, any proposed development would be required to complete a geotechnical evaluation of any onsite hazards. As a standard condition of project approval, the proposed project would be constructed in accordance with the most current CBC and Imperial County Building Code to minimize or avoid the potential hazard of collapse. A less than significant impact is identified for this issue area.

d) **Less than Significant Impact.** The potential for expansive soils to occur on the project site has not yet been determined. Additional geotechnical investigation would be required in order to assess the risk of expansive soils to occur on the project site. As required by the County and in accordance with local and state building code requirements, any proposed development would be required to complete a geotechnical evaluation of any onsite hazards. As a standard condition of project approval, the proposed project would be constructed in accordance with the most recent CBC and Imperial County Building Code to minimize or avoid the potential hazard of expansive soil. A less than significant impact is identified for this issue area.

e) **No Impact.** The proposed project would not require the use of septic systems or alternative wastewater systems to accommodate wastewater needs. Therefore, no impact is identified for this issue area.

f) **Less than Significant with Mitigation Incorporated.** The following information is summarized from the *Paleontological Resources Technical Report for the Seville 4 Solar Energy Project* prepared by SWCA. This report is provided as Appendix F of this Initial Study.

Paleontological resources are typically impacted when earthwork activities, such as mass excavation cut into geological deposits (formations) with buried fossils. One area in which paleontological resources appear to be concentrated in this region is the shoreline of ancient

Lake Cahuilla, which would have encompassed the present-day Salton Sea. The lake covered much of the Imperial Valley and created an extensive lacustrine environment. Lake Cahuilla experienced several fill recession episodes before it finally dried up about 300 years ago.

An analysis of existing data was conducted by SWCA, including a review of geologic maps, scientific literature, museum records, and other relevant site-specific geologic information, to classify the paleontological sensitivity of the geologic units present at the surface and subsurface and to determine the potential for significant impacts to scientifically significant paleontological resources due to implementation or construction of the project.

Geologic Units

According to the paleontological resources technical report prepared for the proposed project, the surface of the project site is mapped with undifferentiated alluvial sand, gravel, silt, and clay of valley areas and Cahuilla Beds (Qa-Qc) (Appendix F of this Initial Study). Although not mapped at the surface of the project site, artificial fill was present at the surface of the area to depths of 2 to 3 feet from the in-filling of San Felipe Creek and farming activities (Appendix F of this Initial Study). The undifferentiated alluvial sand, gravel, silt, and clay of valley areas and Cahuilla Beds are Holocene in age (less than 11,700 years ago) and consist of recently deposited surficial alluvial sediments as well as tan-gray claystone, sand, and gravel deposited in Lake Cahuilla, an ancient freshwater lake that previously occupied a major portion of the Salton Trough. The depth of the contact between the Holocene-age and Pleistocene-age Lake Cahuilla deposits in the project area is currently unknown; however, the Pleistocene-age ancient Lake Cahuilla sediments are likely to be present at a relatively shallow depth (Appendix F of this Initial Study).

Paleontological Potential Classification

Paleontological potential ("sensitivity") is defined as the potential for a geologic unit to produce scientifically significant fossils. This is determined by rock type, history of the geologic unit in producing significant fossils, and fossil localities recorded from that unit. Paleontological sensitivity is derived from the known fossil data collected from the entire geologic unit, not just from a specific survey. In *Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources*, the Society of Vertebrate Paleontology (SVP) defines four categories of paleontological sensitivity for rock units: high, low, undetermined, and no potential (Appendix F of this Initial Study).

According to the paleontological resources technical report prepared for the proposed project, unmapped artificial fill has a low paleontological sensitivity, but may be underlain by "native" geologic units of relatively higher paleontological sensitivity. Additionally, Holocene alluvial sand, gravel, silt, and clay of valley areas (Qa) has low to high paleontological sensitivity increasing with depth (e.g., 5 feet below ground surface). Due to the abundant remains of freshwater invertebrate and vertebrate fossils from the sediments of ancient Lake Cahuilla, the undifferentiated alluvial sand, gravel, silt, and clay of valley areas and Cahuilla Beds (Qa-Qc) have a high paleontological sensitivity (Appendix F of this Initial Study).

Museum Records Search

The San Diego Natural History Museum (SDNHM) performed a museum records search for fossil localities within the vicinity of the project site. Based on the results of the museum records search, the SDNHM does not possess records of paleontological resources from within a mile of the project site; however, they note high paleontological sensitivity of the geologic units anticipated to be present either at the surface or in the subsurface within the project site (Appendix F of this Initial Study).

Reconnaissance Survey

SWCA conducted a paleontological pedestrian field reconnaissance survey to verify geologic mapping, to determine if sediments observed at the surface are conducive to the

preservation of paleontological resources, and to record any previously unrecorded paleontological resources that may be at the surface.

No newly identified paleontological resources were observed or recorded during the pedestrian reconnaissance survey; however, sedimentary deposits with the potential to preserve paleontological resources (i.e., undifferentiated alluvial sand, gravel, silt, and clay of valley areas and Cahuilla Beds [Qa-Qc]) were observed within the project area (Appendix F of this Initial Study).

Potential Impacts

Ground-disturbing activities associated with the project may impact geologic units of relatively high paleontological sensitivity. Any fossils encountered during ground disturbances in previously undisturbed sediments of high paleontological sensitivity would be at risk for damage or destruction from construction activities, which would constitute a potentially significant impact under CEQA. However, with implementation of Mitigation Measures GEO-1 through GEO-5 would ensure that fossils, if encountered, are assessed for significance and, if deemed significant, salvaged and curated with an accredited repository. With implementation of GEO-1 through GEO-5 mitigation, impacts would be reduced to a less than significant level.

Mitigation Measure

GEO-1 **Retain a Qualified Paleontologist.** Prior to the issuance of any permits allowing ground-disturbing activities, an SVP-qualified paleontologist (Qualified Paleontologist) will be retained by the project applicant and approved by the Imperial County Planning and Development Services Department (lead agency). The Qualified Paleontologist will prepare a Paleontological Resources Monitoring Plan (PRMP) to be approved by the lead agency. Following approval of the PRMP, the Qualified Paleontologist will implement the PRMP and will provide technical and compliance oversight of all work as it relates to paleontological resources, will be responsible for ensuring the employee training provisions are implemented during implementation of the project, and will report to the project area (as needed and identified in the final PRMP) in the event that potential paleontological resources are encountered.

GEO-2 **Prepare a Paleontological Resources Monitoring Plan.** A PRMP will be prepared by the Qualified Paleontologist that incorporates all available geologic data for the project in order to determine the necessary level of effort for monitoring based on the planned rate of excavation and grading activities, the materials being excavated, and the depth of excavation. The PRMP establishes the ground rules for the entire paleontological resource mitigation program and will require approval by the lead agency as a condition of approval of the grading permit(s) for the project. The Qualified Paleontologist will implement the PRMP as the project paleontologist, program supervisor, and principal investigator. The PRMP will incorporate the results of the *Paleontological Resources Technical Report for the Seville 4 Solar Energy Project* (Appendix F of this Initial Study), relevant geotechnical investigations, and final engineering/grading plans for the project. The PRMP will include processes and procedures for paleontological monitoring, fossil salvaging (if needed), reporting, and curation (if needed). The PRMP will also require the Qualified Paleontologist to prepare a report of the findings of the monitoring efforts after construction is completed that will be sent to the lead agency for approval and to mark the completion of the paleontological monitoring program. The PRMP will also require the Qualified Paleontologist to obtain a curatorial arrangement with an

accredited and County-approved repository, such as the SDNHM in San Diego, California.

GEO-3 **Conduct Worker Training.** The Qualified Paleontologist shall develop Worker Environmental Awareness Program training to educate the construction crew on the legal requirements for preserving fossil resources, as well as the procedures to follow in the event of a fossil discovery. This training program shall be given to the crew before ground-disturbing work commences and shall include handouts to be given to new workers as needed.

GEO-4 **Monitor for Paleontological Resources.** As described in the PRMP approved by the lead agency for the project, full-time paleontological monitoring will occur during ground-disturbing activities that impact previously undisturbed sediments of Holocene Cahuilla Beds (Qc), Pliocene Brawley Formation (Qbr), middle to early Pleistocene Ocotillo Formation (Qo), middle Pleistocene to middle Pliocene Palm Spring Formation (Tps), and late and middle Pliocene Borrego Formation (Tbo), regardless of depth. Full-time monitoring shall occur during ground-disturbing activities that impact previously undisturbed sediments of Holocene alluvial sand, gravel, silt, and clay of valley areas (Qa) at depths of 5 feet below ground surface or greater. Monitoring shall not be required when ground-disturbing activities are less than 5 feet below ground surface in areas mapped as Holocene alluvial sand, gravel, silt, and clay of valley areas (Qa), or when impacting only artificial fill or previously disturbed sediments, regardless of depth. Monitoring shall be conducted by a qualified paleontological monitor who meets the standards of the SVP and who will be supervised by the Qualified Paleontologist. The Qualified Paleontologist may periodically inspect construction activities to adjust the level of monitoring (in consultation with the lead agency) in response to subsurface conditions. Monitoring efforts can be increased, reduced, or ceased entirely if determined adequate by the Qualified Paleontologist. Paleontological monitoring shall include inspection of exposed sedimentary units during active excavations within sensitive geologic sediments. The monitor shall have authority to temporarily divert activity away from exposed fossils to evaluate the significance of the find and, should the fossils be determined significant, professionally and efficiently recover the fossil specimens and collect associated data. The monitor shall record pertinent geologic data and collect appropriate sediment samples from any fossil localities. Recovered fossils shall be prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and deposited in an accredited repository (i.e., SDNHM in San Diego, California).

GEO-5 **Prepare a Paleontological Resources Monitoring Report.** Upon conclusion of ground-disturbing activities, the Qualified Paleontologist overseeing implementation of the PRMP, including paleontological monitoring, will prepare a final Paleontological Resources Monitoring Report (PRMR) that documents the paleontological monitoring efforts for the project and describes any paleontological resources discoveries observed and/or recorded during ground-disturbing activities. If paleontological resources are curated, the PRMR and any associated data pertinent to the curated specimen(s) will be submitted to the designated repository. A copy of the final PRMR shall be filed with the lead agency for approval. Approval of the PRMR by the lead agency will signify completion of the monitoring program.

VIII. Greenhouse Gas Emissions

Environmental Issue Area:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Impact Analysis

The following information is summarized from the *Air Quality and Greenhouse Gas Emissions Assessment for the Seville 4 Solar Project* prepared by SWCA. This report is provided as Appendix B of this Initial Study.

a) **Less Than Significant Impact.** Prominent greenhouse gases (GHGs) contributing to the greenhouse effect are carbon dioxide (CO_2), methane (CH_4), and nitrogen oxide (N_2O). Human-caused emissions of these GHGs in excess of natural ambient concentrations are believed to be responsible for intensifying the greenhouse effect and leading to a trend of unnatural warming of the earth's climate, known as global climate change or global warming.

The project site is located within the Salton Sea Air Basin, regulated by the ICAPCD. To date the ICAPCD has not adopted GHG emission significance thresholds applicable to potential development. Section 15064.7(c) of the CEQA Guidelines specifies that "[w]hen adopting or using thresholds of significance, a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies, or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence" (14 CCR 15064.7(c)). Thus, in the absence of any GHG emissions significance thresholds, the projected emissions are compared to the SCAQMD's numeric threshold of 3,000 metric tons of CO_2e annually (for industrial land use). While this significance threshold is not binding on the ICAPCD or County of Imperial, it is instructive as a comparative metric of the project's potential GHG impact. The following analysis is broken out by a discussion of potential impacts during construction and operation of the project. The CalEEMod 2022.1.1.17 air quality model was used to calculate the GHG emissions associated with construction and operation of the proposed project. The CalEEMod worksheets are included in Appendix B of this Initial Study.

Construction

Construction of the project would result in GHG emissions, which are primarily associated with use of off-road construction equipment, on-road vendor trucks, and worker vehicles. Table 8 presents the estimated construction emissions for the project from on-site and off-site emission sources.

As shown in Table 8, the estimated total GHG emissions during construction would be approximately 1,281 $MTCO_2e$ over the construction period, which is below SCAQMD's threshold. Estimated project-generated construction emissions amortized over 20 years would be approximately 64.05 $MTCO_2e$ per year. As with project-generated construction criteria air pollutant emissions, GHG emissions generated during construction of the project

would occur only when construction is active, lasting only for the duration of the construction period, and would not represent a long-term source of GHG emissions.

Project decommissioning emissions were not calculated as the equipment and fuel types that would exist 20 or more years in the future are unknown. It is anticipated that the decommissioning emissions would be lower than the construction emissions.

Table 8. Estimated Annual Construction Greenhouse Gas Emissions

Construction Years	Metric Tons per Year			
	CO_2e	CO_2	N_2O	CH_4
2026	508	502	0.02	0.02
2027	773	765	0.02	0.03
Total	1,281	1,267	0.04	0.05
Amortized Construction Emissions	**64.05**			
SCAQMD GHG Threshold	N/A	N/A	N/A	3,000

Source: Appendix B of this Initial Study

Operation

Operation of the project would generate GHG emissions through motor vehicle trips to and from the project site and water use. The estimated operational project generated GHG emissions are shown in Table 9. As shown in Table 9, estimated annual project-generated GHG emissions would be approximately 99 MT CO_2e per year as a result of project operations.

After summing the amortized project construction emissions, total GHGs generated by the project would be approximately 162 MT CO_2e per year, which is below SCAQMD's threshold. Therefore, the project's GHG impact would be less than significant.

The project would offset GHG emissions through renewable energy generation and thereby result in environmental benefits by lessening the impacts of global climate change, as such, the annual displaced GHG emissions were estimated to include all direct and indirect emissions associated with implementation of the project. As shown in Table 9, the project's annual indirect GHG emissions from the displacement of fossil fuel fired electricity generation is significantly higher than the project's annualized direct and indirect emissions sources. Therefore, the project would have a beneficial GHG emissions impact, and this is considered a less than significant impact.

Table 9. Estimated Annual Operational Greenhouse Gas Emissions

	Metric Tons per Year			
	CO_2	CH_4	N_2O	CO_2e
Mobile	91.6	0.001	0.01	94.89
Water	3.26	<0.001	<0.001	3.27
Total	94.86	0.001	0.01	98.16
Amortized Construction Emissions				**64.05**
Total Operational & Amortized Construction GHGs				**162**
Displaced Emissions (from Project Operation)				**119,494**
SCAQMD GHG Threshold				**3,000**

Source: Appendix B of this Initial Study

b) **Less Than Significant.** The proposed project would not conflict with any adopted plans, policies, or regulations adopted for the purpose of reducing GHG emissions. As discussed above in Response VIII. a), the project-generated GHG emissions would not exceed GHG significance thresholds. The proposed project is consistent with the following:

- AB 32 scoping plan strategies to increase the total amount of renewable energy sources consistent with the goal of the state's RPS.
- CARB's emission reduction strategy presented in the 2008 Scoping Plan addressing critical measures directed at emission sources.

Therefore, impacts would be less than significant.

IX. Hazards and Hazardous Materials

Environmental Issue Area:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☐	☐	☐	☒

Impact Analysis

a) **Less than Significant Impact.** Vehicles and equipment used for construction would contain or require the temporary use of potentially hazardous substances, such as fuels, lubricating oils, and hydraulic fluid. Hazardous substances would be stored in transportable containment trailers at locations within the construction staging area to minimize potential for accidental releases and/or spills.

Transportation of hazardous materials relating to the battery system includes electrolyte and graphite and would occur during construction, operation (if replacement of batteries is needed) and decommissioning (removal of the batteries). All of these various materials would be transported and handled in compliance with the Department of Toxic Substances Control regulations. Therefore, the likelihood of an accidental release during transport or residual contamination following accidental release is not anticipated.

Lithium-ion batteries used in the storage system contain cobalt oxide, manganese dioxide, nickel oxide, carbon, electrolyte, and polyvinylidene fluoride. Of these chemicals, only electrolyte should be considered hazardous, inflammable and could react dangerously when mixed with water. The U.S. Department of Transportation (DOT) regulates transport of lithium-ion batteries under the DOT's Hazardous Materials Regulations (HMR) (49 CFR Parts 171-180). The HMR apply to any material DOT determines can pose an unreasonable risk to health, safety, and property when transported in commerce. Lithium-ion batteries must conform to all applicable HMR requirements when offered for transportation or transported by air, highway, rail, or water. Additionally, carbon (as graphite) is flammable and could pose a fire hazard. Fire protection is achieved through project design features, such as monitoring, diagnostics and a fire suppression system. The project would be required to comply with state laws and county ordinance restrictions, which regulate, and control hazardous materials handled on site.

Further, the proposed project would be required to comply with all applicable rules and regulations involving hazardous materials, including the State of California CCR Title 23 Health and Safety Regulations, the California Division of Occupational Safety and Health (Cal/OSHA) requirements, the Hazardous Waste Control Act, the California Accidental Release Prevention (CalARP) Program, and the California Health and Safety Code. Compliance with these measures would reduce any potential risk or impact associated with the transport, use, or disposal of hazardous materials. This impact is considered less than significant.

b) **Less than Significant Impact.** As described in Response IX. a) above, the proposed project would require the storage of hazardous materials; however, hazardous substances would be stored in transportable containment trailers at locations within the construction staging area to minimize potential for accidental releases and/or spills. No other hazardous or potentially hazardous materials will be brought to the project site. Further, the proposed project would be required to comply with all applicable rules and regulations involving hazardous materials, including the State of California CCR Title 23 Health and Safety Regulations, Cal/OSHA requirements, the Hazardous Waste Control Act, CalARP Program, and the California Health and Safety Code. Compliance with these measures would reduce any potential risk or impact associated with the release of hazardous materials into the environment.

   The project applicant will coordinate with the Imperial County Fire Department on conditions of approval as part of the CUP to ensure the proposed project would not result in extreme hazards to the public, firefighters, and emergency responders. Conditions of approval would include project plans review and inspections, installation of a water supply capable of supplying the required fire flow, development of an Emergency Operation Plan, and compliance with applicable standards and requirements of the National Fire Protection Association, OSHA, and California Fire Code. With adherence of applicable standards and requirements and conditions of approval as part of the CUP. This impact is considered less than significant.

c) **No Impact.** The project site is not located within 0.25 mile of any existing or proposed schools. The nearest school is Sea View Elementary School located approximately 14 miles northeast of the project site. Therefore, the proposed project would not pose a risk to nearby schools and no impact would occur.

d) **No Impact.** Database searches were conducted on December 2, 2024 for potential hazardous sites located on, or within one-quarter mile of the project site using the California

Department of Toxic Substances Control's EnviroStor Database and State Water Resources Control Board's Geotracker database. These databases are an online search and Geographic Information System (GIS) tool for identifying sites that have known contamination or sites for which there may be reasons to further investigate. No reported cases were found on the project site and no active sites were located within one-quarter mile of the project site (California Department of Toxic Substances Control 2024; State Water Resources Control Board 2024). Therefore, implementation of the proposed project would result in no impact related to the project site being located on a listed hazardous materials site pursuant to Government Code Section 65962.5.

e) **No Impact.** The project site is not located within two miles of a public airport. The nearest airports are the Ocotillo Wells Airport located approximately 7 miles northwest of the project site and the Salton Sea Airport located approximately 9.61 miles northeast of the project site. Therefore, implementation of the proposed project would not result in a safety hazard or excessive noise for people residing or working in the area surrounding the project site and no impact would occur.

f) **No Impact.** The proposed project does not include any alteration to the existing public road network and would not involve blocking or restricting any access routes. Vehicular access to the project site will be from an existing unpaved private road that intersects SR 78. This road is currently used to access the existing solar facilities to the east (Seville 1 and Seville 2) and southeast (Titan I Solar) (Figure 2). This private road would provide a direct entrance to the project site at its northeast corner. The solar arrays would be separated from each other and the perimeter security fence by at least 20-foot-wide interior roads to provide access to all areas for maintenance and emergency vehicles. Therefore, the proposed project would not interfere with an adopted emergency response plan or emergency evacuation plan. No impact is identified for this issue area.

g) **No Impact.** The project site is located in the unincorporated area of Imperial County. According to the Seismic and Public Safety Element of the General Plan, the potential for a major fire in the unincorporated areas of the County is generally low (County of Imperial 1997). Based on a review of the California Department of Forestry and Fire Protection's fire hazard severity zone map, the project site is not located within a fire hazard severity zone (California Department of Forestry and Fire Protection 2023). The proposed project would not introduce features that directly or indirectly increase the risk of wildfire on the project site. No impact is identified for this issue area.

X. Hydrology and Water Quality

Environmental Issue Area:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i. result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☒	☐
iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
iv. impede or redirect flood flows?	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

Impact Analysis

a) **Less than Significant Impact.** No known or reasonably expected surface water quality issues are anticipated to result from the implementation of the proposed project. Construction activities are regulated under the NPDES General Permit for Discharges of Storm Water Runoff Associated with Construction Activity (General Construction Permit) which covers stormwater runoff requirements for projects where the total amount of ground

disturbance during construction exceeds 1 acre. The project would be required to comply with the General Construction Permit because ground disturbance would exceed 1 acre. Coverage under a General Construction Permit requires the preparation of a SWPPP and submittal of a NOI. The SWPPP will be implemented such that stormwater discharges would not adversely impact human health or the environment, nor contribute to any exceedances of any applicable water quality standards contained in the Colorado River Basin Plan. T This impact is considered less than significant.

b) **Less than Significant Impact.** The following information is summarized from the *Water Supply Assessment for the Seville 4 Solar Project* prepared by SWCA. This study is provided as Appendix G of this Initial Study.

Groundwater supply is available from the Ocotillo-Clark Valley Groundwater Basin (Basin Number 7-25). The basin is bounded by the Santa Rosa Mountains to the north and northeast, Coyote Creek and Superstition Mountain faults to the west and south, and the Salton Sea and surface drainage divides to the east. Clark Valley (to the northwest) drains toward Clark Lake (which is dry), whereas the rest of the area drains toward the Salton Sea. The basin is an alluvial-filled valley of stream, alluvial fan, lake, and aeolian deposits (Appendix G of this Initial Study). Recharge is from mountain runoff in the north and east, estimated to be 1,200 acre-feet (AF) per year (AFY) for the Clark Valley portion of the basin and 1,100 AFY for the Ocotillo Valley portion of the basin (Appendix G of this Initial Study). Groundwater generally flows southeastward. The Ocotillo-Clark Valley Groundwater Basin has not been adjudicated. The groundwater storage capacity estimated for Clark Valley is about 450,000 AF, and the capacity estimated for Ocotillo Valley is about 5,800,000 AF. These estimates add to about 6,250,000 AF (Appendix G of this Initial Study).

The proposed project will involve the use of groundwater during construction and operation**.** The water demand for each phase of the project is described in detail below.

Construction Water Demand

The project would require 112.5 AF of water to support construction over an 18-month period. As shown in Table 10, during the 18-month construction period, it is estimated that the project would require up to 36,660,000 gallons (112.5 acre-feet) of water. This water would be used for common construction-related activities, including dust control, sanitation, initial system demand, and other miscellaneous purposes.

Operation Water Demand

The project would require up to 7.5 AFY to support operation and maintenance activities. As shown in Table 10, during the 25-year operating period, it is estimated that the project would require up to 2,444,000 gallons (7.5 acre-feet) of water annually. Operational water use will primarily include periodic washing of the PV modules, which is expected to occur twice per year to remove dust and maintain power generation efficiency.

Operations would include routine washing of mirrors on a continuous basis and no additives or detergents will be required. Washing would be done using a truck-mounted pressure washer. The washing would require approximately 3.8 AF (1,222,000 gallons) of water per year.

The solar collector would require an estimated 0.4 AF (244,400 gallons) of water per year. Other potable and non-potable facility uses would require an estimated 1.9 AFY (611,000 gallons) of water per year. Limited landscape irrigation would be required at an estimated 0.7 AF (244,400 gallons) of water per year. Fire suppression is estimated at 0.7 AF (244,400 gallons) of water per year.

Table 10. Summary of Project Water Demands

Project Phase	Water Demand (gallons)	Water Demand (AF)
Construction		
Dust Control	31,282,000	96.0
Initial System Demand	3,683,000	11.3
Personnel	1,695,000	5.2
Total Construction Demand (over 12 months)	**36,660,000**	**(up to 112.5 AF)**
Operation		
System Wash Water	1,222,000	3.8
Process Water	122,200	0.4
Facilities (potable and non-potable)	611,000	1.9
Irrigation	244,400	0.7
Fire Suppression	244,400	0.7
Annual Operations Demand	**2,444,000**	**(up to 7.5 AFY)**

Source: Appendix G of this Initial Study

Water Supply Availability

The Water Supply Assessment prepared for the proposed project assessed whether there are sufficient water supplies to serve the project over the next 20 years. It considered average-year ("normal" year), single dry-year, and multiple dry-year (drought conditions). A multiple dry-year scenario is assumed to be 3 years long for the purposes of the analysis.

Table 11 presents projections for the 12- to 18-month construction period with the highest project-related water use (112.5 AF). It uses a conservative approach that assumes total water use during the initial 12 months. Table 12 presents projections for the subsequent 19-year operational period. The existing pumping data refer to the estimated pumping rate for the wells associated with the project area. It was assumed for the purpose of the analysis that all other water use in the basin would remain constant over the 20-year period.

During the construction period of up to approximately 12 to 18 months, the project would use up to approximately 112.5 AF of water for construction activities. Operational water demands, which include system washing and operation of the proposed on-site facilities, would total approximately 7.5 AFY. The Ocotillo-Clark Valley Groundwater Basin has a recharge rate of 1,100 AFY, and the project demand has a projected peak demand of up to 112.5 AF for construction purposes and 7.5 AFY for operational purposes. The net water balance supply for normal, single dry, and multiple dry years is sufficient to meet project purposes.

The project's water supply would be provided by groundwater from two private wells owned by the project proponent. An existing well located in the southeast corner of the project site would be used for construction needs. The second well, located in the northern portion of the project site, would be used for operation and maintenance purposes. Water demand projections in the project area generally account for solar energy developments, such as the project. Further, water supply availability projections generally indicate that sufficient water supplies are available to meet projected water demands for the project.

In conclusion, long-term water demands associated with the project appear to be accounted for; although regional water shortages may occur in the area during the project's lifetime, such conditions may occur regardless of the proposed solar development. The proposed project would not substantially decrease groundwater supplies or interfere substantially with

groundwater recharge such that the project may impede sustainable groundwater management of the basin. This is considered a less than significant impact.

Table 11. Groundwater Availability Projections for Construction (Year 1)

Climate Scenario	Precipitation Recharge (AFY)	Existing Pumping (AFY)	Project Pumping (AFY*)	Total Demand	Balance (AFY)
Normal Scenario	1,100	202**	75	352	748
Single Dry Year	418	202	75	352	66
Multiple Dry Years					
Year 1	506	202	75	352	154
Year 2	649	202	75	352	297
Year 3	231	202	75	352	-121
Multiple Dry-Year Balance					**330**

Source: Appendix G of this Initial Study

Notes:

* For a conservative approach, this assumes that all project construction would happen within the first 12 months.

** This accounts for existing groundwater wells for the initial Seville Solar Project site, lots 1–8, and local water use.

Table 12. Groundwater Availability Projections for Operations (Years 2.5-20)

Climate Scenario	Precipitation Recharge (AFY)	Existing Pumping (AFY)	Project Pumping (AFY)	Total Demand	Balance (AFY)
Normal Scenario	1,100	202	7.5	217	883
Single Dry Year	418	202	7.5	217	201
Multiple Dry Years					
Year 1	506	202	7.5	217	289
Year 2	649	202	7.5	217	432
Year 3	231	202	7.5	217	14
Multiple Dry-Year Balance					**735**

Source: Appendix G of this Initial Study

ci) **Less than Significant Impact**. As discussed in Response X. a) above, construction of the proposed project would result in ground disturbing activities in an area greater than one acre. Therefore, a SWPPP will be developed that implements BMPs that sufficiently avoid any onsite or offsite erosion and runoff from areas proposed for ground disturbance. Therefore, this is considered a less than significant impact.

cii) **Less than Significant Impact.** The proposed project would not involve the construction of substantial impervious surfaces that would increase the rate of run-off. Construction activities would be localized to the project site boundary, and the surrounding pervious surface would remain similar to pre-project conditions. Water will continue to percolate through the ground, as a majority of the surfaces on the project site will remain

pervious. In this context, the proposed project would not result in substantial increases in run-off. This is considered a less than significant impact.

ciii) **Less than Significant Impact.** Water will continue to percolate through the ground, as a majority of the surfaces on the project site will remain pervious. The proposed project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provided substantial additional sources of polluted runoff. This is considered a less than significant impact.

civ) **Less than Significant Impact.** According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (Map Number 06025C0925C), the majority of the project site is located within Zone X, which is an area determined to be outside of the 0.2 percent annual chance of a flood (FEMA 2024). The southern portion of the project site is located within a Special Flood Hazard Area, Zone A, which is an area subject to inundation by the 1 percent annual chance flood (100-year flood zone) (FEMA 2024). The Special Flood Hazard Area is associated with San Felipe Creek. San Felipe Creek, in its natural state, previously flowed through the southern portion of the project site in a southeasterly direction. In the 1970's, the Creek was diverted around the southwestern corner of the project site by an earthen berm constructed along the western boundary of the project site. The existing earthen berm diverts flows from the historic creek flood zone away from the project site. Current FEMA maps do not reflect the existing 7-foot high earthen berm along the western boundary of the project site.

The proposed project would be designed to comply with the County of Imperial Engineering Design Guidelines Manual for the Preparation and Checking of Street Improvements, Drainage and Grading Plans within Imperial County (2008). The proposed retention basin(s) would be sized to capture storm water runoff as if none of it would penetrate into the ground. The County requirement to provide 3 inches of detention per tributary acre would be met and detained runoff would infiltrate the underlying soil.

Any improvements within the Flood Zone A would be designed to comply with the County of Imperial Flood Zone Ordinances and guidelines. Section 91604.00 states that "A Development Permit shall be obtained before construction or development begins within any area of special flood hazards or areas of mudslide (i.e., mudflow) established in Section 91603.01."

Based on the proposed drainage described above, and the project's mandatory compliance with regulations regarding hydrology and drainage at the project site, implementation of the proposed project would not have a substantial impact on the hydrology of the surrounding area. Peak flow runoff from the project site would be directed to and infiltrated in designated retention basins and/or percolate into the ground, such that there would be no increase in on-site or off-site flooding potential. Therefore, on- and off-site drainage and flooding impacts would be less than significant.

d) **Less than Significant Impact.** The project site is located over 70 miles inland from the Pacific Ocean. Therefore, the proposed project is not located in an area at risk of tsunamis.

According to the Seismic and Public Safety Element of the General Plan, the most likely location for a significant seiche to occur is the Salton Sea, which is located approximately 14 miles northeast of the project site. While there have been several seismic events since the formation of the Salton Sea, no significant seiches have occurred to date. A seiche could occur, however, in the Salton Sea under the appropriate seismic conditions. The Salton Sea is proximal to the San Andreas and San Jacinto faults and would be subject to significant seismic ground shaking that could generate a seiche (County of Imperial 2002). The likelihood of seismic activity producing waves large enough to affect the project site is low and therefore, the risk of release of pollutants attributable to inundation is considered low based on no documented history of seiche-induced flooding of the project site. No substantial damage is expected from seiches on the project site, and implementation of the

project would not increase the inherent risk of seiches on the project site. No impact would occur.

The southern portion of the project site is located within a Special Flood Hazard Area, Zone A, which is an area subject to inundation by the 1 percent annual chance flood (100-year flood zone) (FEMA 2024). However, the proposed project would be required to prepare a SWPPP that implements BMPs that would minimize potential impacts related to the risk of releasing pollutants due to project inundation. Therefore, impacts would be considered less than significant.

e) **Less than Significant Impact.** The project's water supply would be provided by groundwater from two private wells owned by the project proponent. As discussed in Response X. b) above, the proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. Furthermore, the proposed project would be compliant with all local, state, and federal regulations, including compliance with the NPDES permits with the implementation of BMPs. Compliance with the referenced regulations would reduce any potential impact associated with a water quality control plan to a less than significant impact.

XI. Land Use and Planning

Environmental Issue Area:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

Impact Analysis

a) **No Impact.** The project site is located in a sparsely populated portion of Imperial County. There are no established residential communities located within or in the vicinity of the project site. The nearest residence is approximately 1.15 miles west of the southwest corner of the project site. Therefore, implementation of the proposed project would not divide an established community and no impact would occur.

b) **Less than Significant Impact.** The project's consistency with applicable land use plans, policies, and regulations is evaluated below.

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

The entire project site is located outside of the RE Overlay Zone. Therefore, the proposed project would conflict with the RE Overlay Zone because the project is located outside of the area designated for renewable energy projects. Without an amendment to the RE Overlay Zone, the proposed project would not be allowed and would conflict with the RE and Transmission Element of the General Plan. However, the applicant is requesting a General Plan amendment and Zone Change to include/classify the project site into the RE Overlay Zone.

As stated in the RE and Transmission Element:

An amendment to the overlay zone would only be approved by the County Board of Supervisors if a future RE project met one of the following two conditions:

- **Adjacent to the Existing RE Overlay Zone:** An amendment may be made to allow for development of a future RE project located adjacent to the existing RE Overlay Zone if the project:
  - Is not located in a sensitive area
  - Would not result in any significant impacts.

- **"Island Overlay":** An amendment may be made to allow for development of a future RE project that is not located adjacent to the existing RE Overlay Zone if the project:
  - Is located adjacent (sharing a common boundary) to an existing transmission source
  - Consists of the expansion of an existing RE operation
  - Would not result in any significant environmental impacts (County of Imperial 2016).

The project site is not located adjacent to an existing RE Overlay Zone. Therefore, the proposed project will need to meet the criteria identified for the "Island Overlay" to obtain approval of an amendment to the RE Overlay Zone. Table 13 provides an analysis of the project's consistency with the "Island Overlay" criteria. As shown in Table 13, the proposed project would be consistent with the "Island Overlay" criteria because the project is adjacent to an existing transmission source, consists of the expansion of an existing RE operation, and would not result in significant environmental impacts.

The General Plan Amendment and Zone Change requests submitted by the project applicant are subject to approval by the County Board of Supervisors. If approved, the project applicant will be able to request for approval of a CUP to allow the construction and operation of the proposed solar facility and BESS, and the proposed project would be consistent with the RE and Transmission Element of the General Plan.

Table 13. Project Consistency with "Island Overlay" Criteria

Criteria	Criteria Met?
Is located adjacent (sharing a common boundary) to an existing transmission source?	The project site is surrounded by existing renewable energy facilities with gen-ties interconnecting into IID's transmission line network. IID's existing 92 kV "K" Line is located along the eastern border of the project site. The electricity transmitted via IID's "K" Line is ultimately delivered to IID's Anza Substation.
Consists of the expansion of an existing RE operation?	As shown in Figure 2, the surrounding area, specifically to the east and southeast of the project site, has been developed with renewable energy facilities. The Seville 1 and Seville 2 solar facilities are located immediately east of the project site, and the Titan I Solar facility is located immediately southeast of the project site. The proposed project involves the construction of a solar facility with an integrated BESS adjacent to the Seville 1 and 2 solar facilities. The proposed project would be capable of generating up to 90 MW of solar energy, thereby expanding solar energy generation in the area.
Would not result in any significant environmental impacts?	As detailed in Sections I through XXI of this Initial Study, no unavoidable or unmitigable significant impacts were identified. Where significant impacts have been identified, mitigation measures are proposed, that when implemented, would reduce the impact level to less than significant. Therefore, the proposed project would not result in a residual significant impact.

Source: County of Imperial 2016

County of Imperial Land Use Ordinance. Implementation of the project would require the approval of a CUP by the County to allow for the construction and operation of the proposed solar energy facility with an integrated BESS. The project parcels are currently zoned as M-1, but is proposed to be rezoned to A-2 as part of the project approvals. Pursuant to Title 9, Division 5, Chapter 8, the following uses are permitted in the A-2 zone subject to approval of a CUP from Imperial County:

j) Battery Storage Facility (must be connected to an existing electrical power generation plant such as solar, geothermal, wind, natural gas, or other renewable energy generator, as an accessory unit to said power plant). The maximum allowance of battery shall be in a ratio of 2 to 1 compared to solar.

pp) Major facilities relating to the generation and transmission of electrical energy, provided such facilities are not, under State or Federal law, to be approved exclusively by an agency or agencies of the State and/or Federal governments and provided that such facilities shall be approved subsequent to coordination and review with the Imperial Irrigation District for electrical matters. The maximum allowance of battery shall be in a ratio of 2 to 1 compared to solar.

Therefore, with approval of the CUP, the proposed project would not conflict with the County of Imperial Land Use Ordinance and no impact would occur.

XII. Mineral Resources

Environmental Issue Area:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

Impact Analysis

a) **No Impact.** Construction of the proposed project would not result in any impacts to known mineral resources or mineral resource recovery sites. The nearest active mines for mineral resources are open pit sand and gravel located approximately 7 miles to the southwest of the project site (California DOC 2023). Additionally, the proposed project would not preclude future mineral resource exploration throughout the project site. No impact would occur.

b) **No Impact.** As noted in Response XII. a), implementation of the proposed project would not result in the loss of availability of locally-important mineral resources or mineral resource recovery sites. Additionally, the proposed project would not preclude future mineral resource exploration throughout the project site. No impact would occur.

XIII. Noise

Environmental Issue Area:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Impact Analysis

The following information is summarized from the *Noise and Ground Vibration Technical Report for the Seville 4 Solar Project* prepared by SWCA. This report is provided as Appendix H of this Initial Study.

a) **Less than Significant Impact.** The Noise and Ground Vibration Technical Report assesses the potential change in the current noise levels resulting from implementation of the proposed project. Both construction and operation of the project would generate noise and ground-borne vibration.

Existing Conditions

The project site is not located in proximity to noise sensitive receptors, such as schools, hospitals, daycare centers, or long-term care establishments. The closest noise sensitive area (NSA) is the Ocotillo RV Resort (herein referred to as NSA 1), approximately 2,700 feet west of the project site boundary. The nearest residence is approximately 5,800 feet west of the southwest corner of the project site (herein referred to as NSA 2).

To determine the baseline or ambient sound levels experienced near the project site and at the closest NSAs, long-term sound monitoring was conducted from July 12 to July 13, 2023 and short-term sound monitoring was conducted on July 18, 2023, to document the acoustic environment in the area surrounding the proposed project.

One long-term and three short-term noise monitoring locations were selected to provide the existing ambient noise levels near and at the project site (see Figure 3 of *Noise and Ground Vibration Technical Report for the Seville 4 Solar Project*). The noise levels ranged between 50.8 and 78.4 dBA Leq. 50.8 dBA is used to represent the ambient noise levels at NSAs, as this would produce the most conservative results that would maximize project related impacts.

Construction

The evaluation of potential noise and vibration impacts associated with project construction was based on the project's construction schedule, phasing, and equipment assumptions that were provided by the applicant. Project construction is divided into four phases: 1) site preparation/grading; 2) trenching/interconnection construction; 3) substation/switching station construction; and 4) solar panel array installation.

The County of Imperial General Plan's Construction Noise Standards provides restrictions on construction noise. To assess whether the project might produce significant construction noise levels at external sensitive receiver sites, the construction noise level criteria from these standards were used.

According to the County of Imperial General Plan's Construction Noise Standards, a daytime exterior construction noise level of 75 dBA Leq is deemed the threshold for noise-sensitive residential zones. Construction impacts were compared to this threshold.

On-Site Construction Noise

Construction activities associated with the project are anticipated to last approximately 18 months. During this time, temporary increases in noise levels at the project site are expected to occur due to the operations of various large construction equipment within the project site.

Estimates of noise from the construction of the project are based on a roster of the maximum amount of construction equipment used on a given day. Table 11 of the *Noise and Ground Vibration Technical Report for the Seville 4 Solar Project* presents the roster of expected noise generating construction equipment be used for construction of the project and their associated noise levels of 50 feet.

The approximate noise generated by construction equipment to be used at the project site was conservatively calculated based on an estimated project construction equipment roster anticipated to be used at the construction site, without consideration of further attention due to atmospheric interference or intervening structures.

To analyze the project's potential noise impacts, the average 1-hour L_{eq} construction noise level generated during each phase of construction was estimated at the analyzed receptor based on its distance to the construction phase activity.

The highest construction noise levels at each of the analyzed monitoring locations were estimated based on the reference noise levels shown in Table 11 of the *Noise and Ground Vibration Technical Report for the Seville 4 Solar Project* and the distance of each analyzed monitor from the project's construction activities. To more accurately characterize the noise associated with each construction phase, a usage factor for each type of equipment was used to represent those periods when equipment is not being operated under full-power conditions. Also, the noise levels were estimated to present a conservative impact analysis, assuming that all of the pieces of construction equipment are operating simultaneously. Furthermore, the model assumes that construction noise is constant when in all actuality construction activities are periodic and change throughout the day.

The estimated construction noise levels that would be experienced by the nearby sensitive receptor are shown in Table 14.

Table 14. Estimated Construction Noise Levels at Nearby Sensitive Receptors

Receptor	Measured Daytime Ambient Noise Levels, Leq (dBA)	Estimated Construction Noise Levels by Construction Phases (Ambient plus Construction), Leq (dBA)				Significance Threshold, Leq (dBA)
		Stage 1	Stage 2	Stage 3	Stage 4	
NSA 1	50.8	53.6	52.3	46.7	52.3	75.0

Source: Appendix H of this Initial Study

As shown in Table 14, the highest estimated construction-related noise levels that could be experienced by nearby sensitive receptors would be 53.6 dBA L_{eq} at sensitive receptor NSA 1. The analyzed sensitive receptors near the project site would not be exposed to construction-only noise levels exceeding 75dBA L_{eq}. Therefore, construction noise impacts would be less than significant.

Off-Site Construction Noise

Noise levels would be generated from construction-related traffic associated with worker trips and haul-tuck trips on roadways. Construction trucks would access the project site from SR 78.

It is anticipated that during the construction period, daily vehicle traffic at the project site will be mainly composed of various types of vehicles, including workers' cars, delivery trucks, and construction equipment. The most frequent trips will be those of construction workers commuting to and from the site.

The project site is located in an undeveloped area adjacent to SR 78, where the predominant traffic is interstate. Unlike typical urban environments, the area doesn't exhibit standard commute periods.

It is anticipated that during each construction phase, approximately 100 one-way workers trips, two one-way vendor trips and 16 one-way on-site haul truck trips would occur on a daily basis. This level of traffic increase is not expected to result in significant increases in noise and the estimated noise levels generated by construction off-site traffic would be below the existing daytime ambient noise level at the noise sensitive receptors along the haul routes. Therefore, a less than significant impact would occur.

Operations

On-site noise levels would be generated by stationary noise sources such as mechanical equipment (inverters, transformers, and BESS enclosures). Impacts from the operation of the mechanical equipment were analyzed using the SoundPLAN Essential.

The County of Imperial General Plan mandates that noise levels from stationary sources should not surpass 50 dBA in residential areas between 7 a.m. to 10 p.m. and 45 dBA between 10 p.m. to 7 a.m. According to the County of Imperial General Plan, when the ambient noise level is equal to or exceeds the Property Line noise standard, the increase of the existing or proposed noise shall not exceed 3 dB L_{eq}. For the purposes of this analysis, because the measured ambient noise level is in excess of the Property Line noise standard, the 3 dBA L_{eq} increase in noise was used as the significance threshold to assess project impacts.

Table 15 shows the estimated noise levels at the evaluated off-site receptors from the operation of the proposed mechanical noise sources.

Table 15. Estimated Noise Levels at the Nearest Receptor

NSA	Existing Daytime Ambient Noise Levels, Leq (dBA)	Estimated Noise Levels from Equipment Operation, Leq (dBA)	Ambient plus Project Noise Levels, Leq (dBA)	Increase in Noise at NSA (dBA)	Significance Threshold (Noise Increase at NSA in dBA)
Seville 4 Contribution					
NSA 1	50.8	34.1	50.9	0.1	3
NSA 2	50.8	36.4	51.0	0.2	3
Seville 4 and 5 Combined Contribution					
NSA 1	50.8	39.3	51.1	0.3	3
NSA 2	50.8	42.7	51.4	0.6	3

Source: Appendix H of this Initial Study

As shown in Table 15, the estimated noise level from the operation of the proposed mechanical equipment are estimated to be 34.1 dBA at NSA 1. The estimated noise level from the operation of the proposed mechanical equipment is estimated to be 36.4 dBA at NSA 2. The estimated noise levels would be below the existing daytime ambient noise level (50.8 dBA) and below the 3 dBA L_{eq} increase significance threshold.

Noise levels were also estimated for the proposed sources from the Seville 5 solar project located directly north of Seville 4 and will be connected during construction. Operational noise levels from both projects operating simultaneously are estimated to be 39.3 and 42.7 at NSA 1 and NSA 2 respectively. Noise levels at NSA 1 are expected to be 0.3 dBA higher than current ambient levels as a result of operations at both solar projects. Noise levels at NSA 2 are expected to increase by 0.6 dBA. These values indicate that the projects will not result in a noticeable difference in the sound levels at the closest NSA's to both project sites.

As such, operation of the proposed project would not result in a significant increase in noise levels at nearby off-site sensitive uses, and a less than significant impact would occur.

b) **Less than Significant Impact.** Operation of heavy construction equipment at the project site would generate ground-bone vibrations that could affect structures immediately adjacent to the project site or could also cause an annoyance to people at those locations.

Construction

Construction activities that would have the potential to generate levels of ground-borne vibration within the project site include mobile equipment activities. Project vibration impacts were estimated using the vibration source level of construction equipment and the construction vibration assessment methodology published by the Federal Transit Administration (FTA).

In the absence of specific County level impact thresholds, the FTA's thresholds have been adopted for this analysis. For building damage, the FTA specifies that vibration levels should not exceed 0.2 inch per second when measured at or beyond the property boundary. As such, in assessing the vibration levels resulting from the project's operation and construction, a PPV vibration standard of 0.2 inches per second is applied. For human annoyance, FTA specifies that vibration levels should not exceed 80 VdB.

According to the *Noise and Ground Vibration Technical Report for the Seville 4 Solar Project,* the estimated vibration level generated by construction equipment at the project site during project construction would be 51.5 VdB, which is below FTA's human annoyance significance threshold of 80 VdB. The estimated vibration level generated by construction

equipment at the project site during project construction would be 0.0023 inches per second, which is below FTA's building damage significance threshold of 0.2 inches per second (Appendix H of this Initial Study).

Operations

Operation of the project would not involve any sources capable of generating perceptible levels of vibration in the surrounding area. There would be no permanent source of potential to change vibration levels, except during unscheduled maintenance or repair activities, which would be similar to construction activities. Therefore, impacts related to operational ground-borne noise and vibration would be less than significant.

c) **No Impact.** The project site is not located within two miles of a public airport. The nearest airports are the Ocotillo Wells Airport located approximately 7 miles northwest of the project site and the Salton Sea Airport located approximately 9.61 miles northeast of the project site. The proposed project would not expose people residing or working in the project area to excessive noise levels and no impact would occur.

XIV. Population and Housing

Environmental Issue Area:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Impact Analysis

a) **No Impact.** The proposed project would not induce unplanned population growth. The proposed project involves the construction and operation of a solar energy facility and BESS within a predominantly undeveloped, vacant area of Imperial County. No development of new roads or infrastructure is proposed that would introduce new populations to the project site. The proposed project does not include the extension of roads. Vehicular access to the project site will be from an existing unpaved private road that intersects SR 78. This road is currently used to access the existing solar facilities to the east (Seville 1 and Seville 2) and southeast (Titan I Solar) (Figure 2). This private road would provide a direct entrance to the project site at its northeast corner. No impact would occur.

b) **No Impact.** No residential units are on the project site that would require relocation. Therefore, the proposed project would not displace substantial numbers of existing people or housing necessitating the construction of replacement housing elsewhere. No impact would occur.

XV. Public Services

Environmental Issue Area:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire Protection?	☐	☐	☒	☐
ii. Police Protection?	☐	☐	☐	☒
iii. Schools?	☐	☐	☐	☒
iv. Parks?	☐	☐	☐	☒
v. Other public facilities?	☐	☐	☐	☒

Impact Analysis

ai) **Less than Significant Impact.** Fire protection and emergency medical services for the project site would be provided by the Imperial County Fire Department. The project has the potential to increase response times, as energy storage facilities (i.e., the proposed BESS), have the potential to create hazards related to risk of explosion, flammable gases, toxic fumes, water-reactive materials, electrical shock, corrosives, and chemical burns. Utility-scale BESS requires specialized and reliable equipment to perform firefighting operations to NFPA recommendations, OSHA requirements, and ICFD standards. In order to maintain adequate level of service, the Imperial County Fire Department has identified specific conditions of approval that will be incorporated into the CUP for the BESS, including, but not limited to access roads, water supply requirements, automatic fire detection and suppression systems, preparation of a Hazard Mitigation Analysis, emergency operation plan, emergency evacuation plan and cost recovery. With adherence to the conditions of approval as part of the CUP, the proposed project would not result in a need for fire facility expansion, which in turn, would create a significant impact to the environment, and a less than significant impact is identified.

aii) **No Impact.** Police protection services to the project site would be provided by the Imperial County Sheriff's Department. The nearest station to the project site is the Salton City Substation located at 2101 S. Marina Drive approximately 12 miles to the northeast. The proposed project would not require police services during construction or operation and maintenance beyond routine patrols and response. Construction and operation of the proposed project would not induce growth in the area surrounding the project site that would result in the permanent, and increased need of police protection services. No impact would occur

aiii) **No Impact.** The proposed project does not include the development of residential land uses that would result in an increase in population or student generation. Construction is

estimated to take approximately 12-18 months. Construction of the project is not expected to require a substantial number of workers. Construction of the proposed project would not result in an increase in student population within the Imperial County's School District since it is anticipated that construction workers would commute in during construction operations. Furthermore, no full-time employees are required to operate the project. It is anticipated that maintenance of the project will be minimal to perform periodic visual inspections and minor repairs. The proposed project would not result in an increase in student population within the Imperial County's School District. Therefore, the proposed project would have no impact on Imperial County schools.

aiv) **No Impact.** Construction is estimated to take approximately 12-18 months. Construction of the project is not expected to require a substantial number of workers. Furthermore, no full-time employees are required to operate the project. It is anticipated that maintenance of the project will be minimal to perform periodic visual inspections and minor repairs. Substantial permanent increases in population that would adversely affect local parks is not anticipated. Therefore, the proposed project would have no impact on parks.

av) **No Impact.** Construction is estimated to take approximately 12-18 months. Construction of the project is not expected to require a substantial number of workers. Furthermore, no full-time employees are required to operate the project. It is anticipated that maintenance of the project will be minimal to perform periodic visual inspections and minor repairs. Substantial permanent increases in population that would adversely affect libraries and other public facilities (such as post offices) is not anticipated. Therefore, the proposed project would have no impact on other public facilities such as post offices and libraries.

XVI. Recreation

Environmental Issue Area:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Impact Analysis

a) **No Impact.** The proposed project would not increase the use of existing neighborhood parks and regional parks or other recreational facilities. The proposed project would not induce new populations that would result in the substantial physical deterioration of recreational facilities. No impact would occur.

b) **No Impact.** The proposed project would not include recreational facilities or require the construction or expansion of recreational facilities. The proposed project would not induce new populations that would require new recreational facilities. No impact would occur.

XVII. Transportation

Environmental Issue Area:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b) Conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☐	☒	☐

Impact Analysis

The following information is summarized from the *Transportation Generation Memorandum – Seville 4 Project* prepared by Kittelson & Associates, Inc. This report is provided as Appendix I of this Initial Study.

a) **Less than Significant Impact.** The *Transportation Generation Memorandum* prepared for the project analyzes the potential transportation-related impacts during project construction and operations. The following is a discussion of the project's impacts on the roadway network, transit, bicycle and pedestrian facilities.

Project Trip Generation

Construction is estimated to take approximately 12 to 18 months with project operation starting in early 2028. Project-related trip estimates were calculated to assess the project's traffic impact on local roads during construction and operation.

Construction

It is anticipated that daily vehicle traffic would be primarily comprised of worker's passenger cars/light trucks, worker shuttles, delivery trucks, dump trucks, waste hauling trucks, crane equipment vehicles, and portable toilet trucks during the construction period. The project would have between 15 and 25 construction workers onsite, depending on construction activities. To be conservative, it was assumed 25 workers will arrive during AM and PM peak hours.

The trip generation estimate reflects a worst-case condition with the maximum number of construction workers on site and the anticipated maximum heavy duty truck activity during the construction period. During construction, the number of daily trips would be 50 automobiles and 26 trucks, totaling 76. When converted to PCE, the number of daily trips would be 102.

Operation

After the completion of construction, the project would be remotely controlled, eliminating the need for on-site employees. Primary security monitoring will also be conducted remotely. However, security personnel will perform unscheduled rounds and respond to alarms or fence breaches when necessary. The facility will not be accessible to the public, and access will be infrequent and limited to authorized personnel.

To maintain the power generation efficiency of the PV modules, periodic washing is planned twice a year to remove dust. During this period, workers will be on-site for minor repairs, panel washing, equipment inspection, and area maintenance. Water will be sourced from an on-site well, but water trucks are included in the post-construction trip generation to be conservative if the on-site well is unavailable on a given day.

During operation of the project, the number of daily trips would be 12 automobiles. When converted to PCE the number of daily trips would be 12.

Roadway Network Impacts

The Imperial County Traffic Study and Report Policy Section C.1.b, states that projects that generate no more than 200 vehicle trips during peak hours are not required to have a detailed LOS analysis. Since the total number of trips generated do not exceed 200 peak hour trips, a detailed LOS analysis is not required for both project construction and operations.

As previously discussed, the project would generate a negligible amount of trips during long-term operations, as it would be operated mostly remotely. No long-term impacts to the circulation system would occur as the project would generate a nominal amount of traffic to the circulation system.

Based on these considerations, the potential for the proposed project to cause an increase in traffic to the existing traffic load and capacity of the street system would be negligible and this is considered a less than significant impact.

Transit, Bicycle, and Pedestrian Facilities Impacts

There are no transit services, paved sidewalks, nor dedicated bicycle lanes in the project area. Therefore, the proposed project would result in no impact to transit, bicycle, and pedestrian facilities.

b) **Less than Significant Impact.** Section 15064.3(b) of the CEQA Guidelines provides guidance on determining the significance of transportation impacts and focuses on the use of vehicle miles traveled (VMT), which is defined as the amount and distance of automobile travel associated with a project.

Imperial County has not yet formally developed guidelines or adopted significance criteria or technical methodologies for VMT analysis. Therefore, the “Technical Advisory on Evaluating Transportation Impacts in CEQA,” prepared by the State of California Office of Planning and Research (OPR) in December 2018, was the primary source used to assess the need for project-specific VMT analysis. The Technical Advisory identifies screening thresholds for land use projects to determine if a detailed VMT analysis is needed. To be screened out of a detailed VMT analysis, a project or project component would need to satisfy at least one of the VMT screening criteria. A summary of OPR’s screening criteria and determinations are listed below:

- **Small Project Size:** Projects generating less than 110 trips per day may be considered to have an insignificant impact on VMT.
- **Projects Within Transit Priority Areas:** Projects, including residential, retail, and office projects, as well as mixed-use projects within a ½ mile of an existing major transit stop or along a high-quality transit corridor, are generally presumed to have a minor impact on VMT.

- **Local-Serving Retail:** Projects categorized as local-serving retail are presumed to have an insignificant impact on VMT.
- **Redevelopment Projects Resulting in Net VMT Reduction:** Redevelopment projects that would decrease VMT, meaning the proposed land use generates less VMT than the existing use, may be considered to have an insignificant impact on VMT.
- **Affordable Housing:** The OPR's technical advisory provides special considerations for affordable housing. Projects that consist of 100% affordable housing in infill locations are presumed to have a minor impact on VMT.

As discussed in Response XVII a) above, the proposed project would generate up to 50 and 12 net new daily primary vehicle trips (non-truck trips) during construction and operation, respectively. Therefore, the proposed project meets the small project size screening criteria because it would generate less than 110 trips per day. Therefore, the project screens out as a small project during both construction and operations and is expected to result in a less than significant VMT impact due to low long-term operational traffic.

c) **Less than Significant Impact.** The proposed project does not include any alteration to the existing public road network. Vehicular access to the project site will be from an existing unpaved private road that intersects SR 78. This road is currently used to access the existing solar facilities to the east (Seville 1 and Seville 2) and southeast (Titan I Solar) (Figure 2). This private road would provide a direct entrance to the project site at its northeast corner. Therefore, a less than significant impact is identified for this issue area.

d) **Less than Significant Impact.** Vehicular access to the project site will be from an existing unpaved private road that intersects SR 78. This road is currently used to access the existing solar facilities to the east (Seville 1 and Seville 2) and southeast (Titan I Solar) (Figure 2). This private road would provide a direct entrance to the project site at its northeast corner. The solar arrays would be separated from each other and the perimeter security fence by at least 20-foot-wide interior roads to provide access to all areas for maintenance and emergency vehicles. Therefore, the proposed project would not result in inadequate emergency access and this impact is considered less than significant.

XVIII. Tribal Cultural Resources

Environmental Issue Area:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	☐	☒	☐	☐
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	☐	☒	☐	☐

Impact Analysis

a-b) No tribal cultural resources have been identified within the project site. Construction activities associated with the proposed project will include ground disturbing actions that could impact potential NRHP/CRHR eligible resources and thus, to the maximum extent feasible, the project applicant will design the project to avoid these resources. This potential impact is considered significant. Implementation of Mitigation Measures CR-1 and CR-2 would reduce potential impacts to a level less than significant. Further, given the likelihood of precontact archaeological sites located in the project area, there is potential for buried precontact archaeological sites to exist in the project area. Therefore, the possibility remains that unanticipated subsurface discoveries may arise during project construction. Implementation of Mitigation Measures CR-1 and CR-2 would reduce potential impacts to a level less than significant. Additionally, although the potential for encountering subsurface human remains within the project site is low, there remains a possibility that human remains are present beneath the ground surface, and that such remains could be exposed during construction. The potential to encounter human remains is considered a significant impact. Mitigation Measure CR-3 would ensure that the potential impact on previously unknown human remains does not rise to the level of significance pursuant to CEQA.

XIX. Utilities and Service Systems

Environmental Issue Area:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Impact Analysis

a) **Less than Significant Impact.** The proposed project does not currently contain any public utilities or services such as water, wastewater treatment, stormwater drainage, natural gas, or telecommunications facilities.

The project's water supply would be provided by groundwater from two private wells owned by the project proponent. An existing well located in the southeast corner of the project site would be used for construction needs. The second well, located in the northern portion of the project site, would be used for operation and maintenance purposes. The proposed project would not require or result in the relocation or construction of new or expanded water facilities.

The proposed project would not require the relocation, expansion, or construction of new storm drainage facilities because the proposed solar facility would not generate a significant increase in the amount of impervious surfaces that would increase runoff during storm events and exceed the capacity of existing or planned stormwater drainage systems. Water from

solar panel washing would continue to percolate through the ground, as a majority of the surfaces within the project site would remain pervious.

The wastewater generated during construction would be contained within portable toilet facilities and disposed of at an approved site. The minimal volume of wastewater generated during construction would not require the relocation expansion, or construction of wastewater treatment facilities.

Further, no habitable structures (e.g. housing or O&M buildings) are proposed on the project site. Therefore, the proposed project would not require or result in the relocation or construction of new natural gas facilities.

Based on these considerations, a less than significant impact is identified for this issue area.

b) **Less than Significant Impact.** A detailed discussion of the project's water demand and potential impacts on water supply is discussed in Response X. b) above. During the construction period of up to approximately 18 months, the project would use up to approximately 112.5 AF of water for construction activities. Operational water demands, which include system washing and operation of the proposed on-site facilities, would total approximately 7.5 AFY. As discussed in Response X. b) above, the Ocotillo-Clark Valley Groundwater Basin has a recharge rate of 1,100 AFY, and the project demand has a projected peak demand of up to 112.5 AF for construction purposes and 7.5 AFY for operational purposes. The net water balance supply for normal, single dry, and multiple dry years is sufficient to meet project purposes.

The project's water supply would be provided by groundwater from two private wells owned by the project proponent. An existing well located in the southeast corner of the project site would be used for construction needs. The second well, located in the northern portion of the project site, would be used for operation and maintenance purposes. Water demand projections in the project area generally account for solar energy developments, such as the project. Further, as discussed in Response X. b) above, water supply availability projections generally indicate that sufficient water supplies are available to meet projected water demands for the project. This is considered a less than significant impact.

c) **No Impact.** The proposed project would not generate wastewater that would need to be treated by a wastewater treatment facility. Onsite wastewater needs will be accommodated using portable toilets that would be removed from the project site once construction is complete. As a result, no impact would occur.

d) **Less than Significant Impact.** Solid waste generation would be minor during construction and operation of the proposed project. During decommissioning of the project, a collection and recycling program will be executed to promote recycling of project components and minimize disposal in landfills.

There are several solid waste facilities within Imperial County and solid waste will be disposed of using a locally-licensed waste hauling service, most likely Allied Waste. Trash would likely be hauled to the Salton City Solid Waste Site (13-AA-0011) located in Salton City. The Salton City Solid Waste Site has approximately 62,974,488 cubic yards of remaining capacity and is estimated to remain in operation through 2038 (CalRecycle 2019). Therefore, there is ample landfill capacity in the County to receive the minor amount of solid waste generated by construction and operation of the proposed project.

The project will be required to comply with state and local requirements for waste reduction and recycling; including the 1989 California Integrated Waste Management Act and the 1991 California Solid Waste Reuse and Recycling Access Act of 1991. Also, conditions of the conditional use permit will contain provisions for recycling and diversion of Imperial County construction waste policies. Therefore, a less than significant impact is identified for this issue area.

e) **Less than Significant Impact.** The proposed project would comply with all applicable statutes and regulations related to solid waste. As discussed in Response XIX. d) above, solid waste generated by the proposed project is expected to be minimal. As a result, this impact is considered less than significant.

XX. Wildfire

Environmental Issue Area:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

Impact Analysis

a) **No Impact.** According to the Fire Hazard Severity Zone Viewer provided by the California Department of Forestry and Fire Protection, the project site is not located in or near state responsibility areas or lands classified as very high hazard severity zones (California Department of Forestry and Fire Protection 2022). Therefore, the proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan. No impact is identified for this issue area.

b) **No Impact.** The project site is not located in or near state responsibility areas or lands classified as very high hazard severity zones (California Department of Forestry and Fire Protection 2022). Therefore, the proposed project would not exacerbate wildfire risks. No impact is identified for this issue area.

c) **Less than Significant Impact.** Fire protection and emergency medical services in the area are provided by the Imperial County Fire Department. The project site is not located in or near state responsibility areas or lands classified as very high hazard severity zones (California Department of Forestry and Fire Protection 2022). Further, the proposed project is located in an area of Imperial County which has a generally low potential for a major fire (County of Imperial 2016).

The project involves the installation of solar PV panels, an on-site substation and switchyard, BESS, inverters, transformers, and an aboveground gen-tie line. To accommodate emergency access, PV panels would be spaced to maintain proper clearance. Proposed

project facilities would be designed, constructed, and operated in accordance with applicable fire protection, CPUC safety standards, and other environmental, health, and safety requirements. Further, water for emergency fire suppression is proposed to be provided by the proposed on-site groundwater well. Therefore, operation and maintenance would not affect the ability of fire personnel to respond to fires or exacerbate fire risk and would continue to be adequately supported by the existing fire protection services. A less than significant impact is identified for this issue area.

d) **No Impact.** The project site is not located in or near state responsibility areas or lands classified as very high hazard severity zones (California Department of Forestry and Fire Protection 2022). Additionally, the proposed project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. No impact is identified for this issue area and no further analysis is warranted.

XXI. Mandatory Findings of Significance

Environmental Issue Area:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☒	☐	☐
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Impact Analysis

a) **Less Than Significant Impact with Mitigation Incorporated.**

Biological Resources

Special-Status Plants

As described in Response IV. a) above, the results of the habitat assessment and rare plant survey determined that 15 special-status plant species were determined to occur or have the potential to occur in the project area. These species include Salton milk-vetch, Harwood's milk-vetch, Borrego milk-vetch, gravel milk-vetch, Peirson's pincushion, California ditaxis, Abrams' spurge, Newberry's velvet-mallow, ribbed cryptantha, winged cryptantha, Torrey's box-thorn, brown turbans, Thurber's pilostyles, desert unicorn-plant, and Orcutt's woody-aster. Impacts to these species could be considered significant. Implementation of Mitigation Measures BIO-1 through BIO-5 would reduce potential impacts on special-status plant species to a level less than significant.

Special-Status Wildlife

As described in Response IV. a) above, nine species have the potential to occur within the project site. These species include: Flat-tailed Horned Lizard, Golden Eagle, Burrowing Owl, Mountain Plover, Loggerhead Shrike, LeConte's thrasher, Palm Springs Pocket Mouse, American Badger, and Desert Kit Fox. Impacts to these species could be considered significant. Mitigation Measures BIO-2 through BIO-4, and BIO-6 through BIO-24 would reduce potential impacts on special-status wildlife species to a level less than significant.

The project site has suitable nesting habitat for several special-status species and common bird species. The trees on-site provide suitable nesting habitat for raptors and other tree-nesting species. Impacts to nesting avian species could be considered significant. Implementation of Mitigation Measures BIO-2 through BIO-4, BIO-6, BIO-9, BIO-23 and BIO-24 would reduce potential impacts on nesting avian species to a level less than significant.

Cultural Resources (including Tribal Cultural Resources)

As described in Response V. b) above, the potential of finding a buried archaeological site during construction is considered low. However, like all construction projects in the state, the possibility exists. This potential impact is considered significant. Implementation of Mitigation Measure CR-1 would reduce the potential impact associated with the inadvertent discovery of archaeological resources to a level less than significant.

As described in Response V. c) above, the potential for encountering subsurface human remains within the project site is low, there remains a possibility that human remains are present beneath the ground surface, and that such remains could be exposed during construction. This potential impact is considered significant. Implementation of Mitigation Measure CR-2 would ensure that the potential impact on previously unknown human remains does not rise to a level of significance pursuant to CEQA.

Geology and Soils

As described in Response VII. f) above, the project site is located in an area underlain by high paleontological sensitivity. Impacts on any surface or near-surface level paleontological resources may occur because of grading and disturbance of the area. Even relatively shallow excavations in the Lake Cahuilla beds exposed during construction in the project site may encounter buried fossils. Implementation of Mitigation Measures GEO-1 through GEO-5 would reduce impacts associated with the disturbance of paleontological resources to a level less than significant.

b) **Less than Significant Impact with Mitigation Incorporated.** Based on the analysis contained in this Initial Study, the proposed project would not result in significant impacts to aesthetics, agricultural and forestry resources, air quality, energy, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, utilities and service systems, and wildfire.

The proposed project would have potential impacts that are significant on the following resources areas: biological resources, cultural resources, geology and soils, and tribal cultural resources. However, implementation of mitigation measures would ensure potential impacts are reduced to less than significant levels. The proposed project would incrementally contribute to cumulative impacts for projects occurring within the vicinity of the project. However, compliance with the mitigation measures would ensure that no residually significant impacts would result with implementation of the project either directly or indirectly. In the absence of residually significant impacts, the incremental accumulation of effects would not be cumulatively considerable. Therefore, a less than significant is identified for this issue area.

c) **Less Than Significant Impact.** Based on the analysis contained in this Initial Study, the proposed project would not cause substantial adverse effects on human beings, either directly or indirectly. Any effects related to construction of the project would be temporary

and short-term and would not result in any long-term or permanent effects on human beings. This is considered a less than significant impact.

References

County of Imperial. 1997. Water Element. County of Imperial General Plan. Imperial County Planning and Development Services Department. Available on-line at: https://www.icpds.com/assets/planning/water-element.pdf.

——— 2008. Parks and Recreation Element. County of Imperial General Plan. Imperial County Planning and Development Services Department. Available on-line at: https://www.icpds.com/assets/planning/parks-recreation-element-2008.pdf.

——— 2015a. Renewable Energy and Transmission Element. County of Imperial General Plan. Imperial County Planning and Development Services Department. Available on-line at: https://www.icpds.com/assets/planning/renewable-energy-and-transmission-element-2015.pdf.

——— 2015b. Land Use Element. County of Imperial General Plan. Imperial County Planning and Development Services Department. Available on-line at: https://www.icpds.com/assets/planning/land-use-element/land-use-element-2015.pdf.

——— 2015c. Agriculture Element. County of Imperial General Plan. Imperial County Planning and Development Services Department. Available on-line at: https://www.icpds.com/assets/planning/agricultural-element-2015.pdf.

——— 2015d. Noise Element. County of Imperial General Plan. Imperial County Planning and Development Services Department. Available on-line at: https://www.icpds.com/assets/planning/noise-element-2015.pdf.

——— 2022. Seismic and Public Safety Element. County of Imperial General Plan. Imperial County Planning and Development Services Department. Available on-line at: https://www.icpds.com/assets/GPA21-0004-Seismic-and-Public-Safety-Element-11-22-2022.pdf.

——— 2023a. Land Use Zoning Mapping Tool. Imperial County Planning and Development Services Department. Available on-line at: https://icpds.maps.arcgis.com/apps/webappviewer/index.html?id=19214b2467784942a0cd8c8801dbaaa0. Accessed on November 13, 2024.

——— 2023b. County of Imperial General Plan. Imperial County Planning and Development Services Department. Available on-line at: https://www.icpds.com/planning/land-use-documents/general-plan.

——— 2024. Imperial County Code of Ordinances. Imperial County Municipal Code. Available on-line at: https://library.municode.com/ca/imperial_county/codes/code_of_ordinances?nodeId=TIT9LAUSCO_DIV4SIPAFEHOOCACDWUNCAINHEOP_CH8GEAGZORGEAGRUZO. Accessed on November 12, 2024.

California Department of Conservation (DOC). 2022. California Important Farmland Finder. Available on-line at: https://maps.conservation.ca.gov/DLRP/CIFF/. Accessed on November 10, 2024.

——— 2021. California Earthquake Hazards Zone Application. Available on-line at: https://maps.conservation.ca.gov/cgs/EQZApp/app/. Accessed on November 13, 2024.

——— 2023. Mines Online. Available on-line at: https://maps.conservation.ca.gov/mol/index.html. Accessed on November 19, 2024.

——— 2024. Geologic Map of California. California Geological Survey. California Department of Conservation. Available on-line at: https://maps.conservation.ca.gov/cgs/gmc/. Accessed on November 13, 2024.

California Department of Forestry and Fire Protection. 2024. Fire Hazard Severity Zones Map. Available on-line at: https://osfm.fire.ca.gov/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones. Accessed on November 14, 2024

California Department of Resources Recycling and Recovery (CalRecycle) 2019. SWIS Facility/Site Activity Details: Salton City Solid Waste Site (13-AA-0011). Available on-line at: https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/4186?siteID=598. Accessed on December 2, 2024.

California Department of Toxic Substances Control. n.d. EnviroStor Database. Available on-line at: https://www.envirostor.dtsc.ca.gov/public/map/. Accessed on December 2, 2024.

Federal Emergency Management Agency (FEMA). 2024. Flood Insurance Rate Map. Available on-line at: https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd. Accessed on November 8, 2024.

State Water Resources Control Board n.d. GeoTracker. Available on-line at: https://geotracker.waterboards.ca.gov/map/. Accessed on December 2, 2024.

United States Department of Agriculture (USDA). 2019. Natural Resources Conservation Service Web Soil Survey Surveys. Available on-line at: https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx. Accessed on November 11, 2024.

List of Preparers

This Initial Study was prepared for the Imperial County Planning and Development Services Department by HDR. The following professionals participated in its preparation:

Imperial County Planning and Development Services Department

Jim Minnick, Planning and Development Services Director

Michael Abraham, AICP, Assistant Planning and Development Services Director

David Black, Planner IV

HDR

Tim Gnibus, Principal

Sharyn Hidalgo, Senior Environmental Services Project Manager

Regan Del Rosario, Environmental Planner

Amy Perez, Environmental Planner

Ian Plascencia, Environmental Planner

Trent Lundberg, Geographic Information Systems Analyst

Katherine Turner, Document Production Administrator

Technical Report Preparers

SWCA Environmental Consultants

- Air Quality and Greenhouse Gas Technical Report
- Aquatic Resources Delineation Report
- Biological Resources Technical Report
- Cultural Resources Assessment
- Energy Assessment
- Noise and Ground Vibration Technical Report
- Paleontological Resources Technical Report
- Visual Assessment and Glare Analysis
- Water Supply Assessment

Kittelson and Associates, Inc.

- Trip Generation Memorandum

Findings

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

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

☒ The Initial Study identifies potentially significant effects but:

(1) Proposals made or agreed to by the applicant before this proposed Mitigated Negative Declaration was released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.

(2) There is no substantial evidence before the agency that the project may have a significant effect on the environment.

(3) Mitigation measures are required to ensure all potentially significant impacts are reduced to levels of insignificance.

A MITIGATED NEGATIVE DECLARATION will be prepared.

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

NOTICE

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

4/24/2025 For

Date of Determination Jim Minnick, Director of Planning & Development Services

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

Applicant Signature 6-16-2025 Date

EEC ORIGINAL PKG

Attachment C

Comments

150 SOUTH NINTH STREET
EL CENTRO, CA 92243-2850

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

AIR POLLUTION CONTROL DISTRICT

January 3, 2025

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

SUBJECT: General Plan Amendment 24-0003, Zone Change 24-0004, Conditional Use Permit 24-0012 – Apex Energy Solutions, LLC

Dear Mr. Minnick:

The Imperial County Air Pollution Control District (Air District) would like to thank you for the opportunity to review and comment on the General Plan Amendment (GPA) 24-0003, Zone Change (ZC) 24-0004, & Conditional Use Permit (CUP) 24-0012 (Project). The project proposes the construction and operation of a 90-megawatt (MW) solar photovoltaic (PV) facility, a 180-MW battery energy storage system (BESS), an on-site substation, and an interconnection line to the Titan 2 substation. The project is located at 1821 W Hwy 78, Ocotillo Wells and consists of eight existing parcels identified with Assessor's Parcel Numbers 018-170-058, -059, -060, -061, -062, -063, -64, & -65.

As you know, the Air District's established programs help to keep the quality of air in Imperial County from declining. The programs, Rules and Regulations of the Air District in conjunction with the California Environmental Quality Act (CEQA), the most current CEQA Air Quality Handbook for Imperial County (Handbook), and the Air District's State Implementation Plans (SIPs) for Ozone, $PM_{2.5}$ and PM_{10} work together to ensure that air quality improves or does not degrade. Currently, the non-attainment status of marginal for the 2015 ozone standard, moderate for $PM_{2.5}$ and the maintenance requirements for PM_{10} are the driving criteria in establishing the thresholds for NOx, ROG, PM_{10}, SOx and CO found in the Handbook. These thresholds and their significance are explained under Section 6 of the handbook and The Air District strongly recommends referencing the Handbook, as the Handbook has helpful information regarding emission thresholds and the development of an adequate air quality analysis.

When exploring the impacts of renewable projects, it is a common misconception that these types of projects are not a significant source of air pollution. While it is true that renewable projects that do not employ fuel-based combustion units as supplemental power are typically cleaner projects during their operational phases, in most cases construction and cumulative impacts have the potential to cause adverse air quality impacts. Specifically for solar field projects, PM10 and NOx emissions are the primary pollutants of concern during the construction and operational phases

of these types of renewable projects. Historical experience has demonstrated that shortened construction periods not previously analyzed during the CEQA process create a potential for elevated levels of NOx emissions, as well as elevated levels of PM10 during earthmoving activities.

In order to identify NO_x emissions created during the construction phase of the renewable project, a Construction Equipment List detailing the equipment type, make, model, year, horsepower, hours of daily operation, date arrived onsite, and date removed from site should be provided to the Air District in Excel format.[1] This is to ensure NO_x emissions during the construction period remain under the CEQA thresholds of significance. Should it be determined the project exceeded these emission thresholds it may become subject to Policy 5 requirements.

With regards to cumulative impacts, which occur during the operational phase of renewable projects, PM_{10} is of main concern and an Operational Dust Control Plan (ODCP) will be required for the project. The ODCP details how dust emissions will be controlled and maintained during the operational phase of the project.[2] An initial site visit is required to confirm the elements of any draft ODCP before it can be finalized. Please note that an ODCP is intended to provide pertinent information specific to the operation and for the reduction of fugitive dust emissions created by the ongoing operations at the facility.

Should the project operate combustion equipment such as emergency generators, an Air District permit may be required for the project. In the event of such equipment being operated for the project, the Air District requests the applicant submit a permit application for engineering review of the project, pay the applicable review fees, and coordinate with the Air District Engineering and Permitting Division directly to discuss the permitting requirements of the project.

The following is a synopsis of the information pertinent to the development of a Comprehensive Air Quality analysis. A thorough analysis should include a description, impacts and health consequences of all air quality and associated emissions. The analysis must be conducted using the Air Districts approved modeling factors.[3] The analysis should include short- and long-term emissions as well as daily and yearly emission calculations. Project alternatives should be included along with a thorough emissions analysis per alternative. A description of the Air District attainment status, State and Federal, is required as is describing any regulatory restrictions to the project.

Existing and proposed projects must have a cumulative impact analysis. For each sub-analysis and risk assessment mitigation measures should be identified, quantified for effectiveness, and incorporated into the environmental document (i.e. Environmental Impact Report EIR or Environmental Impact Statement EIS). All mitigation measures must follow District Rules and Regulations including the most current Handbook. Consultation with the most recent Clean Air Plans (SIPs), District Rules and Regulations and other Air District approved programs is strongly

[1] The Equipment List submittal will require a written commitment by the applicant to a submittal schedule agreed upon between the applicant and the Air District
[2] The ODCP needs to be approved prior to the issuance of the Certificate of Occupancy.
[3] The most current modeling tool recently adopted is CalEEMod.

recommended to achieve effective applicability of standards. When it becomes apparent that on-site mitigation is insufficient to reduce the impacts to insignificance then off-site mitigation should be discussed and appropriately applied.

Finally, in accordance with Assembly Bill 32 and the most recent amendments to the CEQA Guidelines, a discussion of the impacts from Green House Gas (GHG) emissions and its relation to Climate Change is required. Given the Air District has not currently developed its own GHG thresholds, using a threshold from an area similar in size, topography, climate, and population is preferred by the Air District. The Air District also recommends using the Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Heath and Equity (GHG Handbook) which was developed by the California Air Pollution Control Officer's Association (CAPCOA) to assist in creating an adequate GHG analysis.

Finally, the Air District requests a copy of the draft CUP prior to recording for review.

All Air District rules and regulations can be found for review on our website at https://apcd.imperialcounty.org/rules-and-regulations/, the Handbook can be accessed at https://apcd.imperialcounty.org/wp-content/uploads/2020/01/CEQAHandbk.pdf, and the GHG Handbook can be found at https://www.caleemod.com/handbook/index.html. Please contact our office at (442) 265-1800 to set up discussions for the project or if you have any further questions or concerns.

Respectfully,

Ismael Garcia
Environmental Coordinator

Monica N. Soucier
APC Division Manager

California Department of Transportation

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

January 22, 2025

11- IMP-78
PM 3.691
Seville 4 Solar Plant
GPA #24-0003, ZC #24-0004
CUP #24-0012, IS #24-0020

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

Dear Mr. Newland:

Thank you for including the California Department of Transportation (Caltrans) in the review process for the General Plan Amendment (GPA), Zone Change (ZC), Conditional Use Permit (CUP) and Initial Study (IS) for the Seville 4 Solar Plant Project located adjacent to State Route 78 (SR-78) in Imperial County. 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.

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

Caltrans is committed to prioritizing projects that are equitable and provide meaningful benefits to historically underserved communities, to ultimately improve transportation accessibility and quality of life for people in the communities we serve.

We look forward to working with the County of Imperial in areas where the County and Caltrans have joint jurisdiction to improve the transportation network and connections between various modes of travel, with the goal of improving the experience of those who use the transportation system.

Caltrans has the following comments:

Traffic Engineering and Analysis

- Please provide a Vehicle Miles of Travel (VMT) based Traffic Impact Study (TIS) if one is prepared for this project. Please use the Governor's Office of Planning and Research Guidance to identify VMT related impacts.[1]

- The TIS may also need to identify the proposed project's near-term and long-term safety or operational issues, on or adjacent any existing or proposed State facilities.

- The Draft Environmental Impact Report needs to include a safety review that follows the Caltrans "Local Development Review (LDR) Safety Review Practitioner's Guidance" https://dot.ca.gov/-/media/dot-media/programs/safety-programs/documents/202402-ldr-safety-review-practitioners-guidance-a11y.pdf.

Hydrology and Drainage Studies

- Please provide hydraulics studies, drainage and grading plans to Caltrans for review.
- Provide a pre and post-development hydraulics and hydrology study. Show drainage configurations and patterns.
- Provide drainage plans and details. Include detention basin details of inlets/outlet.
- Provide a contour grading plan with legible callouts and minimal building data. Show drainage patterns.
- On all plans, show Caltrans' Right of Way (R/W).
- Early coordination with Caltrans is recommended.
- Caltrans generally does not allow development projects to impact hydraulics within the State's R/W. Any modification to the existing Caltrans drainage and/or increase in runoff to State facilities will not be allowed.

[1] California Governor's Office of Planning and Research (OPR) 2018. "Technical Advisory on Evaluating Transportation Impacts in CEQA." https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf

Design

A grinding project (EA 2N228 PID 1124000186) and rumble strip project (EA 2N225 PID 1124000121) have project footprints that pass this location. These are Maintenance projects.

Hauling

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

Noise

The applicant must be informed that in accordance with 23 Code of Federal Regulations (CFR) 772, Caltrans is not responsible for existing or future traffic noise impacts associated with the existing configuration of SR-78.

Glare

The proximity of the project site to SR-78 raises some concerns regarding potential glare that could pose a potential risk to motorists traveling on SR-78. The project's potential glare characteristics should be considered as part of the County's Permit approval. Caltrans would want to ensure that all lighting, including reflected sunlight and reflected night lighting, within this project should be placed and/or shielded so as not to be hazardous to vehicles traveling in both directions on SR-78.

Environmental

Caltrans welcomes the opportunity to be a Responsible Agency under the California Environmental Quality Act (CEQA), as we have some discretionary authority of a portion of the project that is in Caltrans' R/W through the form of an encroachment permit process. Please indicate our status as a Responsible Agency for the Final Environmental Document. We look forward to the coordination of our efforts to ensure that Caltrans can adopt the alternative and/or mitigation measure for our R/W. We

would appreciate meeting with you to discuss the elements of the Environmental Document that Caltrans will use for our subsequent environmental compliance.

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 approved final environmental documents for this project that include the work in Caltrans' R/W, corresponding technical studies, and necessary regulatory and resource agency permits. Specifically, CEQA determination or exemption. The supporting documents must address all environmental impacts within the Caltrans' R/W and address any impacts from avoidance and/or mitigation measures.

We recommend that this project specifically identifies and assesses potential impacts caused by the project or impacts from mitigation efforts that occur within Caltrans R/W that includes impacts to the natural environment, infrastructure (highways/roadways/on- and off-ramps) and appurtenant features (lighting/signs/guardrail/slopes). Caltrans is interested in the analysis for any work identified in Caltrans R/W and any additional mitigation measures identified for the Final Environmental Document.

There may be a need for access of if there are heavier vehicles now required. The asphalt life may need to be assessed.

Right-of-Way

- Per Business and Profession Code 8771, perpetuation of survey monuments by a licensed land surveyor is required, if they are being destroyed by any construction.
- Any work performed within Caltrans' R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans' R/W prior to construction.
- 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 CEQA determination addressing any environmental impacts within the Caltrans' R/W, and any corresponding technical studies.

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

- require a Caltrans Encroachment Permit.
- have completed the Caltrans Local Development Review (LDR) process.
- have an approved environmental document.

are to submit documents for Quality Management Assessment Process (QMAP) process via email to D11.QMAP.Permits@dot.ca.gov. Early coordination with Caltrans is strongly advised for all encroachment permits.

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

Sincerely,

Kimberly D. Dodson

KIMBERLY D. DODSON, GISP
Branch Chief
Local Development Review

ADMINISTRATION / TRAINING
1078 Dogwood Road
Heber, CA 92249

Administration
Phone: (442) 265-6000
Fax: (760) 482-2427

Training
Phone: (442) 265-6011

OPERATIONS/PREVENTION
2514 La Brucherie Road
Imperial, CA 92251

Operations
Phone: (442) 265-3000
Fax: (760) 355-1482

Prevention
Phone: (442) 265-3020

January 8, 2025

RE: Apex Energy Solutions, LLC, Seville 4

Imperial County Fire Department Fire Prevention Bureau would like to thank you for the opportunity to review and comment on Seville 4 Solar Energy Project and Battery Electric Storage Systems (BESS). GPA24-0003, ZC#24-0004, CUP#24-0012, IS#24-0020

The project description is developing and operating a ninety (90) megawatt (MW) alternating current (AC) solar photovoltaic (PV) energy generation and one hundred and eighty (180) megawatt (MW) battery storage project (BESS). This project is located on approximately 325 acres on APN: 018-70-058, 059, 060, 062, 063, 064, 065. The location current address is 1821 West US Highway 78, Ocotillo Wells, CA 92004.

Energy storage facilities create extreme hazards for firefighters and emergency responders with the possibility of explosions, flammable gases, toxic fumes, water-reactive materials, electrical shock, corrosives, and chemical burns. Due to limited resources, the hazards listed can create potential significant impacts for fire department personnel to safely perform firefighting operations and hazardous material response to a utility-scale energy storage facility. The remote location of the project will result longer response times. These long response times may result in incidents that are more difficult to stabilize and requiring additional resources to manage safely. Utility-scale energy storage requires specialized and reliable equipment to perform firefighting operations safely and effectively to NFPA recommendations, OSHA requirements, and ICFD standards.

Standards and requirements for energy storage system includes but not limited to:
NFPA:

1 Fire Code
70 National Electrical Code
855 Standard for the installation of Energy Storage System
111 Stored Electrical Energy Emergency and Standby Power System
1710 Standard for Organization and Deployment of Fire Suppression Operations, Emergency Medial Operations, and Special Operations to the Public by Career Fire Departments.

OSHA:

29 CFR 1910.134(g)(4)

ADMINISTRATION / TRAINING
1078 Dogwood Road
Heber, CA 92249

Administration
Phone: (442) 265-6000
Fax: (760) 482-2427

Training
Phone: (442) 265-6011

OPERATIONS/PREVENTION
2514 La Brucherie Road
Imperial, CA 92251

Operations
Phone: (442) 265-3000
Fax: (760) 355-1482

Prevention
Phone: (442) 265-3020

CFC:

Chapter 12 section 1206 Electrical Energy Storage System
Chapter 9 Fire Protection and Life Safety System

Fire Department requirements are the following:

Solar Requirements

- Approved all-weather access roads for fire protection vehicles shall be provided throughout the project, conforming with the California Fire Code Chapter 5, section 503. Access roadways shall be all-weather surface (suitable for use by fire apparatus) right-of-way not less than 20 feet in width.
- Access roadways shall provide intersecting roadways to allow unobstructed movement of fire apparatus throughout the project site. Solar array layout shall meet Imperial County Fire Department layout requirements.
- Additional access shall be provided to the project site in accordance with the California Fire Code Chapter 5, section 503.
- KNOX Box and/or Locks will be required for all access gates as determined by Imperial County Fire Department.
- Solar array fields shall be clear of all vegetation.
- A pre-incident plan shall be developed and approved by the Imperial County Fire/OES Department in a format and using a platform determined by ICFD.

Battery Energy Storage Systems

- An approved water supply capable of supplying the required fire flow determined by appendix B in the California Fire Code Shall be installed and maintained. (Minimum fire flow of 1500 GPM for 2 hours) Private fire service mains and appurtenance shall be installed in accordance with NFPA 20, 22, 24
- An approved automatic fire suppression system shall be installed on all required structures as per the California Fire Code Chapter 12 and NFPA 855. All fire suppression systems will be installed and maintained to the current adapted fire code and regulations.
- An approved automatic fire detection system shall be installed on all required structures as per the California Fire Code Chapter 12 and NFPA 855. All fire detection systems will be installed and maintained to the current adapted fire code and regulations.
- Owners and operators of ESS must develop and Emergency Operation Plan in conjunction with local fire service personnel, the AHJ, and hold a

ADMINISTRATION / TRAINING
1078 Dogwood Road
Heber, CA 92249

Administration
Phone: (442) 265-6000
Fax: (760) 482-2427

Training
Phone: (442) 265-6011

IMPERIAL COUNTY CRASH RESCUE FIRE 1907

OPERATIONS/PREVENTION
2514 La Brucherie Road
Imperial, CA 92251

Operations
Phone: (442) 265-3000
Fax: (760) 355-1482

Prevention
Phone: (442) 265-3020

comprehensive understanding of the hazards associated with lithium-ion battery technology. Lithium-ion battery ESS's must incorporate adequate explosion prevention protection in accordance with NFPA 855 and/or California Fire Code Chapter 12.

- Signage shall be provided in accordance California Fire Code Chapter 12
- Compliance with all required sections of the fire code.
- Applicant shall provide product containment areas(s) for both product and water run-off in case of fire applications and retained for removal.
- An emergency response/action plan shall be prepared and approved by the Imperial County Fire/OES Department.
- A Hazardous Waste Material Plan shall be submitted to Certified Unified Program Agency (CUPA) for their review and approval.
- All hazardous material and wastes shall be handled, store, and disposed as per the approved Hazardous Waste Materials Plan. All spills shall be documented and reported to Imperial County Fire Department and CUPA as required by the Hazardous Waste Material Plan

Cost Recovery

- The applicant shall provide cost reimbursement for direct fire protection services. Service rate will be consistent with Imperial County Fire Department adopted fee schedule. Cost reimbursement will be from time of call to the conclusion of the incident as defined by the fire department.

Training

- The applicant shall provide training annually to emergency services personnel covering the emergency response to Battery Energy Storage Systems (BESS) emergencies and hazards related to BESS and electrical generation facilities.

Again, thank you for the opportunity to comment. Imperial County Fire Department reserves the right to comment and request additional requirements pertaining to this project regarding fire and life safety measures, California building and fire code, and National Fire Protection Association standards at a later time as we see necessary.

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

Sincerely

Andrew Loper *Andrew Loper*
Deputy Fire Marshal

ADMINISTRATION / TRAINING
1078 Dogwood Road
Heber, CA 92249

Administration
Phone: (442) 265-6000
Fax: (760) 482-2427

Training
Phone: (442) 265-6011

IMPERIAL COUNTY CRASH RESCUE FIRE

OPERATIONS/PREVENTION
2514 La Brucherie Road
Imperial, CA 92251

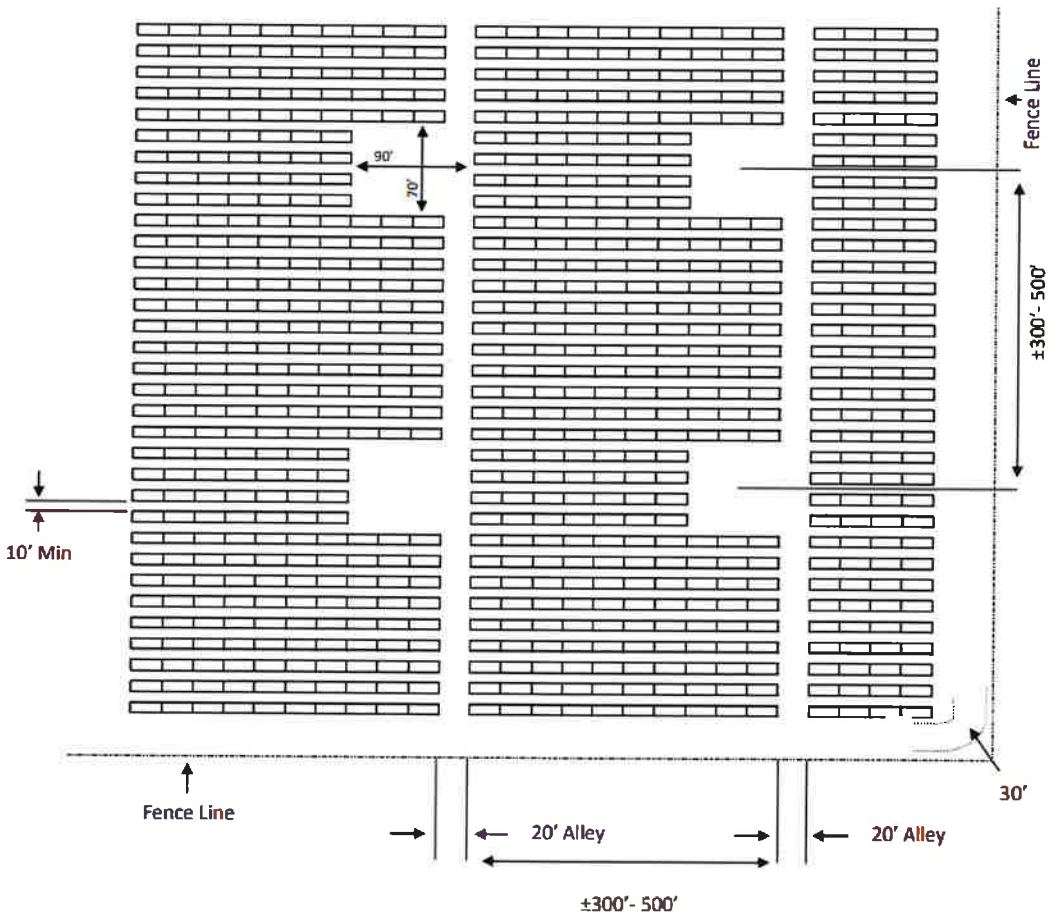
Operations
Phone: (442) 265-3000
Fax: (760) 355-1482

Prevention
Phone: (442) 265-3020

Imperial County Fire Department
Fire Prevention Division

CC: David Lantzer Fire Chief
Imperial County Fire Department

General Layout for Road Access



AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

EEC ORIGINAL PKG

IID

www.iid.com

A century of service.

Since 1911

January 6, 2025

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

SUBJECT: Seville 4 Solar Project; GPA24-0003, ZC24-0004, CUP24-0012, IS24-0020

Dear Mr. Newland:

On December 19, 2024, the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, a request for agency comments on the Seville 4 Solar Project; General Plan Amendment No. 24-0003, Zone Change No. 24-0004, Conditional Use Permit No. 24-0012, Initial Study No.24-0020. The applicant, Apex Energy Solutions, LLC; proposes to construct and operate a 90MW PV solar facility with an integrated 180MW battery energy storage system, an on-site substation and a gen-tie line to connect to the Titan 2 substation with ultimate delivery to the IID's 92kV R-Line. The project site is located 1821 W Hwy. 78, Ocotillo Wells, CA (APN 018-010-043-000).

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

1. For distribution-rated electrical service for the project, the applicant should be advised to contact Gabriel Ramirez, IID 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 IID website http://www.iid.com/home/showdocument?id=12923), the applicant will be required to submit an AutoCAD file of site plan, approved electrical plans, electrical panel size and panel location, operating voltage, electrical loads, project schedule, and the applicable fees, permits, easements and environmental compliance documentation pertaining to the provision of electrical service to a project. The applicant shall be responsible for all costs and mitigation measures related to providing electrical service to a project.

2. Electrical capacity is limited in the project area. A circuit study may be required. Any system improvements or mitigation identified in the circuit study to enable the provision of electrical service to the project shall be the financial responsibility of the applicant.

3. Applicant shall provide a surveyed legal description and an associated exhibit certified by a licensed surveyor for all rights of way deemed by IID as necessary to accommodate the project electrical infrastructure. Rights-of-Way and easements shall be in a form acceptable to and at no cost to IID for installation, operation, and maintenance of all electrical facilities.

4. The applicant will be required to provide and bear all costs associated with acquisition of rights of way, easements, and infrastructure relocations deemed necessary to accommodate the project. Any street or road improvements imposed by the local governing authority shall also be at the project proponent cost.

5. The applicant will be required to provide rights of ways and easements for any proposed power line extensions and/or any other infrastructure needed to serve the project as well as the necessary access to allow for continued operation and maintenance of any IID facilities located on adjoining properties where no public access exists.

6. Public utility easements over all private public roads and additional ten (10) feet in width on both side of the private and public roads shall be dedicated to IID for the construction, operation, and maintenance of its electrical infrastructure.

7. Substations and switchyards shall be located on property that will transferred to IID in fee simple ownership with legal access.

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

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

10. 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

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.

11. When the project goes through the CEQA compliance process, it is important to bear in mind that to address the project impacts to the electrical utility (i.e., the IID electrical grid), considered under the environmental factor "Utilities and Services" of the Environmental Checklist/Initial Study, to determine if the project would require or result in the relocation or construction of new or expanded electric power facilities, the construction or relocation of which could cause significant environmental effects; a circuit study/distribution impact study, facility study, and/or system impact study must be performed.

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

Jamie Asbury – General Manager
Mike Pacheco – Manager, Water Dept.
Matthew H Smelser – Manager, Power Dept.
Paul Rodriguez – Deputy Mgr. Power Dept.
Geoffrey Holbrook – General Counsel
Joanna Smith-Hoff – Deputy General Counsel
Laura Cervantes. – Supervisor, Real Estate
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.