PROJECT REPORT

TO: ENVIRONMENTAL EVALUATION COMMITTEE **AGENDA DATE: March 12, 2026**

FROM: PLANNING & DEVELOPMENT SERVICES **AGENDA TIME 1:30 PM / No.1**

Border BESS

PROJECT TYPE: GPA #25-0001, ZC #25-0001 & CUP24-0027 SUPERVISOR DIST # 5

LOCATION: 2847 E. HWY 98 APN: 059-290-010-000

HOLTVILLE CA 92250 PARCEL SIZE: +/-80.92 AC

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

ZONE (existing) A-2-RE (General Agricultural, Renewable Energy Overlay) ZONE (proposed) M-1-RE (Light Industrial, Renewable Energy Overlay)

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: 03/12/2026

INITIAL STUDY: #24-0040

☐ 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: Yuma Quechan Indian Tribe, Agua Caliente Tribe, Campo Band of Mission Indian Tribe, CEO's, IID.

REQUESTED ACTION:

(See Attached)

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

Draft Initial Study

Border Battery Energy Storage System Project

Initial Study #24-0040

General Plan Amendment #25-0001

Conditional Zone Change #25-0001

Conditional Use Permit #24-0027

Imperial County, CA

March 2026

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

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Introduction

A. Purpose

This document is a ☐ policy-level; ☒ project-level Initial Study for evaluation of potential environmental impacts resulting with the proposed Border Battery Energy Storage System 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 Border Battery Energy Storage System 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 Border BESS project and associated 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 Border BESS project and associated applications.

SECTION 1

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

SECTION 2

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

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

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

SECTION 3

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

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E. Scope of Environmental Analysis

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

1. No Impact: A “No Impact” response is adequately supported if the impact simply does not apply to the proposed applications.
2. Less Than Significant Impact: The proposed applications will have the potential to impact the environment. These impacts, however, will be less than significant; no additional analysis is required.
3. 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 applications could have impacts that are considered significant. Additional analyses and possibly an EIR could be required to identify mitigation measures that could reduce these impacts to less than significant levels.

F. Policy-Level or Project-Level Environmental Analysis

This Initial Study will be conducted under a ☐ policy-level, ☒project-level analysis.

Regarding mitigation measures, it is not the intent of this document to “overlap” or restate conditions of approval that are commonly established for future known projects or the proposed applications. Additionally, those other standard requirements and regulations that any development must comply with, that are outside the County’s jurisdiction, are also not considered mitigation measures, and therefore, will not be identified in this document.

G. Tiered Documents and Incorporation by Reference

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

1. Tiered Documents

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

“Tiering refers to using the analysis of general matters contained in a broader EIR (such as the one prepared 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:** Border Battery Energy Storage System 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:** Rocio Yee, Planner II, 442-265-1736, Ext. 1750
4. **Project location:** The project site is located on approximately 81 acres of privately-owned land on a single parcel (Assessor Parcel Number 059-290-010) in the southernmost portion of Imperial County, California. The project site is located north of the United States (U.S.)/Mexico international border, the CEDAR 1 Project (previously known as VEGA SES 4 Solar Energy Project) to the east, and the All-American Canal to the north, on the California side. The project site is approximately 10 miles east of the City of Calexico in Sections 10 and 15 within Township 17 South, and Range 16 East of the San Bernardino Base and Meridian of the Bonds Corner topographic 7.5-minute quadrangle. The project site is located entirely within the County's Renewable Energy Overlay Zone.
5. **Project sponsor's name and address:** Apex Energy Solutions, LLC, 604 Sutter Street, Suite 250, Folsom, CA 95630
6. **General Plan Designation:** Agriculture
7. **Zoning:** Heavy Agriculture with a Renewable Energy Zone Overlay (A-3-RE)
8. **Description of project:** The proposed project consists of two primary components: 1) 75-megawatt (MW) battery energy storage system (BESS); and 2) a generator intertie (gen-tie) line that would connect to the Imperial Irrigation District's (IID) existing 92-kilovolt (kV) "P" Line. The gen-tie line would be 60 feet in height. The BESS and gen-tie line are collectively referred to as the "proposed 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 bound by undeveloped land and the previously-approved CEDAR 1 Project site to the east, undeveloped land which has been disturbed with previous agricultural-related activities to the west, the All-American Canal running southwest on the northern border of the project site, and the U.S./Mexico international border to the south. The project site is currently characterized by flat and undeveloped land, portions of which have been disturbed associated with previous agricultural-related activities.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):**
    - Department of Public Works – Ministerial permits (building, grading, encroachment)
    - Imperial County Air Pollution Control District – Fugitive dust control plan, Authority to construct
    - California Regional Water Quality Control Board, Colorado River Basin Region – Notice of Intent for General Construction Permit

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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.?

Yes, an AB 52 consultation request letter was sent to the Ft. Yuma Quechan Indian Tribe, Campo Band of Mission Indians, and Viejas Band of Kumeyaay Indians on January 9, 2026, with the initial AB 52 consultation period extending from January 9, 2026 to February 8, 2026.

Additionally, SB 18 consultation request were sent to the Ft. Yuma Quechan Indian Tribe, Campo Band of Mission Indians, and Viejas Band of Kumeyaay Indians on January 9, 2026, with the initial SB 18 consultation period extending from January 9, 2026 to April 9, 2026.

The Ft. Yuma Quechan Indian Tribe requested more information on Sites 202-142-004 and 2020-142-008, and requested that the County provide an updated Cultural Resources Inventory Report, if an update had been prepared. In response to this, the County provided more information regarding Sites 202-142-004 and 2020-142-008 and the Cultural Resources Inventory Report.

The Campo Band of Mission Indians responded on January 9, 2026 requesting government-to-government consultation and requested the SCIC “sacred files” records.

The Viejas Band responded on January 9, 2026 and indicated that the site has cultural significance or ties to Viejas, as cultural resources have been located within or adjacent to the APE-DE of the proposed project. Viejas Band requested that a Kumeyaay Cultural Monitor be on site for ground disturbing activities and that they be informed of any inadvertent discovery of cultural artifacts, cremation sites, or human remains. Additionally, Viejas indicated that they would defer to a Tribe, if such Tribe has closer proximity to the Project, and requests to perform cultural monitoring.

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.

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EEC VOTES	YES	NO	ABSENT
PUBLIC WORKS	☐	☐	☒
ENVIRONMENTAL HEALTH	☐	☐	☒
OFFICE EMERGENCY SERVICES	☒	☐	☐
APCD	☒	☐	☐
AG	☐	☐	☐
SHERIFF DEPARTMENT	☒	☐	☐
ICPDS	☒	☐	☐

Jim Minnick, Director of Planning/EEC Chairman

Signature

3-12-2026

Date:

Project Summary

Project Location

The project site is located on approximately 81 acres of privately-owned land on a single parcel (Assessor Parcel Number [APN] 059-290-010) in the southernmost portion of Imperial County, California (Figure 1). The project site is located north of the United States (U.S.)/Mexico international border, the CEDAR 1 Project (previously known as VEGA SES 4 Solar Energy Project) to the east, and the All-American canal to the north, on the California side (Figure 2). The project site is approximately 10 miles east of the City of Calexico in Sections 10 and 15 within Township 17 South, and Range 16 East of the San Bernardino Base and Meridian of the Bonds Corner topographic 7.5-minute quadrangle.

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 entire project site is within the County's RE Overlay Zone.

Environmental Setting

The project site is bound by undeveloped land and the previously approved CEDAR 1 Project site to the east, undeveloped land which has been disturbed with previous agricultural-related activities to the west, the All-American Canal running southwest on the northern border of the project site, and the U.S./Mexico international border to the south. The project site is currently characterized by flat and undeveloped land, portions of which have been disturbed associated with previous agricultural-related activities.

Project Components

The proposed project consists of two primary components: 1) 75-megawatt (MW) Battery Energy Storage System (BESS); and 2) gen-tie line that would connect to the Imperial Irrigation District's (IID) existing 92-kilovolt (kV) "P" Line. The gen-tie line would be 60 feet in height. The BESS and gen-tie line are collectively referred to as the "proposed project." These project components are described in detail below and depicted on Figure 3.

Battery Energy Storage System

As shown in Figure 3, the proposed BESS would be installed in the central portion of the project site. The BESS would have a storage capacity of 75 MW and would consist of lithium ion batteries. The batteries will either be housed in storage containers or buildings fitted with HVAC and fire suppression systems as necessary, depending on the final selection of battery technology. Inside the housing, the batteries would be placed on racks, the orientation of which depends on the type of housing.

Gen-Tie Line

The proposed gen-tie line would interconnect to the IID electrical grid via the existing 92 kV "P" Line and the existing Bonesteel Substation located north of the All-American Canal. The proposed gen-tie line would be constructed to connect from the project site, along the south side of the All-American Canal and then cross the canal at the same location where the previously approved CEDAR 1 Project's gen-tie line crosses the canal. The gen-tie line would be located on the All-American Canal bank on land controlled by the Bureau of Reclamation (BOR). Approval of an easement by the BOR is required in order to accommodate the portion of the gen-tie that would be placed in BOR controlled land.

Substation

The dimensions of the proposed substation would be approximately 100 feet by 100 feet and would be located northwest of the BESS containers. 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.

Site Access

The project site would be accessed via the following:

- **Worker Access:** Construction worker access is proposed to be similar to that of the adjacent CEDAR 1 Project. Construction workers would be picked up at a designated shuttle pick-up area (approved under CUP#25-0011) and dropped off at an existing driveway off SR-98. As shown in Figure 4, the construction workers would then walk across the All-American Canal at an existing crossing. No vehicles or construction vehicles are allowed to travel across this existing crossing. Designated shuttles would pick up workers at the south end of the crossing and then travel along an existing dirt road to the project site, in the same manner as is proposed for construction of the CEDAR 1 Project.
- **Heavy Construction Equipment Access:** As shown in Figure 5, vendors and heavy construction equipment will use one of the following options to access the project site, similar to how heavy construction equipment has been approved to access the adjacent CEDAR 1 Project site:
    - Gordon Wells Road – Exit south from Interstate 8 onto Gordon Wells Road approximately 20 miles east of the Border BESS project site, then travel west along an existing dirt road (herein referred to as Border Road) paralleling the U.S./Mexico Border. The Border Road is a road that is maintained and operated by the U.S. Border Patrol. A right-of-way was obtained from the Bureau of Land Management for the adjacent CEDAR 1 Project in 2024.

- Grays Wells Road – Exit Grays Wells Road from Interstate 8 approximately 24 miles east of the Border BESS project site, then travel west along the Border Road.

- **Emergency Access.** Emergency access to the site would be accommodated via a bridge for small (law enforcement, medical) vehicles. As shown in Figure 6, larger fire trucks and apparatus are proposed to access the site from the west, initially from the paved Anza Road, then transitioning to the existing dirt road that parallels the U.S./Mexico international border. Emergency response personnel would be provided with manual override capability in order to access the site facility. Any proposed crossing of the All-American Canal would be required to meet Fire Code requirements for site access.

Security

Six-foot high security fencing 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. The project fence on the south would be setback a minimum of 180 feet from the U.S./Mexico international border. A motion detection system and closed-circuit camera system may also be installed. The site would be remotely monitored 24 hours per day, 7 days per week. In addition, routine unscheduled security rounds may be made by the security team monitoring the site security.

Construction

Construction is anticipated to be completed in approximately eight months. The following provides the proposed project's construction phases and approximate duration of each phase:

- Site Preparation – 3 weeks
- Grading/Trenching – 10 weeks
- Foundations/Equipment Installation/Wiring/Commissioning – 19 weeks

Operations

Once fully constructed, 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. The project applicant would install video and intrusion surveillance on the project site. Therefore, 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.

Project Approvals

The following are the primary discretionary approvals required for implementation of the project:

1. **General Plan Amendment (#25-0001).** An amendment to the County's General Plan, Land Use Element is required to implement the proposed project. The project parcel currently has a General Plan land use designation of "Agriculture." The applicant is requesting a General Plan amendment to change the General Plan land use designation from "Agriculture" to "Industry."

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2. **Conditional Zone Change (#25-0001).** The project parcel (APN 059-290-010) is currently zoned Heavy Agriculture with Renewable Energy Overlay (A-3-RE). The applicant is requesting a conditional zone change from A-3-RE to Light Industrial with Renewable Energy Overlay (M-1-RE). The conditional zone change would apply the Light Industrial zone category to the project parcel, but would allow for only the proposed BESS and related ancillary uses.
3. **Approval of Conditional Use Permit (CUP #24-0027).** Implementation of the project would require the approval of a conditional use permit (CUP) by the County to allow for the construction and operation of the proposed BESS. Pursuant to Title 9, Division 5, Chapter 15, the following uses are permitted in the M-1 zone subject to approval of a CUP from Imperial County:
    - *Battery Storage*
    - *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. Such uses shall include, but not be limited to, the following:*
        - *Electrical generation plants*
        - *Facilities for the transmission of electrical energy (100-200 kV)*
        - *Electrical substations in an electrical transmission system (500 kV/230 kV/161 kV)*

The proposed project would involve purchase of power during off-peak energy use, and release of power back into the electrical grid during peak use periods, allowing for energy resiliency. The project's source of energy could be from traditional energy sources, as well as renewable if such electricity is a component of the electrical load on the IID "P" Line.

Figure 1. Regional Location

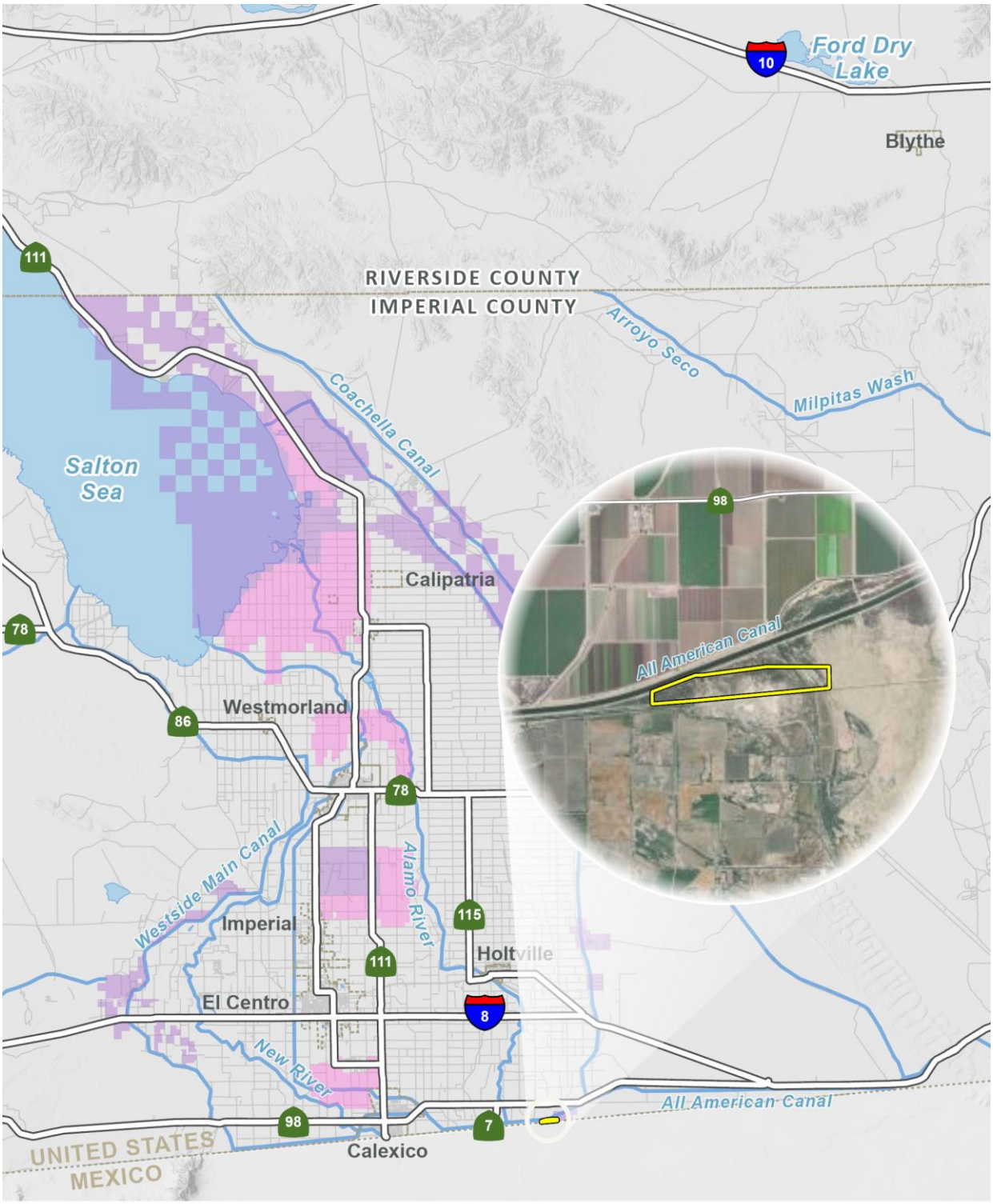

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Figure 2. Project Site

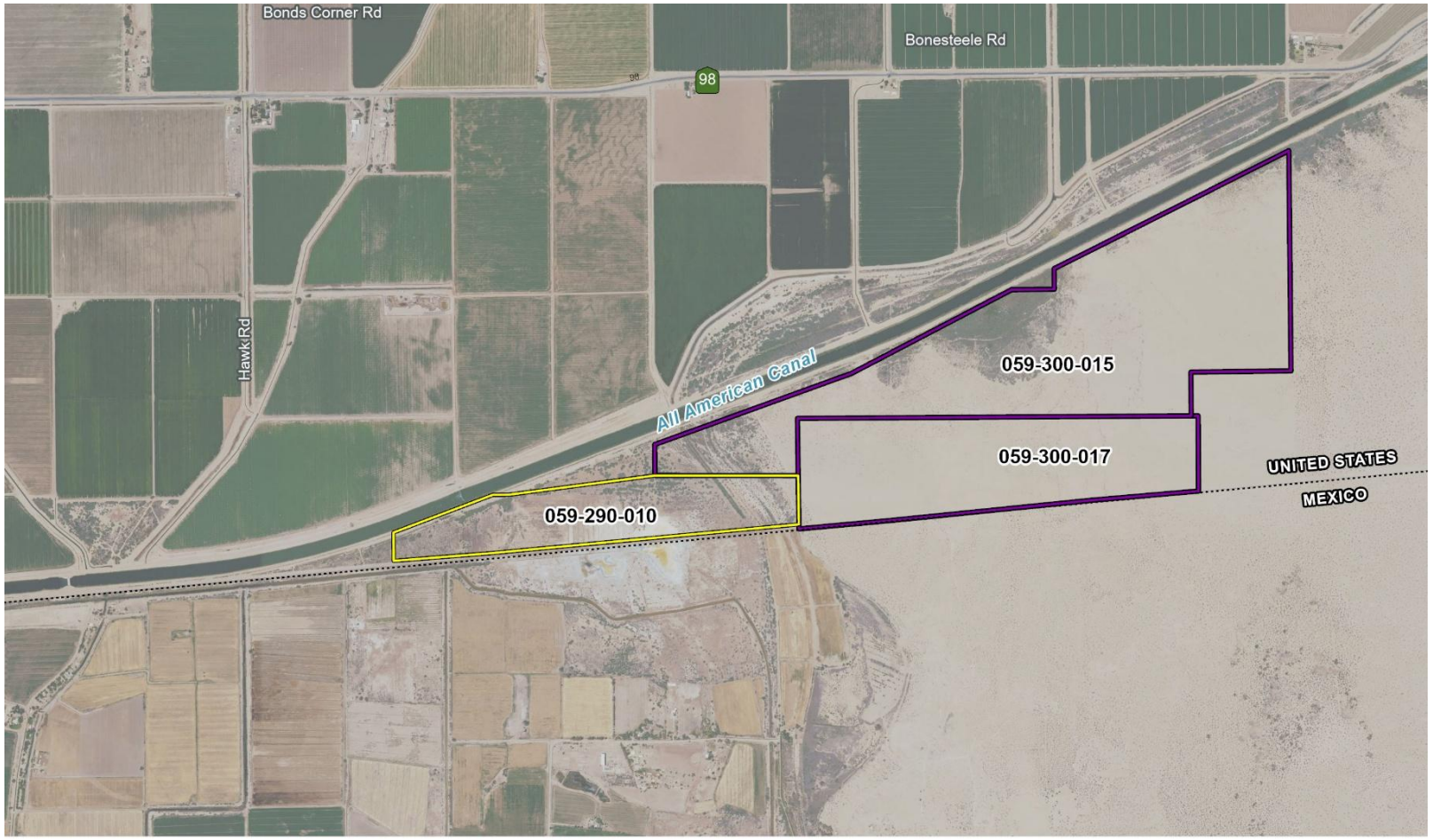

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Figure 3. Proposed Site Plan

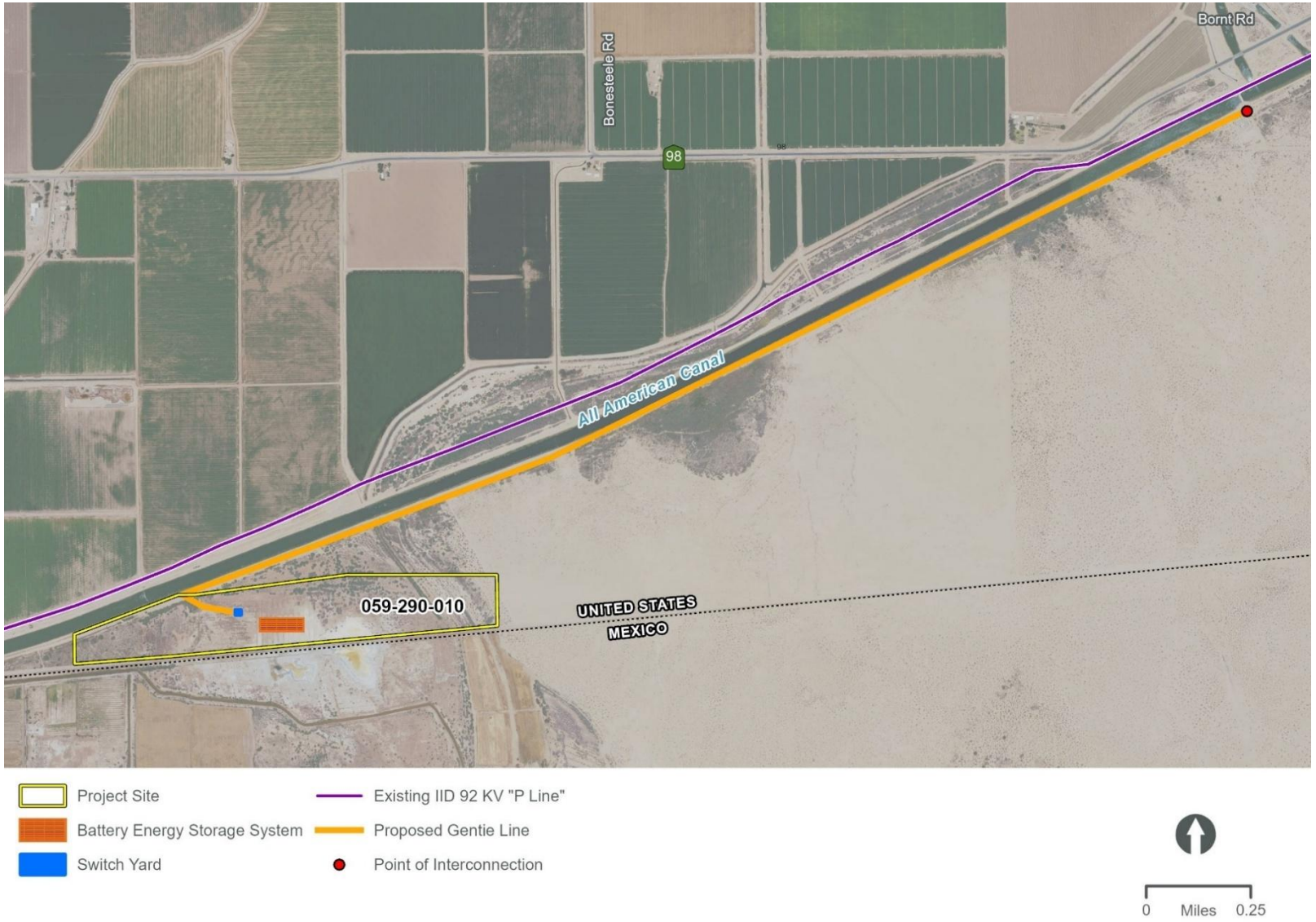

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Figure 4. Construction Worker Access

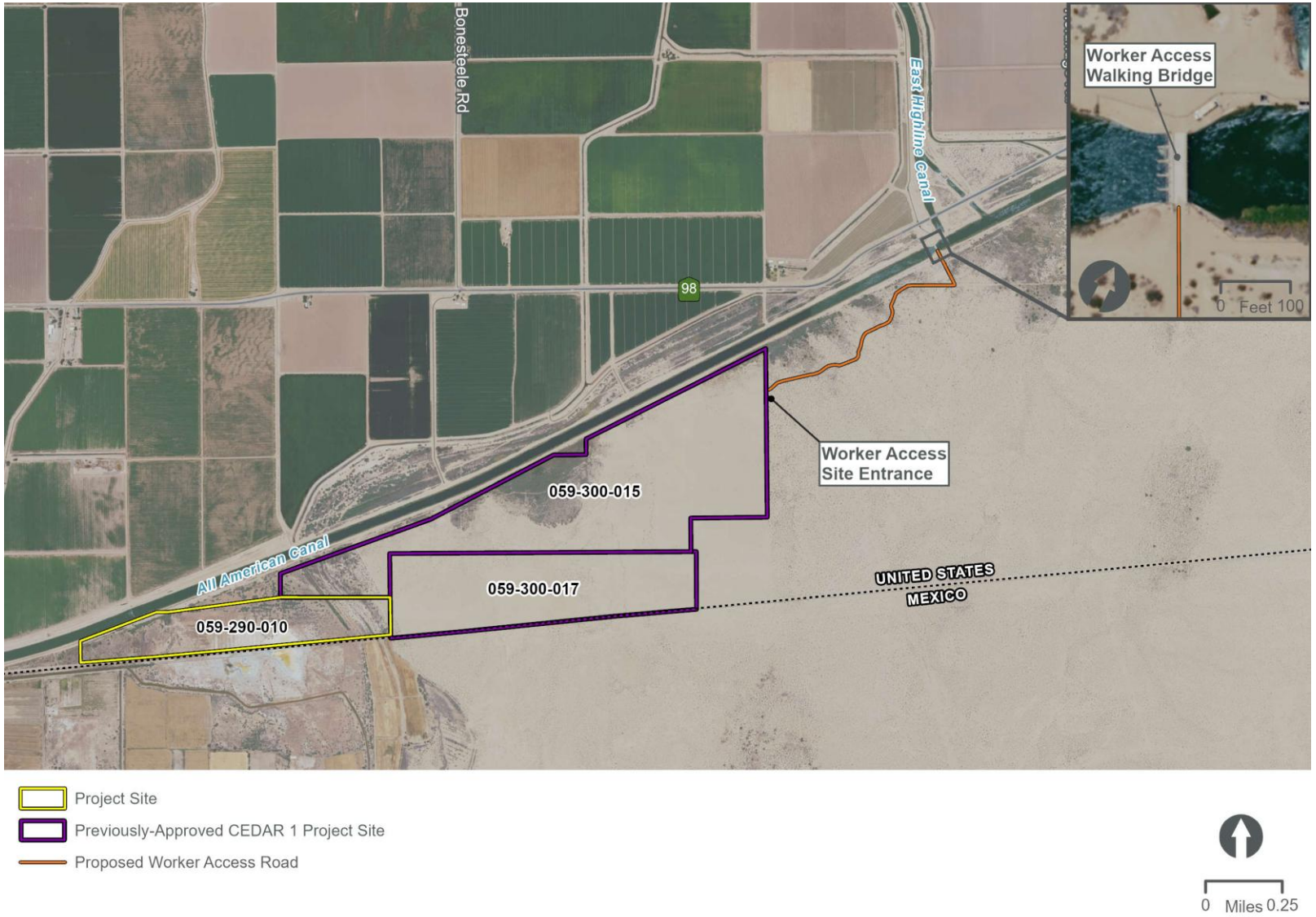

Figure 5. Heavy Construction Equipment Access

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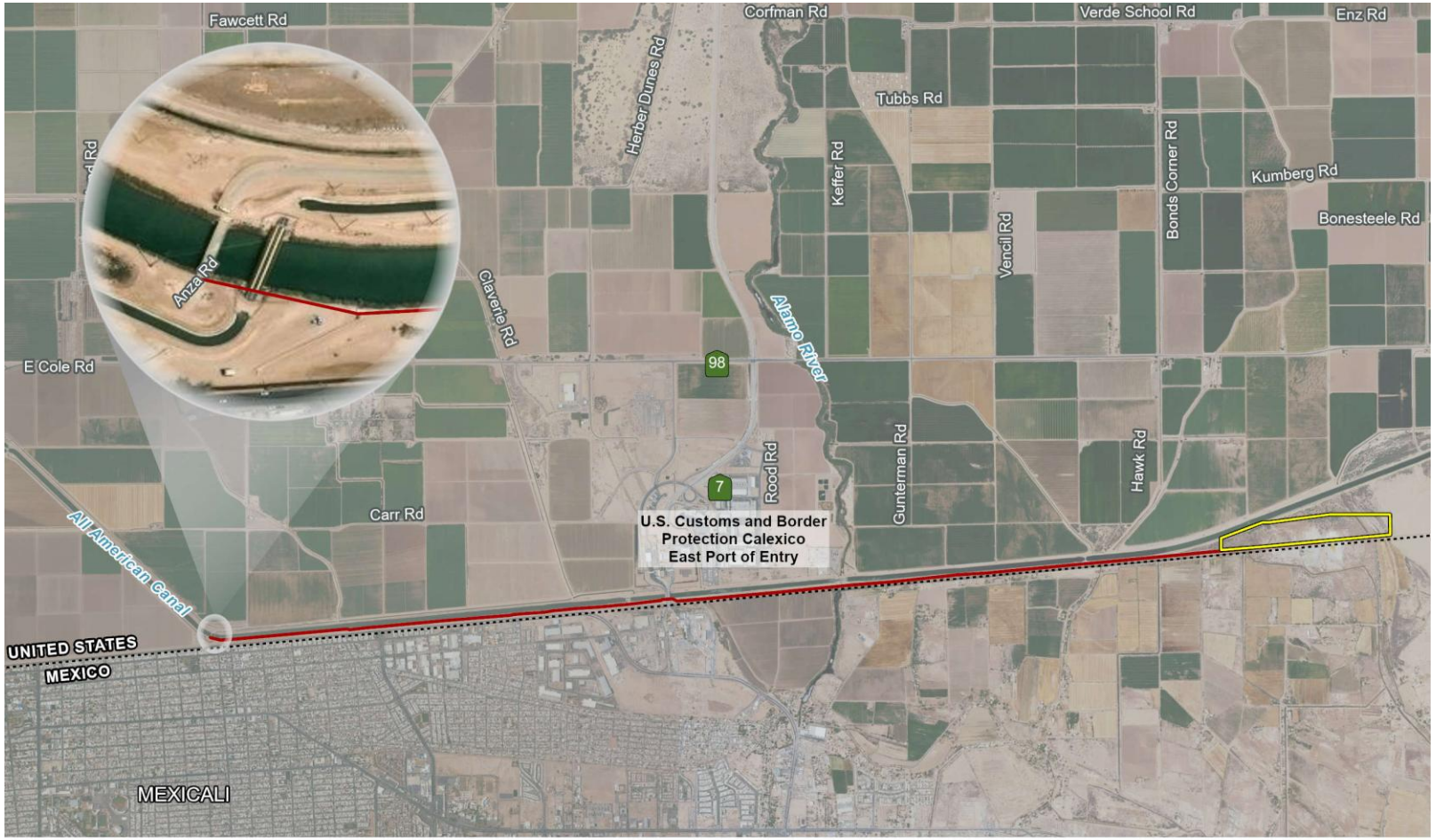
Figure 6. Emergency Access



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Evaluation of Environmental Impacts

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors, as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
    a. Earlier Analysis Used. Identify and state where they are available for review.
    b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
    c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used, or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
    a. The significance criteria or threshold, if any, used to evaluate each question; and
    b. The mitigation measure identified, if any, to reduce the impact to less than significance.

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

a) **No Impact.** The project site is not located within an area containing a scenic vista designated by the County's General Plan (County of Imperial 2016). Therefore, the proposed project would not have a substantial adverse effect on a scenic vista and no impact would occur.

b) **No Impact.** According to the Conservation and Open Space Element, no State scenic highways have been designated in Imperial County (County of Imperial 2016). The project site is not located within a state scenic highway corridor, nor are there any state scenic highways located in proximity to the project site. The nearest road segment considered eligible for a State scenic highway designation is the portion of Interstate 8 (I-8) that lies between the San Diego County line and its junction with State Route 98 (SR 98) near Coyote Wells (California Department of Transportation 2018). This road segment is located over 40 miles northwest of the project site; therefore, the project site would not be visible from a state scenic highway. No impacts to scenic resources within any state scenic highways would occur.

c) **Less than Significant Impact.** The project site is located on a vacant site in rural Imperial County. Visibility of the project site from the public right-of-way is obstructed from SR-98 by a berm. Surrounding property is privately owned and viewers would be limited to property owners, employees servicing/maintaining IID facilities (e.g., the canal), and border patrol

personnel. Construction of the project would result in temporary visual changes due to the presence of construction equipment, materials, and construction activities. However, visual impacts during project construction would be short-term. Upon completion of construction, equipment and construction materials would no longer be present on-site. Therefore, project construction would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. Project operation would change the visual character of the project from undeveloped land to a BESS facility. Additionally, the project would involve construction of a new gen-tie line 60 feet in height. However, views of the project site are limited and generally not available from public viewpoints, and, as such, the addition of BESS infrastructure and the gen-tie to the project site would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. Impacts are considered less than significant.

d) **Less than Significant Impact.** The proposed project does not include the addition of substantial lighting or glare producing components. Project construction may result in slight increases in nighttime lighting on-site if nighttime construction is warranted. However, public views of the project site are limited and generally not available, and, as such, construction-related nighttime lighting is not anticipated to adversely affect nighttime views. Additionally, visual impacts associated with nighttime lighting during project construction would be short-term. Upon completion of construction, equipment and construction materials would no longer be present on-site.

Minimal lighting is required for project operation and is limited to safety and security functions. All lighting will be directed away from any public right-of-way; however, there is no heavily traveled public roadway in immediate proximity to the project site. The proposed project is located in a rural undeveloped area of Imperial County. There are no established residential neighborhoods immediately adjacent to the project site.

If additional lighting should be required for nighttime maintenance, portable lighting equipment would be used. Based on these considerations, and the distance to potential viewers, the project is not anticipated to create a new source of substantial light which would adversely affect nighttime views in the project area, and the impact is considered less than significant.

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) Important Farmland Finder, the project site is not located on land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The project site is designated as Other Land (DOC 2020). Therefore, the proposed project would not convert Prime Farmland, Unique

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Farmland, or Farmland of Statewide Importance to non-agricultural use and no impact is identified.

b) **Less than Significant Impact.** As of December 31, 2018, all Williamson Act contracts in Imperial County have been terminated (DOC 2016). 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.

The project site is currently designated by the General Plan as "Agriculture" and is zoned A-3-RE (Heavy Agriculture with a Renewable Energy Zone Overlay). The applicant is requesting a General Plan Amendment to change the General Plan land use designation from "Agriculture" to "Industry", and zone change from A-3-RE to Light Industrial with Renewable Energy Overlay (M-1-RE). Pursuant to Title 9, Division 5, Chapter 15, the following uses are permitted in the M-1 zone, subject to approval of a CUP from Imperial County:

- *Battery Storage*
- *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. Such uses shall include, but not be limited to, the following:*
    - *Electrical generation plants*
    - *Facilities for the transmission of electrical energy (100-200 kV)*
    - *Electrical substations in an electrical transmission system (500 kV/230 kV/161 kV)*

Upon approval of a CUP, the project's use would be consistent with the Imperial County Land Use Ordinance. No portion of the project site is currently being utilized for agricultural production. Based on these considerations, the impact is considered less than significant.

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 within or immediately adjacent to 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. Thus, 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

a) **Less than Significant Impact with Mitigation Incorporated.** 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 ozone (O_3), particulate matter less than 2.5 microns in diameter ($PM_{2.5}$) and particulate matter less than 10 microns in diameter (PM_{10}) standards and is also a nonattainment area for the state standards for O_3 and PM_{10}.

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, the 2018 Annual $PM_{2.5}$ SIP, the 2017 8-Hour Ozone SIP, 2013 24-Hour $PM_{2.5}$ SIP, the 2009 1997 8-hour Ozone RACT SIP, the 2009 PM_{10} SIP and the 2008 Ozone Early Progress Plans. 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. As the project does not contain a residential component, the project would not result in an increase in the regional population. While the

project would contribute to energy supply, which is one factor of population growth, the proposed project would not significantly increase employment or growth within the region. The proposed project would be required to comply with all applicable ICAPCD rules and requirements during construction and operation to reduce air emissions. While not directly a renewable energy source, the proposed project would support renewable energy development by providing energy storage for renewable energy generated by renewable energy sources in the vicinity of the project. These renewable energy sources are part of a renewable energy system that are intended to improve air quality by reducing the amount of emissions that would be generated in association with electricity production from a fossil fuel burning facility. Furthermore, the thresholds of significance, adopted by the air district (ICAPCD), determine compliance with the goals of the 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 81-acre project parcel (APN 059-209-010) was previously included as part of the original site plan submittal for the 531-acre VEGA SES 4 Solar Energy Project, and analyzed in the *Air Quality and Greenhouse Gas Assessment for the VEGA SES 4 Solar Energy Project* prepared by ECORP Consulting, Inc. (ECORP 2021a). The results of the 2021 air quality and greenhouse gas assessment were reviewed and summarized below for comparison purposes.

Construction. Air emissions are generated during construction activities. Two basic sources of short-term emissions will be generated through project construction: operation of heavy-duty equipment (i.e., excavators, loaders, haul trucks), construction worker trips, and the creation of fugitive dust during clearing, grading, and commuting on any exposed surfaces. Construction activities such as excavation and grading operations, construction vehicle traffic (including construction worker trips), and wind blowing over exposed soils would generate exhaust emissions and fugitive particulate matter (PM) emissions that affect local air quality at various times during construction. Construction emissions vary from day-to-day depending on the number of workers, number, and types of active heavy-duty vehicles and equipment, level of activity, the prevailing meteorological conditions, and the length over which these activities occur.

According to the *Air Quality and Greenhouse Gas Assessment for the VEGA SES 4 Solar Energy Project,* the VEGA SES 4 Solar Energy Project's daily construction emissions would not exceed the ICAPCD thresholds for ROG, NOx, CO, SO_2, and $PM_{2.5}$. However, the project would exceed the ICAPCD threshold for $PM_{10.}$ Pursuant to ICAPCD, all construction sites, regardless of size, must comply with the requirements contained within Regulation VIII – Fugitive Dust Control Measures. The project must comply with the requirements of ICAPCD Regulation VIII for the control of fugitive dust. A predominate source of project PM_{10} emissions is workers commuting to and from the project site on unpaved roads (worker access and heavy construction equipment access routes described above). Regulation VIII requires that: all unpaved roadways, on- and off-site, to be conditioned and maintained with soil stabilizers to reduce dust opacity to no more than 20 percent; all unpaved disturbed surfaces, on- and off-site, to be stabilized with a dust suppressant, watering, or soil stabilizers to reduce opacity to no greater than 20 percent; and to reduce vehicle speed to no greater than 15 mph on all unpaved surfaces. With the implementation of the ICAPCD Regulation VIII requirements, the project would not exceed the ICAPCD's thresholds of significance for PM_{10} emissions (ECORP 2021a).

Similar to the VEGA SES 4 Solar Energy Project, the proposed Border BESS project would generate construction emissions from excavation and grading operations, construction vehicle traffic, exhaust emissions and PM emissions, but on a smaller scale with less areas of disturbance and the overall construction vehicle and equipment use would be less. The proposed project's construction emissions would be less than that estimated for the VEGA SES 4 Solar Energy Project due to size (81 acre parcel with a disturbance footprint of approximately 10 acres vs. 531 acres as evaluated in the VEGA 4 EIR) and shorter construction duration, smaller equipment fleetmix, and smaller construction workforce than was assumed for the VEGA 4 SES Solar Energy Project. The proposed project would be required to comply with the requirements of ICAPCD Regulation VIII for the control of fugitive dust. In addition, the ICAPCD's Air Quality Handbook lists additional feasible mitigation measures that may be warranted to control emissions of fugitive dust and combustion exhaust. Implementation of Mitigation Measures AQ-1, AQ-2, AQ-6 and AQ-7 would provide additional reduction strategies to further improve air quality and ensure that this potential impact would remain less than significant.

Operations. Operational emissions would be predominately associated with motor vehicle use for routine maintenance work and site security. According to the *Air Quality and Greenhouse Gas Assessment for the VEGA SES 4 Solar Energy Project,* the VEGA SES 4 Solar Energy Project would not exceed the ICAPCD thresholds for CO, ROG, NOx, PM_{10} and $PM_{2.5}$ (ECORP 2021a).

Because the proposed project is smaller in size compared to the VEGA SES 4 Solar Energy Project (81 acre parcel, with an approximately 10 acre footprint of disturbance vs. 531 acres), and is planned to be operated without on-site personnel, it can be concluded that the proposed project's operational emissions would be less than the VEGA SES 4 Solar Energy Project and would not exceed the ICAPCD thresholds for CO, ROG, NOx, PM_{10} and $PM_{2.5.}$ Although no significant air quality impact would occur during operation, the project applicant is required to submit a Dust Suppression Management Plan for both construction and operation in order to reduce fugitive dust emissions. Implementation of Mitigation Measures AQ-3, AQ-4, AQ-5, AQ-6 and AQ-7 would ensure that a Dust Suppression Management Plan is implemented, thereby ensuring that this potential impact would remain less than significant.

Mitigation Measure(s)

AQ-1 **Construction Equipment.** Construction equipment shall be equipped with an engine designation of EPA Tier 2 or better (Tier 2+). A list of the construction equipment, including all off-road equipment utilized at each of the projects by make, model, year, horsepower and expected/actual hours of use, and the associated EPA Tier shall be submitted to the County Planning and Development Services Department and ICAPCD prior to the issuance of a grading permit. The equipment list shall be submitted periodically to ICAPCD to perform a NO_x analysis. ICAPCD shall utilize this list to calculate air emissions to verify that equipment use does not exceed significance thresholds. The Planning and Development Services Department and ICAPCD shall verify implementation of this measure.

AQ-2 **Fugitive Dust Control.** Pursuant to ICAPCD, all construction sites, regardless of size, must comply with the requirements contained within Regulation VIII – Fugitive Dust Control Measures. Whereas these Regulation VIII measures are mandatory and are not considered project environmental mitigation measures, the ICAPCD CEQA

Handbook's required additional standard and enhanced mitigation measures listed below shall be implemented prior to and during construction. ICAPCD will verify implementation and compliance with these measures as part of the grading permit review/approval process.

ICAPCD Standard Measures for Fugitive Dust (PM_{10}) Control

- 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.
- All on-site and offsite 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.
- All unpaved traffic areas 1 acre or more with 75 or more average vehicle trips per day 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.
- The transport of bulk materials shall be completely covered unless 6 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.
- 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.
- 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.
- 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.

ICAPCD "Discretionary" Measures for Fugitive Dust (PM_{10}) Control

- Water exposed soil only in those areas where active grading and vehicle movement occurs with adequate frequency to control dust.
- Replace ground cover in disturbed areas as quickly as possible.
- Automatic sprinkler system installed on all soil piles.
- Vehicle speed for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site.
- Develop a trip reduction plan to achieve a 1.5 average vehicle ridership for construction employees.

- Implement a shuttle service to and from retail services and food establishments during lunch hours.

Standard Mitigation Measures for Construction Combustion Equipment

- Use of alternative fueled or catalyst equipped diesel construction equipment, including all off-road and portable diesel-powered equipment.
- Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes as a maximum.
- Limit, to the extent feasible, the hours of operation of heavy-duty equipment and/or the amount of equipment in use.
- Replace fossil fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set).

Enhanced Mitigation Measures for Construction Equipment

To help provide a greater degree of reduction of PM emissions from construction combustion equipment, ICAPCD recommends the following enhanced measures.

- Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak hour of vehicular traffic on adjacent roadways.
- Implement activity management (e.g., rescheduling activities to reduce short-term impacts).

AQ-3 **Dust Suppression.** The project applicant shall employ a method of dust suppression (such as water or chemical stabilization) approved by ICAPCD. The project applicant shall apply chemical stabilization as directed by the product manufacturer to control dust as approved by ICAPCD, and other non-used areas (exceptions will be the paved entrance and parking area, and Fire Department access/emergency entry/exit points as approved by Fire/Office of Emergency Services [OES] Department).

AQ-4 **Construction Dust Control Plan.** A minimum of 30 days prior to the commencement of any earthmoving or ground-disturbing activities, the applicant shall coordinate with ICAPCD to allow ICAPCD to conduct a pre-construction inspection(s) of the project site. The purpose of the inspection shall be to evaluate site conditions, identify appropriate and effective dust control measures, and inform the development of the Construction Dust Control Plan.

Prior to any earthmoving activity, the applicant shall submit a Construction Dust Control Plan and obtain approval from ICAPCD and Imperial County Planning and Development Services Department (ICPDS). The Construction Dust Control Plan shall include the requirement that the ICAPCD be notified of earthmoving activities a minimum of 10 days before initiating the earth moving activities.

AQ-5 **Operational Dust Control Plan.** Prior to issuance of a Certificate of Occupancy, the applicant shall submit an Operational Dust Control Plan and obtain approval from ICAPCD and ICPDS.

ICAPCD Rule 310 Operational 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.

AQ-6 The BESS project site disturbance area shall be enclosed by fencing during constriction and operation to ensure surfaces remain stabilized beyond the areas not proposed for disturbance/grading.

AQ-7 During construction activities, the construction contractor shall employ the following PM_{10} reducing measures:

1. All unpaved roads associated with construction shall be effectively stabilized of dust emissions using Imperial County Air Pollution Control District-approved chemical stabilizers/suppressant before the commencement of construction, and every 30 days thereafter until the end of all construction activities. Unpaved roads associated with construction include:

    - The driveway entrance off State Route 98
    - The designated 3.5-acre staging/parking area north of the All-American Canal,
    - The 1.0 mile of dirt road south of the All-American Canal,
    - The 20 miles of existing dirt road paralleling the U.S./Mexico Border from Gordon Wells Road to the project site.

    Monthly application of Imperial County Air Pollution Control District-approved chemical stabilizers/suppressant shall be applied at a rate of 0.1 gallon/square yard of chemical dust suppressant.

b) **Less Than Significant Impact.** As discussed in Response III. a) above, the proposed project would not exceed ICAPCD's significance thresholds during construction or operation. However, **i**mplementation of Mitigation Measures AQ-1 through AQ-5 would provide additional reduction strategies to further improve air quality and ensure that this potential impact would remain less than significant. Therefore, the project's potential to result in a cumulatively considerable net increase of any criteria pollutant is considered less than significant.

c) **Less Than Significant Impact.** The project site is located in a generally rural area. The nearest sensitive receptor to the project site is a single-family residence located approximately 0.82 miles to the north, located south of SR-98 and east of Mesa Lateral Two. As discussed in Response III. a) above, the proposed project would not exceed ICAPCD's significance thresholds during construction or operation. Due to the limited amount of criteria pollutants created from construction and operational activities and the distance to the nearest sensitive receptor, the proposed project would not expose sensitive receptors to substantial concentrations of criteria pollutants. Therefore, this is considered a less than significant impact.

d) **Less than Significant Impact.** Land uses commonly considered to be potential sources of odorous emissions include wastewater treatment plants, sanitary landfills, food processing facilities, chemical manufacturing plants, rendering plants, paint/coating operations, and concentrated agricultural feeding operations and dairies. The construction and operation of a BESS is not an odor producer and the project site is not located near an odor producer.

During construction, the proposed project presents the potential for generation of objectionable odors in the form of diesel exhaust in the immediate vicinity of the site. However, these

emissions are short-term in nature and will rapidly dissipate and be diluted by the atmosphere downwind of the emission sources. Additionally, odors would be localized and generally confined to the project area. Therefore, odors generated during project construction would not adversely affect a substantial number of people to odor emissions, and this is considered a less than significant impact.

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

a) **Less than Significant with Mitigation Incorporated.** The 81-acre project parcel (APN 059-209-010) was previously included as part of the original site plan submittal for the 531-acre VEGA SES 4 Solar Energy Project, and analyzed in the *Biological Technical Report* (BTR) *for*

the VEGA SES 4 Solar Energy Project prepared by ECORP Consulting, Inc. (ECORP 2020). The results of the 2020 BTR were reviewed and summarized below.

Vegetation Communities

As shown in Figure 7, the following vegetation communities and land cover types were mapped within the Border BESS project site:

- Arrow Weed Thickets
- Alkali Weed – Salt Grass Playas and Sinks
- Tamarisk Thickets
- Creosote Bush Scrub
- Creosote-White Bursage Scrub and Disturbed
- Disturbed

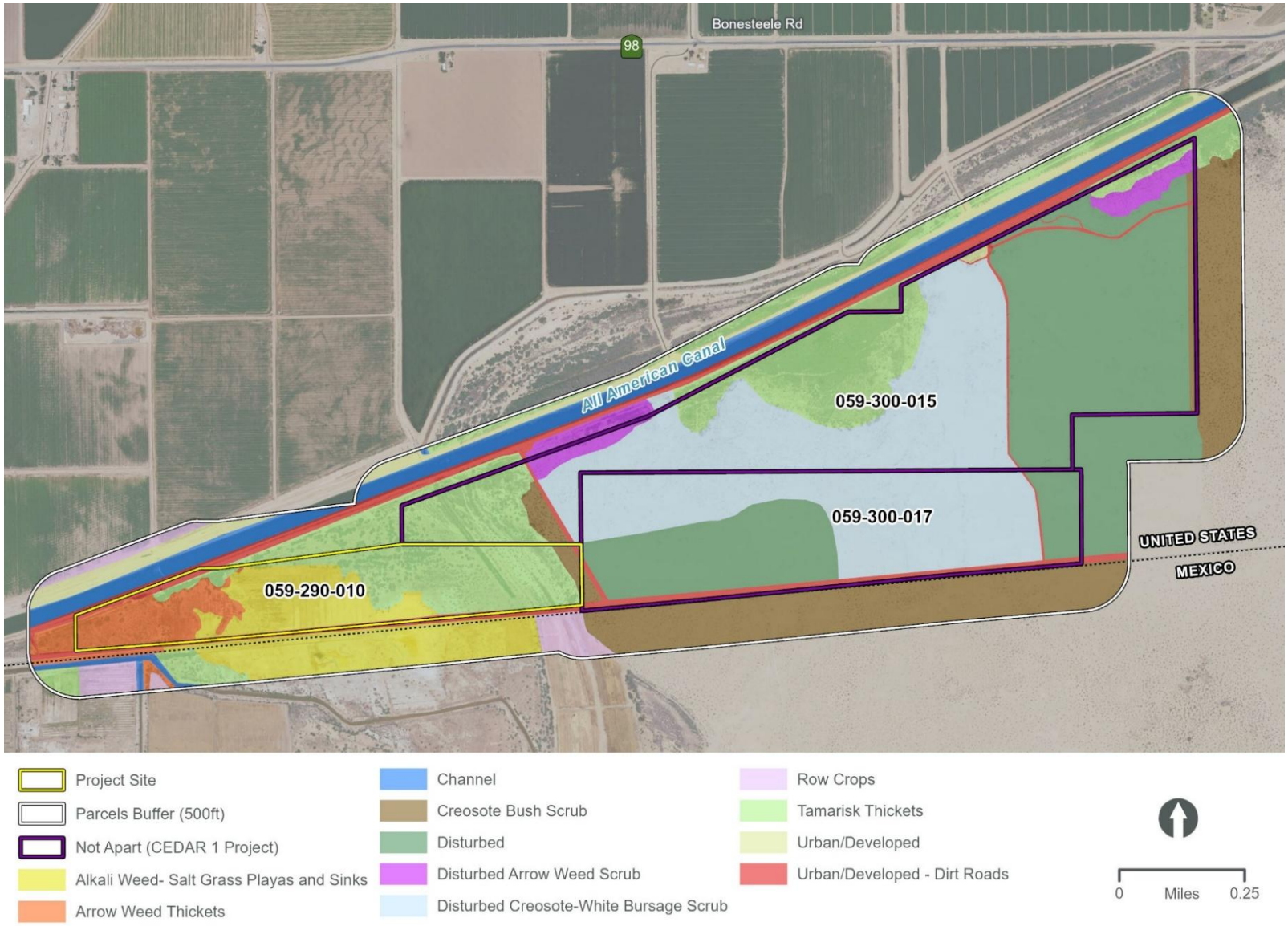
Special-Status Plants

Due to the presence of suitable habitat and several known recent occurrences within five miles of the Border BESS project site, the following species were determined to have moderate potential to occur:

- Abrams' spurge (*Euphorbia abramsiana*) – CNPS Rare Plant Rank (CRPR) 2B.2
- Wiggins' croton (*Croton wigginsii*) – CRPR 2B.2
- Sand food (*Pholisma sonorae*) – CRPR 1B.2

Suitable habitat for these species is present within the creosote bush scrub and disturbed creosote bush – white bursage scrub habitats (ECORP 2020). Potential impacts that may occur to the species during project construction includes loss of individuals, habitat, and seedbank. Depending on the size of the population, potential impacts be significant. Implementation of Mitigation Measures BIO-1, BIO-2, and BIO-3 would reduce impacts to a level less than significant.

Figure 7. Vegetation Communities/Land Cover Types



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Special-Status Wildlife

As shown in Figure 8, five special-status wildlife species were observed on the Border BESS project site during the biological reconnaissance survey: black-tailed gnatcatcher (*Polioptila melanura*), northern harrier *(Circus hudsonius*), burrowing owl (*Athene cunicularia hypugaea*), yellow warblers (*Setophaga petechia*), and loggerhead shrikes (*Lanius ludovicianus*) (ECORP 2020). Burrowing owl and their burrows were observed within the disturbed creosote-white bursage scrub, within a berm adjacent to the access road (ECORP 2020). The proposed project has been designed to avoid impacts to tamarisk thickets occurring on the project site. As shown on the Site Plan (Figure 3), project components would not be sited on the project site where tamarisk thickets are present. This vegetation community would not be removed on the project site thereby avoiding habitat removal. However, there is still potential that construction activities occurring adjacent to this vegetation community could result in direct and indirect impacts on special-status species. Direct construction-related impacts to wildlife species that could occur include injury, mortality, nest failures, and loss of young. Indirect impacts include increase in anthropogenic effects (i.e., noise levels, introduction of invasive/nonnative species, increase in human activity, and increase in dust. However, implementation of Mitigation Measures BIO-2, BIO-3, BIO-4, BIO-5, and BIO-6 would reduce potential impacts to a level less than significant.

Foraging habitat for a number of raptor species and breeding habitat for numerous passerine species that are protected by the MBTA occurs throughout the project site. The project site provides nesting habitat for ground-nesting species as well as species that nest in riparian scrub habitat. Due to the lack of large trees within the survey area, there is no suitable nesting habitat for raptor species. However, northern harriers are ground nesters; therefore, the tamarisk thicket provides potential nesting habitat for this species (ECORP 2020). 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. Potential impacts would be considered significant. Implementation of Mitigation Measures BIO-2, BIO-5, and BIO-6 would reduce potential impacts to a level less than significant.

Operation

All electrical components on the project site shall be either undergrounded or protected so that there will be no exposure to wildlife and therefore no potential for electrocution. Additionally, based on the Avian Powerline Interaction Committee's (APLIC) 1996 report on power line electrocution in the U.S., avian electrocution risk is highest along distribution lines (generally less than 69 kV) where the distance between energized phases, ground wires, transformers, and other components of an electrical distribution system are less than the length or skin-to-skin contact distance of birds. The distance between energized components along transmission lines (>69 kV) is generally insufficient to present avian electrocution risk. Therefore, no impact to avian is anticipated to occur due to electrocution along the proposed gen-tie line.

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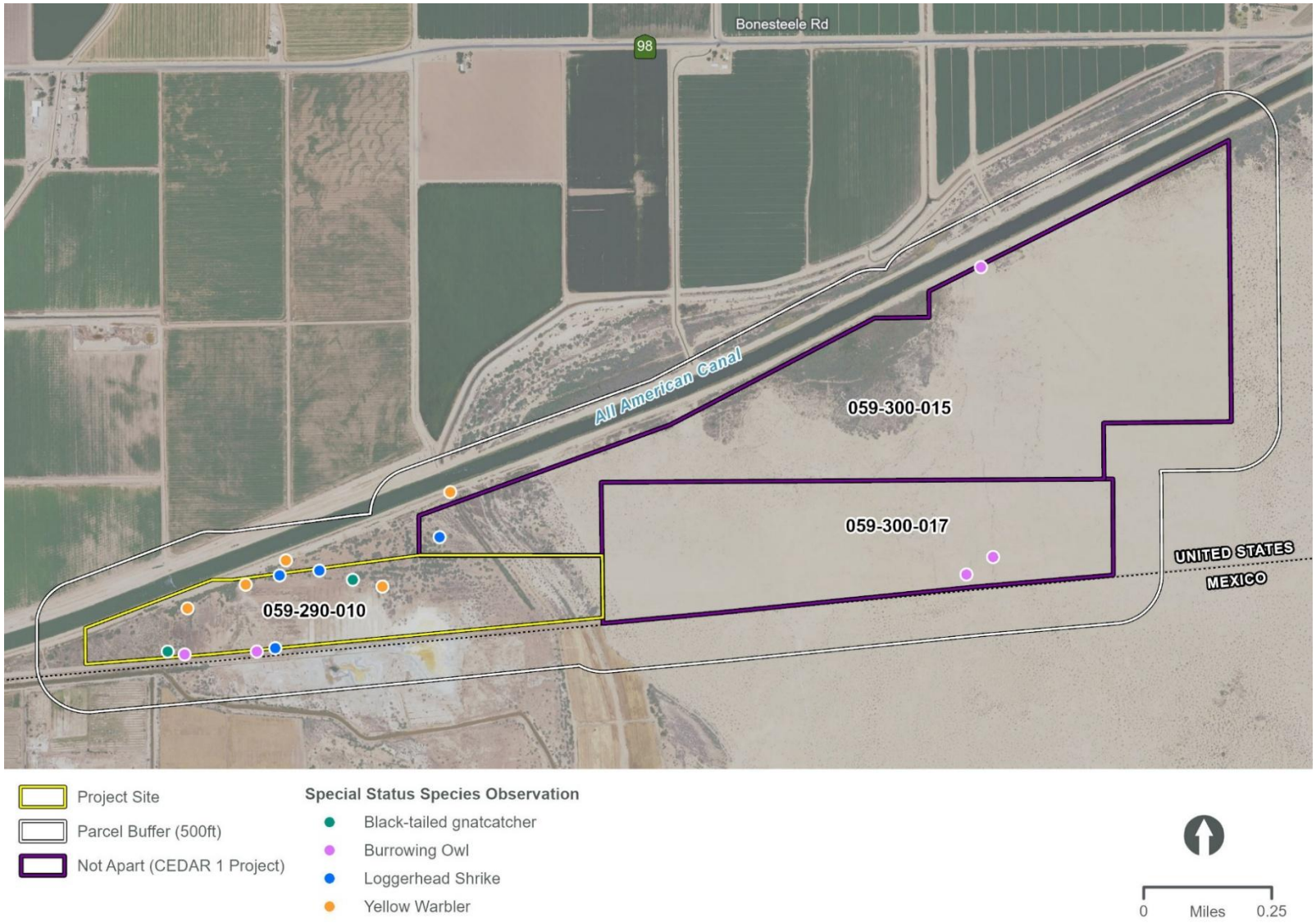
Figure 8. Special-Status Species Observed on Project Site



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Mitigation Measure(s)

BIO-1 **Rare Plant Surveys.** Prior to initiating ground disturbance, rare plant surveys shall be conducted within suitable habitat on the project site during the appropriate blooming period for the Abrams' spurge (approximately September through November), Wiggins' croton (approximately March through May), and sand food (approximately April through June). 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 rare plant surveys, the location of the individual plant or population will be recorded with a submeter GPS device for mapping purposes. If project-related impacts to rare plants on the project site are unavoidable, then consultation with CDFW may be required to develop a mitigation plan or additional avoidance and minimization measures. Mitigation measures that may be implemented if the species is observed include establishing a no-disturbance buffer around locations of individuals or a population, salvage or seed collection, and additional monitoring requirements.

BIO-2 **General Impact Avoidance and Minimization Measures.** The following measures will be applicable throughout the life of the project:

- To reduce the potential indirect impact on migratory birds, bats and raptors, the project will comply with the 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 be either undergrounded or protected so that there will be no exposure to wildlife and therefore no potential for electrocution.
- The project proponent shall designate a Project Biologist who shall be responsible for overseeing compliance with protective measures for the biological resources during vegetation clearing and work activities within and adjacent to areas of native habitat. The Project Biologist will be familiar with the local habitats, plants, and wildlife. The Project Biologist will also maintain communications with the Contractor to ensure that issues relating to biological resources are appropriately and lawfully managed and monitor construction. The Project Biologist will monitor activities within construction areas during critical times, such as vegetation removal, the implementation of Best Management Practices (BMP), and installation of security fencing to protect native species. The Project Biologist will ensure that all wildlife and regulatory agency permit requirements, conservation measures, and general avoidance and minimization measures are properly implemented and followed.
- The boundaries of all areas to be newly disturbed (including staging areas, access roads, and sites for temporary placement of construction materials and spoils) will be delineated with stakes and flagging prior to disturbance. All disturbances, vehicles, and equipment will be confined to the flagged areas.

- No potential wildlife entrapments (e.g., trenches, bores) will 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 will be covered or capped in storage or laydown area, and at the end of each workday in construction, quarrying and processing/handling areas. No pipes or tubing of sizes or inside diameters ranging from 1 to 10 inches will be left open either temporarily or permanently.
- No anticoagulant rodenticides, such as Warfarin and related compounds (indandiones and hydroxycoumarins), may be used within the project site, on off-site project facilities and activities, or in support of any other project activities.
- Avoid wildlife attractants. 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. Water applied to dirt roads and construction areas for dust abatement shall use 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 will be removed to avoid attracting wildlife to the active work areas.
- To minimize the likelihood for vehicle strikes on wildlife, speed limits will not exceed 15 miles per hour when driving on access roads. All vehicles required for O&M must remain on designated access/maintenance roads.
- Avoid night-time construction lighting or if nighttime construction cannot be avoided use shielded directional lighting pointed downward and towards the interior of the project site, thereby avoiding illumination of adjacent natural areas and the night sky.
- All construction equipment used for the project will be equipped with properly operating and maintained mufflers.
- Hazardous materials and equipment stored overnight, including small amounts of fuel to refuel hand-held equipment, will be stored within secondary containment when within 50 feet of open water to the fullest extent practicable. Secondary containment will 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. 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, will be secured in secondary containment within the work area and staging/assembly area and covered with plastic at the end of each work day.

- 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 will ensure that all portable fuel containers are removed from the project site.
- All equipment will be maintained in accordance with manufacturer's recommendations and requirements.
- Equipment and containers will 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 will 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 will occur in upland areas where fuel cannot enter waters of the U.S. and in areas that do not have potential to support federally threatened or endangered species.
- Appropriate BMPs will be used by the Contractor to control erosion and sedimentation and to capture debris and contaminants from bridge construction to prevent their deposition in waterways. No sediment or debris will be allowed to enter the creek or other drainages. All debris from construction of the bridge will be contained so that it does not fall into channel. Appropriate BMPs will be used by the Contractor during construction to limit the spread of resuspended sediment and to contain debris.
- Erosion and sediment control devices used for the proposed project, including fiber rolls and bonded fiber matrix, will be made from biodegradable materials such as jute, with no plastic mesh, to avoid creating a wildlife entanglement hazard.
- Firearms, open fires, and pets would be prohibited at all work locations and access roads. Smoking would be prohibited along the Project alignment.
- 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.
- 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 the County, USFWS, and/or CDFW, as appropriate, within 24 hours of the discovery.
- Stockpiling of material will be allowed only within established work areas.
- Actively manage the spread of noxious weeds
- The ground beneath all parked equipment and vehicles shall be inspected for wildlife before moving.

BIO-3 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 to special-status biological resources and the potential penalties for impacts to 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 to 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 and would be kept on record

BIO-4 Burrowing Owl. 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 management of mitigation land through the establishment of a long-term funding mechanism such as an endowment.

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.

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.

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.

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.

BIO-5 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 March 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, including those for the black-tailed gnatcatcher, northern harrier, yellow warbler, burrowing owl, and loggerhead strike, 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 (topography, vegetation, existing disturbance levels, etc.).

BIO-6 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 should take place regardless of breeding season timing and shall focus on identifying the presence of special-status wildlife species present on the project site or that were identified as having a high potential to occur on the site. These species include, but are not limited to, burrowing owl, northern harrier, black-tailed gnatcatcher, and yellow warbler. 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.

b) **Less than Significant with Mitigation Incorporated.** As indicated in Figure 9, there is riparian habitat, freshwater forested/shrub wetland, and freshwater emergent wetland mapped within the project parcel, which may be impacted by the proposed project. Impacts to aquatic features may require permits from several regulatory agencies pursuant to federal and state laws. Wetlands and perennial drainages connected to navigable waters would require a permit pursuant to Section 404 of the Clean Water Act, certification compliance with Section 401 of the Clean Water Act and the Porter-Cologne Act (Regional Water Quality Control Board), and an agreement pursuant to California Fish and Game Code Sections 1600 and 1602. Implementation of Mitigation Measures BIO-7 through BIO-9 would reduce the potential impact to these aquatic resource features to a level less than significant.

Mitigation Measure(s)

BIO-7 Aquatic Resources Regulatory Permitting: If Project-related impacts occur to the riparian areas that may also fall under the jurisdiction of the USACE, CDFW, RWQCB a regulatory permit with those agencies is needed prior to the impact occurring. Refer to the ECORP Jurisdiction Delineation Report (2020) for preliminary determination of regulatory limits that areas that may be regulated by USACE, CDFW, or SWRCB. 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 can include onsite or offsite options or could include payment of an in-lieu fee to a conservation organization.

Types of mitigation can include restoration, creation, rehabilitation, enhancement, or other types of habitat improvement. Typically, the type of mitigation and acreage of mitigation is negotiated with the regulatory agencies during the permitting process.

BIO-8 Wetland/Riparian Habitat Avoidance: To the greatest extent possible, plans shall avoid impacts to alkali weed – salt grass playas and sinks, arrow weed thicket, and tamarisk thicket habitats to minimize potential impacts to special-status species.

BIO-9 Minimization of Impacts to Wetland/Riparian Habitat: Proposed project structures and new access roads (including all emergency vehicle/Fire Department access) may result in impacts to wetland and riparian habitat. Applicable regulatory permits and corresponding compensatory mitigation will be required for any direct impacts on wetland and riparian habitats.

To the extent feasible, proposed project structures and new access roads otherwise shall not be placed within 50 feet of wetland and riparian habitat boundaries. A construction buffer of 300 feet shall be established around the wetlands and riparian habitat not directly impacted by the proposed project improvements during bird breading season (February 1 – August 31).

Prior to construction, fencing shall be installed approximately 10 feet from the wetland and riparian habitat boundaries within 50 feet of the project. Fencing shall be easily visible to construction.

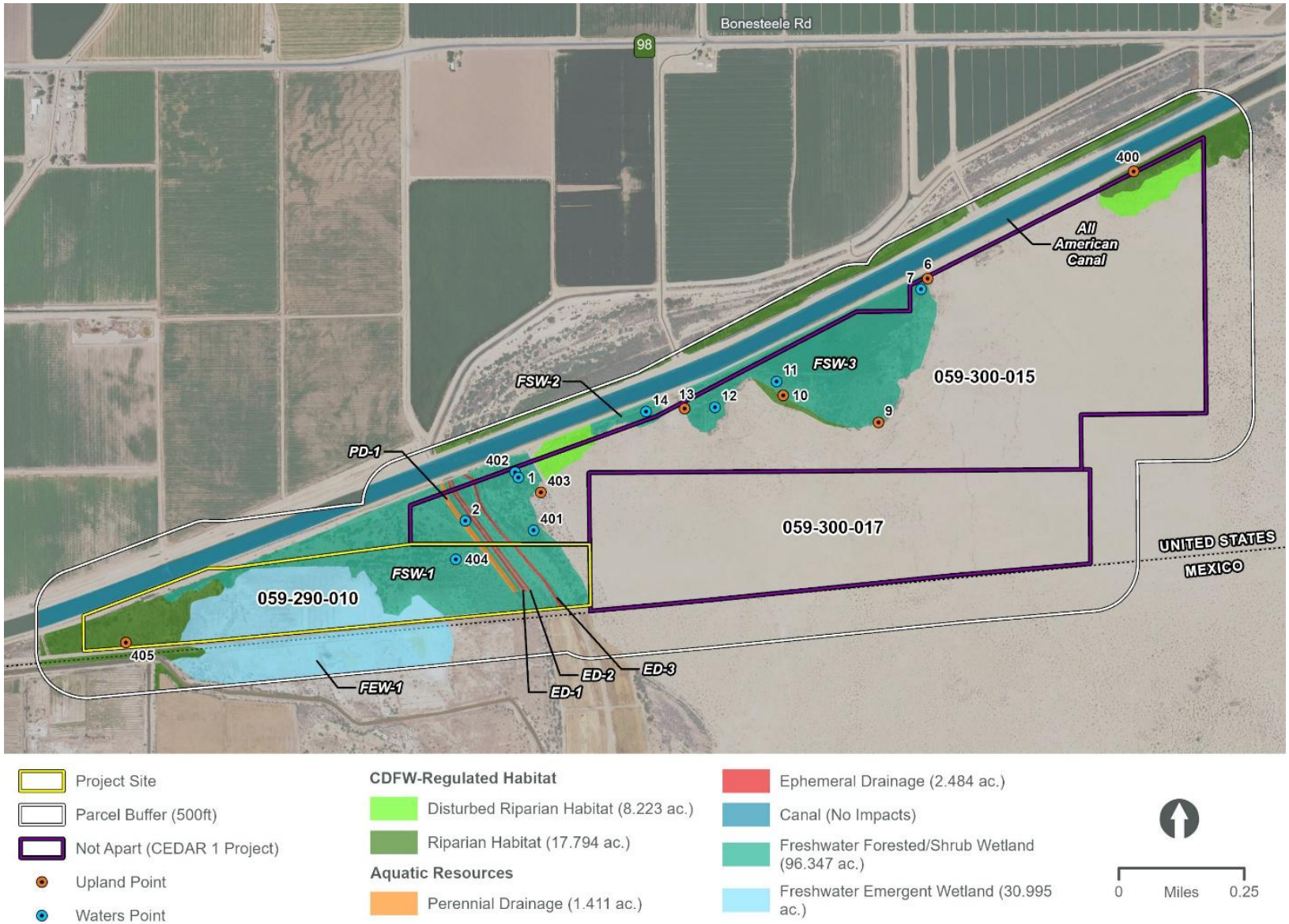
The following best management practices are not mitigation measures pursuant to CEQA but are recommended to further reduce impacts to special-status species that have potential to occur on the project site:

- Confine all work activities to a pre-determined work area.
- To prevent inadvertent entrapment of wildlife during the construction phase of the Project, all excavated, steep-walled holes or trenches more than two feet deep shall be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen fill or wooden planks shall be installed. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals.
- Wildlife are often attracted to burrow- or den-like structures such as pipes, and may enter stored pipes and become trapped or injured. To prevent wildlife use of these structures, all construction pipes, culverts, or similar structures with a diameter of four inches or greater shall be capped while stored onsite.
- All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from a construction or Project site.

- Use of rodenticides and herbicides on the Project site shall be restricted. This is necessary to prevent primary or secondary poisoning of wildlife, including burrowing owl and the depletion of prey populations on which they depend. All uses of such compounds shall observe label and other restrictions mandated by the USEPA, California Department of Food and Agriculture, and other State and federal legislation. If rodent control must be conducted, zinc phosphide shall be used because of a proven lower risk to burrowing owl.

c) **Less Than Significant with Mitigation Incorporated.** As indicated in Figure 9, there is riparian habitat, freshwater forested/shrub wetland, and freshwater emergent wetland mapped within the project parcel, which may be impacted by the proposed project. Implementation of Mitigation Measures BIO-7 through BIO-9 would reduce the potential impact to these aquatic resource features to a level less than significant.

Figure 9. Aquatic Resources on Project Site



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d) **No Impact.** The project site is located adjacent to areas containing existing disturbances (i.e., roads, border wall, and active agricultural land). The majority of the project site does not contain suitable vegetation and/or cover to support wildlife movement and is nestled on the edge of agricultural and development; therefore, wildlife movement opportunities connecting the project site to large, undeveloped natural areas is extremely limited. Wildlife will be able to continue to use the riparian habitat and surrounding agricultural lands as a potential corridor and nursery site. The proposed project is not expected to significantly impact wildlife movement through the project vicinity and 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 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-6 would reduce potential impacts to special-status plants and wildlife to a level less than significant.

f) **No Impact.** The project site is not located in a Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Implementation of the proposed project would result in no impact associated with the potential to conflict with local conservation plans.

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

a) **Less Than Significant with Mitigation Incorporated.** To be considered historically significant, a resource must meet one of four criteria for listing outlined in the CRHR (CEQA Guidelines 15064.3 (a)(3)). In addition to meeting one of the criteria outlined by the CRHR, a resource must retain enough intact and undisturbed deposits to make a meaningful data contribution to regional research issues (CCR Title 14, Chapter 1.5 Section 4852 [c]). Further, based on CEQA Guidelines Section 15064.5 (b), substantial adverse change would include physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource is materially impaired. This can occur when a project:

- Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the CRHR, NRHP, a local register, or historic resources.
- Demolishes or materially alters in an adverse manner those physical characteristics that account for its identification in an historical resources survey meeting the requirements of PRC §5024.1(g), unless the public agency establishes by a preponderance of the evidence that the resource is not historically or culturally significant.

The 81-acre project parcel (APN 059-209-010) was previously included as part of the original site plan submittal for the 531-acre VEGA SES 4 Solar Energy Project, and analyzed in the *Cultural Resources Inventory, Testing, and Evaluation Report for the VEGA SES 4 Solar Energy Project* prepared by ECORP Consulting, Inc. (ECORP 2021b).

According to the *Cultural Resources Inventory, Testing, and Evaluation Report for the VEGA SES 4 Solar Energy Project* (ECORP 2021b), the following cultural resources within the project site are being treated as eligible for listing in the CRHR as historical resources under CEQA:

- Historic-Period Refuse Scatter: Site 2020-142-004 (CRHR Criteria 1, 2, and 4)

- Pre-Contact Ceramic and Lithic Scatter and Historic-Period Isolate: Site 2020-142-008 (CRHR Criterion 4)

The proposed project has been designed to avoid Sites 2020-142-004 and 2020-142-008. To ensure avoidance of Sites 2020-142-004 and 2020-142-008, Mitigation Measure CR-1 will be implemented. Mitigation Measure CR-1 requires the installation of orange environmentally sensitive area (ESA) fencing or flagging around the boundaries of each of the resources prior to any construction activity and shall remain in place throughout project construction. The placement of the ESA flagging or fencing will be done under the supervision of a qualified archaeologist (to be retained by the project applicant). No project activity (including equipment staging, transportation, vegetation removal, or construction or other crews standing or walking) shall occur within the ESA boundaries of the sites. Implementation of Mitigation Measure CR-1 would reduce impacts on historical resources to a level less than significant.

Given the number of resources identified within the project area, there is a potential to unearth previously unknown cultural resources. In the event that unknown cultural resources are discovered during project construction, significant impacts could occur. However, with implementation of Mitigation Measure CR-2, potential impacts to previously unrecorded cultural resources would be reduced to a level less than significant.

Mitigation Measure(s)

CR-1 **Environmentally Sensitive Area Fencing.** Prior to issuance of grading permits and in coordination with a qualified archaeologist to be retained by the project applicant, the construction zone shall be narrowed or otherwise altered to avoid Sites 2020-142-004 and 2020-142-008. The area within 100 feet of Sites 2020-142-004 and 2020-142-008 shall be designated Environmentally Sensitive Area (ESA) and fenced or flagged with exclusion markers to ensure avoidance. Protective fencing shall not identify the protected area as a cultural resource area in order to discourage unauthorized disturbance or collection of artifacts. The ESA fencing or flags shall remain in place throughout project construction.

CR-2 **Evaluate Significance of Find (Unknown Cultural Resources).** If subsurface deposits believed to be cultural 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 professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and no agency notifications are required.
- If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, he or she shall immediately notify the Imperial County Planning and Development Services Department. The Imperial County Planning and Development Services Department shall consult with the professional archaeologist on a finding of eligibility and implement appropriate treatment measures if the find is determined to be an Historical

Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines, or an Historic Property, as defined in 36 CFR 60.4. 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 site either: 1) is not an Historical Resource under CEQA or an Historic Property under Section 106; or 2) that the treatment measures have been completed to their satisfaction.

b) **Less Than Significant Impact with Mitigation Incorporated.** Pursuant to CEQA Guidelines §15064.5(c)(1) and (2), an archaeological resource includes an archaeological site that qualifies as a significant historical resource as described for Impact 3.6-1. If an archaeological site does not meet any of the criteria outlined in the provisions under Impact 3.6-1 but meets the definition of a "unique archaeological resource" in PRC 21083.2, the site shall be treated in accordance with the provisions of PRC 21083.2, unless the project applicant and public agency elect to comply with all other applicable provisions of CEQA with regards to archaeological resources. "Unique archaeological resource" means an archaeological artifact, object or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

1) Contains information needed to answer important scientific research questions that there is a demonstrable public interest in that information.

2) Has a special and particular quality such as being the oldest of its type or the best available example of its type.

3) Is directly associated with a scientifically recognized important historic event or person.

CEQA Guidelines 15064.5(c)(4) confirms that if an archaeological resource is neither a unique archaeological nor an historic resource, the effects of the project on those resources shall not be considered a significant effect on the environment.

According to the *Cultural Resources Inventory, Testing, and Evaluation Report for the VEGA SES 4 Solar Energy Project* (ECORP 2021b), the project site was in use as agricultural land as early as 1953. Portions of the project site appear to have been used for agricultural purposes at varying times in photographs from 1953 to 1996. The property has undergone agricultural modification, tilling, and grading in past decades. These agricultural activities have likely heavily disturbed the surface and subsurface of the project area, destroying any intact potential prehistoric or historic-era cultural resources. 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-3 would reduce the potential impact associated with the inadvertent discovery of archaeological resources to a level less than significant.

Mitigation Measure(s)

CR-3 **Evaluate Significance of Find (Unknown Archaeological Resources).** 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 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-4 would ensure that the potential impact on previously unknown human remains does not rise to the level of significance pursuant to CEQA.

Mitigation Measure(s)

CR-4 **Human Remains.** 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

a) **Less than Significant Impact.** The proposed project would provide energy storage. The use of energy associated with the proposed project includes both construction and operational activities. Construction activities consume energy through the use of heavy construction equipment and truck and worker traffic. The proposed project will use energy-conserving construction equipment, including standards for construction combustion equipment recommended in the ICAPCD CEQA Air Quality Handbook. The use of better engine technology, in conjunction with the ICAPCD's standards, will reduce the amount of energy used for the proposed project. The proposed project would involve storage of power from the IID grid during non-peak electricity usage, so that it can be released back into the grid during peak periods, allowing for resiliency on the electrical grid. 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. This is considered a less than significant impact.

b) **Less than Significant Impact.** As described above, the proposed project would involve purchase of power during off-peak energy use, and release of power back into the electrical grid during peak use periods, allowing for energy resiliency. The project's source of energy could be from traditional energy sources, as well as renewable if such electricity is a component of the electrical load on the IID "P" Line. The proposed project would not conflict with or obstruct a state or local plan for renewable energy of energy efficiency. This is 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?	☐	☒	☐	☐

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Impact Analysis

ai) **No Impact.** The project site is located in the seismically active Imperial Valley of southern California with several mapped faults of the San Andreas Fault System traversing the region. The project site is not located on an active fault. Furthermore, no portion of the project site is within a designated Alquist-Priolo Special Studies Earthquake Hazards Act zone (HDR 2021), and, therefore, the potential for ground rupture to occur within the project site is considered unlikely. Based on these considerations, the project would not directly or indirectly cause potential substantive adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault. 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 Imperial Fault is located approximately 2 miles west of the project site. All structures and onsite facilities would be designed in accordance with the most recent California Building Code (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.** Liquefaction occurs when granular soil below the water table is subjected to vibratory motions, such as vibratory motion produced by earthquakes. With strong ground shaking, an increase in pore water pressure develops as the soil tends to reduce in volume. If the increase in pore water pressure is sufficient to reduce the vertical effective stress (suspending the soil particles in water), the soil strength decreases, and the soil behaves as a liquid (similar to quicksand). Liquefaction can produce excessive settlement, ground rupture, lateral spreading, or failure of shallow bearing foundations.

Four conditions are generally required for liquefaction to occur:

1) The soil must be saturated (relatively shallow groundwater).
2) The soil must be loosely packed (low to medium relative density).
3) The soil must be relatively cohesionless (not clayey).
4) Groundshaking of sufficient intensity must occur to function as a trigger 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) **No Impact.** According to Figure 3: Landslide Susceptibility in the Seismic and Public Safety Element of the General Plan (County of Imperial 2022), the project site is not located in an

area that is prone to landslide hazards. Furthermore, the project site and surrounding area is relatively flat. Therefore, no impact would occur.

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 Stormwater 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. Therefore, no impact associated with landslides would occur.

Lateral Spreading. The potential for lateral spreading to occur on the project site has not yet been determined. 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. 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.

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.). 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.

Collapse. The potential for collapse to occur on the project site has not yet been determined. 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. Expansive soils are characterized by their ability to undergo significant volume changes (shrink or swell) due to variations in moisture content. Changes in soil moisture content can result from precipitation, landscape irrigation, utility leakage, roof drainage, perched groundwater, drought, or other factors and may result in unacceptable settlement or heave of structures. The project site is underlain by sand, gravelly sand and clay/silty clay. Generally, sands are not considered expansive soils. However, clays may exhibit moderate to high expansion potential due to variation in moisture content. Unless properly mitigated, shrink-swell soils could exert additional pressure on buried structures and electrical connections producing shrinkage cracks that could allow water infiltration and compromise the integrity of backfill material. These conditions could be worsened if structural facilities are constructed directly on expansive soil materials.

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 an operations and maintenance building. The proposed BESS facility would be remotely operated, controlled and monitored and with no requirement for daily on-site employees. Therefore, no septic or other wastewater disposal systems would be required for the project and no impact would occur.

f) **Less than Significant Impact with Mitigation Incorporated.** The project site is in the Salton Basin near the shoreline of ancient Lake Cahuilla. 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. In 1905, the Colorado River overflowed into the Salton Basin creating the present-day Salton Sea. The project site is generally underlain by deposits from periodic flooding of the Colorado River and Lake Cahuilla (HDR 2021). Sediments from this formation have yielded fossilized remains of continental vertebrates, invertebrates, and plants at numerous previously recorded fossil sites in the Imperial Valley. Therefore, the project site is considered paleontologically sensitive.

Although unlikely, project construction has the potential to unearth and/or potentially destroy previously undiscovered paleontological resources. This potential impact is considered a significant impact. However, implementation of Mitigation Measure GEO-1 would reduce the potential impact on paleontological resources to a level less than significant.

Mitigation Measure(s)

GEO-1 Paleontological Resources. In the event that unanticipated paleontological resources or unique geologic resources are encountered during ground-disturbing activities, work must cease within 50 feet of the discovery and a paleontologist shall be hired to assess the scientific significance of the find. The consulting paleontologist shall have knowledge of local paleontology and the minimum levels of experience and expertise as defined by the *Society of Vertebrate Paleontology's Standard Procedures (2010) for the Assessment and Mitigation of Adverse Impacts to Paleontological*

Resources. If any paleontological resources or unique geologic features are found within the project site, the consulting paleontologist shall prepare a paleontological Treatment and Monitoring Plan to include the methods that will be used to protect paleontological resources that may exist within the project site, as well as procedures for monitoring, fossil preparation and identification, curation of specimens into an accredited repository, and preparation of a report at the conclusion 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

a) **Less than Significant Impact.** Construction and operation of the project would result in a relatively small amount of greenhouse gas (GHG) emissions. The project would generate GHG emissions during construction and routine operational activities at the project site.

The 81-acre project parcel (APN 059-209-010) was previously included as part of the original site plan submittal for the 531-acre VEGA SES 4 Solar Energy Project, and analyzed in the *Air Quality and Greenhouse Gas Assessment for the VEGA SES 4 Solar Energy Project* prepared by ECORP Consulting, Inc. (ECORP 2021a). The results of the 2021 air quality and greenhouse gas assessment were reviewed and summarized below for comparison purposes.

Construction. Construction-related activities that would generate GHG emissions include worker commute trips, haul trucks carrying supplies and materials to and from the project site, and off-road construction equipment (e.g., dozers, loaders, excavators).

According to the *Air Quality and Greenhouse Gas Assessment for the VEGA SES 4 Solar Energy Project,* the VEGA SES 4 Solar Energy Project would not generate GHG emissions in exceedance of the Mojave Desert Air Quality Management District's (MDAQMD) screening threshold of 100,000 $MTCO_2e$ per year. This significance threshold is not binding on the project, yet in the absence of an established threshold from the ICAPCD or County it is instructive for comparison purposes. This threshold is also appropriate for use in this analysis as the MDAQMD GHG thresholds were formulated based on similar geography and climate patterns as found in Imperial County.

Similar to the VEGA SES 4 Solar Energy Project, the proposed project would generate GHG emissions during construction. However, it can be assumed that the proposed project's construction emissions would be less than the VEGA SES 4 Solar Energy Project due to size (81 acres vs. 531 acres) and shorter construction duration. Therefore, the proposed project would not generate GHG emissions in exceedance MDAQMD's screening threshold of 100,000 $MTCO_2e$ per year, and this is considered a less than significant impact.

Operation. Once the BESS facility is operational, very few vehicular trips would be expected. The project would be an unmanned facility that would be operated remotely. Therefore, the

project would not generate routine daily trips. Occasional maintenance trips would be required. Based on these considerations, the proposed project's operational GHG emissions would be minimal and would not exceed MDAQMD's screening threshold of 100,000 $MTCO_2e$ per year. This is considered a less than significant impact.

b) **Less than Significant Impact.** 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. Therefore, the proposed project would not conflict with any applicable plan, policy, or regulation adopted for reducing the emissions of GHGs and a less than significant impact would occur.

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.

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Transportation of hazardous materials relating to the battery ESS 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 California Department of Toxic Substances Control (DTSC) regulations. Therefore, 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 C.F.R., Parts 171-180). The HMR apply to any material DOT determines is capable of posing 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 (DOT 2021). Additionally, carbon (as graphite) is flammable and could pose a fire hazard. As further detailed below, 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 BESS facility 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, the 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.

Protection would be provided as part of the project design by housing the battery units in enclosed structures to provide containment should a fire break out or for potential spills. Any potential fire risk that the traditional lithium-ion cells have will most likely be caused by over-charging or through short circuit due to age. Fire protection systems for battery systems would be designed in accordance with standards and requirements for energy storage system including, but not limited to the following:

- National Fire Protection Association
    - 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.

- Occupational Safety and Health Administration
  - 29 CFR 1910.134(g)(4)
- California Fire Code
  - Chapter 12 section 1206 Electrical Energy Storage System
  - Chapter 9 Fire Protection and Life Safety System

The general approach to fire mitigation at the project site would be prevention of an incident, followed by attempts to isolate and control the incident to the immediately affected equipment. The proposed project would use the TESLA or equal battery system. Due to the use of the TESLA or equal battery system, fire protection in the event of a fire will be to protect the surrounding areas. The TESLA system is designed to melt within their containers. Extinguishing the battery fires are not recommended as this would prolong the fire and smoke.

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, Occupational Safety and Health Administration, and California Fire Code. With adherence of applicable standards and requirements and conditions of approval as part of the CUP, a less than significant impact would occur.

c) **No Impact.** The project site is not located within 0.25 mile of any existing or proposed schools. Therefore, the proposed project would not pose a risk to nearby schools and no impact would occur.

d) **No Impact.** Based on a review of the Cortese List conducted in August 2025, the project site is not listed as a hazardous materials site (California Department of Toxic Substances Control 2025). Therefore, implementation of the proposed project would result in no impact related to the project site being located on a listed hazardous materials site.

e) **No Impact.** The project site is not located within 2 miles of a public airport. The nearest airports to the project site is the Calexico International Airport located approximately 11 miles west of the project site. The proposed gen-tie would not exceed 60 feet in height. Therefore, implementation of the proposed project would not result in a safety hazard or excessive noise for people residing or working in the project area and no impact would occur.

f) **Less than Significant Impact.** The Imperial County Operational Area Emergency Operations Plan (Imperial County OES 2016) does not identify specific emergency roadway routes as part of their emergency operations plan (EOP). The Circulation & Scenic Highways Element of the

General Plan (County of Imperial 2008) identifies SR-98 and SR-7/S-32, which are located in the project vicinity and provide regional and local connections, as major access routes and corridors. However, the proposed project does not include any alteration to the existing public road network and would not involve blocking or restricting any access routes. Therefore, the proposed project would not interfere with an adopted emergency response plan or emergency evacuation plan, and this is considered a less than significant impact.

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 (County of Imperial 2022), the potential for a major fire in the unincorporated areas of the County is generally low. 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 2024). 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 implementation of the proposed project. 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 SWPPP and submittal of a NOI to comply with the General Construction Permit. 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. This impact is considered less than significant.

b) **No Impact.** The proposed project would not involve the use of groundwater. Construction and operational water needs would be provided by the All-American Canal in conformance with IID construction water acquisition requirements. Therefore, the proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the proposed project may impede sustainable groundwater management of the basin. No impact would occur.

ci) **Less than Significant Impact.** As discussed in Response X. a) above, the 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. 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 within 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) **No Impact.** According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (Panel 06025C2125C) (FEMA 2008), the project site is within Zone X, which is an area determined to be outside of the 0.2 percent annual chance of a flood. Therefore, the proposed project would not 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 impede or redirect flood flows, and no impact would occur.

d) **No Impact.** The project site is within Zone X, which is an area determined to be outside of the 0.2 percent annual chance of a flood. The project site is not located near any large bodies of water. The Salton Sea is located approximately 38 miles northwest of the project site. Because of the distance, the Salton Sea does not pose a danger of inundation from seiche or tsunami as related to the project site. Furthermore, the project site is over 100 miles inland

from the Pacific Ocean. In addition, the project site is relatively flat. Therefore, there is no potential for the project site to be inundated by seiches or tsunamis. No impact would occur.

e) **Less than Significant Impact.** The proposed project would not involve the use of groundwater. Water to be used during project-related construction activities will be limited to the amount necessary to conduct dust control activities. During construction, construction water would be brought to the site for soil conditioning and dust suppression. Dewatering activities are not anticipated to be performed as part of the project. As discussed above, 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 proposed project is located in a sparsely populated, agriculturally zoned portion of Imperial County. There are no established residential communities located within or in the vicinity of the project site. Therefore, implementation of the proposed project would not divide an established community. No impact would occur.

b) **No Impact.** The project's consistency with applicable land use plans, policies, and regulations is evaluated below.

County of Imperial Land Use Ordinance. Development of the BESS facility and supporting infrastructure is subject to the County's zoning ordinance. The project site is located on one privately-owned parcel zoned Heavy Agriculture with Renewable Energy Overlay (A-3-RE). The applicant is requesting a conditional zone change from A-3-RE to Light Industrial with Renewable Energy Overlay (M-1-RE). Implementation of the project would require the approval of a CUP by the County to allow for the construction and operation of the proposed BESS. Pursuant to Title 9, Division 5, Chapter 15, the following uses are permitted in the M-1 zone subject to approval of a CUP from Imperial County:

- *Battery Storage*
- *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. Such uses shall include, but not be limited to, the following:*
    - *Electrical generation plants*
    - *Facilities for the transmission of electrical energy (100-200 kV)*
    - *Electrical substations in an electrical transmission system (500 kV/230 kV/161 kV)*

With a conditional zone change, only proposed project uses (i.e., the BESS and supporting infrastructure), would be allowed. The conditional zone change would not allow other uses that are allowed within the M-1 zone. Therefore, with approval of a CUP for the project, the

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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.** The project site is not used for mineral resource production. According to Figure 8: Imperial County Existing Mineral Resources of the Conservation and Open Space Element of the General Plan (County of Imperial 2016), no known mineral resources occur within the project site nor does the project site contain mapped mineral resources. Therefore, the proposed project would not result in the loss of availability of any known mineral resources that would be of value to the region and the residents of California nor would the proposed project result in the loss of availability of a locally important mineral resource. Thus, no impact would occur.

b) **No Impact.** Refer to response XIII. a) above.

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

a) **Less than Significant Impact.** The 81-acre project parcel (APN 059-209-010) was previously included as part of the original site plan submittal for the 531-acre VEGA SES 4 Solar Energy Project, and analyzed in the *Noise Impact Assessment for the VEGA SES 4 Solar Energy Project* prepared by ECORP Consulting, Inc. (ECORP 2021c). The results of the 2021 noise impact assessment were reviewed and summarized below.

Construction. Construction noise associated with the proposed project would be temporary and would vary depending on the nature of the activities being performed. Noise generated would primarily be associated with the operation of off-road equipment for onsite construction activities as well as construction vehicle traffic on area roadways. Construction noise typically occurs intermittently and varies depending on the nature or phase of construction (e.g., land clearing, grading, excavation, paving). During construction, exterior noise levels could negatively affect sensitive land uses in the vicinity of the construction site. Nearby noise-sensitive land uses consist of a scattering of single-family residential units located within 1 mile of the project site boundary to the north across the All-American Canal.

The County's General Plan Noise Element states construction equipment operation shall be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturdays. No commercial construction operations are permitted on Sundays or holidays. Construction noise, from a single piece of equipment or a combination of equipment, shall not exceed 75 dB L_{eq}, when averaged over an 8-hour period, and measured at the nearest sensitive receptor. This standard assumes a construction period, relative to an

individual sensitive receptor of days or weeks. In cases of extended length construction times, the standard may be tightened so as not to exceed 75 dB L_{eq} when averaged over a one 1-hour period.

According to the *Noise Impact Assessment for the VEGA SES 4 Solar Energy Project* prepared by ECORP Consulting, Inc. (ECORP 2021c), no individual or cumulative pieces of construction equipment would exceed the 75 dBA Imperial County construction noise standard during any phase of construction at the nearest noise-sensitive receptor.

The closest sensitive receptor to the Border BESS project site is approximately 0.82 miles to the north, located south of SR-98 and east of Mesa Lateral Two. Potential noise levels at this sensitive receptor were analyzed in the *Noise Impact Assessment for the VEGA SES 4 Solar Energy Project.* As described above, no individual or cumulative pieces of construction equipment would exceed the 75 dBA Imperial County construction noise standard during any phase of construction at the nearest noise-sensitive receptor. Therefore, the proposed Border BESS project would not generate a substantial temporary 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 during construction. Impacts would be less than significant.

Operation. Project operations would result in minimal additional traffic on adjacent roadways. The only visitors to the site would be that of repair or maintenance workers, whose presence at the site would be infrequent. Sporadic vehicle activity resulting from maintenance and operations trips would not result in a doubling of traffic, and therefore its contribution to existing traffic noise would not be perceptible. Based on these considerations, project operation would not generate a substantial 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 during construction. Impacts would be less than significant.

b) **Less than Significant Impact.** Groundborne vibration could originate from earth movement during the construction phase of the proposed project. However, significant vibration is typically associated with activities such as blasting or the use of pile drivers, neither of which would be required during project construction. The proposed project would be expected to comply with all applicable requirements for long-term operation, as well as with measures to reduce excessive groundborne vibration to ensure that the proposed project would not expose persons or structures to excessive groundborne vibration. Therefore, a less than significant impact has been identified for this issue area.

c) **No Impact.** The project site is not located within 2 miles of a public airport or a public use airport. The nearest airports to the project site are the Calexico International Airport located approximately 11 miles west of the project site and Holtville Airport located approximately 11 miles north of the project site. According to the Imperial County Airports Department, the Holtville Airport is currently closed. The Imperial County Airport Land Use Commission has established a set of land use compatibility criteria for lands surrounding the airports in Imperial County in the Imperial County Airport Land Use Compatibility Plan (ALUCP) (County of Imperial 1996). According to Figure 4G of the ALUCP, the project site is outside of the noise contours of the Calexico International Airport. Therefore, the 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.** Development of housing is not proposed as part of the proposed project. No full-time employees are required to operate the proposed project since the project facility will be monitored and controlled/operated remotely. However, it is anticipated that maintenance of the facility will require minimal site presence to perform periodic visual inspections and minor repairs. On intermittent occasions, the presence of additional workers may be required for repairs or replacement of equipment; however, due to the nature of the facility, such actions will likely occur infrequently. Therefore, the proposed project would not result in a substantial growth in the area, as the number of employees required to operate and maintain the facility is minimal. No impact would occur.

b) **No Impact.** No housing exists within the project site. Therefore, the proposed project would not displace any existing people or housing, which would require 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 in the project area are 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.

The project site is in a relatively remote location, reducing the potential for significant hazards to populations in surrounding areas. However, the project site's remote location would involve longer response times for fire department responses, which in turn, could result in incidents that are more difficult to stabilize and may require additional fire and emergency response resources to manage in a safe manner. In order to secure emergency access to the project site, authorized permissions will be required from the U.S. Border Patrol, U.S. Department of the Navy, and Bureau of Land Management (BLM). The Applicant has submitted a SF-299 right-of-way application to the BLM for right-of-way approvals under the responsibility of the BLM. Additionally, the project applicant is currently coordinating with the U.S. Border Patrol and U.S. Department of the Navy to obtain approvals for access from each of these jurisdictions.

Utility-scale BESS requires specialized and reliable equipment to perform firefighting operations to NFPA recommendations, OSHA requirements, and ICFD standards. These standards are:

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 Medical 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

The project applicant will be required to consult and coordinate with the Fire Department and address fire safety and service concerns associated with the proposed project. This will include conditions and requirements that address operational characteristics of the BESS (e.g., battery storage system fire prevention and control systems), as well as emergency fire response access to the project site. Compliance with fire department requirements and conditions of approval associated with the Conditional Use Permit, is required so that adequate service is maintained. Potential fire/emergency access under consideration includes access from the west, as discussed in the Project Description, as well as, potential access across the existing bridge over the All American Canal.

In addition to standards NFPA, OSHA and CFC standards, Imperial County Fire requirements include provision of a fire department approved water supply (capable of supplying minimum fire flow of 1500 gallons per minute for 2 hours) as determined by appendix B in the California Fire Code, approved automatic fire suppression system on all required structures (pursuant to the California Fire Code Chapter 12 and NFPA 855), fire department approved all-weather access roads for fire protection vehicles, development of an Emergency Operation Plan, construction of the BESS with adequate explosion prevention protection in accordance with NFPA 855 and/or California Fire Code Chapter 12, signage, approval of emergency response/action plan, pre-incident plan and hazardous waste materials plan, payment of applicable development fees, and fire department training. Access to the project site with respect to the bridge, right-of-way agreements, and other items related to approved emergency access is subject to review and approval by the Fire Department.

While the proposed project may result in an increase in demand for fire protection service, with installation of internal fire prevention systems and compliance with ICFD requirements as an outcome of consultation with ICFD, including adherence to any special conditions regarding fire control and access, the project would not result in an increase in demand that would, in turn, result in a substantial adverse physical impact associated with the provision of new or physically altered fire protection 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. Based on these considerations, the

project would not result in a need for fire facility expansion and a less than significant impact would occur.

aii) **Less than Significant Impact.** Police protection services in the project area is provided by the Imperial County Sheriff's Department. Although the potential is low, the proposed project may attract vandals or other security risks. The increase in construction related traffic could increase demand on law enforcement services. However, the project site would be fenced with 8-foot-high chain link security fence and points of ingress/egress would be accessed via locked gates. In addition, periodic on-site personnel visitations for security would occur during operations and maintenance of the proposed project, thereby minimizing the need for police surveillance. The project will be required to comply with conditions as identified by the Imperial County Sheriff's Office, including provision of a detailed security/safety plan and diagram approved by the County prior to any activity on the project site, annual ICSO employee training, installation of adequate lighting, fencing and safety measures to prevent or deter criminal activity, installation of license plate readers and security cameras, and payment of applicable fees. While the proposed project may result in a temporary increase in demand for law enforcement service, the project would not result in an increase in demand that would, in turn, result in a substantial adverse physical impact associated with the provision of new or physically altered sheriff 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. Therefore, a less than significant 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. Additionally, 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. Therefore, no impact would occur.

aiv) **No Impact.** Although maintenance of the project facility will require minimal site presence to perform periodic visual inspections and minor repairs, no full-time employees are required to operate the proposed project because the project facility will be monitored and controlled/operated remotely. Therefore, substantial permanent increases in population that would adversely affect local parks is not expected. No impact would occur.

av) **No Impact.** Although maintenance of the project facility will require minimal site presence to perform periodic visual inspections and minor repairs, no full-time employees are required to operate the proposed project because the project facility will be monitored and controlled/operated remotely. Therefore, substantial permanent increases in population that would adversely affect libraries and other public facilities (such as post offices) is not expected. The proposed project is not expected to have an impact on other public facilities such as post offices, and libraries. No impact would occur.

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

a) **Less than Significant Impact.** Implementation of the proposed project would not require any public road widening to accommodate vehicular trips associated with the proposed project (construction phase and operational phase). Additionally, future operations and maintenance would be conducted remotely, with minimal trips to the project site. There is no regular bus service to the general area and project-related construction and operations and maintenance phases would not impact mass transit. The proposed project would not interfere with bicycle facilities because the proposed project is located in a rural portion of the County with no existing or potential future designated bike routes in the area. Therefore, the proposed project would not result in any significant impacts to any roadway segments or transportation related facilities/infrastructure within the project area during construction and operation; and would not conflict with a program plan, ordinance, or policy as it relates to traffic and transportation. Impacts are considered less than significant.

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. Construction of the project would be temporary, and the traffic volumes generated by construction would be minor. Given the nature of the project, after construction, there would be a nominal amount of vehicle trips generated by the project. Once the proposed BESS facility is operational, there would be no increase in automobile trips to the area. While it is anticipated that the proposed BESS facility would require periodic maintenance, maintenance would be minimal requiring a negligible amount of traffic trips on an annual basis. Therefore, the proposed project would result in a less than significant VMT impact.

c) **Less than Significant Impact.** The proposed project does not include any alteration to the existing public road network. Access roads would be graded and compacted (native soils) as required for construction, operations, maintenance, and emergency vehicle access. Additionally, any proposed haul routes would be submitted to the County for approval prior to construction. Therefore, the project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Impacts are considered less than significant.

d) **Less than Significant 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. Emergency access is limited to the project site. Light-duty emergency equipment and vehicles (such as an ambulance or law enforcement vehicle), would obtain access from the existing bridge across the All American Canal east of the site (as would be the case with the immediately adjacent CEDAR 1 Solar project). Heavy-duty fire apparatus would access the site from the west, initiating along Anza Road from the west, and then transitioning off Anza Road to the existing border road. The project otherwise does not propose any features or components that would interfere with emergency access to other properties. 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) **Less than Significant Impact.** Assembly Bill 52 was passed in 2014 and took effect July 1, 2015. It established a new category of environmental resources that must be considered under CEQA called tribal cultural resources (Public Resources Code 21074) and established a process for consulting with Native American tribes and groups regarding those resources. Assembly Bill 52 requires a lead agency to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.

An AB 52 consultation request letter was sent to the Ft. Yuma Quechan Indian Tribe, Campo Band of Mission Indians, and Viejas Band of Kumeyaay Indians on January 9, 2026, with the initial AB 52 consultation period extending from January 9, 2026 to February 8, 2026.

Additionally, SB 18 consultation request were sent to the Ft. Yuma Quechan Indian Tribe, Campo Band of Mission Indians, and Viejas Band of Kumeyaay Indians on January 9, 2026, with the initial SB 18 consultation period extending from January 9, 2026 to April 9, 2026.

The Ft. Yuma Quechan Indian Tribe requested more information on Sites 202-142-004 and 2020-142-008, and requested that the County provide an updated Cultural Resources Inventory Report, if an update had been prepared. In response to this, the County provided more information regarding Sites 202-142-004 and 2020-142-008 and the Cultural Resources Inventory Report.

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The Campo Band of Mission Indians responded on January 9, 2026 requesting government-to-government consultation and requested the SCIC “sacred files” records.

The Viejas Band responded on January 9, 2026 and indicated that the site has cultural significance or ties to Viejas, as cultural resources have been located within or adjacent to the APE-DE of the proposed project. Viejas Band requested that a Kumeyaay Cultural Monitor be on site for ground disturbing activities and that they be informed of any inadvertent discovery of cultural artifacts, cremation sites, or human remains. Additionally, Viejas indicated that they would defer to a Tribe, if such Tribe has closer proximity to the Project, and requests to perform cultural monitoring.

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 service systems. The proposed project would not require the construction of any water, wastewater, stormwater, or energy facilities to accommodate the demand of the project. The project's water use would be limited to the construction phase, and no infrastructure would be required to provide water to the project site. Water will be obtained from IID canals in conformance with IID construction water acquisition requirements. Water will be picked up from the source and delivered to the project site by a water truck which will be capable of carrying approximately 4,000 gallons. The proposed BESS facility would not generate wastewater that would need to be treated by a wastewater treatment facility as no facilities, such as O&M building or restrooms are proposed, and the site will generally be remotely operated. Storm water control would be implemented for the project site and access road, but

would not require improvements or expansion of any existing, off-site systems. Due to the lack of public utilities and services available within the project site, and the lack of need to provide expanded services to accommodate the project, impacts are considered less than significant.

b) **Less than Significant Impact.** The project's water use would be limited to the construction phase only, which would involve utilizing water for dust control. Water will be obtained from IID canals in conformance with IID construction water acquisition requirements. Water will be picked up from the source and delivered to the project site by a water truck which will be capable of carrying approximately 4,000 gallons. Operation of the BESS facility would not require significant amount of water and would be limited to general maintenance activities. Therefore, this impact is considered less than significant.

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 by the use of portable toilets that would be removed from the project site once construction is complete. No impact would occur.

d) **Less than Significant Impact.** Solid waste generation would be minor for the construction and operation of the proposed project. Solid waste will be disposed of using a locally-licensed waste hauling service, most likely Allied Waste. Trash would likely be hauled to the Calexico Solid Waste Site (13-AA-0004) located approximately 13 miles west of the proposed project in Calexico. The Calexico Solid Waste Site has approximately 1,561,235 cubic yards of remaining capacity and is estimated to remain in operation through 2179 (CalRecycle 2021). 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. 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 well is expected to be minimal. 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)-d) **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 on or near state responsibility areas or lands classified as very high hazard severity zones (California Department of Forestry and Fire Protection 2024). Therefore, the proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan; expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; exacerbate fire risk; or, expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire instability, or drainage changes. No impact is identified for wildfire.

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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 with Mitigation Incorporated.**

Biological Resources

Special-Status Plants

As described in Response IV. a) above, there is moderate potential for three rare plant species, Abram's spurge (CRPR 2B.2), Wiggins' croton (CRPR 2B.2), and sand food (CRPR 1B.2), to be present within the project area. Potential impacts that may occur to the species during project construction includes loss of individuals, habitat, and seedbank. Depending on the size of the population, potential impacts be significant. Implementation of Mitigation Measures BIO-1, BIO-2, and BIO-3 would reduce impacts to a level less than significant.

Special-Status Wildlife

Five special-status wildlife species were observed on site during the biological reconnaissance survey: black-tailed gnatcatcher, northern harrier, burrowing owl, yellow warblers, and loggerhead shrikes. Direct construction-related impacts to wildlife species that could occur include injury, mortality, nest failures, and loss of young. Indirect impacts include increase in anthropogenic effects (i.e., noise levels, introduction of invasive/nonnative species, increase in human activity, and increase in dust). However, implementation of Mitigation Measures BIO-2, BIO-3, BIO-4, BIO-5, and BIO-6 would reduce potential impacts to a level less than significant.

The project site provides nesting habitat for ground-nesting species as well as species that nest in riparian scrub habitat. Direct construction-related impacts to wildlife species that could occur include injury, mortality, nest failures, and loss of young. Indirect impacts include increase in anthropogenic effects (i.e., noise levels, introduction of invasive/nonnative species, increase in human activity, and increase in dust). Potential impacts would be considered significant. Implementation of Mitigation Measures BIO-2, BIO-5, and BIO-6 would reduce potential impacts to a level less than significant.

Cultural Resources

As described in Response V. a) above, the proposed project has been designed to avoid Sites 2020-142-004 and 2020-142-008. To ensure avoidance of Sites 2020-142-004 and 2020-142-008, Mitigation Measure CR-1 will be implemented. Implementation of Mitigation Measure CR-1 would reduce impacts on historical resources to a level less than significant.

Given the number of resources identified within the project area, there is a potential to unearth previously unknown cultural resources. In the event that unknown cultural resources are discovered during project construction, significant impacts could occur. However, with implementation of Mitigation Measure CR-2, potential impacts to previously unrecorded cultural resources would be reduced to a level less than significant.

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-3 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-4 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 I. f) above, the project site is located within an area where paleontological sensitivity is considered to be high. 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 in the project site may encounter significant vertebrate fossil remains. Implementation of Mitigation Measure GEO-1

would ensure that the potential impacts on paleontological resources do not rise to the level of significance pursuant to CEQA.

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, 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, utilities and service systems.

   The proposed project would have potential impacts that are significant on the following resources areas: air quality (short-term, construction emissions), biological resources, cultural resources and geology and soils. 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 finding of 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.

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List of Preparers

This Initial Study was prepared for the Imperial County Planning and Development Services Department by HDR at 591 Camino de la Reina, Suite 300, San Diego, CA 92108. 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

Diana Robinson, Planning Division Manager

Rocio Yee, Planner II

HDR

Tim Gnibus, Principal

Sharyn Hidalgo, Project Manager

Trent Lundberg, Senior Geographic Information Systems Analyst

Katherine Turner, Document Production Administrator

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.

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 Date

EEC ORIGINAL PKG

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