

3.0 – COMMENTS AND RESPONSE TO COMMENTS ON THE DRAFT PEIR

3.1 INTRODUCTION

This chapter includes all comments received on the Draft PEIR during the 50-day public and agency review period (45-day minimum per CEQA, plus 5 days per County of Imperial Guidelines). No new significant environmental impacts or issues beyond those already identified in the Draft PEIR for the proposed Project were raised during the public review period. Acting as lead agency under CEQA, Imperial County directed responses to the comments received on the Draft PEIR. Pursuant to CEQA Guidelines Section 15088.5, none of the comments received during the comment period involve any new significant impacts or “significant new information” that would require recirculation of the Draft PEIR.

3.2 LIST OF COMMENTERS

The following individuals and representatives of organizations and agencies submitted written comments on the Draft PEIR.

Letter	Individual or Signatory	Affiliation	Date
1	Kenyon A. Corey	United States Fish and Wildlife Service	2/25/15
2	David S. Hulse	Naval Air Facility El Centro	2/24/15
3	Scott Morgan	State Clearinghouse	2/26/15
4	Jacob Armstrong	Caltrans District 11	2/9/15
5	Clifford E. Parli	Department of Conservation	2/18/15
6	Shankar Sharma	California Department of Fish and Wildlife	2/25/15
7	David Elms	California Department of Fish and Wildlife	2/13/15
8	Garratt Aitchison	Department of Parks and Recreation	2/25/15
9	Belen Leon	Imperial County Air Pollution Control District	2/25/15
10	Stephen W. Benson	Imperial Irrigation District	2/23/15
11	Andrew Spurgin	County of San Diego	2/25/15
12	Stephanie Dashiell, Sarah Friedman, Garry George, and James Peugh	Audubon California	2/25/15
13	Ileene Anderson and Lisa Belenmy	Center For Biological Diversity	2/25/15
14	Luis Olmedo	Comité Cívico Del Valle	2/25/15
15	Adam J. Regele	Adams Boradweel Joseph & Cardozo	2/25/15
16	Stephan C. Volker	Law Offices of Stephan C. Volker	2/25/15
17	Michael Abatti	Resident	2/25/15
18	Carolyn Allen	Resident	2/25/15
19	Nicholas Guillaume	Pristine Sun	1/22/15
20	Edie Harmon	Resident	2/24/15
21	Donna Tisdale	Resident	2/25/15
22	Diane Cason	Cal Energy	2/23/15

3.3 COMMENTS AND RESPONSES

3.3.1 Requirements For Responding to a Draft EIR

CEQA Guidelines Section 15088 requires that lead agencies evaluate all comments on environmental issues received on the Draft EIR and prepare a written response. CEQA Guidelines Section 15088 also recommends that where the response to comments results in revisions to the Draft EIR, those revisions should be noted as a revision to the Draft EIR or in a separate Section of the Final EIR.

3.3.2 Comments and Response to Comments

Written comments on the Draft PEIR are reproduced on the following pages, along with responses to those comments. To assist in referencing comments and responses, the letters are coded using numbers (e.g., Comment Letter 1) and each issue raised in the comment letter is assigned a number that correlates with the letter (e.g., 1-1, 1-2, 1-3, etc.).

Where changes to the Draft PEIR text result from responding to comments, those changes are included in the response and demarcated with revision marks (clarifications to the Draft PEIR text are shown with underline and text removed from the Draft PEIR is shown with ~~striketrough~~). Comment-initiated text revisions to the Draft PEIR and minor staff-initiated changes are compiled in their entirety and are demarcated with revision marks in Chapter 4.0, Errata, of this Final PEIR.

1 – U.S. Fish and Wildlife Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Palm Springs Fish and Wildlife Office
777 East Tahquitz Canyon Way, Suite 208
Palm Springs, California 92262



In Reply Refer To:
FWS-IMP-14B0291-15CPA0162

FEB 25 2015

Mr. Jim Minnick, Director
Planning and Development Services
Imperial County
801 Main Street
El Centro, California 92243

Subject: Comments on the Draft Environmental Impact Report for the Renewable Energy and
Transmission Element General Plan Amendment, Imperial County, California

Dear Mr. Minnick:

The U.S. Fish and Wildlife Service (Service) appreciates the opportunity to comment on the subject draft Environmental Impact Report (DEIR). We previously commented on the Baseline Environmental Inventory Report for the Imperial County Geothermal/Alternative Energy and Transmission Element Update, in a letter dated July 11, 2014, and Notice of Preparation for the DEIR, in a letter dated August 22, 2014. This letter incorporates those comments by reference and provides additional information specific to the DEIR.

General Comments

The main conservation issues addressed in this letter involve effects to flat-tailed horned lizard, Yuma Ridgeway's rail (*Rallus obsoletus yumanensis*), burrowing owl (*Athene cunicularia*), migratory birds, the impact analysis and associated mitigation measures, and consistency with Bureau of Land Management (BLM) West Chocolate Mountains Renewable Energy Evaluation Area.

The proposed Renewable Energy Overlay Zone Map (overlay zone) in the preferred alternative of the DEIR generally supports regional biological goals and objectives for species the Service considers to be of management priority, and would greatly reduce potential impacts contemplated under the other DEIR alternatives. We commend the County for avoiding the inclusion of most native desert habitat, important to many species including desert bighorn sheep, burro deer, flat tailed horned lizard, and desert tortoise. Further, the proposed overlay zone minimizes potential impacts to most agricultural lands, which support a rich diversity and abundance of birdlife.

Despite the valley-wide conservation value afforded by avoidance of important wildlife habitat outside the overlay zone, other aspects of the proposed action overlook potentially significant impacts and mitigation opportunities within the overlay zone. This analytical deficit involves several of the recommendations discussed in our previous correspondence, and reprised below, which were not recognized in the DEIR. These include the restriction from the overlay zone, and elsewhere, of select renewable energy technologies (wind and solar power towers) that have proven particularly harmful to migratory birds and other volant species.

Comment
1-1

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Though the Service generally supports the proposed overlay zone, we would like to continue working with the County to incorporate the refinements recommended in our Specific Comments below and issues raised in our previous correspondence (cited above) in the final EIR and through the General Plan amendment process. If the County would rather address species-specific issues through the ongoing and parallel General Plan amendment process for the Conservation and Open Space element, the inter-relatedness of the two amendment processes should be described in the final EIR and associated documents.

Comment
1-2

Programmatic-scale plans, such as the County's General Plan, provide the appropriate framework for addressing regionally significant issues and the cumulative effects of constituent projects and activities. Our specific comments below are offered for that purpose and include concepts intended to be adopted as programmatic requirements suitable for application to all renewable energy-related projects that impact the species discussed below.

Comment
1-3

The Sonny Bono Salton Sea National Wildlife Refuge (Refuge) provides habitat for migratory birds and endangered species on the southern end of the Salton Sea and adjacent lands. All of the Refuge lands are not shown in Figure 4.4-4, Special Management Areas. The Refuge can provide a more accurate map to the County and its consultants to include in the final EIR. It appears that the areas that have been omitted are areas that we have leased or managed as part of the Refuge by permit or agreement but are owned by another agency (i.e., Imperial Irrigation District, California Department of Transportation, and California Department of Fish and Wildlife). Similarly, Table 4.4-3 lists the Refuge land acreage as 31,787. The actual size of the Refuge is 37,658 acres.

Comment
1-4

Specific Comments

Flat-tailed Horned Lizard

The proposed overlay zone intrudes on the East Mesa Management Area (MA) and Ocotillo Wells Research Area (RA), both designated for protection under the species' Rangewide Management Strategy (RMS), which included numerous State and Federal signatories, and provides the framework conservation strategy for the species on BLM lands and those of the other signatory agencies. The RMS limits surface disturbance to 1 percent of each MA/RA, which would effectively preclude utility-scale solar energy development. The only forms of energy production allowed in the RMS are geothermal with no surface occupancy, and any resources subject to the General Mining Law of 1872 (planning action 2.3.1). Thus, the proposed allowance of renewable energy development (except geothermal with no surface occupancy) within the limited amount of land under jurisdiction of the County in this MA and RA conflicts with RMS objectives. The proposed overlay zone in the RA and MA also conflict with the draft DRECP, which maintains consistency with the RMS by restricting renewable energy generation to geothermal only, with no surface occupancy. Therefore, to be consistent with the RMS and draft DRECP, we recommend that the EIR and General Plan amendment allow only geothermal development (with no surface occupancy) on private lands in the RA and MA, and adopt the mitigation strategy and ratios in the RMS on private lands under the jurisdiction of the County.

Comment
1-5

Yuma Ridgway's Rail (formerly Yuma Clapper Rail)

The proposed overlay zone encompasses an important habitat area for the rail that is protected as mitigation for the impacts of lining the All-American Canal. The habitat occurs between the canal and international border on Federal lands bordering the small, triangular BLM Solar Energy Zone. The parcels supporting this habitat and all other suitable breeding habitat in the valley (mainly the Imperial Wildlife

Comment
1-6

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Area and the Refuge), and an avoidance zone around each of them as discussed below under Migratory birds, should be protected from renewable energy development and omitted from the overlay zone.

Comment
1-6
(continued)

As discussed in our previous letters (cited above), fields of solar panels can appear from above to be waterbodies creating what we refer to as the “lake effect”. They can also introduce new physical obstacles in the landscape that have proven lethal to this species, including one documented fatality at the Solar Gen 2 thin film facility [photovoltaic (PV)] constructed east of Calipatria. Other species of rails (Virginia rail and sora) and water-associated birds have collided with panels, mirrors, and other structures used by solar trough and power tower technologies. To date, companies and agencies have not been able to devise impact avoidance measures to eliminate or minimize bird mortalities caused by these technologies. The Service is concerned that the increase in commercial-scale solar energy development could result in potentially significant mortality rates representing an unavoidable impact to Yuma Ridgway’s rail and many other water-associated birds similarly vulnerable to the lake effect and other hazards at solar facilities.

Comment
1-7

Increased mortality rates for species with small and/or declining populations can (1) reduce population levels in off-site locations and adjoining habitat areas, (2) reduce colonization rates of suitable habitat, (3) reduce rates of genetic/demographic augmentation in satellite populations, (4) reduce the fitness of those populations, and (5) increase extirpation rates in isolated habitat patches. Until practicable avoidance and minimization measures are available, increasing productivity and recruitment into breeding populations through habitat restoration or creation may provide the only means of minimizing the impact of increased mortality rates so that species can better withstand demographic impacts at a population scale.

To address this mortality threat from continuing solar development, and maintain a stable Yuma Ridgway’s rail population in Imperial Valley, the second largest breeding population center for the species, we recommend creating an effective mortality monitoring and habitat restoration program. We are available to assist the County in developing a programmatic mitigation strategy in consultation with the California Department of Fish and Wildlife and other interests, to include the final EIR and renewable energy General Plan amendment, or the ongoing Conservation and Open Space plan amendment process.

Migratory Birds

The DEIR did not acknowledge the potentially significant mortality threat and impacts to migratory birds associated with renewable energy development, as discussed in our previous correspondence cited above. Potential mortality rates of water-associated birds from future development located adjacent to the Salton Sea may be higher than other areas due to the lake effect that is created by fields of solar panels and the higher number of birds.

Comment
1-8

Therefore, the prospect of new development along the shoreline, which supports some of the highest bird densities in the valley, calls for a pilot/experimental approach with careful monitoring to determine the significance of mortality impacts, and selection of least damaging technologies that may be compatible with avian conservation objectives. As discussed under Yuma Ridgway’s rail, a programmatic monitoring and mitigation strategy is needed to address the regional scale of this conservation challenge before more widespread adoption of particular technologies.

Mortality monitoring elsewhere in the agricultural matrix has been inconsistent to date, and a more systematic monitoring strategy is needed if reliable scientific information is to be gathered and used to inform agencies on how to avoid and minimize impacts to the many different groups of birds dying at solar energy sites.

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Part of a phased, experimental approach should prioritize the testing of salinity gradient solar ponds, which may pose less of a mortality hazard to birds. In addition, an avoidance zone around State, Federal, Imperial Irrigation District, and private wetlands managed around the southern end of the Sea is appropriate to minimize conflicts with water-associated and other birds that might be attracted to those areas. The dimensions of an avoidance zone should be discussed among biologists, wildlife managers, and other interests to support the scale needed to optimize effectiveness. We recommend these changes be made in the final EIR and renewable energy General Plan amendment, or the ongoing Conservation and Open Space plan amendment process.

Comment
1-9

Comment
1-10

Burrowing Owl

Burrowing owl is one of the species experiencing potentially significant impacts from ongoing solar development on agricultural lands in the valley. The geographic restrictions on development under the proposed overlay zone is a positive improvement for the owl (and other species like the mountain plover) in the valley. Within the proposed overlay zone, a programmatic solution is nonetheless needed, which should include a conservation strategy and standardization of avoidance, minimization, and mitigation measures that can be consistently applied across all future projects to ensure that impacts are minimized to the extent possible.

Comment
1-11

As discussed in our previous comments, key elements of such a conservation strategy for permitted projects should include (1) a menu of mitigation options for loss of foraging and nesting habitats, (2) a set of owl/plover-friendly farming practices with cooperating landowners on the conserved (fee title or conservation easement) lands, and (3) development of a standardized owl displacement strategy that optimizes survivorship based on the results of a comparative study between active and passive translocation methods.

Potential in-kind mitigation options for the loss of foraging/nesting habitat include:

(1) permanent mitigation (fee title or conservation easement) for loss of agricultural foraging habitat at a discounted ratio (<1:1 habitat replacement to loss ratio), based on the premise that loss of the number of displaced burrowing owls and plovers supported by incidentally compatible agricultural practices on proposed project sites could be offset at a higher density on a reduced land base of agricultural habitat if farmed with more intensive owl and plover-friendly agricultural and wildlife management practices; and

(2) temporary mitigation on an equivalent acreage (1:1) basis for loss of agricultural habitat by the purchase of conservation easements for the duration of the County's solar development temporary use permit from cooperating landowners to grow owl/plover-friendly crops using friendly-farming practices, assuming agricultural practices and suitable habitat would reestablish after the temporary use permits expire for solar development projects.

West Chocolate Mountains Renewable Energy Evaluation Area

The Bureau of Land Management's (BLM) approval of this plan for their lands overlaps with the proposed overlay zone for inter-mixed non-Federal lands along much of the southwestern border of the Chocolate Mountains Aerial Gunnery Range. The BLM plan includes several restrictions on the amount and type of renewable energy development. We recommend that the County adopt the same restrictions/measures and implement them on the intermixed non-Federal lands to avoid unnecessary conflicts and to jointly achieve the conservation objectives in the BLM plan.

Comment
1-12

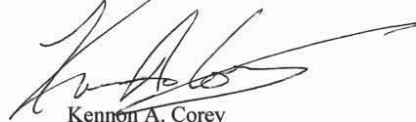
Mr. Jim Minnick (FWS-IMP-14B0291-15CPA0162)

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We appreciate the opportunity to provide comments on the DEIR. We look forward to continue working with County on the plan amendment by providing technical assistance to maintain healthy wildlife populations in the planning area. Should you have any questions regarding these comments, or wish further technical assistance, please contact Pete Sorensen of my staff at 760-322-2070, extension 202, or Chris Schoneman at the Refuge at 760-348-5278.

Comment
1-13

Sincerely,



Kennon A. Corey
Assistant Field Supervisor

cc:

Chris Schoneman, Sonny Bono Salton Sea NWR, Calipatria, CA
Jack Crayon, CDFW, Bermuda Dunes, CA
Shankar Sharma, CDFW, Ontario, CA
Bruce Wilcox, Imperial Irrigation District, Imperial, CA

Response to Comment Letter #1: United States Fish and Wildlife Service

Comment 1-1: Thank you for your comments on the Imperial County General Plan *Renewable Energy and Transmission Element* Update Draft PEIR. We have provided responses to your specific comments below.

Comment 1-2: The County has addressed species-specific comments provided by the United States Fish and Wildlife Service as applicable in the Final PEIR. Responses to comments on specific species are provided below.

Comment 1-3: Thank you for your comments on the Imperial County General Plan Renewable Energy and Transmission Element Update Draft PEIR. We have provided responses to your specific comments below.

Comment 1-4: Figure 4.4-4 has been revised to show additional land within the Sonny Bono Salton Sea National Wildlife Refuge based on data from the California Protected Areas Data Portal. The data from the California Protected Areas Data Portal indicated that the Sonny Bono Salton Sea National Wildlife Refuge consists of 49,270 acres. Table 4.4-3 has been revised to show the total acreage of the Sonny Bono Salton Sea National Wildlife Refuge is 49,270 acres. Please see Figure 4.4-4 and Table 4.4-3 in the Final PEIR.

Comment 1-5: The portions of the proposed Overlay Zone Map located within the flat-tailed horned lizard (FTHL) East Mesa Management Area (MA) have been changed to the “Proposed Development Focus Areas on Land Managed by BLM” category, which was developed to identify land under the jurisdiction of BLM that may be utilized for development of renewable energy facilities. Similarly, some portions of the Ocotillo Wells Research Area (RA) that were originally included in the proposed Overlay Zone Map have also been changed to the “Proposed Development Focus Areas on Land Managed by BLM” category. Areas subject to this category are Federally-managed lands that were included in the 2014 Draft DRECP and EIR/EIS that were not excluded by the constraints analysis conducted by the County. The locations of the “Proposed Development Focus Areas on Land Managed by BLM” are shown in red on Figure 2.2-2 of the Final PEIR. The areas shown on Figure 2.2-2 of the Final PEIR are not subject to the proposed Project and the map is being provided for “informational purposes” only. Consequently, land within the FTHL MA and some land within the FTHL RA are no longer subject to the proposed Project.

The remaining portions of the proposed Overlay Zone Map located within the FTHL RA have been changed to the Geothermal category. Therefore, geothermal will be the only renewable energy technology that will be allowed to be developed within the boundaries of the FTHL RA. Furthermore, Mitigation Measure BIO-1b has been revised to document potential sensitive species surveys that may be required as follows:

“BIO-1b: Conduct Surveys for Special Status Animal Species. As a requirement of an application for a future renewable energy facility, surveys for special status animal species shall be conducted by qualified and agency-approved biologists to determine the presence or absence of sensitive animal species within the footprint of a future renewable energy project. Required surveys for special status animal species may include, but are not limited to, American badgers, burrowing owl, flat-tailed horned lizard, golden eagle, mountain plover, prairie falcons, Swainson’s hawk, and Yuma

Ridgway's rail, among others. Any special status mammal, reptile, and amphibian species detected during surveys shall be passively relocated to areas outside the construction zone and prevented from reentering the future project area with the installation of silt fencing or other exclusion fencing. All fencing shall be periodically monitored and maintained for the duration of construction. Passive relocation shall only be done in the nonbreeding season in accordance with guidelines and consultations with resource agencies. This~~Depending on which special status species are present within the project boundaries, passive relocation measures may include~~ covering or excavating all burrows or dens and installing one-way doors into occupied burrows. This would allow any animals inside to leave the burrow but would exclude any animals from reentering the burrow. The burrows shall then be excavated and filled in to prevent their reuse. Other types of relocation measures may be required, depending on which special status species are present within the project boundaries.

"If direct impacts to special status species cannot be avoided, an agency-approved biologist shall prepare a species-specific Mitigation and Monitoring Plan that would detail the approved, site-specific methodology proposed to minimize and mitigate impacts to each species. Passive relocation, destruction of burrows, construction of artificial burrows, etc. shall be completed only upon prior approval by and in cooperation with CDFW and/or USFWS."

Consequently, future geothermal energy facilities developed within the boundaries of the FTHL RA would be required to conduct FTHL surveys and develop appropriate mitigation, which may include a species-specific Mitigation and Monitoring Plan if direct impacts to the FTHL cannot be avoided. A species-specific Mitigation and Monitoring Plan would require prior approval by and cooperation with CDFW and/or USFWS.

Comment 1-6: Future renewable energy facilities developed under the proposed Project would have to evaluate potential impacts to sensitive species, including the Yuma Ridgway's Rail, during the project's required environmental review phase. As described in response to Comment 1-5 above, special status species, including the Yuma Ridgway's Rail, have been added to Mitigation Measure BIO-1b as potential species requiring surveys. Furthermore, Mitigation Measure BIO-1b would require future renewable energy facilities to develop appropriate mitigation which may include a species-specific Mitigation and Monitoring Plan if direct impacts to the Yuma Ridgway's Rail cannot be avoided. If a future renewable energy facility were proposed for development within the important habitat area cited in this comment, mitigation measures developed for the project would be required to include coordination with appropriate federal agencies to ensure compliance with existing habitat protection requirements. Therefore, an avoidance zone at this location of the County would not be required.

Comment 1-7: Future renewable energy facilities developed under the proposed Project would have to evaluate potential impacts to sensitive species, including the Yuma Ridgway's Rail, during the project's required environmental review phase. In order to provide further guidance for future project proponents to evaluate potential impacts to sensitive species, Mitigation Measure BIO-1f has been revised as follows:

"BIO-1f: Additional Project Mitigation: Additional biological mitigation may be required based on the renewable energy technology to be developed at specific project locations. Project proponents for future renewable energy facilities would be required to evaluate

how specific renewable energy facilities may impact sensitive species and how to mitigate impacts through site design and/or mitigation and monitoring activities. Such mitigation may include, but is not limited to, developing strategies to reduce impacts to avian species related to a possible 'lake-effect' associated with solar energy facilities and strategies to reduce the possibility for bird-strikes associated with wind energy facilities, if warranted. Project-specific mitigation and monitoring for future renewable energy facilities may include, but would not be limited to, a Bird and Bat Conservation Strategy based on the type of renewable energy technology to be utilized for a future renewable project."

As described in the Draft PEIR, the proposed Project would be implemented on a "project-by-project" basis based on County approval of individual renewable energy projects. Consequently, specific impacts to sensitive species and corresponding site-specific mitigation measures cannot be evaluated at this time. Future renewable energy facilities developed under the proposed Project would be required to evaluate potential impacts to sensitive species, including the Yuma Ridgway's Rail, during the project's required environmental review phase. Development of the mortality monitoring and habitat restoration program suggested in this comment would be appropriate at the project level for future renewable energy facilities to be developed under the proposed Project. As described in the last paragraph of Mitigation Measure BIO-1b, "...an agency-approved biologist shall prepare a species-specific Mitigation and Monitoring Plan that would detail the approved, site-specific methodology proposed to minimize and mitigate impacts to each species..." if a project cannot avoid direct impacts to special status species. Therefore, implementation of Mitigation Measures BIO-1b and BIO-1f by future project proponents would result in the development of project-specific mitigation to address potential impacts associated with the "lake-effect," "bird strikes," or any other specific potential impact.

Comment 1-8: As described in response to Comment 1-7 above, Mitigation Measure BIO-1f has been revised to provide further guidance for future project proponents to evaluate potential impacts to sensitive species. Consequently, future renewable energy facilities developed under the proposed Project would have to evaluate potential impacts to migratory birds associated with the "lake-effect" and all other types of impacts. As described in the Draft PEIR, the proposed Project would be implemented on a "project-by-project" basis based on County approval of individual renewable energy projects. Consequently, specific impacts to sensitive species and corresponding site-specific mitigation measures cannot be evaluated at this time. Future renewable energy facilities developed under the proposed Project would be required to evaluate potential impacts to sensitive species, including migratory birds, during the project's required environmental review phase. Development of the mortality monitoring and habitat restoration program suggested in this comment would be appropriate at the project level for future renewable energy facilities to be developed under the proposed Project, as described in Mitigation Measure BIO-1b. Therefore, implementation of Mitigation Measures BIO-1b and BIO-1f by future project proponents would reduce impacts on migratory birds to a level less than significant.

Comment 1-9: All renewable energy facilities developed under the proposed Project, regardless of the renewable energy technology they employ, would be subject to the biological mitigation measures presented in the Final PEIR, which would reduce impacts to migratory birds to a level less than significant. Future renewable energy projects, regardless of the renewable energy technology they employ, would not be approved by the County unless they can demonstrate that they would reduce impacts on migratory birds in the Salton Sea to a level less than significant consistent with the findings of the Final PEIR.

Comment 1-10: The County of Imperial has worked in partnership with the Imperial Irrigation District to develop the Salton Sea Restoration & Renewable Energy Initiative. This initiative will utilize funds generated by development of future renewable energy facilities at the Salton Sea to help finance activities for habitat restoration and air quality management. Future renewable energy facilities sited on exposed lakebeds of the Salton Sea would serve a dual purpose of producing renewable energy while doubling as groundcover to mitigate air emissions. The Salton Sea Authority is responsible for leading the planning and implementation of future renewable energy facilities at the Salton Sea with support from the State of California.

As described in the Draft PEIR, the proposed Project would be implemented on a “project-by-project” basis based on County approval of individual renewable energy projects. Consequently, specific impacts to the sensitive species listed at the Salton Sea and corresponding site-specific mitigation measures cannot be evaluated at this time. Future renewable energy facilities developed under the proposed Project would be required to evaluate potential impacts to sensitive species during the project’s required environmental review phase. Implementation of the biological mitigation measures presented in the Final PEIR and any additional mitigation measures that may be required based on site-specific characteristics identified during the environmental review phase would ensure that development of renewable energy facilities at the Salton Sea would not impact sensitive species. Therefore, an avoidance zone is not needed at the Salton Sea.

Comment 1-11: Future renewable energy facilities developed under the proposed Project would have to evaluate potential impacts to sensitive species, including the burrowing owl, during the project’s required environmental review phase. As described in response to Comment 1-5 above, special status species, including the burrowing owl, have been added to Mitigation Measure BIO-1b. As described in response to Comment 1-7 above, Mitigation Measure BIO-1f has been revised to provide further guidance for future project proponents to evaluate potential impacts to sensitive species.

As described in the Draft PEIR, the proposed Project would be implemented on a “project-by-project” basis based on County approval of individual renewable energy projects. Consequently, specific impacts to sensitive species and corresponding site-specific mitigation measures cannot be evaluated at this time. Future renewable energy facilities developed under the proposed Project would be required to evaluate potential impacts to these special status species during the project’s required environmental review phase. Development of site-specific mitigation measures for potential impacts to burrowing owl suggested in this comment would be appropriate at the project level for future renewable energy facilities to be developed under the proposed Project. Therefore, implementation of Mitigation Measures BIO-1b and BIO-1f and any additional mitigation measures that may be required based on site-specific characteristics identified during the environmental review phase would reduce impacts to burrowing owl to a level less than significant.

Comment 1-12: Figure 2.4-1: Overlay Zone Map presented in the Draft PEIR has been revised to present two separate maps that distinguish between land under the jurisdiction of the County and land under the jurisdiction of BLM. Please see Figures 2.2-1 and 2.2-2 of the Final PEIR. As described in response to comment 1-5 above, the areas shown on Figure 2.2-2 of the Final PEIR are not subject to the proposed Project and the map is being provided for “informational purposes” only. Furthermore, the following statement was added to Section 2.2.4-1 of the Final PEIR regarding the development of future renewable energy facilities near the Chocolate Mountains Aerial Gunnery Range:

“...However, it should be noted that BLM has indicated that wind technology facilities would be prohibited on both Federal and private lands within the West Chocolate Mountain Renewable Energy Evaluation Area due to its location adjacent to the West Chocolate Mountain Aerial Gunnery Range and training activities...”

Comment 1-13: Thank you for your comments on the Imperial County General Plan *Renewable Energy and Transmission Element* Update Draft PEIR.

2 – Naval Air Facility El Centro

February 24, 2015

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

NAVAL AIR FACILITY EL CENTRO (NAFEC) COMMENTS REGARDING DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT (PEIR) FOR RENEWABLE ENERGY AND TRANSMISSION ELEMENT (RETE) UPDATE

Dear Mr. Minnick:

In response to the Notice of Availability of a Draft Program Environmental Impact Report (PEIR) for Renewable Energy and Transmission Element (RETE) Update, the NAFEC has reviewed the Draft PEIR and offers the following comments.

As described in Section 2.4 - Project Components, the proposed Project consists of three key elements that have been developed to guide future development of future renewable energy facilities in Imperial County: (1) *The Renewable Energy and Transmission Element Overlay Zone*, (2) *The Renewable Energy and Transmission Element Goals and Objectives*, and (3) *The Renewable Energy and Transmission Element Implementation Ordinance*.

Comment
2-1

Our comments address each of the three Project Components as follows:

1) *The Renewable Energy and Transmission Element Overlay Zone*

As depicted in Figure 2.4-1 Overlay Zone Map, significant portions of the Geothermal and Renewable Energy/Geothermal Overlay Zones are proposed for areas adjacent to Military Operating Areas (MOA), specifically Target 95 and Camp Billy Machen (CBM). Depending on the location and scale of the geothermal development, there could be a high likelihood that geothermal and certain types of renewable energy development in these MOAs may not be compatible with existing military training operations.

Comment
2-2

Categories of concern regarding the training at these facilities include operational security (OPSEC), training distractions and training obstacles.

Operational Security - Navy SEAL operations in the MOA and particularly operational security for tactics, techniques, and procedures during training is a primary concern.

- a. Field Training Exercise (FTX) target sites have surrounding terrain features that may preclude direct observation from the projected CBM location. It is anticipated observation of this training by CBM work force and visitors would be relatively easy.
- b. A Live-Fire and Maneuver range is approximately 2 miles southeast of the CBM area. This range is used several days at a time and several times a year for repetitive live fire training.

Training distractions - Navy SEAL training focuses on all aspects of a tactical situation and may be impacted by the following anticipated CBM ambient effects and activities.

a. Night lighting. Lights from the Border Patrol checkpoint on Highway 111 and from the collective structures at the Hot Mineral Spa already have a negative impact on the ability of training cadres to conduct training as effectively as they would like. These light sources are further from the impacted training ranges than the CBM area, so it is reasonable to expect lighting for the latter will have at least as much negative effect, with the cumulative effect perhaps being even greater.

b. Noise. Although this may vary with passing meteorological conditions, it is anticipated the steady-state noise associated with the CBM steady-state production process could have a sound-masking effect.

c. Vehicle activity - Similar to the lighting and noise concerns noted above, vehicle activity will effectively cause spikes above the steady-state lighting and noise distractions noted above, could be confusing to personnel in training as to the whether these are activities part of the training exercise and could cause a temporarily halt.

Training obstacles - The loss of maneuver space in relatively close proximity to target sites, in conjunction with CBM area lighting and obstacles (e.g., structures, fencing, roads, pipelines, etc.) would effectively preclude use of that area for tactical ground maneuver.

NSW has been considering development of an initiative to, among other things; establish Restricted Air Space (RAS) in the area to facilitate the use of Unmanned Aerial Systems (UAS) and helicopter live fire. Towers and elevated transmission lines that could artificially limit platforms might eventually fly in this area. Heat plumes from geothermal plants can result in a loss of lift and loss of visibility from steam emissions that could impact helicopter operations.

Additionally, there may be significant likelihood of aviation maneuver/overflight with ordnance (live or inert) and without ordnance depending on the location of the proposed facility. There is also likelihood of surface-to surface delivered fires that may pass near the geothermal energy production facility and any of its associated infrastructure and/or personnel. Compatible use may be attained with adoption of appropriate mitigation measures developed early in the planning process and after coordination with the military. These mitigation measures will most likely impact facility design, layout, and cost in addition to other range safety requirements that will identify constraints and other possible.

Based on the proximity of the proposed Renewable Energy and Transmission Element Overlay Zone to the MOAs, we suggest that the overlay zone be moved back away from the MOAs by at least 0.5 miles. This adjustment of the overlay map would also be consistent with the PEIR Section 4.10.5 that establishes a 0.5 mile buffer between new geothermal facilities and all urban areas.

Comment
2-2
(continued)

2) The Renewable Energy and Transmission Element Goals and Objectives

We concur with the Renewable Energy and Transmission Element Goals and Objectives, especially Goal 6 and Objectives that relates specifically to the protection of military aviation and operations (provided below for reference).

Goal 6 – Support development of renewable energy while providing for the protection of military aviation and operations.

Objective 6.1: Assure that renewable energy facilities proposed in areas adjacent to military installations and training areas would be compatible with these uses.

Objective 6.2: Facilitate the early exchange of project related information with the military for proposed renewable energy facilities located within a military operations area (MOA) or within 1,000 feet of a military installation.

Objective 6.3: Assure that renewable energy facilities proposed within MOAs would not jeopardize the safety of existing residents or impact military operations.

However, the proposed mitigation measure to achieve these Objectives in Section 4.16 Transportation/Traffic (TRA-2) requires that;

“future project proponents....coordinate with the Federal Aviation Administration, branches of the United States military, and other agencies to ensure that wind and concentrated solar voltaic energy facilities would not affect air traffic patterns.

Therefore, agency coordination described above would ensure that impacts would be less than significant.”

No mention of coordination with the military for geothermal development is provided for in the mitigation measure, yet Goal 6 clearly calls for the coordination with the military for all types of renewable energy facilities. Therefore, NAFEC recommends that the mitigation measure TRA-2 be expanded to include coordination with the military for all geothermal projects proposed within the MOA and that a similar mitigation measure be developed for the mitigation measures set-forth in the PEIR Land Use and Planning Section 4.10.4.

Additionally, determining whether an alternative energy project (including geothermal) is compatible with military operations as set-forth in Objective 6.1 should be based on determination of established findings required by California Government Code section 65302 (a)(2) that states the General Plan; “shall consider the impact of new growth on military readiness activities carried out on military bases, installations, and operation and training areas, when proposing zoning ordinances or designating land uses covered by the general plan for land, or other territory adjacent to military facilities, or underlying designated military aviation routes and airspace.”

3) The Renewable Energy and Transmission Element Implementation Ordinance.

According to Section 91703.04 and 91703.05 for the proposed *Renewable Energy and Transmission Element* Implementation Ordinance, the process for permitting new geothermal projects, wells and major exploratory wells is dependent on the scale of the proposed project. However, the terms used to define the scale of the project are not provided in the proposed ordinance. Therefore, NAFEC suggests that the following terms

Comment
2-3

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2-4

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2-6

shown in **bold** below be defined to better ascertain the notification requirements to NAFEC and the permitting process that will be applicable to each type of geothermal facility:

- Geothermal **Test** Facilities (surface testing only?)
- **Major** Geothermal Projects (based on acreage, wells, production?)
- **Intermediate** Geothermal Projects (based on acreage, wells, production?)
- **Minor** Geothermal Projects (based on acreage, wells, production?)
- **Minor** Geothermal Wells (based on depth of well or number of wells?)
- **Major** Exploratory Wells (based on depth of well or number of wells, not a production well?)
- **Minor** Exploratory Wells (based on depth of well or number of wells, not a production well?)

Comment
2-6
(continued)

Thank you in advance for your careful consideration of our comments. Should you have any questions or require additional information, I will be the point of contact for this project and can be reached at (760) 554-3275 or by e-mail at david.s.hulse@navy.mil.

Comment
2-7

Sincerely,

David S Hulse
Naval Facilities Engineering Command
Community Plans Liaison Officer (CPLO)
1220 Pacific Highway AM-3
San Diego, CA 92132

Response to Comment Letter #2: Naval Air Facility/El Centro

Comment 2-1: Thank you for your comments on the Imperial County General Plan *Renewable Energy and Transmission Element* Update Draft PEIR. We have provided responses to your specific comments below.

Comment 2-2: The proposed Overlay Zone Map presented in the Draft PEIR was developed to include a 0.5-mile buffer around all military facilities, including Target 95 and Camp Billy Machen (CBM). The County has reviewed the Overlay Zone Map to verify the 0.5-mile buffer around all military facilities and made revisions where necessary. Therefore, the proposed Overlay Zone Map presented in the Final PEIR includes a 0.5-mile buffer around all military facilities, including Target 95 and CBM.

Comment 2-3: Thank you for expressing your support for the *Renewable Energy and Transmission Element* Update Goals and Objectives, and Goal 6 and its Objectives in particular.

Comment 2-4: At this time, no substantial geothermal resources are located within the vicinity of any military target areas or the Chocolate Mountain Gunnery Range. If a future renewable energy facility is proposed within the vicinity of any military target areas or the Chocolate Mountain Gunnery Range, close coordination with representatives from the United States military would occur to identify potential impacts and develop mitigation measures to reduce impacts to a level less than significant.

Comment 2-5: Comment noted. County planning and processing procedures regarding coordination with the United States military would be conducted to be consistent with California Government Code section 65302 [a][2].

Comment 2-6: Comment noted. Please see County of Imperial Title 9, Land Use Ordinance, Division 14, Definitions/Clarifications for definitions of the categories listed in this comment letter.

Comment 2-7: Thank you for your comments on the Imperial County General Plan *Renewable Energy and Transmission Element* Update Draft PEIR.

3 – State Clearinghouse



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

February 26, 2015

Jim Minnick
Imperial County
801 Main Street
El Centro, CA 92243

Subject: Draft Renewable Energy & Transmission Element
SCH#: 2014071062

Dear Jim Minnick:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on February 25, 2015, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

Comment
3-1