

Document Details Report
State Clearinghouse Data Base

SCH# 2014071062
Project Title Draft Renewable Energy & Transmission Element
Lead Agency Imperial County

Type EIR Draft EIR
Description Note: Extended Per Lead

The County is updating the 2006 Geothermal/Alternative Energy and Transmission Element for the seventh time. The DEIR identifies the environmental impacts for future renewable energy projects in Imperial County. The proposed Project would support the development of new renewable energy power production and exportation to accommodate future growth in California and reduce the dependence on foreign oil sources.

Lead Agency Contact

Name Jim Minnick
Agency Imperial County
Phone 760 482 4236 x4310 **Fax**
email
Address 801 Main Street
City El Centro **State** CA **Zip** 92243

Project Location

County Imperial
City El Centro
Region
Lat / Long
Cross Streets 8th Street
Parcel No.
Township **Range** **Section** **Base** SBB&M

Proximity to:

Highways
Airports
Railways UPRR
Waterways Salton Sea, Colorado/New/Alamo Rivers, and IID canals/drains
Schools
Land Use Various

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Minerals; Noise; Public Services; Recreation/Parks; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Supply; Wetland/Riparian; Wildlife; Landuse; Cumulative Effects; Growth Inducing

Reviewing Agencies Resources Agency; Colorado River Board; Department of Conservation; Department of Fish and Wildlife, Region 6; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 11; Air Resources Board; Regional Water Quality Control Board, Region 7; California Energy Commission; Native American Heritage Commission; Public Utilities Commission

Date Received 01/05/2015 **Start of Review** 01/05/2015 **End of Review** 02/25/2015

Note: Blanks in data fields result from insufficient information provided by lead agency.

Response to Comment Letter #3: State Clearinghouse

Comment 3-1: Thank you for providing the County with the comments you received from the California Department of Transportation (Caltrans) and California Department of Fish and Wildlife (CDFW) on the Imperial County General Plan *Renewable Energy and Transmission Element* Update Draft PEIR. We have responded to the comments from Caltrans and CDFW as separate letters. Thank you for informing the County that we have complied with the State Clearinghouse review requirements for draft environmental documents.

4 – California Department of Transportation – District 11

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 11, DIVISION OF PLANNING

4050 TAYLOR ST, M.S. 240

SAN DIEGO, CA 92110

PHONE (619) 688-6960

FAX (619) 688-4299

TTY 711

www.dot.ca.gov



Serious drought.
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February 9, 2015

11-IMP-VAR

PM VAR

Draft Renewable Energy & Transmission Element
Programmatic DEIR (2014071062)

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

Dear Mr. Minnick:

The California Department of Transportation (Caltrans) appreciates the opportunity to review the Programmatic Environmental Impact Report (EIR) for the Renewable Energy & Transmission Element update for Imperial County. Caltrans has the following comments:

Comment
4-1

Any future project proposal for encroachment or work performed within Caltrans right-of-way (R/W) will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans R/W prior to construction.

Comment
4-2

If you have any questions, please contact Roger Sanchez of the Development Review branch at (619) 688-6494.

Comment
4-3

Sincerely,

JACOB ARMSTRONG, Branch Chief
Development Review Branch

RECEIVED

FEB 17 2015

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"

Response to Comment Letter #4: California Department of Transportation – District 11

Comment 4-1: Thank you for your comment on the Imperial County General Plan *Renewable Energy and Transmission Element* Update Draft PEIR. We have provided a response to your specific comment below.

Comment 4-2: The County understands that any future renewable energy facility developed under the proposed Project that would encroach into or require work to be completed within California Department of Transportation (Caltrans) right-of-way (ROW) would require discretionary review and approval by Caltrans and an encroachment permit for work within Caltrans ROW prior to construction.

Comment 4-3: Thank you for your comment on the Imperial County General Plan *Renewable Energy and Transmission Element* Update Draft PEIR.

5 – Department of Conservation

NATURAL RESOURCES AGENCY

EDMUND G. BROWN JR., GOVERNOR



DEPARTMENT OF CONSERVATION

Managing California's Working Lands

DIVISION OF OIL, GAS, & GEOTHERMAL RESOURCES

605 WAKE AVE • SUITE 7 • EL CENTRO, CALIFORNIA 92243

PHONE 760 / 353-9900 • FAX 760 / 353-9594 • WEB SITE conservation.ca.gov

February 18, 2015

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

Dear Mr. Minnick:

DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT FOR RENEWABLE
ENERGY AND TRANSMISSION ELEMENT (SCH# 2014071062)

The Division of Oil, Gas, and Geothermal Resources (Division) has reviewed the above referenced document. The Division supervises the drilling, maintenance, plugging and abandonment of oil, gas, and geothermal wells in California. The Division has no comments on this document.

Comment
5-1

Thank you for the opportunity to review this project. If you have any questions, please contact me at the address or phone number listed above.

Sincerely,

Clifford E. Parli

Clifford E. Parli
Geothermal District Engineer

RECEIVED

FEB 23 2015

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

The Department of Conservation's mission is to balance today's needs with tomorrow's challenges and foster intelligent, sustainable, and efficient use of California's energy, land, and mineral resources.

Response to Comment Letter #5: Department of Conservation

Comment 5-1: Thank you for reviewing the Imperial County General Plan *Renewable Energy and Transmission Element* Update Draft PEIR and informing the County of Imperial that you do not have any comments on the document.

6 – California Department of Fish and Wildlife Comment Letter



State of California –The Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
(909) 484-0459
www.dfg.ca.gov

EDMUND G. BROWN, JR., Governor
CHARLTON H. BONHAM, Director



February 25, 2015

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

Subject: Draft Program Environmental Impact Report for the Renewable Energy and
Transmission Element, Imperial County, California
State Clearinghouse No. 2014071062

Dear Mr. Minnick:

The California Department of Fish and Wildlife, CDFW (Department) appreciates the opportunity to comment on the Draft Program Environmental Impact Report (DEIR) for the Renewable Energy and Transmission Element, Imperial County, California [State Clearinghouse No. 2014071062].

The Department is responding to the DEIR as a Trustee Agency for fish and wildlife resources (Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (LSA Agreement) [Fish and Game Code Sections 1600 et seq.] and/or a Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (Incidental Take Permit) [Fish and Game Code Sections 2080 and 2080.1].

The programmatic DEIR evaluates the potential environmental impacts associated with the 2015 Renewable Energy and Transmission Element update (proposed project) in Imperial County and proposes mitigation measures to reduce impacts. Imperial County is located within the southeastern corner of California and covers an area of approximately 2,942,080 acres. The County is surrounded by Riverside County to the north, the Colorado River and the State of Arizona to the east, the International Boundary with the Republic of Mexico to the south, and San Diego County to the west.

The project consists of the Renewable Energy and Transmission Element Overlay Zone, the Renewable Energy and Transmission Element's Goals and Objectives, and the Renewable Energy and Transmission Element Implementation Ordinance. The Renewable Energy Overlay Zone is focused in areas that were proposed to be the most suitable for the development of renewable energy facilities while minimizing the impact to other established uses. The project activities will encompass construction, operation, reclamation and decommissioning components for the renewable energy development in the County.

Comment
6-1

Conserving California's Wildlife Since 1870

Mr. Jim Minnick, Imperial County Planning and Development Services
Draft Program Environmental Impact Report for the Renewable Energy and Transmission
Element, Imperial County, California [State Clearinghouse No. 2014071062]
February 25, 2015

Based on review of the DEIR and Appendices, the Department is providing the following preliminary recommendations to the Lead Agency for inclusion in the Biological Resources Section of the Final Environmental Impact Report (FEIR).

Comment
6-1
(continued)

- 1) **Flat-tailed horned lizard** (*Phrynosoma mcallii*) is currently a candidate species in California, and CDFW is a Signatory Agency to the Rangewide Management Strategy (RMS) that protects this species in the Mesa Management Area and the Ocotillo Wells Research Area. As the proposed project zones overlay the RMS areas, the Department recommends the following measures:

Comment
6-2

- (a) Please conduct focused surveys for flat-tailed horned lizard prior to ground disturbance in the project areas.
- (b) Discuss implementation of avoidance and mitigation measures in compliance with the RMS.
- (c) Explain how the project's objectives conform to the RMS objectives, and clarify any potential discrepancies between the project and the RMS objectives;
- (d) Focus mitigation for the flat-tailed horned lizard in areas that will be protected in perpetuity.

- 2) **Burrowing owl** (*Athene cunicularia*) is a species of special concern in California, and the project area and vicinity provide suitable habitat for this species. Burrowing owl should be mitigated through acquisition and protection, in perpetuity, of high quality biological habitat, and the Department recommends the following measures:

Comment
6-3

- (a) Please ensure that the surveys and the avoidance and mitigation measures are consistent with the 2012 CDFW Staff Report on Burrowing Owl Mitigation or the most current guideline available at the time of the surveys.
- (b) Chronicle the sunrise and sunset hours on the days of the surveys along with the timing of the surveys.
- (c) Provide a discussion on how the timing of the survey affected the comprehensiveness and detection probability, and elucidate the cogency of the conclusion and impact analysis based on these data. Also include a discussion on the comparative survey results obtained during the breeding and non-breeding seasons.
- (d) Discuss mitigation strategy for loss of agricultural foraging and nesting habitats for burrowing owl.

- 3) **Desert pupfish** (*Cyprinodon macularius*) is an endangered species in California. The project areas are located in the proximity of suitable desert pupfish habitats. The aquatic habitat necessary for this species also occurs in drains flowing to the Salton Sea.

Comment
6-4

- (a) Please describe and quantify the impacts of potential water and chemical use for renewable energy developments in the County on stream and drain habitat of desert pupfish.
- (b) Provide analysis of the potential impacts of construction activities and vegetation removal at or near desert pupfish habitat.
- (c) Discuss strategies for Desert pupfish surveys, trapping, handling, and relocation with reference to the proposed renewable energy developments.

Mr. Jim Minnick, Imperial County Planning and Development Services
Draft Program Environmental Impact Report for the Renewable Energy and Transmission
Element, Imperial County, California [State Clearinghouse No. 2014071062]
February 25, 2015

- | | |
|---|-----------------|
| 4) Please discuss how the solar technologies can generate potential lake effect on avian species including Yuma Ridgway's Rail (<i>Rallus obsoletus yumanensis</i>), formerly known as Yuma Clapper Rail (<i>Rallus longirostris yumanensis</i>). Provide avoidance, mitigation, and monitoring strategies for plausible lake effect on avian species during the renewable energy development. | Comment
6-5 |
| 5) Include a discussion on the strategy for monitoring potential avian injury and mortality during the project activities, and quantify the success criteria for measuring the cumulative impacts and potential risks on the avian species. Elucidate post-construction avian mortality monitoring strategies in spatial and temporal scales. | Comment
6-6 |
| 6) With reference to "Table 4.4-5", please include a discussion on the project's impacts and mitigation measures for American Peregrine falcon (<i>Falco peregrinus anatum</i>), White-tailed kite (<i>Elanus leucurus</i>), Wood stork (<i>Mycteria americana</i>), Lesser sandhill crane (<i>Grus canadensis canadensis</i>), Greater sandhill crane (<i>Grus canadensis tabida</i>), Little Willow flycatcher (<i>Empidonax traillii brewsteri</i>), Yellow-headed blackbird (<i>Xanthocephalus xanthocephalus</i>), and Large-billed savannah sparrow (<i>Passerculus sandwichensis rostratus</i>). | Comment
6-7 |
| 7) With reference to "BIO-1", provide a detailed analysis of impacts and mitigation measures for wildlife species associated with the Salton Sea and the contiguous areas, and also address the lake effect in the these areas. Describe the impacts of the project on the species that use the unvegetated shoreline of the Salton Sea for foraging and nesting. | Comment
6-8 |
| 8) With reference to "BIO-1b", describe detailed survey strategies including protocol level surveys, CDFW-approved surveys, pre-construction surveys, construction monitoring surveys, and post-construction and operational monitoring surveys within the project areas as well as the surrounding buffer zones. Also, quantify the basis of selecting the buffer distances with rationale. | Comment
6-9 |
| 9) Please furnish project related future biological survey and monitoring reports to the Department showing detailed methods, data, field logs, results, discussion, and photographs. | Comment
6-10 |
| 10) Discuss the minimization measures for project related noise and vibrational impacts on wildlife. | Comment
6-11 |
| 11) Describe barotrauma with reference to impacts on bats. | Comment
6-12 |
| 12) Discuss project's potential impacts on any plausible gaming and hunting opportunities. | Comment
6-13 |
| 13) State Jurisdictional Lake or Streambed Alteration: Please provide detailed delineation of both riparian and non-riparian resources including active as well as inactive channels and dryland streams within the project boundary and any adjacent buffer zones that could be impacted by the project activities. Also, furnish comprehensive analyses of temporary, permanent, and cumulative impacts of the | Comment
6-14 |

Mr. Jim Minnick, Imperial County Planning and Development Services
Draft Program Environmental Impact Report for the Renewable Energy and Transmission
Element, Imperial County, California [State Clearinghouse No. 2014071062]
February 25, 2015

project on the State jurisdictional resources. Describe the measures and success-
criteria for site-specific restoration and mitigations for the project impacts on the
jurisdictional resources. Following guidelines for dryland stream delineations are
available:

"A review of Stream Processes and Forms in Dryland Watersheds"

(<http://www.dfg.ca.gov/habcon/1600/1600resources.html>)

"Methods to Describe and Delineate Episodic Stream Processes on Arid
Landscapes for Permitting Utility-Scale Solar Power Plants, With the MESA Field
Guide - Final Project Report" (<http://www.energy.ca.gov/2014publications/CEC-500-2014-013/index.html>).

Comment
6-14
(continued)

Please note that as a Responsible Agency, the Department must rely on the environmental
documents prepared by the Lead Agency in order to prepare and issue a Lake or
Streambed Alteration Agreement and/or Incidental Take Permit for the project. If the FEIR
for this project fails to identify all project impacts and adequately mitigate those impacts, the
project proponent may be required to reinstate the CEQA process at their expense, or fund
another CEQA process under the direction of the Department to ensure that all project
impacts are identified and adequately mitigated.

Comment
6-15

The Department appreciates the importance of renewable energy development, and would
like to thank you for the opportunity for this feedback. If you have any questions regarding
this letter, please contact Dr. Shankar Sharma, Senior Environmental Scientist (Specialist)
of Renewable Energy at Shankar.Sharma@wildlife.ca.gov or 909-228-3692.

Comment
6-16

Sincerely,



(Shankar Sharma, Ph.D.)

For: Leslie S. MacNair
Acting Regional Manager, Inland Deserts Region

Cc: State Clearinghouse
CDFW
USFWS

Response to Comment Letter #6: California Department of Fish and Wildlife Comment Letter

Comment 6-1: 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 6-2: 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~~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. Therefore, implementation of Mitigation Measures BIO-1b and BIO-1f by future project proponents would reduce impacts on FTHL to a level less than significant.

Comment 6-3: 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 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 6-2 above, special status species, including the burrowing owl, 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 burrowing owl cannot be avoided. A species-specific Mitigation and Monitoring Plan would require prior approval by and cooperation with CDFW and/or USFWS. Therefore, implementation of Mitigation Measure BIO-1b would reduce impacts to burrowing owl to a level less than significant.

Comment 6-4: 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 on the desert pupfish 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 desert pupfish, during the project’s required environmental review phase. Implementation of 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 reduce impacts on the desert pupfish to a level less than significant.

Comment 6-5: 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 documentation 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. Development of the avoidance, mitigation, and monitoring strategies 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."

Comment 6-6: As described in response to Comment 6-5 above, Mitigation Measure BIO-1f has been revised to provide further guidance for future project proponents to evaluate potential impacts to sensitive species. Development of the strategies 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."

Comment 6-7: 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 special status species listed in this comment letter 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. 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 reduce impacts on the special status species listed in this comment letter to a level less than significant.

Comment 6-8: 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. It should also be noted, however, that 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. 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 future project's environmental review phase would ensure that development of renewable energy facilities at the Salton Sea would not impact sensitive species.

Comment 6-9: 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. Detailed survey strategies and buffer distances would be prepared by a qualified biologist and provided to CDFW during the environmental review phase of future renewable energy facilities developed under the proposed Project.

Comment 6-10: 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. Project-related future biological survey and monitoring reports showing detailed methods, data, field logs, results, discussion, and photographs would be prepared by a qualified biologist and provided to CDFW during the environmental review phase of future renewable energy facilities developed under the proposed Project.

Comment 6-11: 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 related to noise and corresponding site-specific mitigation measures cannot be evaluated at this time. Project-level minimization measures related to noise would be developed during the environmental review phase of future renewable energy facilities developed under the proposed Project.

Comment 6-12: 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 bats related to barotrauma and corresponding site-specific mitigation measures cannot be evaluated at this time. Project-level impacts and corresponding site-specific mitigation measures related to barotrauma would be developed during the environmental review phase of future renewable energy facilities developed under the proposed Project.

Comment 6-13: 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 bats related to gaming and hunting opportunities and corresponding site-specific mitigation measures cannot be evaluated at this time. Project-level impacts and corresponding site-specific mitigation measures related to gaming and hunting would be developed during the environmental review phase of future renewable energy facilities developed under the proposed Project.

Comment 6-14: 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, delineation of both riparian and non-riparian resources including active as well as inactive channels and dryland streams within project boundaries and any adjacent buffer zones cannot be evaluated at this time. Project-level jurisdictional delineations, potential impacts, and mitigation measures requested in this comment letter would be addressed during the environmental review phase of future renewable energy facilities developed under the proposed Project. Dryland stream delineations would be prepared consistent with the guidance cited in this comment.

Comment 6-15: 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. The proposed Project provides a framework for development of future renewable energy facilities and presents mitigation measures that future projects would need to implement in order to be permitted by the County of Imperial. The proposed Project presented in the Draft PEIR does not include specific project developments but presents a programmatic analysis of impacts associated with future development of renewable energy facilities. Future renewable energy facilities would be required to apply for and obtain a Lake or Streambed Alteration Agreement and/or Incidental Take permit based on the environmental documentation that is prepared for the specific project.

Comment 6-16: Thank you for your comments on the Imperial County General Plan *Renewable Energy and Transmission Element* Update Draft PEIR.

7 –California Department of Fish and Wildlife FTHL Take Letter



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

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



February 13, 2015

Dear Project Manager,

You are receiving this letter because Department of Fish and Wildlife (Department) records indicate your project employs one or more individuals who have been issued a Letter of Concurrence (LOC), authorizing them to take and handle flat-tailed horned lizards (*Phrynosoma mcallii*) while performing the duties of biological monitor. You may also have biological monitors working under a Scientific Collecting Permit (SCP) issued by the Department. This indicates that your project may have the potential to incidentally take flat-tailed horned lizards.

Comment
7-1

The Center for Biological Diversity recently submitted a petition (Petition) to the Fish and Game Commission (Commission) to list the flat-tailed horned lizard as endangered pursuant to the California Endangered Species Act (CESA), Fish and Game Code Section 2050, et seq. The Department has completed its petition evaluation and determined there is sufficient scientific information to indicate that the petitioned action may be warranted. The Department also recommended the Commission accept the Petition for further consideration under CESA.

Comment
7-2

At its February 11-12, 2015 meeting, the Commission took action on whether to accept the petition and designate the flat-tailed horned lizard as a candidate species pursuant to Fish and Game Code Section 2074.2. The petition was accepted by the Commission and the Department will now initiate a one-year status review, which must be completed before the final decision on listing is made. During this one-year candidacy period, all take of flat-tailed horned lizards would be unlawful unless expressly authorized pursuant to CESA. "Take" means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill (Fish and Game Code Section 86). **This letter is to notify you that should the Commission designate the flat-tailed horned lizard as a candidate species, permission to take flat-tailed horned lizards under an LOC or SCP will immediately become invalid as a matter of law and will be deemed to have been revoked without any further action by the Commission or the Department.**

The Department recognizes there may be circumstances where take of flat-tailed horned lizards during candidacy is unavoidable for already permitted projects. CESA provides a mechanism to allow take that is incidental to an otherwise lawful activity. Pursuant to Section 2081(b) of the Fish and Game Code, the Department may issue a permit authorizing take of a candidate species when it is incidental to an otherwise lawful activity, the impacts of the take are minimized and fully mitigated, and take is not likely to jeopardize the continued existence of the species.

Comment
7-3

If you are interested in seeking permission from the Department to take flat-tailed horned lizards during candidacy pursuant to Section 2081(b), you should submit an

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application for an incidental take permit to the Department describing the activities for which you seek coverage. According to California Code of Regulations, Title 14, Subsection 783.2(a), the permit application must include all of the following:

- (1) Applicant's full name, mailing address, and telephone number(s). If the applicant is a corporation, firm, partnership, association, institution, or public or private agency, the name and address of the person responsible for the project or activity requiring the permit, the president or principal officer, and the registered agent for the service of process.
- (2) The common and scientific names of the species to be covered by the permit and the species' status under CESA, including whether the species is the subject of rules and guidelines pursuant to Section 2112 and Section 2114 of the Fish and Game Code.
- (3) A complete description of the project or activity for which the permit is sought.
- (4) The location where the project or activity is to occur or to be conducted.
- (5) An analysis of whether and to what extent the project or activity for which the permit is sought could result in the taking of species to be covered by the permit.
- (6) An analysis of the impacts of the proposed taking on the species.
- (7) An analysis of whether issuance of the incidental take permit would jeopardize the continued existence of a species. This analysis shall include consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (A) known population trends; (B) known threats to the species; and (C) reasonably foreseeable impacts on the species from other related projects and activities.
- (8) Proposed measures to minimize and fully mitigate the impacts of the proposed taking.
- (9) A proposed plan to monitor compliance with the minimization and mitigation measures and the effectiveness of the measures.
- (10) A description of the funding source and the level of funding available for implementation of the minimization and mitigation measures.
- (11) Certification in the following language:
I certify that the information submitted in this application is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to suspension or revocation of this permit and to civil and criminal penalties under the laws of the State of California.

Comment
7-3
(continued)

Responses to the requirements of Section 783.2(a)(5)-(a)(9) shall be based on the best scientific and other information that is reasonably available. At an applicant's request, the Department shall, to the greatest extent practicable, consult with the applicant regarding the preparation of a permit application in order to ensure that it will meet the requirements of this article when submitted to the Department. An analysis prepared pursuant to state or federal laws other than CESA that meets the requirements of section 783.2 and 783.3 may be submitted in an incidental take permit application.

Please note that a permit issued pursuant to Section 2081(b) will provide take coverage only to those individuals and entities expressly listed in the permit and will not apply to

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partners, collaborators, contractors, or affiliates unless expressly authorized in writing by the Department. Biological monitors will be required to obtain Department authorization to handle flat-tailed horned lizards for the purpose of relocating them out of harm's way.

Comment
7-3
(continued)

To avoid disruption in work schedules, a request for an incidental take permit pursuant to Section 2081(b) for flat-tailed horned lizards may be filed prior to the Commission's decision. Should the lizard not advance to candidacy status, such applications will be disregarded. Mail or FAX applications to:

Comment
7-4

California Department of Fish and Wildlife
Inland Deserts Region
Attn: Magdalena Rodriguez
3602 Inland Empire Blvd Suite C-220
Ontario, CA 91764
FAX: (909) 948-4358

We appreciate your cooperation with this application process and are committed to expediting your request. If you have any questions or need any additional information on the CESA listing, candidacy or permitting process, please contact Steven Ingram, Senior Staff Counsel, by telephone at 916-651-7401. For questions about specific information to furnish the Department in a Section 2081(b) application, please phone Magdalena Rodriguez, Senior Environmental Scientist (Specialist), at (909) 844-2520 or email at Magdalena.Rodriguez@wildlife.ca.gov.

Comment
7-5

Sincerely,



David Elms
Acting Regional Manager
Inland Deserts Region

cc: Laura Patterson, Statewide Coordinator, Amphibian and Reptile
Conservation, CDFW
Steven Ingram, Senior Staff Counsel, CDFW

Response to Comment Letter #7: California Department of Fish and Wildlife FTHL Take Letter

Comment 7-1: Thank you for your comments on the Imperial County General Plan *Renewable Energy and Transmission Element* Update Draft PEIR. 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 have to evaluate potential impacts to sensitive species, including the flat-tailed horned lizard (FTHL), 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 reduce impacts on the FTHL to a level less than significant.

Comment 7-2: Thank you for informing us that the Fish and Game Commission has accepted the petition to list the FTHL as an endangered species pursuant to the California Endangered Species Act (CESA). We understand that CDFW has initiated a one-year status review, and that take of an FTHL would be unlawful unless expressly authorized pursuant to CESA during this one-year candidacy period.

Comment 7-3: As described in response to comment 7-1 above, 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 mitigation measures cannot be evaluated at this time. Should take of an FTHL be required by a future renewable energy facility, the project proponent would prepare and submit an application for an incidental take permit to CDFW consistent with the requirements presented in this comment.

Comment 7-4: Should take of an FTHL be required by a future renewable energy facility, the project proponent would prepare and submit an application for an incidental take permit to CDFW to the address presented in this comment.

Comment 7-5: Thank you for your comments on the Imperial County General Plan *Renewable Energy and Transmission Element* Update Draft PEIR.

8 – California Department of Parks and Recreation



State of California • Natural Resources Agency

DEPARTMENT OF PARKS AND RECREATION
P.O. Box 942896 • Sacramento, CA 94296-0001

Edmund G. Brown Jr., Governor

Lisa Ann L. Mangat, Acting Director

Garratt Aitchison
District Superintendent
Ocotillo Wells District
California State Parks
5172 Highway 78, #10
Borrego Springs, CA 92004

February 25, 2015

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

Re: Comments on the Renewable Energy and Transmission Element of the Imperial
County General Plan and January 2015 Draft Programmatic EIR

Dear Mr. Minnick,

California Department of Parks and Recreation (State Parks), appreciates the opportunity to comment on the Renewable Energy and Transmission Element of the Imperial County General Plan and January 2015 Draft Programmatic EIR.

State Parks is a State Agency as defined by the California Environmental Quality Act (CEQA) § 21082.1, a Trustee Agency as used by CEQA, its Guidelines and as defined by CCR § 15386 for the resources affected by the Renewable Energy and Transmission Element of the Imperial County General Plan and January 2015 Draft Programmatic EIR for the proposed planning project. State Parks mission is to provide for the health, inspiration, and education of the people of California by helping preserve the state's extraordinary biodiversity, protecting its most valued natural and cultural resources, and creating opportunities for high quality outdoor recreation.

We commend Imperial County on their inclusion of the Renewable Energy and Transmission Element into the Imperial County General Plan and, overall, the visual mitigation recommendations within the PEIR. State Parks understands that when the Renewable Energy and Transmission Element is implemented it will help contribute towards California's ambitious energy and greenhouse gas reduction goals associated with AB 32.

Comment
8-1

After review from State Parks staff, we put forth the following comments and suggestions for your consideration as you take the next steps in developing the Final PEIR and inclusion of the Renewable Energy and Transmission Element in the County General Plan. We would also like to note that State Parks is a Collaborating Stakeholder Agency under the Desert Renewable Energy Conservation Plan (DRECP), and as such we have submitted comments on the recent public DRECP EIR/EIS that we will also reference below.

Comment
8-2

California State Parks represent a tremendous public investment in the protection and preservation of both cultural and natural resources along with the recreational and educational value they provide. Additionally, California State Parks provide economic benefits to Imperial County as they draw visitors from throughout the region, California, United States, and other nations. OHV activities in particular draw over a half million visitors to recreate at the two state vehicular recreation areas in Imperial County. As the governmental entity responsible for the stewardship of Ocotillo Wells and Heber Dunes State Vehicular Recreation Areas, Anza-Borrego Desert State Park, the Salton Sea State Recreation Area, and Paso Picacho State Recreation Area within Imperial County, we have a strong interest in ensuring parks involvement in any proposed alterations of land use within or adjacent to State Parks. Additionally, the long-term health of these units is dependent on the health of the area's ecosystems, and recognizing the biotic boundaries of State Parks extend beyond its jurisdictional boundaries and must be managed with an eye towards landscape and regional concerns.

One of State Parks primary recommendations would be to collaborate with Imperial County throughout the renewable energy project process from the initiation of planning to construction, mitigation and rehabilitation of sites. We recommend the PEIS provide more detail regarding the actual process associated with the administrative and decision making roles where State Parks units are located nearby and within the viewshed.

Comment
8-3

State Parks recommends changes to allow for cooperating agency coordination and consultation at the pre-application/siting phase when a project has the potential to directly or indirectly affect Park resources, including impacts to lands within and directly adjacent to parks. There is potential for direct and indirect impacts associated with renewable energy siting near park boundaries that may need to be avoided or mitigated via consultation and coordination with State Parks as mentioned above. Through Parks collaborative participation in the planning and implementation of these projects, we feel that these potential impacts can be addressed and mitigated.

Possible fragmentation of habitat and foraging linkages surrounding park boundaries is a key concern for State Parks. As mentioned above, by early collaboration and consultation with park staff/environmental specialists, many of these concerns can be avoided or mitigated.

Comment
8-4

State Parks wants to ensure that any proposed project does not conflict with existing legislatively mandated and departmental resource management practices and/or directives. We would like to see more specifics addressing linkages and habitat connectivity on and off of State Park lands and other protected areas that lend themselves to the ecosystem scale protection within the Imperial County Renewable Energy and Transmission Element. State Parks have existing resource and habitat