

protection programs in place per Department directives that individual parks within the Colorado Desert District and Ocotillo Wells District must adhere to.

Comment
8-4
(continued)

State Parks recommends the Renewable Energy and Transmission Element describe how existing visual sensitive resources within State Parks would be taken into consideration and how viewshed analysis would occur. In particular, AESTH-1 a) should include a discussion of State Parks and State Vehicular Recreation Areas. AESTH-1 f) should require restoration with native vegetation and specify native seed stock within or adjacent to State Park lands. State Parks and SVRAs, as you will see below, have many visual resource characteristics that we believe should be taken into consideration when siting renewable energy projects or transmission corridors within or adjacent to park boundaries.

Comment
8-5

OWSVRA has many significant and intrinsic visual values, features, and landscapes that State Park staff recommends should be changed to a BLM VRM Class II and III level to be consistent with the management and resource values of State Parks. These values include, but are not limited to, views of rare and unique geological formations, such as the yardangs, Gas Domes, and landmarks such as the Badlands, Shell Reef, Devil's Slide, the Santa Rosa Mountain Range, and the night sky. OWSVRA has been managed with an overarching "spirit of place" value characterized by the remote rugged and isolated natural environment. Park staff recommends that the Renewable Energy and Transmission Element and PEIR reflect the significance of these visual resources by changing the proposed OWSVRA to a VRM II/III classification.

Comment
8-6

Both the BLM and State Parks agrees, via an MOU, that OWSVRA is to manage this area for the unique recreational opportunities for both non-motorized and motorized recreation and manage the aesthetic quality of the landscape to minimize degradation and provide a scenic backdrop for visitors and residents. Please also consider popular camping areas as sensitive receptors for visual and air quality, in particular odor, adverse effects. Popular camping areas in OWSVRA are located north of Highway 78 and close to S-22.

Comment
8-7

We recommend that the Renewable Energy and Transmission Element and PEIR be consistent with Imperial County's Conservation and Open Space Element in the General Plan which will help ensure the valuable visual elements and resources of State Parks are accounted for.

Comment
8-8

The Renewable Energy and Transmission Element we recommend should be consistent with the DRECP, which we understand is still in a "conceptual" stage. All action alternatives of the DRECP propose to designate BLM lands within the OWSVRA as the Ocotillo Wells East Special Recreation Management Area (OWESRMA). State Parks OHMVR Division appreciates that a SRMA designation will allow the BLM to manage these lands with an emphasis on recreation, and that the existing MOU with State Parks would continue. However, the DRECP action alternatives also propose a geothermal-only Development Focus Area (DFA) overlay across most of the BLM parcels, and many private parcels in this proposed SRMA, which causes great concern OWSVRA staff. The State Parks Off-Highway Motor Vehicle Recreation Division/OWSVRA District strongly opposes any project that would allow renewable energy development with surface occupancy within a within OWSVRA. OWSVRA is an established, highly valued, SVRA. Surface drilling and infrastructure would change the

Comment
8-9

park's rugged desert into an industrial landscape that would forever change the visitor experience and would be incompatible with recreation.

Comment
8-9
(continued)

It should also be recognized that proposing geothermal activities within OWSVRA would include multiple privately owned inholdings which have been prioritized for acquisition with OHMVR Division Trust Funds. A number of the private inholdings are very small parcels zoned for recreation and open space, and many of these properties do not have existing easement or rights of access across either BLM or State Park property. These private inholdings may apply for easement rights but would be responsible for all county permits and environmental compliance. Including these parcels for geothermal activities presents potential planning and logistical difficulty for park operations that would place an extensive burden on State Parks staff. This has not been recognized in the Public Services or Recreation analysis in the PEIR and should be evaluated as it would impact State Parks operations, funding, resources and, most importantly, the visitor experience.

Comment
8-10

OWSVRA is home to a variety of wildlife, contains many springs, the first overland trail into California, and was a frequented trade area for Native American tribes. These pre-historic peoples frequently lived and traded along the ancient Lake Cahuilla shoreline which encompasses many of the proposed geothermal sites. Patton trained in OWSVRA during WWII and is often credited with starting OHV recreation as returning soldiers came back to explore the area in the post war jeeps. The geothermal sites are located in the midst of these highly valued natural and cultural resource areas. Any surface occupancy would require extensive environmental mitigation to avoid or minimize significant adverse impacts to them in accordance with existing state and federal policies, executive orders, and legislation.

Comment
8-11

The areas identified as potential geothermal sites within OWSVRA and renewable energy sites near State Parks, comprise some of the most suitable habitat for the Flat-tailed Horned Lizard (FTHL), a SSC, currently petitioned for state listing, and the Colorado Desert Fringe-toed Lizard also a SSC. Bio-1 b needs to address that OWSVRA is a Research Area for the FTHL within Imperial County for the FTHL Rangewide Management Strategy. All surveys and mitigation for the FTHL should adhere to the protocols and guidelines of the FTHL Rangewide Management Strategy. Other SSC found within the proposed geothermal sites within OWSVRA and on adjacent lands include Burrowing Owls, American Badgers, and Prairie Falcons. Development in these areas could result in significant and adverse impacts to habitat and result in direct mortality of individuals. In addition to the above mentioned SSC many other plant and animal species are found in abundance within the these proposed development sites. Protected desert vegetation and extensive wildflower displays can be found throughout the area. These areas represent large, contiguous segments of functioning and occupied habitat within legislatively protected areas that would be irreversibly impacted and fragmented by renewable energy development projects and associated covered activities. Bio-2 needs to address coordination with State Parks if within our boundary or adjacent to it.

Comment
8-12

Comment
8-13

Comment
8-14

There are important wildlife corridors, cultural, and visual resources located in close proximity to OWSVRA boundary. Potential changes to these areas due to renewable energy development could have proximity effects on the park and the various resources we are directed to protect. As stated in above comments, regarding the Renewable

Comment
8-15

Energy and Transmission Element implementation, we request that projects permitted under the Imperial County General Plan with the potential to directly or indirectly affect State Parks should incorporate State Park staff review for proposed avoidance and mitigation measures near and within OWSVRA. For example, there are BLM Western Colorado routes of travel (WECO routes) that extend from OWSVRA to BLM OHV areas to the south. If mitigation property is acquired that contains a WECO route (as depicted in the proposed OWE SRMA map), OHV access should be maintained to provide connectivity. We would recommend that mitigation parcels that provide connectivity between wildlife areas be prioritized as well.

Comment
8-15
(continued)

OWSVRA has a rich and diverse cultural past. For centuries, Native Americans expertly utilized the land and its resources in this area. In the eighteenth century, early Spanish explorers, including Captain Juan Bautista de Anza, led scouting parties in the area to search for an overland route to Alta (Upper) California. In the late 1800s and early 1900s, oil drilling and mineral prospecting occurred in the area. After the First World War, homesteaders were encouraged by a presidential order to occupy areas of the Mojave, Colorado, and Sonoran deserts, and many flocked to the area between 1919 and 1938. During the Second World War, the U.S. commandeered portions of the land to use for military training and firing ranges. Remnants of this military training can still be found throughout the park in the form of munitions, military roads, and vehicles. Since then, OWSVRA has become a popular recreational area for hiking, camping, and off-road vehicle use. The beautiful desert landscape has also been featured in several Hollywood movies and TV shows for more than a half a century. The physical remains of the prehistory and history of Ocotillo Wells can still be found in the park, and many these cultural resources are located in the proposed geothermal development areas.

Comment
8-16

OWSVRA currently has over 900 archaeological sites and over 4,000 artifacts recorded within the park boundary, and several of these sites are cremations. Therefore, the Native American Graves Protection and Repatriation Act (NAGPRA) needs to be taken into consideration for projects within the vicinity of these cremations, in which extensive Native American consultation would need to occur before a project could even take place. Ancient Lake Cahuilla's shoreline and many of these very sensitive archaeological sites are located within the proposed geothermal development areas, and a large portion of these high value sites have not fully been evaluated for their scientific information. Compliance with AB 52 for Traditional Cultural Properties needs to be addressed in the PEIR.

Additional concerns related to geological faults that results in a series of natural springs and seeps in the eastern portion of OWSVRA that provide vital water for wildlife. This should be addressed in an analysis of potential geological and hydrological impacts for each project that is proposed within or near State Park lands. Additionally, surface flow changes with development should be addressed for potential changes to flash flood impacts. Most importantly, the Renewable Energy and Transmission Element is silent on potential adverse effects to regional and local OHV trails used by thousands of visitors each year. This must be addressed with appropriate mitigation proposed in the Final PEIR.

Comment
8-17

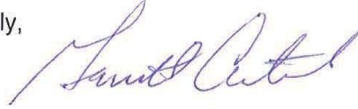
State Parks would like to reserve the right to provide additional comments, as needed, at the Planning Commission and Imperial County Board of Supervisors hearings.

Comment
8-18

We look forward to continuing the discussions and collaboration, and please don't hesitate to contact Tina Robinson of my staff at Tina.Robinson@parks.ca.gov or (760) 767-1302, if you have any questions.

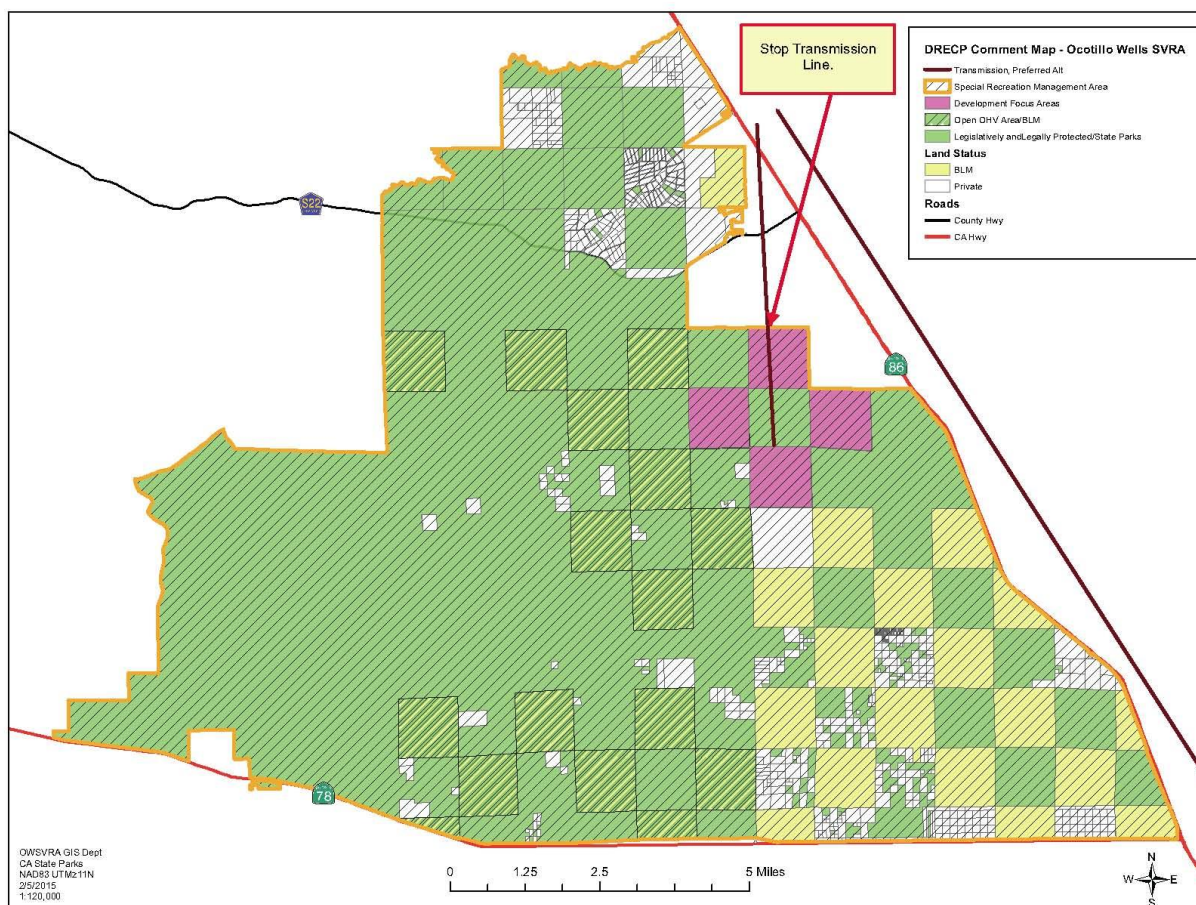
Comment
8-19

Sincerely,



Garratt Aitchison, District Superintendent
Ocotillo Wells District

cc: Col Christopher C. Conlin, USMC (Ret), Deputy Director, California State Parks
Dan Falat, Colorado Desert District Superintendent
Connie Latham, DRECP/RE Project Coordinator, DPR



Response to Comment Letter #8: California Department of Parks and Recreation Comment Letter

Comment 8-1: Thank you for your comments on the Imperial County General Plan *Renewable Energy and Transmission Element Update* Draft PEIR.

Comment 8-2: The County understands that the California Department of Parks and Recreation (State Parks) is a Collaborating Stakeholder Agency under the DRECP and that you have submitted comments on the Draft DRECP EIR/EIS as well. The County also recognizes your department's vital role in protecting and preserving cultural and natural resources and fostering economic benefits. We have provided responses to your specific comments below.

Comment 8-3: Comment noted. The County, in its preliminary "pre-application" meetings with the project proponents, shall send OWSRVA staff copies of all applications and supporting documents for review and comment. When the formal application is submitted, the application and supporting documents shall be submitted to Ocotillo Wells State Vehicular Recreation Area (OWSVRA) staff for review and comment. The environmental impacts of future renewable energy projects will be addressed in a CEQA Initial Study and will be sent to OWSVRA staff for any future project that is within or adjacent to the OWSVRA plan area. Notice will be provided prior to any County Planning Commission and/or Board of Supervisors meetings. Any mitigation measure proposed by OWSVRA staff shall be considered and included in the environmental document as applicable.

Comment 8-4: 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 to linkages and habitat connectivity cannot be evaluated at this time. Future renewable energy facilities developed under the proposed Project would have to evaluate potential impacts to linkages and habitat connectivity during the project's required environmental review phase. Implementation of mitigation Measure BIO-4 and any additional mitigation measures that may be required based on site-specific characteristics identified during the environmental review phase would reduce impacts on linkages and habitat connectivity to a level less than significant. Analysis of potential impacts for projects within the Colorado Desert District or Ocotillo Wells District would also be required to evaluate project consistency with applicable State Parks habitat protection programs and implement mitigation measures as appropriate to reduce impacts to a level less than significant.

Comment 8-5: Comment noted. Any future renewable energy proposal that may result in visual impacts to State Parks recreation areas shall be fully vetted and considered during the environmental review process. The comments from State Parks staff shall be considered as part of the future environmental document prepared for the project.

Comment 8-6: The County understands that there are many valuable visual resources within OWSVRA. However, the Visual Resource Management Category assigned to these resources is under the purview of the Bureau of Land Management (BLM). Therefore, the County does not have the authority to change the BLM VRM designation for any visual resources within OWSVRA.

Comment 8-7: 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. Future renewable energy facilities developed under the proposed Project would have to evaluate potential impacts to OWSVRA, including camping areas, for potential visual and air quality impacts during the project's required environmental review phase. Implementation of 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 visual and air quality impacts to a level less than significant.

Comment 8-8: The *Conservation and Open Space Element* is currently being updated by the County of Imperial as well. The existing conditions data presented in the Draft PEIR has also been utilized in the County update of the *Conservation and Open Space Element* of the General Plan. Consequently, the *Renewable Energy and Transmission Element* update is consistent with the *Conservation and Open Space Element* update.

Comment 8-9: The portions of the proposed Overlay Zone Map located within OWSVRA 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 OWSVRA consistent with the DRECP.

Comment 8-10: 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. Should a future renewable energy project include privately owned lands within OWSVRA, the project proponent would be responsible for obtaining all easement and/or access rights necessary for the project as well as preparing necessary environmental documentation.

Comment 8-11: Future renewable energy facilities developed under the proposed Project would have to evaluate potential impacts to natural and cultural resources during the project’s required environmental review phase. Implementation of 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 natural and cultural resources to a level less than significant.

Comment 8-12: Some portions of the OWSVRA that were originally included in the proposed Overlay Zone Map 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. 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, the portions of the OWSVRA shown in red on Figure 2.2-2 of the Final PEIR are no longer subject to the proposed Project.

The remaining portions of the proposed Overlay Zone Map located within the OWSVRA 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 OWSVRA. 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 under the proposed Project within the boundaries of the OWSVRA 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 in cooperation with CDFW and/or USFWS.

Comment 8-13: As described in response to comment 8-12 above, Mitigation Measure BIO-1b has been revised to document potential sensitive species surveys that may be required for future renewable energy facilities developed under the proposed Project, including the American badgers, Burrowing owl, and Prairie falcon. Consequently, future geothermal energy facilities developed within the boundaries of the OWSVRA would be required to conduct surveys for the sensitive species listed in this comment and develop appropriate mitigation, which may include a species-specific Mitigation and Monitoring Plan if direct impacts cannot be avoided. A species-specific Mitigation and Monitoring Plan would require prior approval by and in cooperation with CDFW and/or USFWS.

Comment 8-14: Future renewable energy facilities developed under the proposed Project would be required to evaluate potential impacts related to habitat fragmentation 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 related to habitat fragmentation to a level less than significant.

Comment 8-15: Future renewable energy facilities developed within, or immediately adjacent to, OWSVRA would have to evaluate potential proximity impacts to State Parks facilities during the project's required environmental review phase. State Parks would have an opportunity to review and comment on the environmental documentation prepared for future renewable energy facilities developed within, or immediately adjacent to, OWSVRA and future project proponents would be required to coordinate with State Parks as necessary.

Comment 8-16: The County understands the rich and diverse cultural history within OWSVRA. Future renewable energy facilities developed under the proposed Project would be required to evaluate impacts to cultural resources consistent with the Native Americans Graves Protection and Repatriation Act (NAGPRA) and Assembly Bill 52 during the project's required environmental review phase. The definition of human remains presented in Mitigation Measure CUL-3 is based upon the NAGPRA. Implementation of Mitigation Measure CUL-3 and any additional mitigation measures that may be required based on site-specific characteristics identified during the environmental review phase would reduce impacts related to human remains to a level less than significant. Compliance with CEQA with respect to cultural resources would ensure that future renewable energy projects developed under the proposed Project would be consistent with Assembly Bill 52.

Comment 8-17: Future renewable energy facilities developed within, or near, State Parks lands would have to evaluate potential geological and hydrological impacts, including changes to surface flows that may result in flooding, during the project's required environmental review phase. Future renewable energy facilities developed within, or near, State Parks lands would also need to evaluate potential impacts on local OHV trails. Implementation of 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 geological and hydrological impacts to a level less than significant.

Comment 8-18: State Parks will have an opportunity to provide additional comments at the Planning Commission and Imperial County Board of Supervisors hearings.

Comment 8-19: Thank you for your comments on the Imperial County General Plan *Renewable Energy and Transmission Element Update* Draft PEIR.

9 – Imperial County Air Pollution Control District

150 SOUTH NINTH STREET
EL CENTRO, CA 92243-2850



TELEPHONE: (760) 482-4606
FAX: (760) 353-9904

February 25, 2015

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

Re: Programmatic Environmental Impact Report (PEIR) for the Imperial County General Plan
Renewable Energy and Transmission Element Update

Dear Mr. Minnick,

The Imperial County Air Pollution Control District (Air District) appreciates the opportunity to comment on the above mentioned document. The Air District will reiterate the comment letter dated August 21, 2014, as the Air District continues to be concerned about projected increases in emissions from Ozone, PM₁₀, and PM_{2.5}. Since the Imperial County is currently “moderate” non-attainment for ozone, “serious” non-attainment for PM₁₀, “moderate” non attainment for PM_{2.5} the Air District implements specific programs to keep air quality from declining in Imperial County. Such programs include the Rules and Regulations of the Air District, the California Environmental Quality Act (CEQA), CEQA Air Quality Handbook for Imperial County, and the Air District State Implementation Plans (SIP’s) for Ozone and PM₁₀.

Comment
9-1

COUNTY GENERAL PLAN RENEWABLE ENERGY AND TRANSMISSION ELEMENT
UPDATE PROGRAMMATIC EIR (County Update PEIR)

CEQA Guidelines section 15168 (a) through (e), gives the general description and advantages of lead agencies using such EIR’s. Programmatic EIR’s “can be characterized as one large project...” with such advantages as providing for more exhaustive consideration of effects and alternatives, ensuring the consideration of cumulative impacts, avoidance of duplicative reconsideration, reduction in paperwork and allowing a lead agency to consider broad policy alternatives and program wide mitigation measures. CEQA explains this type of Program EIR’s

Comment
9-2

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

allow for “later activities” considered as within the scope of the Program EIR to fall under “CEQA compliance” by simply making a statement that the activity is within the scope of the program EIR and that it adequately describes the activity for the purpose of CEQA.

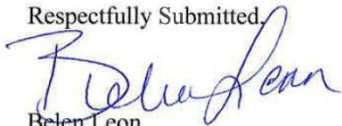
Comment
9-2
(continued)

The County Update PEIR, is a broad policy program and not an exhaustive PEIR making any future “later activities” deemed within the scope of the County Update PEIR subject to “CEQA compliance” by virtue of statements. Therefore, the Air District is formally remitting this comment letter in direct response to this very real possibility. The County Update PEIR does not examine the air quality impacts to a degree necessary to make a proper determination of significance. Rather, the lack of a proper analysis would deem any project falling under the County Update PEIR as significant if no Air Quality Study is submitted to properly analyze the impacts to Ozone, by virtue of its precursors, PM₁₀ and PM_{2.5}. Therefore, in order to protect the public health and welfare ANY project that falls within the scope of this County Update PEIR must submit, at a minimum, an Air Quality Study following the program guidelines identified above.

For your reference the Air District’s rule book, including all new regulations can be accessed via internet at <http://www.co.imperial.ca.us> under “Air Pollution Control”. Again, thank you for allowing the Air District an opportunity to comment on this project. Should you have any questions please do not hesitate to call the office at 442-265-1800.

Comment
9-3

Respectfully Submitted,



Belen Leon

APC Environmental Coordinator

Cc: Richard Cabanilla
Monica Soucier

Response to Comment Letter #9: Imperial County Air Pollution Control District

Comment 9-1: Thank you for your comments on the Imperial County General Plan *Renewable Energy and Transmission Element* Update Draft PEIR. We understand the Imperial County Air Pollution Control District's (Air District's) concerns regarding Ozone, PM₁₀, and PM_{2.5} and have addressed potential impacts associated with these and other criteria pollutants in the Draft PEIR. This analysis was conducted consistent with CEQA, and the Draft PEIR has identified Air District policies in several air quality mitigation measures.

Comment 9-2: 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, future renewable energy facilities developed under the proposed project would have to evaluate potential air quality and greenhouse gas impacts during the project's required environmental review phase. Evaluation of potential impacts would require preparation of an Air Quality study or similar environmental documentation consistent with CEQA and Air District requirements to received project approval.

Comment 9-3: Future renewable energy facilities developed under the proposed Project would be required to prepare an Air Quality study or similar environmental documentation consistent with the requirements of the Air District rule book cited in this comment. Thank you for your comments on the Imperial County General Plan *Renewable Energy and Transmission Element* Update Draft PEIR.

10 – Imperial Irrigation District



www.iid.com

February 23, 2015

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

RECEIVED

FEB 25 2015

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

Dear Mr. Minnick:

**SUBJECT: Imperial County Renewable Energy and Transmission Element
Update Draft PEIR**

The Imperial Irrigation District appreciates the opportunity to submit its comments on the draft program environmental impact report for the update of the Imperial County 2006 Geothermal/Alternative Energy and Transmission Element (re-titled *Renewable Energy and Transmission Element*) where the draft PEIR proposes to identify the environmental impacts and the implementation of appropriate mitigation measures to assure that the Imperial County General Plan update can meet the needs for future renewable energy development while remaining consistent with identified land use and environmental goals.

Comment
10-1

IID is the nation's largest irrigation district, delivering approximately 3.1 million acre-feet of water annually to nearly 500,000 acres of farmland and seven municipalities in the southeastern California desert. Additionally, IID is the third largest public power utility in California, serving customers in both Imperial and Riverside counties. IID supports the local, state and federal efforts to streamline the permitting process and facilitate development of renewable energy projects in southern California, including geothermal development in the Salton Sea known geothermal resource area, to help meet state and federal renewable energy goals.

The IID has reviewed the proposed Renewable Energy and Transmission Element and draft PEIR and has the following comments/concerns:

1. Future renewable energy development projects, under the RETE, will impact numerous existing and proposed IID water and energy facilities throughout IID's service area, necessitating relocation of facilities or additional infrastructure to accommodate renewable energy development. To accomplish this, IID will require that all costs incurred by IID need to be borne by the developer.

Comment
10-2

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

Mr. Jim Minnick
February 23, 2015
Page 2

- | | |
|---|---|
| 2. IID's canal or drain banks may not be used to access project sites. Any abandonment of easements or facilities shall be approved by IID based on systems' (irrigation, drainage, power, etc.) needs. | Comment
10-3 |
| 3. In Figure 4.9-1 through Figure 4.9-4 located on Pages 4.9-10, 4.9-11, 4.9-14 and 4.9-17, respectively, of the draft PEIR, the Westside Main Canal is incorrectly labeled as "Main Canal" which doesn't exist. Furthermore, after passing through the T13S R13E section, the Westside Main Canal goes through T13S R12E to the Carter Reservoir. The Trifolium Extension continues north through T12S R12E and T12S R11E. Other map figure labels, located throughout the document, may also be incorrectly labeled. | Comment
10-4 |
| 4. The PEIR should address the biological impacts to IID's drains. Approximately 33.3 percent of water delivered to agricultural users ultimately discharges as tile and tailwater into the IID's drainage system. Reduction in field drainage due to land use conversion has an incrementally negative effect on both drain water quality and volume. This affects drain habitat (flora and fauna) and the elevation and salinity of the Salton Sea (shoreline habitat and exposed acreage that may have air quality issues). Additionally certain direct-to-sea drains have been identified as pupfish drains, which require additional protections under state and federal Endangered Species Acts. The cumulative analysis should also consider the impacts to forage habitat in areas of intensive development of in the valley. The clustering of renewable energy projects in agricultural areas can cause the loss of much of the foraging habitat normally used by various species, including burrowing owl, other migratory birds and small mammals. This loss of habitat is particularly critical for the burrowing owl, a species of special concern in California. The valley supports the largest concentrated population of burrowing owls located primarily within the agricultural portion of the valley. Additional evaluation and more specific mitigation measures should be identified for this species. | Comment
10-5

Comment
10-6

Comment
10-7 |
| 5. Furthermore, the PEIR should also contain an assessment or analysis of cumulative impacts considering all non-agricultural facilities whose water use (or potential water use) would reduce the inflow conveyed to IID drains and, subsequently, the Salton Sea. As an example, solar facilities are often clustered in one single area because of transmission access. This intensifies the impacts in those areas and in some cases almost completely removes necessary habitat in localized areas. | Comment
10-8 |
| 6. Avian mortality associated with solar and wind projects have been documented in several areas. Recent losses include the federally endangered clapper rail. Projects permitted under the RETE will likely be required to monitor mortality resulting from operations, and implement avoidance, minimization and | Comment
10-9 |

Mr. Jim Minnick
February 23, 2015
Page 3

compensation measures. Since, compensation could potentially include mitigation banks; restoration of freshwater marsh habitat could benefit the Yuma Clapper Rail and California Black Rail. Potential areas suitable for such restoration exist along the southern shores of the Salton Sea, and could build off existing restoration plans and project along the Alamo and New Rivers.

Comment
10-9
(continued)

7. Section 2 of the RETE, titled *Imperial Irrigation District*, Page 45, should include that on May 8, 2012, the IID Board of Directors adopted the *Temporary Land Conversion Fallowing Policy*, a policy that requires participation from certain project developers and/or landowners as a condition of water service for new non-agricultural projects. In particular, this policy targets lower water demand projects, such as photovoltaic solar facilities, that require a temporary land use conversion and are permitted by conditional use permits on agriculturally-zoned lands.

Comment
10-10

8. The RETE should encourage solar development areas nearest to existing transmission paths and promote the utilization of available transmission capacity and the upgrade of low voltage transmission facilities to higher transmission capacity as a way of optimizing existing transmission assets and corridors, thus incurring in less environmental impacts.

Comment
10-11

9. In addition to the open access transmission tariff process mentioned in the RETE, renewable projects within the IID service area are provided electric service for their facilities' construction, station service and O&M buildings by IID. It is important to note that all costs associated with the relocation and/or upgrades of IID electrical infrastructure to service the project will be the responsibility of the project proponent. However, on occasion IID's energy deliverability is limited around the project area and a circuit analysis is needed in order to identify the types of upgrades to IID electrical distribution infrastructure necessary to provide service, which can include but is not limited to new, relocated, modified or re-constructed substations, transmission and /or distribution lines.

Comment
10-12

10. Any construction or operation on IID property or within its existing and proposed right-of-way or easements will require an encroachment permit, or encroachment agreement (depending on the circumstances) including, but not limited to surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water or any other above ground or underground utilities (e.g., power lines).

Comment
10-13

11. In addition to IID's recorded easements, IID claims, at a minimum, a prescriptive right-of-way to the toe of slope of all existing canals and drains. Where space is limited and depending upon the specifics of adjacent modifications, the IID may

Comment
10-14

Mr. Jim Minnick
February 23, 2015
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claim additional secondary easements/prescriptive rights-of-ways to ensure operation and maintenance of IID's facilities can be maintained and are not impacted and if impacted mitigated. Thus, IID should be consulted prior to the installation of any facilities adjacent to IID's facilities. Certain conditions may be placed on adjacent facilities to mitigate or avoid impacts to IID's facilities.

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(continued)

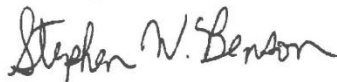
12. Any new, relocated, modified or reconstructed IID facilities required for and by a project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, canals, drains, etc.) need to be included as part of the project's CEQA and/or NEPA documentation,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

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The Imperial Irrigation District supports the development of renewable energy and understands the meaning and purpose of the *Imperial County Renewable Energy and Transmission Element Update* goal of meeting the needs for future renewable energy development while remaining consistent with the county's land use and environmental policies. While we believe the proposed update does that to a large degree, we have some concerns and hope that our comments provide some insight as to where the plan should be augmented to help address them. We believe that any approach to implementing the Imperial County Renewable Energy and Transmission Element must be accomplished through a partnership at the local level which takes into consideration the suggestions from local farmers, environmental advocates, governmental and non-governmental entities. We stand ready to continue working with all the agencies involved as this process moves forward.

Comment
10-16

Sincerely,



Stephen W. Benson
President, Board of Directors

Response to Comment Letter #10: Imperial Irrigation District

Comment 10-1: 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 10-2: Future renewable energy facilities developed under the proposed Project would have to evaluate whether project design would impact existing or proposed Imperial Irrigation District (IID) water and energy facilities. Should it be determined that a future renewable energy facility impact IID facilities, necessitating relocation of facilities or additional infrastructure, the Project proponent would be responsible for all costs.

Comment 10-3: The County understands that IID canal and drain banks may not be used to access project sites and that abandonment of easements or facilities shall be approved by IID based on system needs.

Comment 10-4: Figures 4.9-1 through 4.9-4 of the Final PEIR have been revised to correctly label the Westside Main Canal. The level of detail regarding the sections of the Westside Main Canal cannot be shown at the scale of the figures presented in the PEIR. Future renewable energy facilities proposed for development near the Westside Main Canal would be required to show the accurate details listed in this figure in the environmental documents prepared for the project.

Comment 10-5: 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 related to field drainage 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 related to water quality and volume associated with field drainage during the project’s required environmental review phase. Implementation of 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 related to field drainage to a level less than significant.

Comment 10-6: 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 direct-to-sea drains identified as Desert pupfish drains 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 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 10-7: As described in Section 2.3 of the Draft PEIR, the County developed a reduced Overlay Zone Map footprint in order to preserve valuable agricultural resources within Imperial County. Therefore, implementation of the proposed Project and its reduced footprint alternative would preserve agricultural resources that serve as habitat for various species, including Burrowing owl. Additionally, 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. Furthermore, Mitigation Measure BIO-1b has been revised to document potential sensitive species requiring surveys, including the burrowing owl, 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 includes 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 renewable energy facilities developed under the proposed Project would be required to conduct burrowing owl surveys and develop appropriate mitigation for both project-level and cumulative impacts to the Burrowing owl, 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 in cooperation with CDFW and/or USFWS.

Comment 10-8: 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 related to how water use would reduce flows to IID drains 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 related to how water use would reduce flows to IID drains, both project-specific and cumulative, during the project’s required environmental review phase. Implementation of mitigation measures presented in the Final PEIR any additional mitigation measures that may be required based on site-specific characteristics identified during the environmental review phase would reduce impacts related to how water use would reduce flows to IID drains to a level less than significant.

Comment 10-9: Future renewable energy facilities developed under the proposed Project would be required to evaluate potential impacts related to avian mortality 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. Development of the mortality monitoring and avoidance, minimization, and compensation measures 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 avian mortality.

Comment 10-10: The discussion of IID on page 45 of the *Renewable Energy and Transmission Element Update* has been revised to include the following statement:

"...On May 8, 2012, the IID Board of Directors adopted the *Temporary Land Conversion Following Policy*, a policy that requires participation from certain project developers and/or landowners as a condition of water service for new non-agricultural projects. In particular, this policy targets lower water demand projects, such as photovoltaic facilities, that require a temporary land use conversion and are permitted by conditional use permits on agriculturally-zoned lands..."

Comment 10-11: Any future solar energy facility developed under the proposed Project shall be reviewed in coordination with IID as it relates to required transmission lines, substations, and other IID facilities.

Comment 10-12: Should it be determined that a future renewable energy facility would necessitate the relocation and/or upgrade of IID electrical infrastructure to serve the project, the project proponent

would be responsible for all costs. A circuit analysis may be required to evaluate whether adequate IID facilities exist to provide energy for the future renewable energy facility.

Comment 10-13: The County understands that any future renewable energy facility developed under the proposed Project that would require construction or operation on IID property or within its existing and proposed Right-of-Way (ROW) or easements would require an encroachment permit or encroachment agreement including, but not limited to surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, stormwater or any other aboveground or underground utilities (e.g., power lines).

Comment 10-14: The County understands that IID claims at a minimum, a prescriptive ROW to the toe slope of all existing canals and drains. The County will coordinate with IID on all future renewable energy facilities developed under the proposed Project adjacent to IID facilities.

Comment 10-15: Future renewable energy facilities developed under the proposed Project would be required to evaluate potential impacts associated with new, relocated, modified, or reconstructed IID facilities and mitigation measures in the project's required environmental documentation. Any mitigation measures necessary as a result of the construction, relocation, and/or upgrade of IID facilities would be the responsibility of the project proponent.

Comment 10-16: Thank you for your comments on the Imperial County General Plan *Renewable Energy and Transmission Element* Update Draft PEIR. As described in the response to comments above, the Draft PEIR is consistent with CEQA.