



BIO-3: This measure is in relation to wetland areas within the County which are an important resource for many wildlife species.

Comment
12-28

Recommendation: Provide a map of all wetlands and consider including an exclusion area in the Overlay Zone for wetland areas to completely avoid impacts to this critical natural community.

BIO-4: This measure refers to wildlife movements and impacts to wildlife linkages. However, there is no map of which linkages this mitigation measures will apply to.

Comment
12-29

Recommendation: Include a map of critical wildlife linkages that, if impacted, will be mitigated through implementation of BIO-4. Additional consideration should be given to impacts to migration pathways of migratory birds.

Additional mitigation measures should be included for impacts to specific special status species (mentioned above), riparian communities, and dune communities.

Comment
12-30

6. Climate change considerations

The RET Update lacks a robust consideration of climate change. Since a key purpose of CEQA is to maintain the quality of California's environment, both now and into the future, reducing the risk of dangerous climate change is an important objective under CEQA.¹² Indeed, under CEQA, a lead agency is required "to analyze how future climate change may affect development under the general plan."¹³ The CEQA guidelines state that: "Lead agencies should disclose any areas governed by the general plan that may be particularly affected by global warming, e.g.: coastal areas that may be subject to increased erosion, sea level rise, or flooding; areas adjacent to forested lands that may be at increased risk from wildfire; or communities that may suffer public health impacts caused or exacerbated by projected extreme heat events and increased temperatures. (emphasis added) General plan policies should reflect these risks and minimize the hazards for current and future development."¹⁴ The California Adaptation strategy recommends that: Communities with General Plans and Local Coastal Plans should begin when possible to amend their Plans to assess climate change impacts, identify areas most vulnerable to these impacts, and to develop reasonable and rational risk reduction strategies using the Draft California Adaptation Strategy as guidance.

Comment
12-31

The RET Update lacks a robust climate change analysis. Moreover, the RET Update has missed an important opportunity to develop a broader strategy to mitigate the effects of climate change. This is particularly important as Imperial County includes many communities which that will feel the public

¹² http://www.opr.ca.gov/s_ceqaandclimatechange.php

¹³ The relevant portion of CEQA Guidelines Section 15126.2 states:

The EIR shall also analyze any significant environmental effects the project might cause by bringing development and people into the area affected. For example, an EIR on a subdivision astride an active fault line should identify as a significant effect the seismic hazard to future occupants of the subdivision. The subdivision would have the effect of attracting people to the location and exposing them to the hazards found there.

¹⁴ <http://aq.ca.gov/globalwarming/ceqa/generalplans.php>



health impacts caused or exacerbated by projected extreme heat events and increased temperatures, as climate Change will disproportionately affect the economically disadvantaged. Many of these communities in Imperial County already suffer from the impacts of poor air quality, including asthma and other illnesses, and can ill-afford to bear these additional impacts.

Recommendation: The County should develop a climate adaptation strategy and incorporate this strategy into the General Plan. This strategy should include measures to benefit environmental justice communities, which are more likely to bear the impacts of climate change. The County should include an analysis of climate change impacts, and measures to mitigate these impacts developed in the climate adaptation strategy in project-specific EIRs for renewable energy projects.

Comment
12-31
(continued)

5. Conclusion

We appreciate the opportunity to provide these comments. Please call or email if you would like to discuss the comments further.

Comment
12-32

Respectfully Submitted,

Handwritten signature of Stephanie Dashiell.

Stephanie Dashiell
California Representative
Defenders of Wildlife

Handwritten signature of Garry George.

Garry George
Renewable Energy Director
Audubon California

Handwritten signature of Sarah K. Friedman.

Sarah Friedman
Senior Campaign Representative
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James Peugh
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CC: Richard Cabanilla, Richard.Cabanilla@co.imperial.ca.us
Andy Horne, AndyHorne@co.imperial.ca.us

Response to Comment Letter #12: Audubon California

Comment 12-1: 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 12-2: Section 2.2.3 of the Final PEIR discusses the relation of the proposed Project to the Draft 2014 DRECP with minor textual revisions to the Draft PEIR by stating the following:

“...Upon release of the Draft 2014 DRECP, the County staff and consultants began reviewing the DRECP to determine which areas within Imperial County had been designated as DFAs under the various project alternatives that were presented. This review of DRECP project alternatives provided the County team with valuable information regarding where future development of renewable energy facilities could be located within Imperial County; however, the County and consultant team then executed an additional constraints analysis to identify additional valuable resources within Imperial County. Although the DRECP does preserve numerous resources throughout the Plan Area, the conservation strategy developed for the plan does focus on biological resources. Consequently, the ~~County~~ team conducted additional research on the locations of valuable environmental resources, such as agriculture, and compared the DRECP alternatives to this expanded data set. Based on the results of this additional constraints analysis, the County team developed a new program alternative that reduced the DFA footprint of the DRECP Preferred Alternative in order to preserve valuable agricultural resources and ensure that the DFA was constrained by a 0.5-mile buffer around all urban areas. The results of this constraints analysis are presented in the Renewable Energy (RE) Overlay Zone Map presented below (Figure 2.2-1). The Renewable Energy Overlay Zone Map is discussed in greater detail in Section 2.2.4 below...”

Consequently, the proposed Renewable Energy Overlay Zone Map preserved the areas designated for conservation in the Draft 2014 DRECP. Although there may be some areas included in the proposed Renewable Energy Overlay Zone Map that were not included in the Development Focus Area's of the Draft 2014 DRECP, these areas constitute a small amount of land compared to the overwhelming amount of the DRECP conservation areas that were preserved. Furthermore, the proposed Project dramatically reduced the amount within the proposed overlay zones compared to the DRECP DFAs, which is far larger than the amount of land added to the proposed overlay zones that was not included in the Draft 2014 DRECP's DFAs.

Comment 12-3: Figure 2.4-1: Overlay Zone Map presented in the Draft PEIR has been revised to present two separate maps that distinguish between land under the jurisdiction of the County and land under the jurisdiction of BLM. Please see Figures 2.2-1 and 2.2-2 of the Final PEIR. Figure 2.2-2 presents 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.

Comment 12-4: 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.

Comment 12-5: The County of Imperial has worked in partnership with the Imperial Irrigation District to develop the Salton Sea Restoration & Renewable Energy Initiative. This initiative will utilize funds generated by development of future renewable energy facilities at the Salton Sea to help finance activities for habitat restoration and air quality management. Future renewable energy facilities sited on exposed lakebeds of the Salton Sea would serve a dual purpose of producing renewable energy while doubling as groundcover to mitigate air emissions. The Salton Sea Authority is responsible for leading the planning and implementation of future renewable energy facilities at the Salton Sea with support from the State of California. As described in the Draft PEIR, the proposed Project would be implemented on a “project-by-project” basis based on County approval of individual renewable energy projects. Consequently, specific impacts to the Salton Sea Renewable Energy and Restoration Initiative projects cannot be estimated at this time. Future renewable energy facilities developed under the proposed Project would be required to evaluate potential impacts, including impacts to biological resources at the Salton Sea, 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 biological resources at the Salton Sea to a level less than significant.

Comment 12-6: 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. Environmental documentation for future individual renewable energy projects would be dependent on the magnitude of impacts. As indicated in Comment 12-6, the purpose of PEIRs is to use the PEIR to determine whether an additional environmental document must be prepared. If a later activity would have effects that were not examined in the PEIR, a new Initial Study would need to be prepared leading to either an EIR or Negative Declaration. Where the subsequent activities involve site specific operations, the agency should use a written checklist to document the evaluation of the site and the activity to determine whether the environmental effects were covered in the PEIR. In addition, the PEIR can be used to simplify the task of preparing environmental documents on later parts of the program.

Comment 12-7: Comment noted.

Comment 12-8: The proposed overlay zones were presented on Figure 2.4-1 and numerous other figures of the Draft PEIR. For the internal security of the County consultant’s server, it is not possible to provide access to a Google Earth and/or ESRI ArcGIS layer on their network.

Comment 12-9: The Draft PEIR analyzes impacts associated with future renewable energy facilities that may be developed under the proposed Project. Potential impacts associated with existing renewable energy facilities were analyzed during the environmental review phase of each respective project. The locations of recent existing renewable energy facilities are shown on Figure 3.2-1 Cumulative Projects. Potential cumulative impacts resulting from the proposed Project, in conjunction with existing, approved, proposed, and reasonably foreseeable projects within the County are analyzed in the cumulative section of each respective environmental category presented in the Draft PEIR (Sections 4.1 thru 4.17).

Comment 12-10: The methodology utilized to develop the proposed Overlay Zones is accurately described in Chapter 2.0 of the Draft PEIR.

Comment 12-11: Figure 2.4-1: Overlay Zone Map presented in the Draft PEIR has been revised to present two separate maps that distinguish between land under the jurisdiction of the County and land under the jurisdiction of BLM. Please see Figures 2.2-1 and 2.2-2 of the Final PEIR. As described in response to comment 12-3 above, the areas shown on Figure 2.2-2 of the Final PEIR are not subject to the proposed Project and the map is being provided for “informational purposes” only. Furthermore, the following statement was added to Section 2.2.4-1 of the Final PEIR regarding the development of future renewable energy facilities near the Chocolate Mountains Aerial Gunnery Range:

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

Comment 12-12: The portions of the proposed Overlay Zone Map located within the flat-tailed horned lizard (FTHL) East Mesa Management Area (MA) have been changed to the “Proposed Development Focus Areas on Land Managed by BLM” category, which was developed to identify land under the jurisdiction of BLM that may be utilized for development of renewable energy facilities. Similarly, some portions of the Ocotillo Wells Research Area (RA) that were originally included in the proposed Overlay Zone Map have also been changed to the “Proposed Development Focus Areas on Land Managed by BLM” category. Areas subject to this category are Federally-managed lands that were included in the 2014 Draft DRECP and EIR/EIS that were not excluded by the constraints analysis conducted by the County. The locations of the “Proposed Development Focus Areas on Land Managed by BLM” are shown in red on Figure 2.2-2 of the Final PEIR. The areas shown on Figure 2.2-2 of the Final PEIR are not subject to the proposed Project and the map is being provided for “informational purposes” only. Consequently, land within the FTHL MA and some land within the FTHL RA are no longer subject to the proposed Project.

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

“BIO-1b: Conduct Surveys for Special Status Animal Species. As a requirement of an application for a future renewable energy facility, surveys for special status animal species shall be conducted by qualified and agency-approved biologists to determine the presence or absence of sensitive animal species within the footprint of a future renewable energy project. Required surveys for special status animal species may include, but are not limited to, American badgers, burrowing owl, flat-tailed horned lizard, golden eagle, mountain plover, prairie falcons, Swainson’s hawk, and Yuma Ridgway’s rail, among others. Any special status mammal, reptile, and amphibian species detected during surveys shall be passively relocated to areas outside the construction zone and prevented from reentering the future project area with the installation of silt fencing or other exclusion fencing. All fencing shall be periodically monitored and maintained for the duration of construction. Passive relocation shall only be done in the nonbreeding season in accordance with guidelines and consultations with resource agencies. This Depending on which special status species are present within the project boundaries, passive relocation measures may include covering or

excavating all burrows or dens and installing one-way doors into occupied burrows. This would allow any animals inside to leave the burrow but would exclude any animals from reentering the burrow. The burrows shall then be excavated and filled in to prevent their reuse. Other types of relocation measures may be required, depending on which special status species are present within the project boundaries.

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

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

Comment 12-13: We are not certain exactly which location you are describing in this comment. However, nearly all portions of the proposed overlay zones adjacent to the international border with Mexico have been removed as shown in the revised Figure 2.2-1 presented in the Final PEIR.

Comment 12-14: See response to comment 12-12, above.

Comment 12-15: We received your comments submitted on the Baseline Inventory Report, which were used to update the document. These updates to the Baseline Environmental Inventory Report were also presented in the existing conditions sections of the Draft PEIR. We received your comments submitted on the Notice of Preparation (NOP) and used them to determine the scope of the environmental analysis for the Draft PEIR. Your comments on the NOP were included in Appendix A of the Draft PEIR. We have provided responses to your specific comments provided in this letter below.

Comment 12-16: See response to comment 12-12, above.

Comment 12-17: 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 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 mitigation measures cannot be evaluated at this time. Future renewable energy facilities developed under the proposed Project would be required to evaluate potential impacts on biological resources, including impacts on the Burrowing owl, during the project’s required environmental review phase. As described in response to comment 12-12 above, special status species, including the burrowing owl, have been added to Mitigation Measure BIO-1b to document potential sensitive species surveys that may be required. Development of project-specific mitigation measures for impacts to Burrowing owl based on the results of these surveys would be appropriate at the project level for future renewable energy facilities to be developed under the proposed Project. Therefore, implementation of Mitigation Measures BIO-1b and any additional mitigation measures that may be required based on site-specific characteristics identified

during the environmental review phase would reduce impacts on Burrowing owl to a level less than significant.

Comment 12-18: See response to comment 12-17, above.

Comment 12-19: See response to comment 12-17, above.

Comment 12-20: Future renewable energy facilities developed under the proposed Project would have to evaluate potential impacts to sensitive species, including the Mountain plover, during the project's required environmental review phase. 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 mitigation measures cannot be evaluated at this time. Future renewable energy facilities developed under the proposed Project would be required to evaluate potential impacts on biological resources, including impacts on the Mountain plover, during the project's required environmental review phase. As described in response to comment 12-12 above, special status species, including the Mountain plover, have been added to Mitigation Measure BIO-1b. Development of project-specific mitigation measures for impacts to Mountain plover based on the results of these surveys would be appropriate at the project level for future renewable energy facilities to be developed under the proposed Project. Therefore, implementation of Mitigation Measures BIO-1b and any additional mitigation measures that may be required based on site-specific characteristics identified during the environmental review phase would reduce impacts on Mountain plover to a level less than significant.

Comment 12-21: Future renewable energy facilities developed under the proposed Project would have to evaluate potential impacts to sensitive species, including migratory birds and the Yuma Clapper Rail, during the project's required environmental review phase. In order to provide further guidance for future project proponents to evaluate potential impacts to sensitive species, Mitigation Measure BIO-1f has been revised as follows:

"BIO-1f: Additional Project Mitigation: Additional biological mitigation may be required based on the renewable energy technology to be developed at specific project locations. Project proponents for future renewable energy facilities would be required to evaluate how specific renewable energy facilities may impact sensitive species and how to mitigate impacts through site design and/or mitigation and monitoring activities. Such mitigation may include, but is not limited to, developing strategies to reduce impacts to avian species related to a possible 'lake-effect' associated with solar energy facilities and strategies to reduce the possibility for bird-strikes associated with wind energy facilities, if warranted. Project-specific mitigation and monitoring for future renewable energy facilities may include, but would not be limited to, a Bird and Bat Conservation Strategy based on the type of renewable energy technology to be utilized for a future renewable project."

As described in the Draft PEIR, the proposed Project would be implemented on a "project-by-project" basis based on County approval of individual renewable energy projects. Consequently, specific impacts to sensitive species and corresponding mitigation measures cannot be evaluated at this time. Development of the mortality program suggested in this comment would be appropriate at the project level for future renewable energy facilities to be developed under the proposed Project. As described in the last paragraph of Mitigation Measure BIO-1b, "...an agency-approved biologist shall prepare a

species-specific Mitigation and Monitoring Plan that would detail the approved, site-specific methodology proposed to minimize and mitigate impacts to each species..." if a project cannot avoid direct impacts to special status species. Therefore, implementation of Mitigation Measures BIO-1b and BIO-1f by future project proponents would result in the development of project specific mitigation to address potential impacts associated with the "lake-effect, "bird strikes," or any other specific potential impact. Furthermore, an avoidance zone is not needed at the Salton Sea and wetland areas.

Comment 12-22: Important bird areas, particularly with respect to the Salton Sea, are discussed in the last paragraph of the *General Wildlife and Wildlife Habitats* section (Page 4.4-13). The thresholds for significance of impacts to important bird areas are not addressed in the environmental checklist in Appendix G of the State California Environmental Quality Act (CEQA) Guidelines and are therefore not addressed specifically in the Draft PEIR. However, impacts to these areas are discussed in a broader sense under the categories of *Sensitive Natural Communities* and *Wildlife Movement Corridors*.

Comment 12-23: Thank you for providing your comments on the mitigation measures for biological resources. We have provided responses to your specific comments below.

Comment 12-24: 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 native plants and corresponding mitigation measures cannot be evaluated at this time. Development of setbacks and buffers for native plant surveys would be appropriate at the project level for future renewable energy facilities to be developed under the proposed Project.

Comment 12-25: We believe this comment intends to refer to Mitigation Measure BIO-1b. As described in response to comment 12-12 above, special status species have been added to Mitigation Measure BIO-1b to document potential sensitive species surveys that may be required. Development of project-specific mitigation measures for impacts to special status species based on the results of those surveys would be appropriate at the project level for future renewable energy facilities to be developed under the proposed Project.

Comment 12-26: 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."

Comment 12-27: 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 natural communities and corresponding mitigation measures cannot be evaluated at this time. Development of setbacks and buffers for natural communities would be appropriate at the project level for future renewable energy facilities to be developed under the proposed Project.

Comment 12-28: 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, mapping of all wetlands within Imperial County cannot be conducted at this time. Project level mapping of wetlands would be conducted during the required environmental review phase for each future renewable energy facilities developed under the proposed Project. Implementation of mitigation Measure BIO-3 and any additional mitigation measures that may be required based on site-specific characteristics identified during the environmental review phase would reduce impacts on wetlands to a level less than significant.

Comment 12-29: 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 wildlife movement and wildlife linkages 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, including impacts to wildlife movement and wildlife linkages, 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 wildlife movement and wildlife linkages to a level less than significant.

Comment 12-30: 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 specific special status species, riparian communities, and dune communities, and corresponding mitigation measures cannot be evaluated at this time. Future renewable energy facilities developed under the proposed Project would be required to evaluate potential impacts on specific special status species, riparian communities, and dune communities during the project’s required environmental review phase. Implementation of mitigation measures BIO-1a through 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 specific special status species, riparian communities, and dune communities to a level less than significant.

Comment 12-31: The Draft PEIR describes how the proposed Project would reduce climate change in Section 4.7.4 by stating the following:

“...Introduction of renewable energy facilities under the proposed Project would displace power currently produced by carbon-based fuels that would otherwise be used to meet regional demand for electricity. As documented in the Draft EIR/EIS prepared for the DRECP, estimates prepared by the California Public Utilities Commission (CPUC) project that by 2020, the marginal power plant would consist of a new combined-cycle combustion turbine 95 percent of the time or a new combustion turbine 5 percent of the time. Based on this ratio, GHG emissions associated with marginal power production are 830 pounds CO₂e per megawatt hour (MWh). Additionally, USEPA estimates presented in the DRECP EIR/EIS project that baseline GHG emissions for marginal power

in California would be more than 990 pounds CO₂e per MWh. (DRECP EIR/EIS 2014, IV.3-9).

Electricity generated by future renewable energy facilities developed under the proposed Project would displace GHG emissions currently produced by carbon-based fuels. Using the conservative estimate of GHG emissions for marginal power plants developed by the CPUC, future solar and wind facilities would eliminate a minimum of 830 pounds CO₂e per MWh. Similarly, future geothermal energy facilities developed under the proposed Project would displace approximately 520 pounds CO₂e per MWh. The displacement of CO₂e for geothermal production would be reduced by 310 pounds CO₂e per MWh due to the CO₂ that occurs naturally in geothermal steam released by operations at a geothermal plant (DRECP EIR/EIS 2014, IV.3-9). Consequently, displacement of power currently produced by carbon-based fuels by development of future renewable energy facilities would offset GHG emissions generated during construction, operation, and decommissioning of future renewable energy facilities and reduce impacts to a level less than significant. No mitigation measures would be required...”

The additional efforts regarding climate change described in this comment are beyond the scope of the proposed Project.

Comment 12-32: Thank you for your comments on the Imperial County General Plan *Renewable Energy and Transmission Element Update* Draft PEIR.

13 – Center For Biological Diversity



CENTER for BIOLOGICAL DIVERSITY

Because life is good.

*protecting and restoring natural ecosystems and imperiled species through
science, education, policy, and environmental law
via email and USPS*

2/25/2015

Jim Minnick, Director
Planning and Development Services
801 Main Street
El Centro, CA 92243
jimminnick@imperialcounty.net

RE: Comments on the Draft Program Environmental Impact (PEIR) for Renewable Energy and Transmission Element (RETE) Update (SCH #2014071062)

Dear Director Minnick,

These comments are submitted on behalf of the Center for Biological Diversity's 825,000 staff, members and on-line activists in California and throughout the United States regarding the Draft Program Environmental Impact (PEIR) for Renewable Energy and Transmission Element (RETE) Update.

The development of renewable energy is a critical component of efforts to reduce greenhouse gas emissions, avoid the worst consequences of global warming, and to assist California in meeting its climate goals. The Center for Biological Diversity (the "Center") strongly supports the development of renewable energy production, and particularly supports planning efforts to ensure that projects are sited appropriately to protect wildlife, other natural resources, air and water quality, and cultural resources. Like all types of development, renewable energy projects should be thoughtfully planned to minimize impacts to the environment. In particular, renewable energy generation and transmission projects should avoid impacts to sensitive plant and animal species and habitats, water resources, water and air quality, and cultural resources.

We strongly supported Imperial County in seeking and acquiring state funding to implement effective renewable energy planning in the County. We have also taken active interest in the crafting of the RETE, submitted comments on Imperial County's Environmental Baseline Report (7/11/2014 letter to Mr. Richard Cabanilla) and scoping comments (8/22/14). We incorporate those comments herein by reference.

While in general the RETE and its DPEIR focuses the potential on-the-ground impacts in areas that will have fewer biological resource conflicts, several of the proposed Overlay Zones appear highly inappropriate and in conflict with necessary habitat conservation and connectivity in particular for the flat-tailed horned lizard and other rare species. Therefore, we submit the following comments and concerns. We have divided our comments into two categories: general comments on overarching issues with the DPEIR and Overlay Zone specific comments.

Arizona • California • Nevada • New Mexico • Alaska • Oregon • Washington • Illinois • Minnesota • Vermont • Washington, DC

Comment
13-1

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General comments:

DPEIR Fails to Identify and Analyze Direct and Indirect Impacts to Biological Resources

The DEIR fails to adequately analyze the direct, indirect, and cumulative impacts of the proposed Overlay Zones on the environment. While we recognize that this is a programmatic EIR, it does not excuse the County from an adequate environmental impact analysis. The County must ensure adequate environmental information is gathered and that the environmental impacts of a proposed Overlay Zones are fully identified and analyzed. "To conclude otherwise would place the burden of producing relevant environmental data on the public rather than the agency and would allow the agency to avoid an attack on the adequacy of the information contained in the report simply by excluding such information." (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692, 724.) Environmental review documentation is more than a set of technical hurdles for agencies and developers to overcome. [Its] function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been taken into account." (*Laurel Heights I, supra*, 47 Cal.3d at pp. 391-392.) For the [environmental review documentation] to serve these goals it must present information in such a manner that the foreseeable impacts of pursuing the project can actually be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made. (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449-450.) The environmental review documents must "contain facts and analysis, not just the agency's bare conclusions or opinions." (*Laurel Heights Improvement Assn. v. Regents* (1989) 47 Cal. 3d 376, 404 [and cases cited therein].) The environmental review documents "must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project." (*Id.*)

Comment
13-2

Because the DPEIR is deficient as an informational document the County has failed to comply with CEQA. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 717-718 [holding that a misleading impact analysis based on erroneous information rendered an EIR insufficient as an informational document]; *Environmental Planning & Information Council v. County of El Dorado* (1982) 131 Cal.App.3d 350, 357-58 [where baseline was inaccurate "comparisons utilized in the EIRs can only mislead the public as to the reality of the impacts

Environmental Baseline

We remain concerned that the shortcomings that we identified in the Environmental Baseline Inventory Report (7/11/2014) were not rectified and therefore lead to ill-advised proposals for some of the Overlay Zones. It is unclear from the DPEIR what the impact analysis is using as the baseline.

Comment
13-3

Alternatives

The DPEIR proposes only two alternatives besides the No Action – the proposed alternative and the DRECP alternative. This fails to provide the needed “range” of alternatives for analysis. The DPEIR could have but does not include an alternative that focuses on distributed energy within the County, this should have been considered. Given the very high quality solar resources in the County, programs to increase rooftop and parking lot solar and to integrate electric cars and other storage elements into the local grid could provide significant benefit to local areas on a daily basis as well as energy for export to other areas. Moreover, local energy sources can be critical in emergency situations and can deliver energy even when larger network grids fail.

Comment
13-4

The DPEIR also does not include an alternative that would include phasing the development of Overlay Zones to more adaptively match the zones with future renewable energy technological improvements, efforts to increase energy efficiency and reduce energy consumption, and increasing distributed energy generation at the site of consumption. It is likely that the new clean energy economy will use all of these solutions and more.

Comment
13-5

Mechanisms for incorporating new information regarding the impacts of large-scale renewable energy projects need to be integrated into the RETE so that if, for example, new design features and set backs from key resources are found that could avoid impacts to species, the development areas can be more easily redesigned to include the new information.

Comment
13-6

Omitted Issues

In our scoping comments, the Center provided a list of issues to be addressed in the DPEIR, but many of them are not. These issues include:

Comment
13-7

- Avoid impacts to the Important Bird Areas including the Salton Sea, Imperial Valley, Lower Colorado River Valley, and the Colorado Desert Microphyll Woodlands, for all the benefits for which these areas are known. Indeed, Important Bird Areas are not mentioned in the Biological Resources section.
- Swainson’s hawk is not included in Table 4.4 - 5: Special Status Animal Species with CNDDDB Occurrences within Imperial County, despite the fact that it is a State-listed threatened species and Imperial County is documented to have a significant migration corridor on the west side of the County. We provided extensive information on Swainson’s hawks in our scoping comments, yet the DPEIR is mute on this species.
- The DPEIR fails to require a system whereby all renewable energy projects would monitor for impacts to species and report to the County (and Wildlife Agencies) on a monthly basis. Those reports also need to be made publicly available. The County should require projects must have full transparency regarding impacts to public trust resources in the County including water and wildlife. To accomplish this, the County should prohibit projects from utilizing confidentiality agreements for biological monitors and surveyors; the people working in the field must have the ability to provide

Comment
13-8

Comment
13-9

Comment
13-10

- information regarding species and other environmental resources directly to the County and wildlife agencies, unmediated by corporate interests.
- Water usage should be minimized and tracked and triggers for cessation of water use should be part of the required permitting process in the RETE. Comment 13-10 (continued)
 - Preference should be given to the least disruptive renewable energy technologies even if not most profitable. Technologies are changing rapidly, so the general plan amendment and associated maps, etc. should have a mechanism for ongoing adaptive revision based on new/additional information and technology (not just wait for possible overall revision of renewable energy and transmission element at some possible future date). Comment 13-11
 - The RETE should include small scale projects including distributed generation (residential and commercial roof top, parking lots, etc.), small scale co-op projects, community based projects etc. The RETE is the appropriate place to broaden the types of production that is addressed and implementation of renewable energy of all kinds in the County. Comment 13-12
 - Identification of appropriate levels of renewable energy intensity – e.g., an area might be suitable for some low intensity development but not for high – still need to be identified. Comment 13-13

Air Quality

One of our ongoing concerns in Imperial County is the generally poor air quality, and its effects on not only wildlife, but the human population. The Imperial Air Pollution Control District regularly documents non-attainment for PM-10 and PM-2.5 particulate matter¹. Disruption of naturally occurring cryptobiotic soil crusts will further increase emissions of these types of particles. Cryptobiotic soil crusts are an essential ecological component in arid lands. They are the “glue” that holds surface soil particles together precluding erosion, provide “safe sites” for seed germination, trap and slowly release soil moisture, and provide CO₂ uptake through photosynthesis². Comment 13-14

Despite the fact that satellite technologies have now improved to the point that these types of soils can be detected, and indeed the BLM is inventorying the cryptobiotic soils remotely in the Riverside-East Solar Energy Zone, as part of their monitoring efforts, the DPEIS is mute on this important biological component for impact analysis. Neither the Baseline Environmental Inventory Report nor the DPEIR include information on and mapping of these important cryptobiotic soil crusts and include information on their extent within the County. It would benefit the environment overall and the County’s residents in particular to keep these soils in place, through avoidance of disturbance. Comment 13-15

Jurisdictional Issues

Some of the proposed Overlay Zones may require closer coordination because they are beyond the County’s current jurisdiction; for example, with the inclusion of public lands Comment 13-16

¹ <http://www.co.imperial.ca.us/airpollution/default.htm>

² Belnap 2003, Belnap et al 2003, Belnap 2006, Belnap et al. 2007

managed by the Bureau of Land Management. While we support cooperation between the County and other land use entities in Imperial County when planning for renewable energy, it is unclear how the inclusion of federal public lands in many of the proposed Overlay Zones would be put in place without changes to the BLM plans as well. The DPEIR fails to clarify what the intent of such designations would be or how the non-County land managers would be affected by the Overlay Zone designation.

Comment
13-18
(continued)

Flat-tailed Horned Lizard

On February 12, 2015, the California Fish and Game Commission made the flat-tailed horned lizard (FTHL) a candidate for protection under the California Endangered Species Act. As a candidate species, flat-tailed horned lizards are now protected under the law, which makes it illegal to kill a lizard without state authorization. State wildlife officials will analyze the status of the species and make a final protection decision within the year. The DPEIR will need to be updated with this information and put in place stricter requirements for development within the lizard's range. While we appreciate that key areas for FTHL habitat are not included in the Overlay Zones, some key areas are still included (see below).

Comment
13-19

We strongly advise that all areas of FTHL habitat be avoided to avoid impacts and required mitigation. However, if that is not done, we request that Wildlife Agency Best Management Practices be adopted as part of the RETE, and that the following safeguards be adopted for this iconic lizard:

Comment
13-20

- **Standardized monitoring techniques to identify populations.** Monitoring for FTHL has been inconsistent and methodologies have been diverse, making data sets incomparable. The County in consultation with the Wildlife Agencies needs to incorporate monitoring methodologies that would identify not only occupancy, but population levels that would also help inform population trends.
- **Require appropriate fencing to keep FTHLs off of roads.** FTHL fences have been used to keep lizards off of construction sites and access roads (FTHLIC 2003, Appendix 7), but are not consistently required. Where fences are used, care should be taken to maintain connectivity and eliminate negative impacts to species. Road underpasses have been used successfully for desert tortoise and other species and may be appropriate for FTHL (and other species) to minimize road mortality while ensuring connectivity. Properly constructed fencing may also alleviate some of the edge effects associated with development.
- **Overlay Zones in FTHL habitat are inappropriate.** Currently only 36 percent of the FTHL's current range within California is protected by four management areas (MAs). Suitable occupied habitat occurs outside of the current MAs, and needs to be protected. FTHL habitat in the established MAs on public lands is already severely fragmented and degraded, and further development should not be permitted, including renewable energy development and overhead transmission lines.
- **Reduce edge effects by burying transmission lines.** While the burial of transmission lines causes temporary surface disturbance, it reduces perching sites for avian predators which are a documented mortality factor for FTHL.

Comment
13-21

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Comment
13-24

- **Eliminate pesticide spraying within FTHL range to protect food sources.**

Migratory Birds

The Center is concerned about the effect of the development anticipated in this planning on migratory birds, both rare and common. Recent evidence from a large PV solar project – Desert Sunlight - and a solar trough project – Genesis -- documented many water bird mortalities³. Indeed, Desert Sunlight reported a state and federally endangered species bird mortality – the Yuma clapper rail (*Rallus longirostris yumanensis*)⁴, despite the fact that on-site surveys never identified this species as occurring on the site, nor was habitat present on site. Another Yuma clapper rail was reported dead on another PV project in Imperial County. Both of these highly imperiled birds that are protected under both state and federal Endangered Species Act protections were found casually, and not as part of any rigorous monitoring program. It is unclear the number of Yuma clapper rails have actually died. The Ivanpah Solar Electric Generating System site has also reported the mortality of the fully protected peregrine falcon (among many other migratory birds) on its project site⁵. Few if any of the bird species that died on the project sites were recorded as occurring on site in the pre-construction avian surveys. Recently during a testing phase, the Crescent Dunes solar power tower near Tonopah Nevada documented a 130+ bird mortality event where birds flew into an area of concentrated solar energy and caught fire.⁶ BLM in Nevada, who is the land manager, suggested that the glow from the concentrated solar energy created above the project's sole tower may have attracted the birds.

Comment
13-25

These large solar projects may in fact be attracting migratory birds to them, through the birds mistaking the project infrastructure as water – the “lake effect”⁷. Indeed it appears that some birds – water birds in particular - mistake the panels for water and run into the panels or attempt to land and are injured. Even if they survive landing, some water birds perish because they cannot get airborne again from dry land.

The DPEIR fails to provide an evaluation of the suitability of the proposed Overlay Zones for wind energy projects nor does it provide any risk assessment to avian species for the Overlay Zones. Providing an evaluation of the suitability of areas for wind development and a risk assessment and environmental information as part of the public and responsible and trustee agency review is important to the public disclosure goals of CEQA.

Comment
13-26

3 <http://www.kcet.org/news/rewire/solar/water-birds-turning-up-dead-at-solar-projects-in-desert.html> ;
http://docketpublic.energy.ca.gov/PublicDocuments/09-AFC-08C/TN200657_20130930T120056_August_2013_Monthly_Compliance_Report.pdf

4 <http://www.kcet.org/news/rewire/solar/water-birds-turning-up-dead-at-solar-projects-in-desert.html> ;

5 http://docketpublic.energy.ca.gov/PublicDocuments/07-AFC-05C/TN200642_20130930T090221_Avian_Mortality_Report_912013.xlsx

6 <http://www.kcet.org/news/define/rewire/solar/concentrating-solar/scores-of-birds-killed-during-test-of-solar-project-in-nevada.html>

7 <http://www.kcet.org/news/rewire/solar/water-birds-turning-up-dead-at-solar-projects-in-desert.html>

Because the Imperial Valley is a world renowned bird migration corridor rich in resources, the County must safeguard areas that are known to harbor important habitat for birds (both migratory and resident) by not designating Overlay Zones for impactful technologies in areas around the Salton Sea and other Important Bird Areas. There is no reason to set up conflict by zoning known bird rich areas as solar or wind Overlay Zones. Because large-scale PV projects, wind projects, and others pose a significant hazard to migratory birds and especially water birds, the DPEIR needs to, at minimum, excise Overlay Zones in around the Salton Sea and other IBAs to prevent these deadly impacts.

Comment
13-27

Any Overlay Zones that are designated need to incorporate a robust monitoring protocol to actually collect data about the on-site resources.

Comment
13-28

Golden Eagle

The County is rich in sites for eagle foraging and golden eagle nesting, it fails to actually analyze the impacts to eagles from the proposed Overlay Zones. In general golden eagle populations in the western United States are declining slightly in the southern parts of its range.⁸ The net loss of foraging habitat could cause golden eagle territories to be abandoned in the area, increasing declines in the golden eagle population.

Comment
13-29

Wildlife Corridors/Linkages

The DPEIR provides a map of the connectivity that has been modeled in Imperial County. Curiously none of these models cross the international border, although the species do. Therefore the DPEIR fails to analyze the southeastern Overlay Zone for its potential impacts to wildlife corridor.

Comment
13-30

Overlay Zone Specific Comments:

The DPEIR appears to propose a reasonable scenario for geothermal-specific zones although we are concerned that existing transmission may not be sufficient to support the anticipated development. The following comments address issues with the proposed Renewable Energy/Geothermal Overlay Zones.

Comment
13-31

Northwest Overlay Zone

The Northwest Overlay Zone appears to include Ocotillo Wells State Vehicular Recreation Area (OW SVRA). OW SVRA is currently a designated Research Area under the Rangewide Management Strategy for the FTHL. This area is a key connectivity area between two designated MAs for FTHL – the West Mesa MA and the Borrego Badlands. It is imperative that impacts be reduced in this area to maintain the connectivity corridor and genetic linkage for the overall genetic integrity of the FTHL. The Overlay Zone should also be pulled back from the IBA along the edge of the Salton Sea to protect the avian resources in this area.

Comment
13-32

Comment
13-33

⁸ Milsap et al. 2013; Kochert & Steenhoff 2002

Southwest Overlay Zone

While much of this proposed zone appears to be currently or historically agricultural lands and therefore of reduced biological concern for terrestrial species, we have general concerns about the migratory bird issues discussed above. In addition, connectivity between the Yuha Desert MA and the West Mesa MA for FTHL still needs to be retained (and enhanced) in the western portions of the Overlay Zone to keep the populations connected and help to assure genetic integrity of the species.

Comment
13-34

Comment
13-35

Southern Portion of the Large Eastern Overlay Zone

Parts of this Overlay Zone appear to include portions of the East Mesa MA for the FTHL. It may also include ACECs established for Lake Cahuilla Lakeshore. These areas should all be off-limits to solar/wind development.

Comment
13-36

Northern Portion of the Large Eastern Overlay Zone

As stated above, areas around the edge of the Salton Sea should be off-limits to solar/wind development because of the potential impact to avian species at this migratory bird hot spot.


Comment
13-37

Conclusion

Thank you for your consideration of these comments. In light of the above short-comings in the DPEIR, we urge Imperial County to revise and re-circulate the DPEIR before making any decision regarding the proposed RETE designations. Please add me onto all notices regarding this proposed planning effort and feel free to contact me if you have any questions about these comments or the documents provided.

Comment
13-38

Respectfully submitted by


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Milsap, B.A., G.S. Zimmerman, J.R. Sauer, R.M. Nielson, M. Otto, E. Bjerre, R. Murphy 2013 Golden Eagle Population Trends in the Western United States: 1968–2010 *Journal of Wildlife Management*; DOI: 10.1002/jwmg.588 pp.1-13

Response to Comment Letter #13: Center For Biological Diversity

Comment 13-1: 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 13-2: This comment claims that the Draft PEIR fails to adequately analyze the direct, indirect, and cumulative impacts of the proposed Overlay Zones on the environment, but does not identify and specific inadequacies regarding direct, indirect, or cumulative impacts. The Draft PEIR presents a programmatic analysis of environmental impacts that provides a framework for future analysis to be conducted for future renewable energy facilities developed under the proposed 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 environmental impacts and corresponding mitigation measures cannot be evaluated at this time. Future renewable energy facilities developed under the proposed Project would have to evaluate potential environmental 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 environmental impacts to a level less than significant.

Comment 13-3: The Baseline Inventory Report was updated and finalized in January 2015 per comments received on the document. These updates to the Baseline Environmental Inventory Report were also presented in the “Regulatory Setting” and “Existing Conditions” sections of the Draft PEIR. A reference to the Baseline Inventory Report has been added to Section 4.0 which states the following:

“...The ‘Regulatory Setting’ and ‘Existing Environmental Setting’ sections of each environmental category was based on the updated Baseline Environmental Inventory Report, which was updated based on comments submitted to the County and additional research conducted for the proposed Project (ICPDS 2015c)...”

Comment 13-4: The Draft PEIR presents a reasonable range of alternatives and is consistent with CEQA. The County developed three build alternatives in the early planning stages of the proposed Project that were presented in the Baseline Environmental Inventory Report. After careful consideration, one alternative was eliminated because it did not offer any advantage over the two build alternatives that were carried forward. The proposed Project represents the most restrictive of all considered alternatives, while the DRECP Alternative presented the largest overlay zone map. The eliminated alternative did not reduce the amount of land available for development to the degree of the proposed Project, nor did it offer an overlay zone map that was larger than the DRECP Alternative. Consequently, there was no distinguishing characteristic to this alternative that gave it an advantage over the proposed Project or DREP alternative, and consequently was eliminated.

A distributive generation alternative was not developed for the proposed Project because it would not meet the goals and objectives of the Element update. While the County supports development of distributive generation facilities such as rooftop solar, a project alternative focused solely on distributive generation would not be capable of generating the amount of energy needed to meet project goals and objectives. Therefore, the proposed Project presents a reasonable range of alternatives and is consistent with CEQA.

Comment 13-5: The overlay zones developed for the proposed Project would not preclude future renewable energy facilities from utilizing technological improvements or efforts to increase energy efficiency and reduce energy consumption. As described in response to comment 13-4 above, a project alternative focused solely on distributive generation would not be capable of generating the amount of energy needed to meet project goals and objectives. However, the overlay zones developed for the proposed Project would not preclude development of distributive generation facilities.

Comment 13-6: Future renewable energy facilities developed under the proposed Project would evaluate the latest information regarding design features and set backs from key resources to avoid impacts to species during the project's required environmental review phase.

Comment 13-7: We received your comments submitted on the Notice of Preparation (NOP) and used them to determine the scope of the environmental analysis for the Draft PEIR. Your comments on the NOP were included in Appendix A of the Draft PEIR. We have provided responses to your specific comments provided in this letter below.

Comment 13-8: Important bird areas, particularly with respect to the Salton Sea, are discussed in the last paragraph of the General Wildlife and Wildlife Habitats section (Page 4.4-13). The thresholds for significance of impacts to important bird areas are not addressed in the environmental checklist in Appendix G of the State California Environmental Quality Act (CEQA) Guidelines and are therefore not addressed specifically in the Draft PEIR. However, impacts to these areas are discussed in a broader sense under the categories of Sensitive Natural Communities and Wildlife Movement Corridors.

Comment 13-9: Table 4.4-5 - Special Status Animal Species includes only those species that are that have documented occurrences within the County as reported in the CNDD. The nearest documented CNDD occurrence for the Swainson's hawk is 43 miles west of Imperial County. Notwithstanding, this species has been added to Table 4.4-5 - Special Status Animal Species. Furthermore, Mitigation Measure BIO-1b has been revised to document potential sensitive species that surveys may be required for, including Swainson's hawk, 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 may be required to conduct Swainson’s hawk surveys and develop appropriate mitigation, which may include a species-specific Mitigation and Monitoring Plan if direct impacts to the Swainson’s cannot be avoided. A species-specific Mitigation and Monitoring Plan would require prior approval by and in cooperation with CDFW and/or USFWS. Therefore, implementation of Mitigation Measure BIO-1b would reduce impacts to Swainson’s hawk to a level less than significant.

Comment 13-10: All mitigation monitoring and reporting for potential impacts would be developed during the environmental review phase of future renewable energy facilities developed under the proposed Project. All mitigation monitoring and reporting will be conducted consistent with the requirements of CDFW and USFWS.

Comment 13-11: 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 related to water use and corresponding mitigation measures cannot be evaluated at this time. Future renewable energy facilities developed under the proposed Project would be required to evaluate potential impacts related to water use, both project-specific and cumulative, 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 water use to a level less than significant.

Comment 13-12: Future renewable energy facilities developed under the proposed Project would be required to minimize disruptions to the existing environment regardless of what technology they employ. 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 be required to evaluate potential disruptions to the environment 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 to a level less than significant.

Comment 13-13: The overlay zones developed for the proposed Project would not preclude future renewable energy facilities from incorporating new/additional information and technology in their project design.

Comment 13-14: The County supports development of distributive generation facilities such as rooftop solar. However, distributive generation facilities are not capable of generating the amount of energy

needed to meet project goals and objectives. Consequently, the proposed Project focuses on utility-scale renewable energy facilities that would meet project objectives. It should be noted that implementation of the proposed Project would not preclude development of distributive generation facilities within Imperial County.

Comment 13-15: Potential impacts associated with the level of density of renewable energy development would be evaluated during a future project's required environmental review phase. This evaluation would include review of existing conditions and evaluation of potential impacts associated with the future renewable energy facility.

Comment 13-16: Potential impacts associated with air quality related to PM₁₀ and PM_{2.5} were evaluated in Section 4.3.4 of the Draft PEIR. As stated in the Draft PEIR, implementation of Mitigation Measures AQ-1a through AQ-2b would reduce impacts to a level less than significant.

Comment 13-17: 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, mapping of all cryptobiotic soil crusts within Imperial County cannot be conducted at this time. Future renewable energy facilities developed under the proposed Project would be required to evaluate potential impacts on cryptobiotic soil crusts 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 cryptobiotic soil crusts to a level less than significant.

Comment 13-18: Figure 2.4-1: Overlay Zone Map presented in the Draft PEIR has been revised to present two separate maps that distinguish between land under the jurisdiction of the County and land under the jurisdiction of BLM. Please see Figures 2.2-1 and 2.2-2 of the Final PEIR. Figure 2.2-2 presents 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.

Comment 13-19: The County is aware that the Fish and Game Commission has accepted the petition to list the Flat-tailed horned lizard (FTHL) as an as 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 flat-tailed horned lizards would be unlawful unless expressly authorized pursuant to CESA during this one-year candidacy period.

The portions of the proposed Overlay Zone Map located within the 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, as described in response to comment 13-9 above, Mitigation Measure BIO-1b has been revised to document potential sensitive species surveys that surveys may be required for, including the FTHL. 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 in cooperation with CDFW and/or USFWS.

Comment 13-20: As described in response to comment 13-19 above, future renewable 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 in cooperation with CDFW and/or USFWS. Therefore, implementation of Mitigation Measure BIO-1b and other mitigation measures presented in the Final PEIR by future project proponents would reduce impacts on FTHL to a level less than significant.

Comment 13-21: 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 FTHL and corresponding mitigation measures cannot be evaluated at this time. Development of the standardized monitoring techniques suggested in this comment would be appropriate at the project level for future renewable energy facilities to be developed under the proposed Project, as described in Mitigation Measure BIO-1b. Therefore, implementation of Mitigation Measures BIO-1b by future project proponents would reduce impacts on FTHL to a level less than significant.

Comment 13-22: Project-specific mitigation measures, including appropriate fencing, would be developed at the project level for future renewable energy facilities to be developed under the proposed Project, as described in Mitigation Measure BIO-1b.

Comment 13-23: As described in response to comment 3-19 above, the remaining portions of the proposed Overlay Zone Map located within FTHL RA have been changed to the Geothermal category, which is the renewable energy technology with the smallest level of physical disturbance. Therefore, geothermal will be the only renewable energy technology that will be allowed to be developed within the boundaries of the FTHL RA.

Comment 13-24: Project-specific mitigation measures, including burying transmission lines, would be developed at the project level for future renewable energy facilities to be developed under the proposed Project, as described in Mitigation Measure BIO-1b.

Comment 13-25: Future renewable energy facilities developed under the proposed Project would have to evaluate potential impacts to avian species 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 avian species and corresponding mitigation measures cannot be evaluated at this time. Therefore, implementation of Mitigation Measure 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 13-26: 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. Project proponents for future renewable energy facilities would be required to evaluate wind suitability and analyze potential impacts associated with avian mortality from wind energy projects. As described in response to comment 13-25 above, Mitigation Measure BIO-1f has been revised to provide further guidance for future project proponents to evaluate potential impacts to sensitive species. Consequently, future renewable energy facilities developed under the proposed Project would have to evaluate potential impacts to avian species associated with wind energy technology and all other types of impacts. Therefore, implementation of Mitigation Measure BIO-1f by future project proponents would result in the development of project specific mitigation to address potential impacts associated with avian mortality from wind energy technology.

Comment 13-27: Future renewable energy facilities developed under the proposed Project would have to evaluate potential impacts to biological resources, including migratory birds, during the project's required environmental review phase. 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 migratory birds and corresponding mitigation measures cannot be evaluated at this time. Development of mitigation measures for impacts on migratory birds would be appropriate at the project level for future renewable energy facilities to be developed under the proposed Project. As described in response to comment 13-25 above, Mitigation Measure BIO-1f has been revised to provide further guidance for future project proponents to evaluate potential impacts to sensitive species. Consequently, future renewable energy facilities developed under the proposed Project would have to evaluate potential impacts to avian species associated with solar and wind energy

technology and all other types of impacts. Therefore, implementation of Mitigation Measure BIO-1f by future project proponents would result in the development of project specific mitigation to address potential impacts to avian resources, and there is no need to pull back the Overlay Zone from the edge of the Salton Sea.

Comment 13-28: 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 mitigation measures cannot be evaluated at this time. Identification of the appropriate monitoring protocol to employ 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 other mitigation measures identified in the Final PEIR by future project proponents would result in the development of project specific mitigation to address potential impacts to biological resources.

Comment 13-29: Future renewable energy facilities developed under the proposed Project would have to evaluate potential impacts to sensitive species, including the Golden Eagle, during the project’s required environmental review phase. As described in response to comment 13-9 above, special status species, including the Golden Eagle, 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 Golden Eagle cannot be avoided.

Comment 13-30: The analysis conducted in preparation of the Draft PEIR was based on current, available, and credible scientific data. These include the California Desert Connectivity Project (CDCCP) and California Essential Habitat Connectivity Project (CEHCP), both of which contain data developed only for California. They are no known resources available for ecological connectivity assessments for Mexico.

Comment 13-31: Potential future transmission facilities are shown on Figure 2.4.2 of the Draft PEIR. Future transmission lines would developed by other agencies who hold the principal responsibility for these facilities. Each future transmission line would be required to evaluate potential impacts during the project’s required environmental review phase. Implementation of mitigation measures developed during the future transmission facilities environmental review phase would reduce impacts to a level less than significant. We have provided responses to your specific comments on the overlay zones below.

Comment 13-32: As described in response to comment 13-19 above, the remaining portions of the proposed Overlay Zone Map located within the FTHL RA have been changed to the Geothermal category, which is the renewable energy technology with the smallest level of physical disturbance.

Comment 13-33: As described in response to comment 13-8, important bird areas, particularly with respect to the Salton Sea, are discussed in the last paragraph of the *General Wildlife and Wildlife Habitats* section (Page 4.4-13). The thresholds for significance of impacts to important bird areas are not addressed in the environmental checklist in Appendix G of the State California Environmental Quality

Act (CEQA) Guidelines and are therefore not addressed specifically in the Draft EIR. However, impacts to these areas are discussed in a broader sense under the categories of *Sensitive Natural Communities* and *Wildlife Movement Corridors*.

Future renewable energy facilities developed under the proposed Project would be subject to the biological mitigation measures presented in the Final PEIR, which would reduce impacts to avian resources to a level less than significant. Future renewable energy projects would not be approved by the County unless they can demonstrate that they would reduce impacts on avian species in the Salton Sea to a level less than significant consistent with the findings of the Final PEIR. Therefore, there is no need to pull back the Overlay Zone from the edge of the Salton Sea.

Comment 13-34: Future renewable energy facilities developed under the proposed Project would have to evaluate potential impacts to biological resources, including migratory birds, during the project's required environmental review phase. 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 migratory birds and corresponding mitigation measures cannot be evaluated at this time. Future renewable energy facilities developed under the proposed Project would be required to evaluate potential impacts on migratory birds 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 migratory birds to a level less than significant.

Comment 13-35: Future renewable energy facilities developed under the proposed Project would have to evaluate potential impacts to biological resources, including habitat connectivity, during the project's required environmental review phase. 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 habitat connectivity and corresponding mitigation measures cannot be evaluated at this time. Future renewable energy facilities developed under the proposed Project would be required to evaluate potential impacts on habitat connectivity 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 habitat connectivity to a level less than significant.

Comment 13-36: As described in response to comment 13-19 above, the portions of the proposed Overlay Zone Map located within the FTHL MA have been changed to the "Proposed Development Focus Areas on Land Managed by BLM" category and are no longer subject to the proposed Project.

Comment 13-37: As described in response to comment 13-33 above, future renewable energy facilities developed under the proposed Project would be subject to the biological mitigation measures presented in the Final PEIR, which would reduce impacts to avian resources to a level less than significant. Renewable Energy projects would not be approved by the County unless they can demonstrate that they would reduce impacts on avian species in the Salton Sea to a level less than significant consistent with the findings of the Final PEIR. Therefore, there is no need to pull back the Overlay Zone from the edge of the Salton Sea.

Comment 13-38: 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 as does not require re-circulation.

We have received and reviewed the attachments that were submitted with your comment letter and they are included as a part of the public record for the proposed Project. The attachments you provided were considered in the response to comments provided above. For ease of review, we have collected the attachments to your comment letter in Appendix A: Attachments to Comment Letters Received on the Draft PEIR. Hard copies of the attachments submitted with the Center For Biological Diversity comment letter are available at the County of Imperial Planning & Development Services Department and County of Imperial Library.