

III.1 RESPONSE TO COMMENTS

III.1.1 PROJECT OVERVIEW

This section contains responses to all comment letters received on the September 2014 Draft Environmental Impact Report (DEIR). Nine letters were received during the comment period, which closed November 19, 2014. A copy of each letter with bracketed comment numbers on the right margin is followed by the response for each comment as indexed in the letter. The comment letters are listed in Table III.1-1.

**TABLE III.1-1. DRAFT EIR COMMENT LETTERS
IRIS CLUSTER SOLAR FARM PROJECT**

Letter No.	Commenter	Date
1	State Clearinghouse	11/20/2014
2	Imperial County Agricultural Commissioner	11/19/2014
3	Imperial County Air Pollution Control District	11/19/2014
4	California Department of Fish and Wildlife	11/17/2014
5	Imperial County Fire Prevention Bureau	11/18/2014
6	Imperial County Department of Public Works	11/19/2014
7	Imperial Irrigation District	11/6/2014
8	Michael Abatti	11/19/2014
9	Law Offices of Stephan C. Volker	11/19/2014
10	California Department of Transportation (Caltrans)	10/14/2014

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Edmund G. Brown Jr.
Governor

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



Ken Alex
Director

November 20, 2014

Patricia Valenzuela
Imperial County
801 Main Street
El Centro, CA 92243

Subject: Iris Cluster Solar Farm Project
SCH#: 2014041091

Dear Patricia Valenzuela:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on November 19, 2014, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

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

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

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

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

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
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Document Details Report State Clearinghouse Data Base

SCH# 2014041091
Project Title Iris Cluster Solar Farm Project
Lead Agency Imperial County

Type EIR Draft EIR
Description Note: Review Per Lead

The Ferrell, Rockwood, Iris and Lyons Solar Projects involve the construction of four utility-scale Photovoltaic solar facilities on four non-contiguous independent sites encompassing approximately 1,422 acres. Each Project would include a ground mounted photovoltaic solar power generating system, supporting structures, inverter modules, pad mounted transformers, a water treatment system, plant control system, access roads and fencing, an O&M building, and an on-site substation. Each Project would have its own O&M building and onsite substation(s); but may utilize shared facilities with one or more neighboring solar project(s). Each Project would also connect a 230 kilovolt overhead transmission line which may also be shared with one or more neighboring solar project(s). Project includes approval of CUPs, Variances, and W.A. Cancellations.

Lead Agency Contact

Name Patricia Valenzuela
Agency Imperial County
Phone 760 482-4236x4241 **Fax**
email PactiviaValenzuela@co.imperial.ca.us
Address 801 Main Street
City El Centro **State** CA **Zip** 92243

Project Location

County Imperial
City Calexico
Region
Lat / Long 32° 41' 9.59" N / 15° 35' 59.96" W
Cross Streets Kubler Road, Preston Road, Weed Road, Brockman Road
Parcel No. multiple
Township 17S **Range** 14,13E **Section** multi **Base** SBB&M

Proximity to:

Highways SR 98
Airports
Railways
Waterways New River
Schools
Land Use Irrigated Agriculture and Fallow Land / A-2, A-2R, A-3/ Agriculture

Project Issues Agricultural Land; Air Quality; Biological Resources; Archaeologic-Historic; Geologic/Seismic; Other Issues; Toxic/Hazardous; Water Quality; Landuse; Public Services; Recreation/Parks; Traffic/Circulation; Drainage/Absorption; Fiscal Impacts; Flood Plain/Flooding; Forest Land/Fire Hazard; Noise; Schools/Universities; Septic System; Soil Erosion/Compaction/Grading; Solid Waste; Vegetation; Wetland/Riparian; Growth Inducing; Cumulative Effects

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

Document Details Report
State Clearinghouse Data Base

Date Received 09/30/2014 *Start of Review* 09/30/2014 *End of Review* 11/19/2014





State of California - Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
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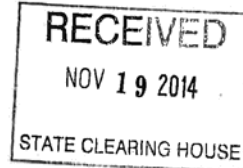
EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director



Clear
11/19/14
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November 17, 2014

Ms. Patricia Valenzuela, Planner IV
Imperial County Planning
801 Main Street
El Centro, CA 92243
PatriciaValenzuela@co.imperial.ca.us



Subject:

Draft Environmental Impact Report
Iris Cluster Solar Farm Project
State Clearinghouse No. 2014041091

Dear Ms. Valenzuela:

The Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Iris Cluster Solar Farm Project (Project) [State Clearinghouse No. 2014041091]. The Department is responding to the DEIR as a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1).

The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (i.e., biological resources). The Department is a Trustee Agency with responsibility under CEQA for commenting on projects that could affect biological resources. As a Trustee Agency, the Department is responsible for providing, as available, biological expertise to review and comment upon environmental documents and impacts arising from project activities (CEQA Guidelines, § 15386; Fish & G. Code, § 1802).

The 1,422 acre Project site is composed of four non-contiguous independent sites (Ferrell Solar Farm (FSF), Rockwood Solar Farm (RSF), Iris Solar Farm (ISF) and Lyons Solar Farm (LSF) located between State Route 98 to the south, Kubler Road and

Conserving California's Wildlife Since 1870

Draft Environmental Impact Report
Iris Cluster Solar Farm Project
SCH No. 2014041091
Page 2 of 6

Preston Road to the north, Weed Road to the east and Brockman Road to the west southwest of the City of El Centro in Imperial County. The proposed Project includes the construction of solar photovoltaic (PV) or concentrated photovoltaic (CPV) energy-generating facilities on 4 Conditional Use Permit (CUP) areas producing a total of 360 megawatts (MW) of power. The Project will be constructed over a 12 month period with overlapping phases for each CUP. Following review of the Biological Resources section of the DEIR, the Department offers the comments and recommendations listed below to assist the County of Imperial in adequately identifying and/or mitigating the project's significant, or potentially significant, impacts on biological resources.

Lake and Streambed

For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream or use material from a streambed, the project Applicant (or "entity") must provide written notification to the Department pursuant to Section 1602 of the Fish and Game Code. Imperial Irrigation District (IID) drains and canals are state jurisdictional and any impacts to those waters will need to be assessed and mitigated.

Section 4.4-3 of the DEIR states that there will be no impacts to state jurisdictional waters by the Project, however the Applicant only mentions removing or relocating IID drains or canals as impacts. Please note that any impacts, such as road widening over a canal, replacing or changing culvert sizes, vegetation removal within jurisdictional areas, etc. need to be stated in the impact section of the DEIR in order for the Department to use the CEQA document when issuing a streambed agreement. If there are impacts to state jurisdictional waters a mitigation proposal should be proposed that includes the impact acreage along with the type, location, and ratios of compensation. Without such documentation the Department is unable to determine whether the impacts would be mitigated, and cannot, without further information from Imperial County concur that impacts to jurisdictional waters would be mitigated to less than significant levels.

Avian Impacts

It is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Migratory non-game native bird species are protected by international treaty under the federal Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 *et seq.*). In addition, sections 3503, 3503.5, and 3513 of the Fish and Game Code (FGC) prohibit the take of all birds and their nests. Section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by FGC or any regulation made pursuant thereto; Section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by FGC or any regulation adopted pursuant thereto; and Section 3513 states that it is unlawful to take or possess

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any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

The DEIR fails to include impacts to migratory birds from collision with components of the Project during construction and operation. Those impacts should be assessed for significance, and avoidance and mitigation should be identified. Migratory birds are killed or injured from collisions with solar panels, mirrors, heliostats, electrical generation-tie lines, fences, and other structures. The growing evidence suggests a particular hazard to water-associated birds seeking migratory stopover habitat typically found along rivers and lakeshores (Service 2014a), and is commonly referred to as a "lake effect" (Xu and Small 2014). Based on the species composition of avian fatalities found at three sites in the Mojave and Sonoran deserts-thin film photovoltaic, solar thermal trough, solar thermal power tower-all three technologies resulted in an unexpectedly high composition (approximately 30 to 40 percent by project) (McCrary et al. 1986; Ironwood Consulting 2013; AECOM 2013) of water-associated birds in the total number of avian fatalities across at least 17 families and 43 species. The magnitude of impact from the lake effect is potentially related to many potential migratory flyway and species-specific factors that have yet to be investigated, including availability of other appropriate migratory stopover habitat, seasonality, broad-front vs. corridor migration patterns, weather and wind conditions, moon phase, etc.

The Project is located southwest of the Salton Sea, which is a critical stopover along the Pacific Flyway, providing permanent habitat and seasonal refuge to resident water-associated birds and migratory birds (Shuford et al. 2002). The agricultural fields surrounding the Salton Sea also provide habitat for a variety of wintering birds and shorebirds (Patten et al. 2003). To date, limited information exists on bird collisions at utility-scale solar energy facilities within the Salton Sea basin due to a lack of systematic, statistically rigorous monitoring. However, utility-scale photovoltaic, parabolic trough, and power tower projects that are currently under construction or in operation are reporting mortalities and injuries to a wide range of avian species, including water-associated birds, passerines, and raptors involving various project features, such as solar panels or heliostats, evaporation ponds, fencing, distribution lines within the facility, and gen-tie lines.

The Project Applicant should prepare a Bird and Bat Conservation Strategy (BBCS) following the most recent guidelines from the US Fish and Wildlife Service. The plan should also include a statistically robust, systematic avian and bat mortality and injury monitoring program to achieve the following: (1) estimate annual mortality by taxa and season using appropriate statistical design and appropriate estimators (this estimate should include mortality associated with all features of the project that are likely to result in injury and mortality - e.g., fences, ponds, solar panels, collector lines, gen-ties); (2) identify collision and other mortality during diurnal and nocturnal times of the day; and (3) assess the spatial distribution and abundance of mortalities [species composition

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(including rare and sensitive species), abundance, and distribution] on the project site. The Department should be included in the review of the mortality and monitoring plan.

Also, please note that section 3511(a)(11) of the FGC states fully protected birds or parts thereof may not be taken or possessed at any time and no provisions are allowed to authorize the issuance of permits or license's to take any fully protected bird. If a fully protected species is found dead or injured on site the Applicant shall notify the Department immediately and we will work with the Applicant on the appropriate course of action.

Burrowing Owl

Burrowing owl surveys were conducted during the breeding season in 2013. Fourteen burrows with either a burrowing owl seen or active sign noted occur within the Project boundary. Approximately 15 adults and 1 juvenile were seen at these burrows. Thirty two burrows with either a burrowing owl seen or active sign noted were found within the IID drains surrounding the sites. Approximately 37 adults and 7 juveniles were seen at these burrows.

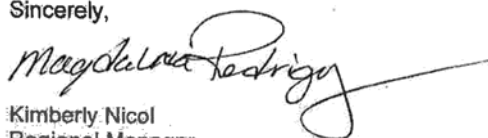
Burrowing owls located within the project boundary will be directly impacted by construction and will be passively relocated during the non-breeding season. Replacement of the burrows is proposed at a 2:1 ratio. The Applicant has proposed to place the artificial burrow systems (ABS) within the solar field in open areas or detention basins. The Department is not convinced this is the best location for the replacement burrows and recommends they be located outside of the solar site. Consultation with the Department and approval on the best locations for ABS's should occur prior to the closure of any active burrow. The locations and approach should be included in the Burrowing Owl Mitigation and Monitoring Plan.

The DEIR states the project will result in permanent impacts to burrowing owl foraging and breeding habitat. To mitigate for the loss of burrowing owl forage the Applicant has proposed to use areas that will not be developed and are under the Applicants control and adjacent to the solar site, but outside IID easements. The Department appreciates the Applicant's willingness to compensate for loss of forage however; we have a few concerns about the mitigation plan as outlined due to the fact that details of exact location, implementation, monitoring, financing, and oversight have not been worked out at this time. If this option is not feasible the Applicant proposes to provide off-site land acquisition to offset impacts. In addition, the Applicant has not specified in the DEIR the amount of compensation (e.g. acreages or ratios) they are proposing to mitigate the impacts to the surrounding owls from loss of foraging habitat. Without such documentation the Department is unable to determine whether the impacts would be mitigated, and cannot, without further information from Imperial County concur that those impacts would be mitigated to less than significant levels. The Department will need to work with the Applicant to determine the appropriate compensation to offset the foraging impacts from this Project.

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Iris Cluster Solar Farm Project
SCH No. 2014041091
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The Department appreciates the opportunity to comment on the DEIR for the Iris Cluster Solar Farm Project (SCH No.2014041091) and requests that the Department's comments be addressed in the revised CEQA document. If you should have any questions pertaining to this letter, please contact Magdalena Rodriguez at Magdalena.Rodriguez@wildlife.ca.gov or 909-844-2520.

Sincerely,



for Kimberly Nicol
Regional Manager

cc: State Clearinghouse, Sacramento

Draft Environmental Impact Report
Iris Cluster Solar Farm Project
SCH No. 2014041091
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Literature Cited

- AECOM. 2013. Periodic avian mortality reports from the NextEra Genesis Solar Project in the Mojave Desert of eastern Riverside County, California
- Ironwood Consulting. 2013. Periodic avian mortality reports from the Desert Sunlight Solar Project in the Mojave Desert of eastern Riverside County, California.
- McCrary, M., R. McKernan, R. Schreiber, W. Wagner, and T. Sciarrotta. 1986. Avian mortality at a solar energy power plant. *Journal of Field Ornithology* 57(2):135-141.
- Patten, M.A., G. McCaskie and P. Unitt. 2003. *Birds of the Salton Sea. Status, Biogeography, and Ecology*. University of California Press, Berkeley, California.
- Shuford W.D., N. Wamock, K.C. Molina, K.K. Sturm. 2002. The Salton Sea as critical habitat to migratory and resident waterbirds. *Hydrobiologia*, 473:255-274.
- [Service] U.S. Fish and Wildlife Service. 2014a. Avian Mortality at Solar Energy Facilities in Southern California: A Preliminary Analysis. Prepared by the National Fish and Wildlife Forensics Laboratory, Ashland, Oregon
- Xu, Y and L. Small. 2014. How harmful is renewable energy to birds? *Environmental and Energy Study Institute*. Sept. 3, 2014 (<http://www.eesi.org/articles/view/how-harmful-is-renewable-energy-to-birds>)

Letter 1
State Clearinghouse
November 20, 2014

Response to Comment 1-1

This comment acknowledges that the County of Imperial has complied with the State Clearinghouse review requirements for the Iris Solar Farm Project. The comment letter provided by the California Department of Fish and Wildlife, as transmitted to the County by the State Clearinghouse, is responded to in responses to comment Letter 4.

Connie L. Valenzuela
Agricultural Commissioner
Sealer of Weights and Measures

Linda S. Evans
Assistant Agricultural Commissioner/
Asst. Sealer of Weights and Measures

**AGRICULTURAL COMMISSIONER
SEALER OF WEIGHTS AND MEASURES**



852 Broadway
El Centro, CA 92243-2850

(760) 482-4314
Fax: (760) 353-9420

E-mail: agcom@co.imperial.ca.us

November 19, 2014

Patricia Valenzuela, Planner IV
Planning & Development Services Department
County Of Imperial
801 Main Street
El Centro, CA 92243

Subject: Iris Solar Project Draft Environmental Impact Report

Dear Ms. Valenzuela:

We have reviewed the draft report. Our comments on the Administrative Draft Environmental Impact Report dated September 12, 2014 were not discussed nor answered. We have concerns that need change, discussion, and/or response:

Aesthetics

- Transmission and collector lines extending along private lands would significantly impact the aesthetics of the area especially if allowed a variance from 120 feet to 140 feet. The extended variance would impact farming by restricting aerial pesticide applications.

2-1

Agriculture

- The Pest Management Plan should be in place for the duration of the project not just during construction.
- The Site Restoration Plan should restore the land to a farmable condition that would allow someone to grow a crop. The Planning and Development Services Director and/or the landowner may or may not have the expertise to make that determination.
 - The plan should include the following:
 - Crop History of each field.
 - Detailed map with a description of each field depicting the physical infrastructure of the field such as but not limited to field grading, field water delivery system, surface drainage system, sub-surface tile lines, field roads and field access, and soil type/profile.
 - Restoration should be accomplished by using the farming practices available at restoration time to restore the land to farming not by using methods that may be outdated. (The Restoration cost will have to be based on today's farming costs.)

2-2

2-3

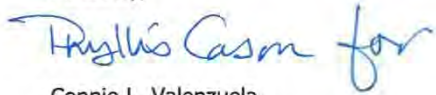
2-4

Removing acres of farmland has significant impact on our agricultural industry. The farmable acres in our county do not fluctuate. In 2013 Imperial Irrigation District reported 473,311 acres under cultivation in the valley. Land that is "temporarily" (30 years) removed from farming cannot be replaced. Farmland is a resource and once it is removed from farming there are no alternative areas in our County that can be turned into farmland. New farmland cannot be created. The proposed and approved solar projects will convert approximately 22,559 acres. This affects the agricultural industry directly and indirectly. Growers are finding it hard to lease other fields. Some of the other industries which are affected are seed companies, fertilizer and pesticide companies, pest control advisors, harvesters, coolers, haulers, equipment sales and repair, container suppliers, field workers, and sheep herders.

2-5

Should you have any questions, please call the office at (760)482-4314.

Sincerely,

A handwritten signature in blue ink that reads "Connie L. Valenzuela for". The signature is written in a cursive, flowing style.

Connie L. Valenzuela
Agricultural Commissioner

Attachment

Connie L. Valenzuela
Agricultural Commissioner
Sealer of Weights and Measures

Linda S. Evans
Assistant Agricultural Commissioner/
Asst. Sealer of Weights and Measures

AGRICULTURAL COMMISSIONER
SEALER OF WEIGHTS AND MEASURES

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September 12, 2014

Patricia Valenzuela, Planner IV
Planning & Development Services Department
County Of Imperial
801 Main Street
El Centro, CA 92243

Subject: Iris Solar Project Admin. Draft Environmental Impact Report

Dear Ms. Valenzuela:

We have reviewed the draft report. We have some concerns on issues that need further change, discussion, and/or response:

0.1 Executive Summary

- **Alternative 2: Reduce Acreage Alternative** – This project will remove 1,422 acres of farm land. Of the 1,422 acres, 463 acres have grown produce for the last five (5) years. Produce is a high value crop that employs many workers. Yet, only 160.4 acres were considered Prime Farmland.
- **Alternative 3: Avoid Williamson Act Land** – According to the records 683.9 acres are in the Williamson Act.

1.0 Introduction

- **Section 1.1.1.1 Subsection 6: Williamson Act** – petitions were filed? What is the status of the cancelation of the Williamson Act and when will it be finalized.

2.0 Environmental Setting

- **2.2.2. Agricultural Resources:** Mono-cropping does not really describe crop practices in the valley for alfalfa, bermudagrass or produce. Alfalfa is traditionally a five (5) year crop that is harvested on average seven (7) times per year and bermudagrass is traditionally a 10 to 15 year crop that is harvested on average (4) times a year. Produce crops, such as lettuce or broccoli, are planted in September and harvested in December through January. Another crop, such as sweet corn or melons, will be planted right after the ground is prepared in January through February and harvested in May or June. Wheat, grown for grain and straw, is another crop alternative. To suggest that mono-cropping and that the land to the west and south transitioning into solar is justification to remove the land from the Williamson Act or to remove prime farm ground are not valid reasons.

2A-1

2A-2

2A-3

2A-4

3.0 Project Description

- **3.3.8.6 Dust Suppression and Erosion Control:** Two options are listed groundcover and soil stabilizing polymers. Of the two options, groundcover should not be a choice because of pest control, water and safety.
- **3.5 Restoration of the Project Study Areas:** The last paragraph that the project restoration to farmland be based on “*the success of establishment of post-project vegetation*” does this include harvesting a crop and who determines if there is success?
- **3.5 Section 5: Restoration Plans:** See comment 4.2-1b.
- **3.6.1 Section 6: William Act Contract Cancellation:** See comment Section 1.1.1.1

2A-5

2A-6

2A-7

2A-8

4.1 Aesthetics/Visual Resources

- **4.1.3 Decommissioning/Restoration and Residual Impacts:** “flat agricultural areas; therefore, no grading or significant land form modifications would be required...project sites would not be substantially degraded in the short-term and related impacts would be **less than significant**.” After 25 to 40 years the project roadways will have compacted the soil, the soil composition may change, removal of the panel supports will change the soil profile and texture not only on the surface but the subsurface as well. **It is significant.** The land must be restored to farmable condition. The infrastructure of the field such as soil profile, field grading, field water delivery system, surface and subsurface drainage systems, field roads, and field access will need to be restore to the land. These are significant changes.

2A-9

4.2 Agricultural Resources

- **4.2.1 Environmental Setting:** Use current data. 2013 data is available.
- **4.2.1.2 Existing Conditions:** See 2.0 Environmental Setting
- **4.2-1b Site Restoration Plan:** The text “maybe shown by growing a crop or other means to reasonable satisfaction of the Planning and Development Services Director and landowner.” The Restoration Plan should restore the land to a farmable condition that would allow someone to grow a crop. The Planning and Development Services Director and/or the landowner may or may not have the expertise to make that determination.
 - Include the following:
 - Crop History of each field.
 - Detailed map with a description of each field depicting the physical infrastructure of the field such as but not limited to field grading, field water delivery system, surface drainage system, sub-surface tile lines, field roads and field access, and soil type/profile.
 - Restoration should be accomplished by using the farming practices available at restoration time to restore the land to farming not by using methods that may be outdated. (The Restoration cost will have to be based on today’s farming costs.)
- **Significance After Mitigation:** Explain why after mitigation why the impact is “**less than significant**”
- **4.2.2 Pest Management Plan:** Correct *Weed and Pest Control Plan* to *Pest Management Plan*. See the attached document “*Pest Management Plan Requirements for Solar Projects*” for the requirements

2A-10

2A-11

2A-12

2A-13

2A-14

- **Subsection 1.** Remove “that are adjacent to agricultural lands.” The Pest Management Plan should protect not only agricultural lands but any surrounding land from infestation whether it is insect, vertebrate, weed or pathogen. “Adjacent” is too limiting.
- **Subsection 2.** See the attachment for the necessary requirements.
- **Subsection 3. a.** Remove “ground cover” this should not be an option since it could harbor a pest that could become a potential problem to the surrounding area as well as a potential safety hazard for the employees at the project.

2A-15

2A-16

2A-17

6.0 Cumulative Impacts: The 2013 total valley farmable acres as reported by IID is 473,311. To use 532,273 County-wide Important Farmland total is misleading. Solar projects are not proposed for the farmable Palo Verde area (6,661 acres) or the farmable Bard area (BWD 9,656 acres & Indian Reservation 11,969 acres) so the County-wide acreage should not be used. One project alone does not seem significant but when all the solar projects acreage is added together the cumulative impact is significant. The statement “the quantity of agricultural lands within Imperial County is always in flux and can vary widely year to year” is not an accurate statement. The irrigated farmland in Imperial Valley as well as in Bard and Palo Verde does not fluctuate. Farmland is fallowed and crops change but the number of fields has been relatively constant. Imperial County is unique in its farming by being able to produce crops year round with multiple cropping on many fields.

2A-18

Should you have any questions, please call the office at (760)482-4314.

Sincerely,



Connie L. Valenzuela
Agricultural Commissioner

Letter 2
Imperial County Agricultural Commission
November 19, 2014

Response to Comment 2-1

The Draft EIR provides a detailed evaluation of potential aesthetic impacts of the proposed project (see EIR Section 4.1 Aesthetics/Visual Resources). This analysis includes an assessment of the potential impacts of all components of the proposed project including the transmission facilities in the context of the existing visual character and quality of the area, exposure to sensitive visual receptors and overall visual sensitivity. Visual simulations of the proposed project conditions, which include proposed transmission facilities, are provided on EIR Figures 4.1-3 through 4.1-14. These figures illustrate the visual changes from 12 perspective viewpoints. As stated in the EIR (page 4.1-14), the changes from the existing condition to the proposed condition would have a significant visual change from an agricultural land use to a solar farm facility. As stated in the Existing Conditions, Section 4.1.1.3, the general area has a low visual character due to a lack of diversity in landscape pattern elements (color and texture) and the area lacks a dominate feature. The existing visual quality of the area has low vividness, moderately low intactness, and a moderately high visual unity. The combination of the low visual character and moderate visual quality results in a moderately low existing resource determination.

The surrounding area is currently being developed with (or proposed for) numerous solar projects of similar scale as the proposed projects; including the Mount Signal Solar Project, consisting of over 4,000 acres of land that will be constructed in the near-term. Considering the existing visual character of the area is considered low and the surrounding area is currently in the process of solar development, the construction of the proposed projects would be consistent with current and planned development patterns and types in the area. Furthermore, the surrounding area has a moderately low existing visual quality, and no resources were identified in the area with the exception of the background views of the mountains. The proposed heights of project components would not obscure the background views of the mountains.

EIR Figures 4.1-3 through 4.1-14 illustrate that the impacts would be similar across the four project sites. The viewer response ratings as identified in EIR Table 4.1-4, are considered to be moderately low, combined with a moderately low resource change that would result in a moderately low visual impact due to the construction of the project, as shown in EIR Table 4.1-5, Summary of Key View Ratings.

The existing visual quality of the surrounding areas where transmission lines are proposed is similar to the project sites, having a low vividness, moderately low intactness, and a moderately high visual unity. EIR Figures 4.1-15 through 4.1-18 include the proposed 230 kilovolt proposed transmission line. The construction of the transmission line will not change the visual character or visual quality of the surrounding area. The EIR concludes that this potential aesthetic impact would be less than significant.

The areas proposed for transmission facilities are adjacent to areas that will be converted from their existing agricultural uses to solar generation facilities. Because these areas would no longer be utilized for agricultural production, aerial pesticide applications would not be required. EIR Figure 4.2-2 depicts the proposed project site in the context of other approved and proposed solar facilities. As shown, the Iris transmission lines are only proposed to be located adjacent to solar fields. Therefore, the proposed transmission lines would not impact farming by restricting aerial pesticide applications.

Response to Comment 2-2

The Pest Management Plan would be in place for the duration of the project as a requirement of the CUP. Specifically, EIR Mitigation Measure 4.2-2 requires that a Weed and Pest Control Plan shall be developed by the project applicant and approved by the County of Imperial Agricultural Commissioner. Item #3 specifically requires that “a long-term strategy for weed and pest control and management during the operation of the proposed project. Such strategies may include, but are not limited to:

- a. Use of specific types of herbicides and pesticides on a scheduled basis.

- b. Maintenance and management of project site conditions to reduce the potential for a significant increase in pest-related nuisance conditions on adjacent agricultural lands.”

Response to Comment 2-3

As identified in the EIR Project Description, as part of the approvals associated with the project, the County will be required to approve the site reclamation plans for each of the projects. The site reclamation plan for each of the four projects is provided in EIR Appendix L. As required by the County, when the projects are decommissioned at the end of their life spans, the project applicant or its successor in interest would be responsible for implementing the reclamation plan, which includes the removal, recycling, and/or disposal of all solar arrays, inverters, transformers and other structures on each of the sites, as well as restoration of the site to its pre-project condition with respect to agricultural suitability (e.g., soils, infrastructure). The County is responsible for approving the reclamation plan for each project and confirming that financial assurances for each of the projects are in conformance with Imperial County ordinances. This approved is required by EIR Mitigation Measure 4.2-1b which states:

4.2-1b Site Reclamation Restoration Plan. The DOC has clarified the goal of a reclamation and decommissioning plan: the land must be restored to land which can be farmed. In addition to MM 4.2.1a for Prime Farmland and Non-Prime Farmland, the Applicant shall submit to Imperial County a Reclamation Plan prior to issuance of a grading permit. The Reclamation Plan shall document the procedures by which each CUP will be returned to its current agricultural condition/LESA score of 75.71 for FSF, 71.06 for RSF, 72.75 for ISF, and 69.29 for LSF. Permittee also shall provide financial assurance/bonding in the amount equal to a cost estimate prepared by a California-licensed general contractor or civil engineer for implementation of the Reclamation Plan in the event Permittee fails to perform the Reclamation Plan.

The site reclamation plans include an engineer's estimate of probable costs to restore the agricultural lands to “farm ready conditions.” The reclamation plan exhibits indicate current conditions of the farm fields and a typical layout for the proposed solar power arrays. The estimate accounts for costs to restore the land to farm-ready conditions upon ceasing the power facility operation and removal of all power facility improvements. No crop planting is included in the restoration costs since customary farm practices do not include planting prior to leasing. Crop type and planting is each individual farmer's selection. Costs are provided for replacement of concrete irrigation ditches and subsurface agricultural tile drainage pipelines, deep chiseling (sub-soiling), disking, landplaning and restoration of irrigation land slopes (land-leveling).

Existing agricultural soils and agricultural crops are identified in the reclamation plans. For example, the Iris reclamation plan identifies that “The lands generally consist of silty clay to fat clay soil that require subsurface tile drains to maintain crop yields, normally used for growing field crops such as alfalfa, bermuda grass, sudan grass and wheat. Even though there are lands identified as “Prime Farmland” by the California Department of Conservation, the cropping patterns of all of the agricultural lands within the Ferrell Solar Farm have historically been “field crops.”

Further, the reclamation plans address agricultural infrastructure under the section “restoration methods” which includes irrigation ditches, subsurface tile drains, and ground preparation. Cost estimates are provided in the reclamation plans, for land leveling, ground work (subsoil/stubble disc/landplane), and manure application. Agronomic Soil Sampling is also required.

The Imperial County Planning and Development Services Department regularly consults with the agricultural commissioner on matters related to farming, and it is anticipated that the Department would consult with the commissioner at the time of implementation of the reclamation plans to verify that restoration would allow crop production. However, the reclamation plans provide the standards and costs required to restore the lands back to their existing agricultural conditions. Further, the applicant will be required to bond for the restoration amounts to there is a financial mechanism in place to restore the agricultural lands.

The County will consider approval of the reclamation plans in conjunction with consideration of approval of the project. As part of their approval, the applicant shall provide financial assurances/bonding in the amount equal to the site restoration cost estimate to return the land back to its agricultural conditions after the solar facility ceases operations and closes. This mitigation approach is consistent with the Department of Conservation's recommendation that reclamation plans be prepared for solar projects located on agricultural lands.

Response to Comment 2-4

Please refer to response to comment 2-3. Existing physical conditions of the project site are considered as part of the reclamation plans, and including the engineer's estimate of probable costs. The existing conditions include soils types, crop types and existing infrastructure. Appendix A of the reclamation plan includes map of project existing conditions. Appendix F includes a LESA model which provides detailed information about existing agricultural conditions of the project site.

The restoration costs (engineer's estimate of probable costs) are based on current farming costs.

Response to Comment 2-5

The comments regarding the conversion of farmland are acknowledged. The EIR evaluates the impacts to farmland associated with the proposed project (see EIR Section 4.2 Agricultural Resources and Section 6.0 Cumulative Impacts). The cumulative loss of approximately 22,559 acres of farmland as a result of cumulative solar development is acknowledged, and consistent with the acreage identified in EIR Section 6.0 Cumulative Impacts.

An evaluation of the proposed project's potential economic impacts, employment impacts, fiscal impacts, and statement of potential for urban decay has been conducted, and is provided as Appendix M to the EIR. This economic information will be considered by the County's Planning Commission and Board of Supervisors as part of the consideration of approval of the project.

As provided in EIR Appendix M, the Economic Impact Analysis provides a calculation of the predicted impact to a community or region as a result of a project or activity. This includes all known direct (and indirect) expenditures as a result of both construction and operation for the projected life of a facility/project. With respect to the Iris Solar Farm, the Economic Impact Analysis indicates that the economic impact to the Imperial County region will be approximately \$944.06 million over the thirty (30) year life of the project (inclusive of both project construction and operations). By comparison, DMG, Inc. calculated the estimated economic impact of the current use of the subject property (field/grass crops and produce) over the same thirty (30) year period to be \$298.41 million.

As provided in EIR Appendix M, the Employment or Jobs Impact Analysis provides a calculation of not only the total amount of construction and operational jobs, but also provides a comparison of those jobs to those already in existence on the project site. Specific to the Iris Solar Farm, the subject property has historically been used for hay/grass type crops. The Employment Impact Analysis has determined that the Iris Solar Farm will generate the equivalent of 876 full-time one-year equivalent construction jobs over the first two years and 24 full-time equivalent permanent jobs. By comparison the current use of the site (row crops-277acres, hay/grass type crops-1,145 acres) produces about fourteen (14) jobs. When comparing both the direct and indirect permanent employment of agriculture versus utility (energy) production, the proposed use will generate a total of 93.2 permanent jobs while the current use creates 25.21 permanent jobs.

The Employment Impact Analysis concludes that the proposed use of the site for solar energy production will generate about 68 more total (direct and indirect) permanent jobs as the current use. This is in addition to the 876 one-year equivalent FTE construction jobs that are projected during the first two years (the construction period).

Finally, as provided in EIR Appendix M, the Fiscal Impact Analysis provides a calculation of the amount of revenue a governmental agency is expected to receive and provides a calculation of the projected costs that the agency will incur to provide appropriate services to both the project and the additional population/employment generated as a result of such. A comparative model is then produced in order to determine if the project is of economic benefit or cost to the government agency.

Development Management Group, Inc. has calculated that the Iris Solar Farm will generate approximately \$23.57 million in net local (county) tax revenue over the thirty (30) year life of the project. This is derived from an estimated \$15.96 million in sales tax revenue and \$7.61 in net property tax revenue.

It is projected that it will cost the County about \$15.67 million to provide appropriate services to the project and related employment thus generating a projected surplus to the County of Imperial of about \$7.90 million over the thirty (30) year life of the project (subject to acceptance of the recommendations provided within the report).

Note that this amount is based solely on the tax laws that are currently in place and does not include any amounts that may be received by the County under a Public Benefits Agreement or similar arrangement.

Comment Letter 2 – Attachment

Response to Comment 2A-1

EIR page 4.2-10 identifies a total of 160.4 acres of Prime Farmland within the project site. The remainder of the land is mapped as Farmland of Statewide Importance (~~1,229.051~~^{1,250.7} acres), and Other Land (11.3 acres). These classifications are based on the most currently available California Department of Conservation Important Farmlands Mapping (2010).

As described on EIR page 8-5, Alternative 2: Reduced Acreage Alternative (Avoid Prime Farmland) would avoid the Prime Farmlands, as mapped by the California Department of Conservation Important Farmlands Mapping, located within the project area, specifically associated with the FSF and ISF. The 2010 Important Farmland maps for Imperial County indicate that a majority of the four project sites are comprised of Farmland of Statewide Importance with small isolated areas designated as Prime Farmland and “other.” Under this alternative, approximately 160.4 acres of Prime Farmland would be avoided.

The purpose of this alternative is to avoid the Prime Farmlands located within the project sites, specifically associated with the FSF and ISF. The 2010 Important Farmland maps for Imperial County indicate that a majority of the project sites are comprised of Farmland of Statewide Importance with small isolated areas designated as Prime Farmland and “other.” This alternative is illustrated in Figure 8.0-1, which shows the location of the Prime Farmland that would be avoided (approximately 160.4 acres) and the total acreage of the projects with the exclusion of Prime Farmland. (NOTE: this alternative would not avoid several pockets of Prime Farmland as shown on Figure 8.0-1 as these represent small, isolated pockets of land, which would likely not remain economically viable or practically feasible to farm as they would be surrounded by solar uses.)

Response to Comment 2A-2

Information provided by the Imperial County Assessor’s office indicates that a total of 661 acres on the project site are currently under Williamson Act contracts. Alternative 3: Avoid Williamson Act Land would avoid a total of ~~662.683~~^{683.9} acres of agricultural land, which includes 22.9 acres that are currently not under Williamson Act contracts. Existing Williamson Act contracted lands within the project sites includes the following:

- Contract 160-1-2003 (160.27 acres)
- Contract 160-2-2003 (317.30 acres)
- Contract 160-1-2004 (184.58 acres)

Response to Comment 2A-3

The Williamson Act Cancellation request for preserve No. 160 was delivered to the Imperial County Assessor on September 25, 2014 (Agricultural Preserved Program Diminishment Application). As stated in EIR Chapter 3.0 Project Description (page 3-26) the County will approve the Williamson Act Cancellation as part of the discretionary actions for approval of the project. As part of this request, Williamson Act Cancellation findings in accordance with Government Code Section 51282(a) is required.

Response to Comment 2A-4

Information presented in this comment regarding the existing agricultural characteristics of the project site is provided in Section 2.0 Environmental Setting, Subsection 2.2.2 Agricultural Resources which provides a general description of the environmental setting as farming operations in this area generally consist of medium to large-scale crop production with related operational facilities. Crops generally cultivated in the area may include alfalfa, barley, and/or Bermuda grass in any given year. EIR Section 4.2 Agricultural Resources provides a description as much of the land base in the vicinity of and within the project study areas is considered productive farmland where irrigation water is available. Farming operations in this area generally consist of medium to large-scale crop production with related operational facilities. Crops generally cultivated in the area may include alfalfa, barley, and/or Bermuda grass in any given year. Row and vegetable crops (such as corn, melons, wheat) are also prominent in the area.

Response to Comment 2A-5

The comments related to pest control, water, and safety concerns associated with the potential use of groundcover for dust control are acknowledged. EIR Section 3.3.8.6 (Dust Suppression and Erosion Control) states, "The use of permeable soil stabilizing polymers, which would provide dust suppression and erosion control against wind and water is proposed."

Response to Comment 2A-6

As stated on EIR page 3-25, the project applicant is proposing to restore the sites with the same type of agriculture as is currently found onsite as part of the restoration effort. The success of establishment of the post-project vegetation would be evaluated in terms of percent coverage at two years after seeding with a performance standard of 80 percent or better. The performance standards and requirements for site restoration are identified in the site reclamation plans (EIR Appendix L).

The intent of the reclamation plans is to restore the site to its existing use (e.g., crop type), which are defined in the restoration plans. As stated above, 80 percent cover of a similar crop type would be required to be met.

As a condition of project approval, the applicant is required to post bonds for the reclamation plans to ensure that the site's are restored to their existing conditions.

Response to Comment 2A-7

Please refer to response to comment 2-3 and 2-4.

Response to Comment 2A-8

Please refer to response to comment 2A-3.

Response to Comment 2A-9

Restoration of the sites, including soils and supporting agricultural infrastructure are required as part of the site reclamation plans. Please refer to response to comment 2-3.

Response to Comment 2A-10

EIR Section 4.2.1 utilizes 2013 data regarding agricultural trends in the County.

Response to Comment 2A-11

Please refer to response to comment 2A-4.

Response to Comment 2A-12

Please refer to response to comment 2-4.

Response to Comment 2A-13

This comment is reference to the impact statements made at the conclusion of each environmental threshold within Section 4.2 Agricultural Resources. EIR Section 4.2.2.1 provides the Thresholds of Significance in which the potential impacts are evaluated. EIR Section 4.2.2.2 describes the methodology utilized in evaluation of the potential impacts. As stated, this analysis utilizes the LESA model in conjunction with other readily available information sources in assessing impacts on agriculture and farmland. With respect to the conversion of agricultural land, the LESA scoring for the site locations analyzed in conjunction with the projects are provided in EIR Table 4.2-4. As shown, the LESA scores for the projects support the farmland designations as identified in the FMMP. Therefore, their conversion to non-agricultural use, albeit temporary, is considered a significant impact. Implementation of Mitigation Measures 4.2-1a and 4.2-1b would reduce these impacts to a level less than significant.

With respect to the Williamson Act cancellations, with the implementation of Mitigation Measure 4.2-1b, the project applicant would be required to restore the project study areas to an agricultural use through the implementation of site reclamation plans. Therefore, the implementation of Mitigation Measure 4.2-1b and adherence to the Williamson Act Cancellation process in accordance with Government Code Section 51282(a) would reduce impacts related to the conversion of Williamson Act contracted land to a less than significant level.

Response to Comment 2A-14

The requirements of the “Pest Management Plan Requirements for Solar Projects” as identified in this comment have been incorporated into EIR Mitigation Measure 4.2-2. Mitigation Measure 4.2-2 reads as follows:

- 4.2-2** Prior to the issuance of a grading permit or building permit (whichever occurs first), a Weed and Pest Control Plan shall be developed by the project applicant and approved by the County of Imperial Agricultural Commissioner. The plan shall provide the following:
1. Monitoring, preventative, and management strategies for weed and pest control during construction activities at any portion of the project (e.g., transmission line);
 2. Control and management of weeds and pests in areas temporarily disturbed during construction where native seed will aid in site revegetation as follows;
 - Monitor for all pests including insects, vertebrates, weeds, and pathogens. Promptly control or eradicate pests when found, or when notified by the Agricultural Commissioner’s office that a pest problem is present on the project site;
 - All treatments must be performed by a qualified applicator or a licensed pest control operator;

- “Control” means to reduce the population of common pests below economically damaging levels, and includes attempts to exclude pests before infestation, and effective control methods after infestation. Effective control methods may include physical/mechanical removal, bio control, cultural control, or chemical treatments;
 - Notify the Agricultural Commissioner’s office immediately regarding any suspected exotic/invasive pest species such as A- and Q-rated pest species as defined by the California Department of Food Agriculture (CDFA). Eradication of exotic pests shall be done under the direction of the Agricultural Commissioner’s Office and/or CDFA;
 - Obey all pesticide use laws, regulations, and permit conditions;
 - Access shall be allowed by Agricultural Commissioner staff for routine visual and trap pest surveys, compliance inspections, eradication of exotic pests, and other official duties;
 - All project employees that handle pest control issues shall be appropriately trained and certified, and all required records shall be maintained and made available for inspection. All required permits shall be maintained current; and
 - Records of pests found and controlled shall be maintained and available for review, or submitted to the Agricultural Commissioner’s office on a quarterly basis.
3. A long-term strategy for weed and pest control and management during the operation of the proposed project. Such strategies may include, but are not limited to:
- a. Use of specific types of herbicides and pesticides on a scheduled basis.
4. Maintenance and management of project site conditions to reduce the potential for a significant increase in pest-related nuisance conditions on adjacent agricultural lands.

Response to Comment 2A-15

The text referenced in this comment “that are adjacent to agricultural lands” is not included in Subsection 1 of Mitigation Measure 4.2-2.

Response to Comment 2A-16

Please refer to response to comment 2A-14.

Response to Comment 2A-17

The reference to “ground cover” is not included in Subsection 1 of Mitigation Measure 4.2-2.

Response to Comment 2A-18

As stated on EIR page 6-6, County-wide Important Farmland totaled 473,311 acres in 2013. The EIR correctly states that in the County, the amount of agricultural land in production in any one year varies widely. Tens of thousands of acres of farmland is either out of production or intentionally fallowed at any given time.

Combined, the cumulative impact of agricultural conversion associated with the theoretical megawatt (MW) production is conservatively estimated at approximately 3.7 percent of all County-wide Important Farmland with the assumption that all the land converted is "Important." For all of these reasons, the contribution of the proposed projects to any potentially significant loss of farmland, if any, would not be considerable. The incremental impact of the loss of 1,400~~1,422~~ acres of farmland would be mitigated via full restoration of the project study areas to comparable agricultural production post-project, purchase of an agricultural easement at a 2:1 ratio, or payment into the County's agricultural mitigation fund, which the County uses at its discretion to mitigate for farmland loss consistent with its General Plan policies.

150 SOUTH NINTH STREET
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November 19, 2014

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

Subject: Draft Environmental Impact Report (EIR) for the Iris Cluster Solar Farm
Project dated September 2014

Dear Mr. Minnick:

The Imperial County Air Pollution Control District (Air District) has reviewed the Draft EIR for the Iris Cluster Solar Farm. The review by the Air District was NOT an in depth review but was a more than a cursory review. The project as described is a solar photovoltaic energy generating facility approximately 1,422 acres in total. The project consists of four separate Conditional Use Permits (CUPs) for the following:

- Ferrell Solar Farm (FSF) – Proposed 90 MW¹ AC approximately 367.1 acres
- Rockwood Solar Farm (RSF) – Proposed 100 MW AC approximately 396.2 acres
- Iris Solar Farm (ISF) – Proposed 130 MW AC approximately 520.8 acres
- Lyons Solar Farm (LSF) – Proposed 40 MW AC approximately 138.4 acres

The four CUP's are expected to be constructed within a 12 month period resulting in a facility capable of generating up to 360 MW of electricity. Project characteristic include but are not limited to an expansive or concentrated photovoltaic solar energy facility with supporting uses. Components include but are not limited to panels/arrays, operations and maintenance (O&M) facilities, electrical substation facilities, inverter modules, pad mounted transformer(s) and transmission and collector lines. The Air District found the finding of "less than significant" for Air Quality as unsupported primarily because the mitigation measures as written are not enforceable.

The following are some of the more significant observations by the Air District which also apply to other sections of the Draft EIR.

3-1

¹ Megawatts (MW)

Executive Summary – beginning with page 0.1-7 (Air Quality)

4.3-2a – Construction Equipment

"Construction equipment shall be equipped with an engine designation of EPA Tier 2 or better (Tier 2+). A list of the construction equipment and the associated EPA Tier shall be submitted to the County Planning and Development Services Department prior to the issuance of a grading permit to verify implementation of this measure."

Air District comment:

As written this mitigation measure does NOT assure compliance with the Off-road regulations and does not assure reduction of emissions for NOx. In essence, paper shuffling does not reduce emissions. Therefore in order to assure emission reductions claimed in the "Air Quality/Greenhouse Gas Report" by OB-1 the project MUST submit to the Air District a list of all off-road equipment utilized at the each of the projects by Make, Model, Year, Horsepower, and expected/actual hours of use in such a timely manner as to assure that emissions are kept below the level of significance. Calculations by the Air District will help assure compliance with the "less than significant" finding for IMPACT 4.3-2 as well as the impact for the cumulative analysis.

3-2

4.3-2b – Fugitive Dust Control

The Air District will not attempt to reproduce this section but will point out the following:

1. Page 22 of the Imperial County CEQA Air Quality Handbook clearly identifies that compliance with Regulation VIII is not a mitigation for use as REDUCTIONS attributed to ENVIRONMENTAL IMPACTS. The section continues to explain that all preliminary modeling presumptions assume compliance with Regulation VIII and additional reductions cannot be taken.
2. The statement at the end of this mitigation measure states "[i]mplementation of the above-listed fugitive dust control measures was assumed to control PM₁₀ emissions by 85%". This is an unsupported statement and MUST be removed.
3. No commitment language to abide by the Off-Road regulations under the last three bulleted points under the title "ICAPCD Standard Measures for Construction Combustion Equipment". Therefore in order to assure emission reductions claimed in the "Air Quality/Greenhouse Gas Report" by OB-1 the project MUST submit to the Air District a list of all off-road equipment utilized at the each of the projects by Make, Model, Year, Horsepower, and expected/actual hours of use in such a timely manner as to assure that emissions are kept below the level of significance. Calculations by the Air District will help assure compliance with the "less than significant" finding for IMPACT 4.3-2 as well as the impact for the cumulative analysis.
4. For the remaining mitigation measures recordkeeping requirements to be kept on site at all times of the applied mitigation measure is necessary to assure emissions are kept below the level of significance. In addition, a construction

3-3

3-4

3-5

3-6

dust control plan must be submitted prior to any earthmoving activity for approval by the Air District.

3-6
Cont.

5. Remove all the bulleted points under "Standard Mitigation Measures for Construction Combustion Equipment" as they are redundant and are listed above.

3-7

6. The listed "Enhanced Mitigation Measures for Construction Equipment" may only be effective if recordkeeping is required. Any alerts issued by the Imperial Valley Air Website are evidence of "periods of high ambient pollutant concentrations". Without an effective means of accessing that information this mitigation measures means very little.

3-8

4.3-2c – Vehicular Emissions

"Pursuant to ICAPCD Policy Number 5, prior to construction activities, the project applicant shall pay an in-lieu impact fee as determined by ICAPCD using the formula provided in ICAPCD Policy Number 5 to reduce PM₁₀ and NO_x emissions. The applicable fee in Policy Number 5 is derived from utilizing the last three year Carl Moyer grant program average cost effectiveness for Imperial County multiplied by the amount of tons needed to be offset. Detailed emission calculations shall be provided to the ICAPCD upon selection of the construction contractor, such that an accurate estimate of fees to be paid can be made prior to commencement of construction."

Air District comment:

As written this mitigation measure does NOT assure compliance with the Off-road regulations and does not assure reduction of emissions for NO_x. The use of Policy 5 requires an assessment of the causes of emissions, PM₁₀ and NO_x. The greatest source of NO_x emissions results from the use of off-road equipment. Therefore, in order to assure emission reductions claimed in the "Air Quality/Greenhouse Gas Report" by OB-1 the project MUST submit to the Air District a list of all off-road equipment utilized at the each of the projects by Make, Model, Year, Horsepower, and expected/actual hours of use in such a timely manner as to assure that emissions are kept below the level of significance. Calculation by the Air District will assure compliance with the "less than significant" finding for IMPACT 4.3-2 as well as the impact for the cumulative analysis

3-9

4.3-2d – Dust Suppression

No comment

3-10

4.3-2e – Dust Suppression Management Plan

"Prior to the issuance of building permits, the applicant shall submit for the ICAPCD and Imperial County Planning and Development Services Department review and approval an operational "Dust Suppression Management Plan" for both construction and operations. The project applicant shall pay an "Operational Fee" to the ICAPCD for the square footage of the operations and maintenance building and substation pursuant to Rule 310."

3-11

Air District comment

The Air District is a bit unclear the true meaning of this mitigation measure. So, as not to confuse the intent the Air District strongly recommends the submittal of two Dust Control Plans; 1. addressing construction – must be submitted prior to any earthmoving activity and must be approved by the Air District. 2. addressing Operations – must be submitted and approved prior to the issuance of a certificate of occupancy. This will assure PM emissions are maintained below the level of significance and that the cumulative impacts are similarly are address.

3-11
Cont.

As to the last sentence Rule 310 Operational Fees applies to ANY project applying for a “building permit”. The application of a building permit triggers a review by the Air District. The review by the Air District, applying Rule 310 requirements, will then determine if fees are applicable. Please reword the last sentence to reflect the true intent of Rule 310.

Draft EIR - Page 4.3-21 – IMPACT 4.3-3

See above comments for 4.3-2a, 4.3-2b, 4.3-2c, and 4.3-2e

3-12

Other noted comments not affecting the conclusion by the Air District

Page 1-4 of the Draft EIR refers to the 1991 Air Quality Attainment Plan. Other sections of the document and the Air Quality/Greenhouse Gas Report correctly reference the 2009 Modified Ozone Plan adopted the Air District.

3-13

Page 3-8 of the Draft EIR lists “diesel power generators” as part of the auxiliary facilities that may be used. Please note, all diesel powered generators 50 horsepower (35 megawatts) must have a valid permit to operate from the Air District, excluding allowed exemptions.²

3-14

Finally, CEQA statute beginning with §21002 explains that projects should apply feasible alternatives and/or feasible mitigation measures. CEQA Guidelines §15096 reiterates that projects should not be approved if feasible mitigation measures are available.

3-15

The submittal of both a construction and operational dust control plan and an itemized list of in-use off-road equipment by Make, Model, Year, horsepower and hours of usage and the alternative of the use of Policy #5 are feasible mitigation measures that can be applied to projects to reduce potentially significant impacts.

3-16

Thank you for giving the Air District an opportunity to comment on this project. Should you have any questions please do not hesitate to call the office at (760) 482-4606.

3-17

² Exemptions to the permitting requirements are made by authorized engineers in the Engineering Division of the Imperial County Air Pollution Control District.

Respectfully Submitted,



Monica N. Soucier
APC Division Manager

Letter 3
Imperial County Air Pollution Control District
November 19, 2014

Response to Comment 3-1

This comment states the Imperial County Air Pollution Control District has completed its review of the Iris Cluster Solar Farm Projects Draft EIR, and summarizes the proposed project components. This comment does not specifically address the adequacy of the EIR; therefore, no further response is required.

Response to Comment 3-2

Mitigation Measure 4.2-3a has been revised as follows:

- 4.3-2a Construction Equipment.** Construction equipment shall be equipped with an engine designation of EPA Tier 2 or better (Tier 2+). A list of the construction equipment, including all off-road equipment utilized at each of the projects by make, model, year, horsepower and expected/actual hours of use, and the associated EPA Tier shall be submitted to the County Planning and Development Services Department and ICAPCD prior to the issuance of a grading permit. The ICAPCD shall utilize this list to calculate air emissions to verify that equipment use does not exceed significance thresholds. The Planning and Development Services Department and ICAPCD shall to verify implementation of this measure.

Response to Comment 3-3

The first paragraph of Mitigation Measure 4.3-2b has been revised as follows:

- 4.3-2b Fugitive Dust Control.** Pursuant to ICAPCD, all construction sites, regardless of size, must comply with the requirements contained within Regulation VIII-Fugitive Dust Control Measures. Whereas these Regulation VIII measures are mandatory and are not considered project environmental mitigation measures, the ICAPCD CEQA Handbook's required additional standard and enhanced These mitigation measures listed below shall be implemented prior to and during construction. The County Department of Public Works will verify implementation and compliance with these measures as part of the grading permit review/approval process.

Response to Comment 3-4

The last paragraph of Mitigation Measure 4.3-2b has been revised as follows:

Enhanced Mitigation Measures for Construction Equipment

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

~~Implementation of the above-listed fugitive dust control measures was assumed to control PM₁₀ emissions by 85%.~~

Response to Comment 3-5

The commitment language identified in this comment regarding Mitigation Measure 4.3-2b and specifically related to ICAPCD Standard Measures for Construction Combustion Equipment has been added to EIR Mitigation Measure 4.3-2a. Please refer to response to comment 3-2.

Response to Comment 3-6

EIR page 4.3-18, under Mitigation Measure(s) been revised to include the following general requirement, applicable to all air quality mitigation measures 4.3-2a through 4.3-2e:

Mitigation Measure(s)

The following mitigation measures are required for the FSF, RSF, ISF and LSF, and transmission line. Records sufficient to document compliance with mitigation measures shall be maintained on site at all times and available for ICAPCD inspection.

Response to Comment 3-7

EIR Mitigation Measure 4.3-2b has been revised to remove the "Standard Mitigation Measures for Construction Combustion Equipment." As noted in this comment, these measures are redundant and are already required by Mitigation Measure 4.3-2a.

EIR Mitigation Measure 4.3-2b has been revised as follows:

~~ICAPCD Standard Measures for Construction Combustion Equipment~~

- ~~• Use alternative fueled or catalyst equipped diesel construction equipment, including all off-road and portable diesel powered equipment.~~
- ~~• Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes as a maximum.~~
- ~~• Limit, to the extent feasible, the hours of operation of heavy duty equipment and/or the amount of equipment in use.~~
- ~~• Replace fossil fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set).~~
- ~~• Construction equipment operating on site should be equipped with two to four degree engine timing retard or precombustion chamber engines.~~
- ~~• Construction equipment used for the projects should utilize EPA Tier 2 or better engine technology.~~
- ~~• Keep vehicles well maintained to prevent leaks and minimize emissions, and encourage employees to do the same.~~

Response to Comment 3-8

As stated in response to comment 3-6, EIR page 4.3-18, under Mitigation Measure(s) been revised to include the following general requirement that records sufficient to document compliance with mitigation measures shall be maintained on site at all times and available for ICAPCD inspection.

Response to Comment 3-9

EIR Mitigation Measure 4.3-2c Vehicular Emissions has been deleted as follows:

4.3-2c Vehicular Emissions. Pursuant to ICAPCD Policy Number 5, prior to construction activities, the project applicant shall pay an in-lieu impact fee as determined by ICAPCD using the formula provided in ICAPCD Policy Number 5 to reduce PM₁₀ and NO_x emissions. The applicable fee in Policy Number 5 is derived from utilizing the last three year Carl Moyer grant program average cost effectiveness for Imperial County multiplied by the amount of tons needed to be offset. Detailed emission calculations shall be provided to the ICAPCD upon selection of the construction contractor, such that an accurate estimate of fees to be paid can be made prior to commencement of construction.

This mitigation measure has been determined not to be necessary and is otherwise a redundant measure that does not add any additional mitigation requirements to those required by Mitigation Measures 4.3-2a and 4.3-2b. The only “vehicular emissions” this measure referred to are the on-road/off-site vehicle use emissions. For NO_x the onsite emissions are approximately 80% of the total and for PM₁₀ (minus road dust) it is over 80%. Therefore, project mitigation requirements of Mitigation Measures 4.3-2a and 4.3-2b primarily focus on the onsite emissions. Regarding road dust, approximately 99% of the emissions calculated for the proposed project will be generated from unpaved roads and the mitigation that requires reduced vehicle speeds addresses this impacts. In addition some of the discretionary measures for fugitive dust address offsite vehicular emissions.

Response to Comment 3-10

No comment.

Response to Comment 3-11

EIR Mitigation Measure 4.3-2e has been revised as follows:

4.3-2e Dust Suppression Management Plan. ~~The project applicant shall submit for the ICAPCD and Imperial County Planning and Development Services Department review and approval an operational “Dust Suppression Management Plan” for both construction and operations.~~

Prior to any earthmoving activity, the applicant shall submit and obtain approval from the ICAPCD and Imperial County Planning and Development Services Department (ICPDSD) a Construction Dust Control Plan. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit and obtain approval from the ICAPCD and ICPDSD an Operations Dust Control Plan.

ICAPCD Rule 310 Operational Fees apply to any project applying for a building permit. At the time that building permits are submitted for the proposed projects, the ICAPCD shall review the project to determine if Rule 310 fees are applicable to the proposed projects. The project applicant shall pay an “Operational Fee” to the ICAPCD for the square footage of the operations and maintenance building and substation as determined applicable by the ICAPCD pursuant to Rule 310.

Response to Comment 3-12

Comment noted. Please refer to preceding responses to comments 3-1 through 3-11.

Response to Comment 3-13

The text on EIR page 1-4 has been revised as follows:

Imperial County Air Pollution Control District

- Review as part of the EIR process regarding consistency with the Imperial County Air Pollution Control District (ICAPCD) CEQA Air Quality Handbook, ~~the 1991 Air Quality Attainment Plan~~, the final “Modified” 2009 8-hour Ozone Air Quality Management Plan, and the State Implementation Plan for particulate matter less than 10 microns in diameter (PM₁₀) in the Imperial Valley, and including verification of Rule 801 compliance.

Response to Comment 3-14

The text on EIR page 3-8 has been modified as follows in order to clarify that any diesel generator greater than 50 brake horsepower (bhp) will require a permit to operate and owners/operators would have to comply with the District's permitting protocol as follows:

The projects would employ the use of PV (or CPV) power systems to convert solar energy into electricity using non-reflective technology. The project facilities would consist of solar PV (or CPV) panels, inverter modules, pad mounted transformer(s), and optional, on-site O&M buildings and substation(s). Each solar project facility may have its own O&M building and substation, or may share among the projects. Up to four O&M buildings and substations are contemplated. Each O&M building would include its own emergency power, fire suppression, potable water system and septic system. Additional auxiliary facilities would include lighting, grounding, backup uninterruptable power supply (UPS) systems and diesel power generators (diesel generators greater than 50 bhp will require a permit to operate), fire and hazardous materials safety systems, security systems, chemical safety systems, and emergency response facilities.

Response to Comment 3-15

Comment noted.

Response to Comment 3-16

This comment is acknowledged and EIR mitigation measures have been revised accordingly to ensure proper compliance and verification with the construction and operational dust control plans, off-road construction equipment, and Policy #5. Please refer to responses to comments 3-2 through 3-11.

Response to Comment 3-17

Comment noted.



State of California - Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
(909) 484-0459
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EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director



November 17, 2014

Ms. Patricia Valenzuela, Planner IV
Imperial County Planning
801 Main Street
El Centro, CA 92243
PatriciaValenzuela@co.imperial.ca.us

Subject:

Draft Environmental Impact Report
Iris Cluster Solar Farm Project
State Clearinghouse No. 2014041091

Dear Ms. Valenzuela:

The Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Iris Cluster Solar Farm Project (Project) [State Clearinghouse No. 2014041091]. The Department is responding to the DEIR as a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1).

The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (i.e., biological resources). The Department is a Trustee Agency with responsibility under CEQA for commenting on projects that could affect biological resources. As a Trustee Agency, the Department is responsible for providing, as available, biological expertise to review and comment upon environmental documents and impacts arising from project activities (CEQA Guidelines, § 15386; Fish & G. Code, § 1802).

The 1,422 acre Project site is composed of four non-contiguous independent sites (Ferrell Solar Farm (FSF), Rockwood Solar Farm (RSF), Iris Solar Farm (ISF) and Lyons Solar Farm (LSF) located between State Route 98 to the south, Kubler Road and

4-1

Conserving California's Wildlife Since 1870

Draft Environmental Impact Report
Iris Cluster Solar Farm Project
SCH No. 2014041091
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Preston Road to the north, Weed Road to the east and Brockman Road to the west southwest of the City of El Centro in Imperial County. The proposed Project includes the construction of solar photovoltaic (PV) or concentrated photovoltaic (CPV) energy-generating facilities on 4 Conditional Use Permit (CUP) areas producing a total of 360 megawatts (MW) of power. The Project will be constructed over a 12 month period with overlapping phases for each CUP. Following review of the Biological Resources section of the DEIR, the Department offers the comments and recommendations listed below to assist the County of Imperial in adequately identifying and/or mitigating the project's significant, or potentially significant, impacts on biological resources.

4-1
Cont.

Lake and Streambed

For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream or use material from a streambed, the project Applicant (or "entity") must provide written notification to the Department pursuant to Section 1602 of the Fish and Game Code. Imperial Irrigation District (IID) drains and canals are state jurisdictional and any impacts to those waters will need to be assessed and mitigated.

Section 4.4-3 of the DEIR states that there will be no impacts to state jurisdictional waters by the Project, however the Applicant only mentions removing or relocating IID drains or canals as impacts. Please note that any impacts, such as road widening over a canal, replacing or changing culvert sizes, vegetation removal within jurisdictional areas, etc. need to be stated in the impact section of the DEIR in order for the Department to use the CEQA document when issuing a streambed agreement. If there are impacts to state jurisdictional waters a mitigation proposal should be proposed that includes the impact acreage along with the type, location, and ratios of compensation. Without such documentation the Department is unable to determine whether the impacts would be mitigated, and cannot, without further information from Imperial County concur that impacts to jurisdictional waters would be mitigated to less than significant levels.

4-2

Avian Impacts

It is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Migratory non-game native bird species are protected by international treaty under the federal Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 *et seq.*). In addition, sections 3503, 3503.5, and 3513 of the Fish and Game Code (FGC) prohibit the take of all birds and their nests. Section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by FGC or any regulation made pursuant thereto; Section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by FGC or any regulation adopted pursuant thereto; and Section 3513 states that it is unlawful to take or possess

4-3

Draft Environmental Impact Report
Iris Cluster Solar Farm Project
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any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

The DEIR fails to include impacts to migratory birds from collision with components of the Project during construction and operation. Those impacts should be assessed for significance, and avoidance and mitigation should be identified. Migratory birds are killed or injured from collisions with solar panels, mirrors, heliostats, electrical generation-tie lines, fences, and other structures. The growing evidence suggests a particular hazard to water-associated birds seeking migratory stopover habitat typically found along rivers and lakeshores (Service 2014a), and is commonly referred to as a "lake effect" (Xu and Small 2014). Based on the species composition of avian fatalities found at three sites in the Mojave and Sonoran deserts-thin film photovoltaic, solar thermal trough, solar thermal power tower-all three technologies resulted in an unexpectedly high composition (approximately 30 to 40 percent by project) (McCrary et al. 1986; Ironwood Consulting 2013; AECOM 2013) of water-associated birds in the total number of avian fatalities across at least 17 families and 43 species. The magnitude of impact from the lake effect is potentially related to many potential migratory flyway and species-specific factors that have yet to be investigated, including availability of other appropriate migratory stopover habitat, seasonality, broad-front vs. corridor migration patterns, weather and wind conditions, moon phase, etc.

4-3
Cont.

The Project is located southwest of the Salton Sea, which is a critical stopover along the Pacific Flyway, providing permanent habitat and seasonal refuge to resident water-associated birds and migratory birds (Shuford et al. 2002). The agricultural fields surrounding the Salton Sea also provide habitat for a variety of wintering birds and shorebirds (Patten et al. 2003). To date, limited information exists on bird collisions at utility-scale solar energy facilities within the Salton Sea basin due to a lack of systematic, statistically rigorous monitoring. However, utility-scale photovoltaic, parabolic trough, and power tower projects that are currently under construction or in operation are reporting mortalities and injuries to a wide range of avian species, including water-associated birds, passerines, and raptors involving various project features, such as solar panels or heliostats, evaporation ponds, fencing, distribution lines within the facility, and gen-tie lines.

4-4

The Project Applicant should prepare a Bird and Bat Conservation Strategy (BBCS) following the most recent guidelines from the US Fish and Wildlife Service. The plan should also include a statistically robust, systematic avian and bat mortality and injury monitoring program to achieve the following: (1) estimate annual mortality by taxa and season using appropriate statistical design and appropriate estimators (this estimate should include mortality associated with all features of the project that are likely to result in injury and mortality - e.g., fences, ponds, solar panels, collector lines, gen-ties); (2) identify collision and other mortality during diurnal and nocturnal times of the day; and (3) assess the spatial distribution and abundance of mortalities [species composition

4-5

Draft Environmental Impact Report
Iris Cluster Solar Farm Project
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Page 4 of 6

(including rare and sensitive species), abundance, and distribution] on the project site. The Department should be included in the review of the mortality and monitoring plan.

4-5
Cont.

Also, please note that section 3511(a)(11) of the FGC states fully protected birds or parts thereof may not be taken or possessed at any time and no provisions are allowed to authorize the issuance of permits or license's to take any fully protected bird. If a fully protected species is found dead or injured on site the Applicant shall notify the Department immediately and we will work with the Applicant on the appropriate course of action.

4-6

Burrowing Owl

Burrowing owl surveys were conducted during the breeding season in 2013. Fourteen burrows with either a burrowing owl seen or active sign noted occur within the Project boundary. Approximately 15 adults and 1 juvenile were seen at these burrows. Thirty two burrows with either a burrowing owl seen or active sign noted were found within the IID drains surrounding the sites. Approximately 37 adults and 7 juveniles were seen at these burrows.

4-7

Burrowing owls located within the project boundary will be directly impacted by construction and will be passively relocated during the non-breeding season. Replacement of the burrows is proposed at a 2:1 ratio. The Applicant has proposed to place the artificial burrow systems (ABS) within the solar field in open areas or detention basins. The Department is not convinced this is the best location for the replacement burrows and recommends they be located outside of the solar site. Consultation with the Department and approval on the best locations for ABS's should occur prior to the closure of any active burrow. The locations and approach should be included in the Burrowing Owl Mitigation and Monitoring Plan.

4-8

The DEIR states the project will result in permanent impacts to burrowing owl foraging and breeding habitat. To mitigate for the loss of burrowing owl forage the Applicant has proposed to use areas that will not be developed and are under the Applicants control and adjacent to the solar site, but outside IID easements. The Department appreciates the Applicant's willingness to compensate for loss of forage however; we have a few concerns about the mitigation plan as outlined due to the fact that details of exact location, implementation, monitoring, financing, and oversight have not been worked out at this time. If this option is not feasible the Applicant proposes to provide off-site land acquisition to offset impacts. In addition, the Applicant has not specified in the DEIR the amount of compensation (e.g. acreages or ratios) they are proposing to mitigate the impacts to the surrounding owls from loss of foraging habitat. Without such documentation the Department is unable to determine whether the impacts would be mitigated, and cannot, without further information from Imperial County concur that those impacts would be mitigated to less than significant levels. The Department will need to work with the Applicant to determine the appropriate compensation to offset the foraging impacts from this Project.

4-9

Draft Environmental Impact Report
Iris Cluster Solar Farm Project
SCH No. 2014041091
Page 5 of 6

The Department appreciates the opportunity to comment on the DEIR for the Iris Cluster Solar Farm Project (SCH No.2014041091) and requests that the Department's comments be addressed in the revised CEQA document. If you should have any questions pertaining to this letter, please contact Magdalena Rodriguez at Magdalena.Rodriguez@wildlife.ca.gov or 909-844-2520.

4-10

Sincerely,



KN Kimberly Nicol
Regional Manager

cc: State Clearinghouse, Sacramento

Draft Environmental Impact Report
Iris Cluster Solar Farm Project
SCH No. 2014041091
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Literature Cited

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Letter 4
California Department of Fish and Wildlife
November 17, 2014

Response to Comment 4-1

This comment provides a summary of the Department's role as a Trustee Agency pursuant to CEQA Guideline 15386 and a Responsible Agency pursuant to CEQA Guideline 15381, and provides a general summary of the proposed project. No further response is necessary.

Response to Comment 4-2

The County acknowledges that impacts to state jurisdictional waters would require written notification to the Department pursuant to Section 1602 of the Fish and Game Code. As currently proposed, IID canal and drain structures would not be impacted, and no jurisdictional areas have otherwise been identified on the project site. As stated in the biological technical report (EIR Appendix E, page 27), "no IID drains or canals will be removed or relocated, no roads will be widened and no washes are found within the project."

Response to Comment 4-3

Page 4.4-15 of the EIR addresses the proposed project's potential impacts to migratory birds. With respect to electrocution, all electrical components within the solar projects shall be either undergrounded or protected so that there will be no exposure to wildlife and therefore no potential for electrocution. The transmission line would be constructed in such a manner that energized components do not present an opportunity for "skin to skin" or wing span contact. However, the Avian Powerline Interaction Committee's (APLIC) 1996 report on power line electrocution in the United States reports that avian electrocution risk is highest along distribution lines (generally less than 69 kV) where the distance between energized phases, ground wires, transformers, and other components of an electrical distribution system are less than the length or skin-to-skin contact distance of birds. The distance between energized components along transmission lines (>69 kV) is generally insufficient to present avian electrocution risk. No impact to raptors is anticipated to occur due to electrocution along the proposed transmission line. Therefore, no mitigation would be required. An Avian and Bat Protection Plan (ABPP) will be developed that will incorporate guidance from USFWS (2010e) and the Avian Powerline Interaction Committee (APLIC 2006), and will include a wildlife mortality reporting program. Mitigation Measure 4.4-1f, specifically the ABPP, will provide the project applicant the vehicle to comply with the Bald and Golden Eagle Protection Act as well as the MBTA.

Regarding collision, no incidences of avian ground wire collisions of existing transmission wires were observed during surveys. If collisions are found to be a problem, marking shall be applied to ground wires, which has been shown to decrease the incidence of bird collisions by 60 percent (Alonso, Alonso and Munoz-Pulido 1994).

The proposed project is over 30 miles from the Salton Sea and does not present stopover habitat. No increase in avian mortality has been observed in the Calexico/Mt Signal Solar Farm (2000 acres). In fact, avian species (i.e. brown pelicans, mourning doves) have been observed using the shade provided by the solar panels with no harmful effects (personal observation, M. Barrett). This is an agricultural area and does not approximate habitat found within the desert areas of the Mojave and Sonoran regions.

Response to Comment 4-4

Please refer to response to comment 4-3.

Response to Comment 4-5

Mitigation Measure 4.4-1f, specifically the ABPP, will provide the project applicant the vehicle to comply with the Bald and Golden Eagle Protection Act as well as the MBTA.

Response to Comment 4-6

Comment noted. No increase in avian mortality has been observed in the Calexico/Mt Signal Solar Farm (2000 acres). In fact, avian species (i.e., brown pelicans, mourning doves) have been observed using the shade provided by the solar panels with no harmful effects (personal observation, M. Barrett). This is an agricultural area and does not approximate habitat found within the desert areas of the Mojave and Sonoran regions.

Response to Comment 4-7

This comment states the findings of the burrowing owl surveys, which is consistent with the information presented on EIR page 4.4-8.

Response to Comment 4-8

Mitigation Measure 4.4-1a addresses potential impacts to burrowing owl. Specifically Item #5 requires that “a Forage Habitat Plan shall only be completed upon prior approval by and in cooperation with the CDFW.” Specifically, Item #5 of Mitigation Measure 4.4-1a requires the following:

1. As the project construction schedule and details are finalized, an agency-approved biologist shall prepare a Burrowing Owl Mitigation and Monitoring Plan that will detail the approved, site-specific methodology proposed to minimize and mitigate impacts to this species. Passive relocation, destruction of burrows, construction of artificial burrows, and a Forage Habitat Plan shall only be completed upon prior approval by and in cooperation with the CDFW. The Mitigation and Monitoring Plan shall include success criteria, remedial measures, and an annual report to CDFW and shall be funded by the project applicant to ensure long-term management and monitoring of the protected lands.

Response to Comment 4-9

As stated in response to comment 4-8, Item #5 of Mitigation Measure 4.4-1a requires that a Forage Habitat Plan shall only be completed upon prior approval by and in cooperation with the CDFW. The applicant has discussed the proposed project with Ms. Rodriguez of CDFW, and a meeting will be scheduled with CDFW to present a BUOW Avoidance, Minimization, Mitigation and Monitoring Plan and resolve any BUOW issues mentioned within the letter.

Response to Comment 4-10

Comment noted.

ADMINISTRATION/TRAINING

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OPERATIONS/PREVENTION

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November 18, 2014

To: Patricia Valenzuela, Planner IV County of Imperial

From: Imperial County Fire Prevention Bureau

Subject: Draft Environmental Impact Report for Iris Cluster Solar Project

The Imperial County Fire Prevention Bureau would like to thank you for allowing our comments on this project. The following is a list of our general requirements

O&M Buildings:

The type of suppression systems that will be used for the O&M Building must be described in the project; also, the hours and amount of staffing that will be used. In addition, include a description of your emergency and hazardous materials plan. Provide the square footage of all supporting structures to determine if the buildings will require sprinkler systems.

5-1

Road Access and Array Requirements:

Dimensions: Alley roads shall have an unobstructed width of not less than 20 feet (6096 mm), except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm). The width in-between arrays shall be a minimum of 9 feet (2704mm). The width between arrays shall not be less than 10 feet (3048mm). Any array that exceeds a distance in length of 500 feet shall provide a turn around.

5-2

Turning radius: The required turning radius of a fire apparatus access road shall be a minimum of 70 by 90 degrees diameter

5-3

Access and loading: Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, all weathered, concrete, or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg).

5-4

Fire apparatus access road gates: Gates securing the fire apparatus access roads shall comply with all of the following criteria:

5-5

1. The minimum gate width shall be 20 feet (6096 mm).
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.
6. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools or when a key box containing the keys) to the lock is installed at the gate location.
7. Locking device specifications shall be submitted for approval by the fire code official

5-5
Cont.

Water Requirement:

- 1) Provide a 10,000 gallon water storage tank dedicated for fire suppression for any proposed O&M structures.

5-6

Fiscal Impacts:

Any agreement with the applicant over terms and conditions of fiscal impacts or provisions will remain open until meeting with the department head and developer, which may include but not limited to:

1. Capital purchases which may be required to assist in servicing this project
2. Costs for services during construction and life of the project
3. Training

5-7

Thank You,

Robert Malek

Robert Malek
Deputy Fire Marshal
Imperial County Fire Department

Letter 5
Imperial County Fire Prevention Bureau
December 13, 2011

Response to Comment 5-1

As described in EIR Section 3.0 Project Description 3.3.8.4 - Fire Protection, the projects are located within the jurisdiction of the Imperial County Fire Department. On-site fire protection would be provided via portable and fixed fire suppression systems throughout each of the projects. Portable fire extinguishers would be provided at various locations throughout the solar farms, while fixed fire suppression systems would be available in the form of dedicated 10,000-gallon on-site storage tank(s). A 10,000-gallon on-site water storage tank would be provided for each of the O&M buildings constructed, and are intended for the fire protection of the O&M buildings. The O&M building would have access to a wet-fire (i.e., water) connection to provide sufficient fire protection.

Subsequent to project approval, construction level engineering plans will be submitted by the applicant to the County Planning & Development Services Department, which in turn will be provided to the Fire Prevention Bureau for review and approval as part of the development review/building permit process. These detailed engineering plans will provide building square footage, and would meet applicable requirements for fire suppression, including sprinkler systems as required.

As described in EIR Chapter 3.0, an O&M building is contemplated for each of the project sites; however, there may be cases where the O&M building on one site can be shared with an adjacent solar project (see EIR page 3-14). As described, the footprint of the O&M buildings at each location would not exceed an area of approximately 3,200 square feet. The parking area would comprise an area of less than 0.25 acres. The O&M buildings would consist of a steel framed structure with metal siding and roof panels and painted to match the surrounding landscape (e.g., desert sand). The O&M buildings would include a small office, storage space, an electrical/array control room, restroom, and a compact water treatment facility.

EIR Section 3.3.10, Operations and Maintenance describes that the combined projects would be staffed with up to 24 full-time employees (up to six for each site) to maintain the project facilities seven days a week during normal daylight hours. Typically, up to 12 staff would work during the day shift (sunrise to sunset), and the remainder during the night shifts and weekend. To ensure optimal solar output, the solar panels would be maintained 24 hours a day/7 days a week. Each of the individual site components would be staffed by up to four employees during the day. Equipment and supply deliveries would typically occur during the week and, on average, could entail up to two daily truck trips.

As discussed in EIR Section 4.8 Hazards and Hazardous Materials (see EIR page 4.8-15), if the on-site storage of hazardous materials necessitate, at any time during construction and/or operations and long term maintenance, quantities in excess of 55-gallons, a Hazardous Material Management Program (HMMP) would be required. The HMMP developed for the projects will include, at a minimum, procedures for:

- Hazardous materials handling, use and storage;
- Emergency response;
- Spill control and prevention;
- Employee training; and
- Record keeping and reporting.

Additionally, hazardous material storage and management will be conducted in accordance with requirements set forth by the ICFD, Imperial County Office of Emergency Services, DTSC, and CUPA for storage and handling of hazardous materials. The HMMP would be submitted for review and approval to the ICFD as a condition of approval of the projects.

Response to Comment 5-2

EIR Section 3.0 (page 3-21) describes the proposed security gates and access. As described, access to each of the site locations would be provided using a 20 foot minimum swinging or sliding gate. Additionally, controlled access gates would be maintained at entrances into the each of the project site locations. Emergency response personnel would be provided with manual override capability in order to access the site facilities.

Both the access and service roads (along the perimeter of the project facilities) would have turnaround areas to allow clearance for fire trucks per fire department standards (70 feet by 70 feet, and 20-foot-wide access road).

All security gates and proposed access roads will be subject to final review by the ICFD as a condition of approval of the project.

Response to Comment 5-3

The proposed project will meet the turning radius requirements for a fire apparatus access road. Site plans will be subject to final review by the ICFD as a condition of approval of the project.

Response to Comment 5-4

As stated on EIR page 3-21, paved access would be provided for the main access road to the parking lot and maintenance area. Site plans will be subject to final review by the ICFD as a condition of approval of the project.

Response to Comment 5-5


Please refer to response to comment 5-2. All security gates will be subject to final review by the ICFD as a condition of approval of the project to ensure that these criteria are met.

Response to Comment 5-6

As described on EIR page 3-21, fixed fire suppressions systems would be provided in the form of dedicated 10,000-gallon on-site storage tank(s). A 10,000-gallon on-site water storage tank would be provided for each of the O&M buildings constructed, which are intended for the fire protection of the O&M buildings. The O&M building would have access to a wet-fire (i.e., water) connection to provide sufficient fire protection.

Response to Comment 5-5

This comment states that any agreement regarding the terms and conditions addressing fiscal impacts or other provisions of service is contingent upon meeting with the Department head and the applicant, and may include capital purchases, costs for services during the life of the project, and training. The County acknowledges this comment and will include the fire service agreement(s) as part of the conditions of approval for the project.

 <p>COUNTY OF IMPERIAL</p> <p>DEPARTMENT OF PUBLIC WORKS</p> <p>155 S. 11th Street El Centro, CA 92243</p> <p>Tel: (760) 482-4462 Fax: (760) 352-1272</p>	<p>Public Works works for the Public</p> <p>RECEIVED</p> <p>NOV 19 2014</p> <p>IMPERIAL COUNTY PLANNING & DEVELOPMENT SERVICES</p> <p>November 19, 2014</p> <p>Mr. Jim Minnick, Director Planning & Development Services Department 801 Main Street El Centro, CA 92243</p> <p>Attention: Patricia Valenzuela, Planner IV</p> <p>SUBJECT: Administrative EIR Iris Solar Farm project. (Conditional Use Permits 13-0054 thru 13-0057); located 2 miles west of the City of Calexico.</p> <p>Dear Mr. Minnick:</p> <p>This letter is in response to your letter and Draft EIR package received on September 2, 2014, for the above mentioned project. The project consists of constructing four utility-scale Photovoltaic (PV) solar facilities, on four non-contiguous independent sites encompassing approximately 1,422 acres. In addition four separate Conditional Use Permit (CUP) application have been filed for the proposed projects (Ferrell Solar Farm, Rockwood Solar Farm, Iris Solar Farm, Lyons Solar Farm).</p> <p>The Imperial County Department of Public Works – (ICDPW) staff has reviewed the package information and the following comments</p> <p><u>Draft EIR:</u></p> <div style="border: 1px solid black; padding: 10px;"> <p>1. Pg. 0.1-21 under 0.1 Executive Summary. It's stated that the proposed projects would not result in significant impacts to transportation and no traffic mitigation is provided therefore.</p> <p>With the exception of La Brucherie at McCabe Rd, ICDPW generally concurs with the traffic study within the DEIR that there will be sufficient LOS for intersections and roadway segments related to capacity.</p> <p>However, ICDPW has concerns related to potentially significant direct and cumulative impacts related to heavy solar construction traffic on existing county roadways that will be utilized for this project. No discussion was given within the DEIR document related to current pavement conditions or structural capacity and how that may be impacted overtime due to solar traffic loads.</p> <p>Furthermore, the traffic study within the DEIR indicated that LaBrucherie at McCabe road intersection drops from a LOS C to LOS D with Baseline + Construction Traffic creating a direct impact. No mitigation was listed within the MMRP.</p> </div>
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| 2. Pg. 3-15 under 3.0 Project Description section 3.3.8.1. Please note that All proposed site security including fencing and access gates shall be located outside the ultimate of right of way for all County roadways that are to be dedicated. | } | 6-2 |
| 3. Pg. 4.13-2 under Transportation/Traffic. The County Updated the Bicycle Plan in 2012 not 2011. Please correct as required. | } | 6-3 |
| 4. Pg. 4.13-22 under Transportation/Traffic Table 4. 13-8 list La Brucherie road//McCabe road intersection drops to a LOS of D under Baseline with Construction project traffic. No mitigation is listed within the MMRP for the direct impact. ICDPW requires that under any scenario in which an intersection or road segments Level of Service drops below LOS C, mitigation shall be provided. | } | 6-4 |
| 5. Table 0-1. Summary of Project Impacts and Proposed Mitigation Measures under the Transportation and Traffic Section (Pg. 0.1-21) states that the “implementation of the projects would not significantly impact transportation and traffic” and, therefore, no mitigation is required. | } | |

ICDPW proposes the following mitigation measures under the MMRP to remedy potentially direct and cumulative impacts related to solar traffic loading on existing County roadways.

Mitigation Measures

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| <p>MM 1 The Applicant shall retain a professional civil engineer to survey and evaluate the condition of roads along the proposed haul routes prior to commencing construction. The pre-construction conditions shall be documented for each roadway with photo and text description. Video of haul routes may also be used to document pre-construction conditions. The photographs and/or videos are to include documentation of bridges and other appurtenances such as signs, striping, drainage, and other utilities as determined in consultation with the County. The report shall make a determination of the minimum road design criteria to support anticipated project traffic and whether the existing roadways comply. The Applicant shall submit the completed report to the Imperial County Department of Public Works for review and comment.</p> <p><i>Timing/Implementation:</i> Prior to the issuance of grading permit.
 <i>Enforcement/Monitoring:</i> Imperial County Planning and Development Services Department, Imperial County Public Works Department.</p> | } | 6-5 |
| <p>MM 2 The Applicant shall enter into a Roadway Maintenance Agreement with the County of Imperial prior to issuance of a grading permit. The Applicant shall pay its proportionate share of the responsibility to maintain the proposed haul routes during construction and if necessary bring the roadways up to an appropriate minimum standard to handle the anticipated project traffic.</p> <p><i>Timing/Implementation:</i> Prior to the issuance of grading permit</p> | } | |

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MM 3 *Enforcement/Monitoring:* *Imperial County Planning and Development Services Department, Imperial County Public Works Department.*

The Applicant shall perform the roadway preparation work and construct pavement improvements as specified prior to use of a haul route that involves one of the roads identified below:

- Weed Road
- Brockman Road
- Kubler Road
- FERREL Road

In addition, the Applicant shall be responsible for roadway preparation work, pavement construction and repairs to County-maintained roads including County-maintained bridges and other roadway appurtenances for any other route that is subsequently used but not identified with the DEIR. This may include, but not be limited to, bridges, signs, striping, drainage improvements and roadway shoulders. Consideration shall also be given to improvements to other infrastructure, such as Imperial Irrigation District canal and drain crossings.

Timing/Implementation: *Prior to the issuance of grading permit*
Enforcement/Monitoring: *Imperial County Planning and Development Services Department, Imperial County Public Works Department.*

6-5
Cont.

Traffic Impact Analysis Review Comments.

6. Section 3.1 of the traffic impact analysis describes State Route 98 as a state highway/expressway with bike lanes and a posted speed limit of 40 MPH. Locations of bike lanes and posted speed limits along State Route 98 should be verified.
7. Section 7.2 of the traffic impact analysis states that most of the deliveries will primarily be from north of the site through Interstate 8. La Brucherie Road is assumed to be the primary access from north of the site (Interstate 8 access). However, La Brucherie Road does not connect directly to Interstate 8. Drew Road and Forrester Road provide direct access from the Interstate 8 and a shorter travel distance (for west coast traffic) to the site.
8. Section 10.0 of the traffic impact analysis lists the four sites for the project. The Ferrell NW Site is discussed under Section 10.2 (Rockwood). The Ferrell NW Site shall be removed from this section and included on Section 10.3 (FerrellSE & NW). The table of contents shall be revised accordingly.
9. Section 10.1 of the traffic impact analysis states that the highest directional peak hour construction associated with the Lyons Site is 78 driveway trips. Per Table 7-1 of the traffic impact analysis, the driveway trips shall be 31.
10. Section 10.2 of the traffic impact analysis states that the highest directional peak hour construction associated with the Rockwood Site is 31 driveway trips. Per Table 7-1 of the traffic impact analysis, the driveway trips shall be 78.

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Respectfully,

William S. Brunet, PE
Director of Public Works

By:



John Gay, PE
Deputy Direct of Engineering, Public Works

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(draft).docx

Letter 6
Imperial County Department of Public Works
November 19, 2014

Response to Comment 6-1

Pavement conditions and the project's potential impacts to paving on area roadways is addressed in the EIR. Specifically, as stated on EIR page 4.13-25, as a condition of approval for the projects, the project applicant will be required to enter into a maintenance agreement with the County Department of Public Works, and conduct a pre- and post-construction roadway condition survey to document existing roadway conditions prior to the commencement of construction activities so that any damages to local roadways are repaired/reconstructed after construction. With implementation of this condition of approval, the project would not increase hazards due to design features or incompatible uses and a less than significant impact is identified.

EIR page 0.1-21 states that the proposed projects would not result in significant impacts to transportation and traffic. No mitigation is required. However, as a condition of project approval, the applicant will be required to conduct pre-construction and post-construction roadway condition surveys to document the roadway conditions before and after project construction. The applicant would be responsible to roadway repair as determined appropriate based on these surveys and in mutual agreement with the County. The measures proposed in this comment will be incorporated into the CUP conditions of approval to ensure that the roadway pavement conditions are properly restored to pre-construction conditions.

With respect to the project's potential impacts to the LaBrucherie at McCabe Road intersection, the proposed project effects to LOS and delay analyzed in EIR Section 4.13 are temporary construction impacts, and are related to the worst-case component of the overall construction process. The traffic study evaluates the project impacts against a baseline (without project) that includes cumulative growth. This is not an existing condition, but an "existing + cumulative" baseline. The baseline, pre-project delay is 22.4 seconds at LOS C. The threshold between LOS C & LOS D is 25.0 seconds. When the temporary, worst-case construction volumes are added to the existing + cumulative baseline, the resultant delay is 25.7 seconds, or 0.7 seconds greater than the LOS C/D threshold, which would indicate an impact. Were the temporary, worst-case construction volumes to be added to the existing baseline (to measure project-only effects), the resultant LOS would remain LOS C, as the removal of cumulative traffic would easily reduce delay by 0.7 seconds. As such, the analysis as presented shows the effects of both project and cumulative traffic. In the event that the cluster were to be developed concurrently, or in conjunction with other solar farms in the Mt. Signal area, consideration should be given to either a) staggering AM work hours between 6AM and 9 AM, and/or b) requiring employees from the north and east to utilize SR 98 via SR 111. Both of these strategies would avoid the potential cumulative impacts to the La Brucherie Road/McCabe Road unsignalized intersection. As currently proposed, the construction phasing will be staggered as shown on EIR Figure 3.0-10 Iris Solar Farm – Phase Activity Distributions which would avoid an impact to the LaBrucherie at McCabe Road intersection. However, this requirement will be incorporated as a condition of approval for the project so as to avoid any potential cumulative impact to this intersection.

Response to Comment 6-2

Comment noted. No fencing or access gates will be constructed within the ultimate right of way for all County roadways.

Response to Comment 6-3

The text on EIR page 4.13-2 has been revised as follows:

County of Imperial Bicycle Master Plan Update: Final Plan

In ~~2012~~ 2014, the County of Imperial adopted an updated Bicycle Master Plan to serve as the guiding document for the development of an integrated network of bicycle facilities and supporting programs designed to link the unincorporated areas and attractive land uses throughout the County. This document is an update to the previously adopted Countywide Bicycle Master Plan; and was prepared to accomplish the following goals:

1. To promote bicycling as a viable travel choice for users of all abilities in the County,
2. To provide a safe and comprehensive regional connected bikeway network,
3. To enhance environmental quality, public health, recreation and mobility benefits for the County through increased bicycling

Response to Comment 6-4

Please refer to response to comment 6-1.

Response to Comment 6-5

Please refer to response to comment 6-1.

Response to Comment 6-6

Comment noted. Please note that changes to these criteria will not affect the findings of the analysis.

Response to Comment 6-7

Comment noted. Delivery routes have not been determined; however as several other cumulative solar developments in the area are forecasted to utilize the La Brucherie corridor, it was considered most conservative to assume the Iris Solar Farm would as well. Where delivery trips do not occur via La Brucherie Road, then identified cumulative impacts would likely be reduced to less than significant.

Response to Comment 6-8

EIR Appendix J has been revised to reflect that the appropriate driveway trips are correlated with each site as described in Sections 10.1-10.4.

Response to Comment 6-9

EIR Appendix J has been revised to reflect that the appropriate driveway trips are correlated with each site as described in Sections 10.1-10.4.

Response to Comment 6-10

EIR Appendix J has been revised to reflect that the appropriate driveway trips are correlated with each site as described in Sections 10.1-10.4.



www.iid.com

Executive-ES

November 6, 2014

Ms. Patricia Valenzuela
Planner IV
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: Iris Cluster Solar Farm Draft EIR

Dear Ms. Valenzuela:

On October 2, 2014 we received from the Imperial County Planning & Development Services Department, Draft Environmental Impact Report (EIR) for the Iris Cluster Solar Farm project. 8minute Renewables (85JP 8ME, LLC) is proposing to construct four photovoltaic solar facilities (Ferrell Solar Farm, Iris Solar Farm, Lyons Solar Farm and the Rockwood Solar Farm), collectively estimated to generate up to 360 MW, on four non-contiguous independent sites encompassing approximately 1,422 acres, about 2 miles west of the City of Calexico, CA; and generally located between State Route 98 to the south, Kubler Road and Preston Road to the north, Weed Road to the east, and Brockman Road to the west.

The Imperial Irrigation District (IID) has reviewed the Draft EIR and in addition to our March 7, 2011 and May 15, 2014 comment letters (see attached letters), has the following comments:

1. The proposed project could result in significant impacts to IID existing and proposed electrical systems if not mitigated appropriately.
2. To better assess impacts to IID infrastructure, IID requests that project proponent provide IID with phasing maps with the different build-out scenarios: individually, in clusters or all at once. The phasing maps should include estimated times in which each portion of the facilities will be built (in their entirety or in a phased development), including substations, Gen-Tie, collector lines and O&M maintenance buildings.
3. Furthermore IID requires project proponent to provide plans for the on- and offsite improvements and include Imperial County approved construction plans as well as hard copy and digital CAD files of the new solar facilities, plan and profile drawings showing the proposed generation interconnection (Gen-Tie) that extends from proposed solar field site parcels through existing solar facilities in the area, including all collector lines. IID plans to utilize various road rights of way to build transmission and distribution lines in the general area.
4. It is important that project proponent be made aware of IID's plan to build the Kubler Substation on the south east corner of Brockman Road and Kubler Road in conjunction with a future 92 kV transmission line with double and single 7.2/12.5 kV rated distribution

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

Ms. Patricia Valenzuela
November 6, 2014
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| <p>lines along Kubler Road. Should the proposed Kubler Substation, which will be located adjacent to solar facilities, be constructed, IID will require all solar facilities in the vicinity that are not participating financially with IID, through an Affected System Agreement and a Backfeed & Station Power Service Agreement, to participate in funding the construction of the proposed new substation. Additional fees and funding for transmission and distribution upgrades to connect to the new substation will also be required.</p> | <p>7-4
Cont.</p> |
| <p>5. The electric service for the facilities' construction, station service and O&M buildings shall be provided 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, thus the project proponent should be advised to contact IID Energy Customer Operations and Planning Section at (760) 482-3402 or (760) 482-3300 for additional information regarding electrical service for the project. However, IID's energy deliverability has been identified as limited around the project area and a circuit analysis will be 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.</p> | <p>7-5</p> |
| <p>6. On the attached map there are three sump pumps that have initially been identified as being impacted by the project. These sump pumps are S-1, S-184 and S-327. These pumps are currently being served by existing overhead distribution rated lines. Also note that there are four residences that are located within the project site and are currently being fed by IID.</p> | <p>7-6</p> |
| <p>7. The Initial Study and the Notice of Preparation states that there are no IID Canals or drainage structures located within the project sites, that IID rights-of-way, access roads, canal and drains are located immediately adjacent to project sites and no IID canals or drain structures will be removed or relocated. However, the project will impact numerous IID Water Department facilities. IID facilities that will be impacted include the Wisteria Canal; Wisteria Laterals 2, 3, 4, and 5; Wisteria Drain, and the South Central Drain. The impacted IID facilities and rights-of-ways are located within the Iris Cluster Solar Farm project sites.</p> | <p>7-7</p> |
| <p>8. The proposed project will impact IID drains with project, site runoff flows and proposed storm water detention facilities. To assess the impacts and determine appropriate mitigation, the project will require a comprehensive IID hydraulic drainage system analysis. IID's hydraulic drainage system analysis includes an associated drain impact fee.</p> | <p>7-8</p> |
| <p>9. Storm water outlets for this project should be connected to IID drains at existing agricultural discharge locations.</p> | <p>7-9</p> |
| <p>10. The project proponent may not use IID's canal or drain banks to access the project site. Any abandonment of easements or facilities shall be approved by IID based on systems (Irrigation, Drainage, Power... etc.) needs.</p> | <p>7-10</p> |

Ms. Patricia Valenzuela
November 6, 2014
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| <p>11. The IID Water Department Engineering Services requests: (1) the location of the groundwater monitoring wells for the purpose of reviewing for impact to IID's canal and drain system and (2) a copy of the monitoring data for the wells. For further clarification, please contact IID Water Engineering Services at (760) 339-9446.</p> | <p>7-11</p> |
| <p>12. Project proponent must submit to IID Water Engineering all project documentation that includes reports, plans, drawings and maps. The proposed project must submit their grading and drainage plans. Maps and drawings are required to detail the project's site locations for:</p> <ul style="list-style-type: none"> - Temporary construction water deliveries - Water supply deliveries - Temporary construction surface drainage - Surface drainage pipe discharges - Temporary construction dewatering discharge - Temporary construction access - Access driveways crossing canals or drains - Access roads into and within project site - All power poles, utility crossings and encroachments such as water, sewer, storm water, gas, overhead and underground electric facilities. | <p>7-12</p> |
| <p>13. An IID planning review will be required for the project in accordance with IID Water Department developer guidelines. A copy of IID's Developer Project Guide is available at http://www.iid.com/Modules/ShowDocument.aspx?documentid=2328. For additional information regarding IID Water Department planning review contact IID Water Engineering Section, at (760) 339-9265.</p> | <p>7-13</p> |
| <p>14. Project proponent should be advised that, all new non-agricultural water project supply requests are processed in accordance with the IID's Interim Water Supply Policy for Non-Agricultural Projects (IWSP) (see http://www.iid.com/index.aspx?page=152 for a link to the IWSP). In order to enter into a water supply agreement with the IID and obtain a water supply for the project, the project proponent will be required to comply with all applicable IID policies and regulations. Such policies and regulations require, among other things, that all potential environmental and water supply impacts of the Project have been adequately assessed, appropriate mitigation has been developed and appropriate conditions have been adopted by the relevant land use permitting/approving agencies. Furthermore, the applicant will be required to meet standards for water use efficiency and best management practices, including but not limited to those established by the County, as well as other water use efficiency standards, adopted by IID or local government agencies.</p> | <p>7-14</p> |
| <p>15. On May 8, 2012 the IID Board of Directors adopted a Temporary Land Conversion Following Policy (TLCFP) that will require participation from certain project developers and/or landowners as a condition of water service for new non-agricultural projects. In particular, this policy will target lower water demand projects, such as photovoltaic solar facilities, that require a temporary land use conversion and are permitted by conditional</p> | <p>7-15</p> |

Ms. Patricia Valenzuela
November 6, 2014
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| <p>use permits on agriculturally-zoned lands. Implementation details are being developed by IID and will be incorporated into landowner following contracts and project water supply agreements issued under IID's Interim Water Supply Policy (see IID website http://www.iid.com/Modules/ShowDocument.aspx?documentid=5646 or the IID MCI webpage at http://www.iid.com/index.aspx?page=152).</p> | <p>7-15
Cont.</p> |
| <p>16. On water supply matters related to IID's IWSP and TLCFP, project proponent should contact Autumn Plourd at (760) 339-9755 for further information.</p> | <p>7-16</p> |
| <p>17. Any construction or operation on IID property or within its existing and proposed right of way or easements will require an encroachment permit or agreement that encompasses all IID permits (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). A copy of the encroachment permit application is included in the District's <i>Developer Project Guide 2008</i>. The guide can be accessed at the following website: http://www.iid.com/Modules/ShowDocument.aspx?documentid=2328. In addition, instructions for the completion of encroachment applications can be found at http://www.iid.com/Modules/ShowDocument.aspx?documentid=2335. The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits or agreements.</p> | <p>7-17</p> |
| <p>18. An IID encroachment permit is required to utilize existing surface water drain pipe connections to drains, and receive drainage service from IID. Surface water drain pipe connections are to be modified in accordance with IID Standards.</p> <p style="margin-left: 40px;">a. Construction Storm Water Permit: A construction storm water permit from the California Regional Water Quality Control Board (CRWQCB) is required before commencing construction. Copies of this permit and the Storm Water Pollution Prevention Plan for the project are to be submitted to IID.</p> <p style="margin-left: 40px;">b. An industrial storm water permit from CRWQCB is required for operation of the proposed solar facility. A copy of this permit is to be submitted to IID.</p> | <p>7-18</p> |
| <p>19. IID Water Engineering requires review and approval of all proposed project connections and encroachments into IID facilities.</p> | <p>7-19</p> |
| <p>20. 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 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.</p> | <p>7-20</p> |

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November 6, 2014
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21. Any new, relocated, modified or reconstructed IID facilities required for and by the 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.**

7-21

Should you have any questions, please do not hesitate to contact me by phone at 760-482-3609 or by e-mail at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,



Donald Vargas
Environmental Analyst

Kevin Kelley – General Manager
Kristine Fontaine – Asst. General Manager & Interim Portfolio Management Officer
Tina Shields – Interim Planning and Water Conservation Manager, Water Dept.
Mike Pacheco – Interim Operations and Maintenance Manager, Water Dept.
Carl Stills – Manager, Energy Dept.
Vance Taylor – Asst. General Counsel
Tom King – Deputy Energy Manager, Engineering & Operations
Paul G. Peschel – Manager Planning & Engineering, Energy Dept.
Angela Evans – Manager Distribution Services & Maintenance Operations
Juan Carlos Sandoval – Asst. Mgr., Transmission Expansion Development, Energy Dept.
Michael P. Kemp – Superintendent, Real Estate & Environmental
Shayne Ferber – Asst. Supervisor, Real Estate
Vikki Dee Bradshaw – Environmental Compliance Officer

Attachment A



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Executive-ES

May 15, 2014

Ms. Patricia Valenzuela
Planner IV
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: Iris Cluster Solar Farm NOP of an EIR

Dear Ms. Valenzuela:

On April 23, 2014 we received from the Imperial County Planning & Development Services Department, the Initial Study (IS) and Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Iris Cluster Solar Farm project. 8minute Renewables (85JP 8ME, LLC) is proposing to construct a project which consisting of four (4) photovoltaic solar facilities (Ferrell Solar Farm, Rockwood Solar Farm, Iris Solar Farm, and the Lyons Solar Farm), collectively estimated to generate up to 360 MW, on four (4) non-contiguous independent sites encompassing approximately 1,422 acres, about 2 miles west of the City of Calexico, CA; and generally located between State Route 98 to the south, Kubler Road and Preston Road to the north, Weed Road to the east, and Brockman Road to the west.

The Imperial Irrigation District (IID) has reviewed the IS and NOP and has the following comments:

1. Given that the project's impacts to the IID transmission system is virtually impossible to evaluate due to the lack of details of its transmission interconnection facilities contained in the IS and NOP (e.g. there is no specifics of how the solar facilities substations will interconnect with the neighboring solar projects), it is very difficult at this point in time to provide explicit comments about impacts to IID's electrical facilities. Nonetheless, we reserve the right to comment on these issues in the future as we deem necessary and as additional information becomes available.
2. Furthermore, in view of the lack of detail in the layout of the four solar facilities in regards to location of collector lines, on-site substations etc., the facilities; collectively or individually, could potentially conflict with future transmission right-of-way alignment and siting of IID's upcoming system upgrades. Thus IID may require easements across the front of the project site's parcels.

7-A1

7-A2

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

Ms. Patricia Valenzuela
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| <p>3. The electric service for the project's construction, station service and the O&M building shall be provided by IID. Thus, it is important to note that all costs associated with the relocation and/or upgrade of IID electrical infrastructure to service the project will be the responsibility of the project proponent. Project proponent is urged to contact IID Energy - Customer Operations & Planning Section at 760-482-3402 or (760) 482-3300 for additional information regarding electrical service for the project.</p> | <p>7-A3</p> |
| <p>4. However, IID's energy deliverability has been identified as limited around the project area; a circuit analysis will be needed in order to identify what kind of upgrades to IID electrical distribution infrastructure would be necessary to provide service, which can include but are not limited to new, relocated, modified or re-constructed substations, transmission and/or distribution lines.</p> | <p>7-A4</p> |
| <p>5. The IS and NOP state that there are no IID canals or drainage structures located within the project sites, that IID rights-of-way, access roads, canal and drains are located immediately adjacent to the project sites and that no IID canal or drain structures will be removed or relocated; nevertheless, we strongly recommend that the project proponent be advised that modifications to IID canals and drains may have project level environmental impacts that should be analyzed on a site specific basis.</p> | <p>7-A5</p> |
| <p>6. In addition, the project proponent should be informed that IID's canal or drain banks may not be used to access the project site. Any abandonment of easements or facilities shall be approved by IID based on its systems (Irrigation, Drainage, Power, etc.) needs.</p> | <p>7-A6</p> |
| <p>7. The proposed project may impact IID's drains with site runoff flows. To mitigate impacts, the proposed project will require a comprehensive IID hydraulic drainage system analysis.</p> | <p>7-A7</p> |
| <p>8. The project's storm water runoff should be designed to connect to drains at existing agricultural discharge locations.</p> | <p>7-A8</p> |
| <p>9. Be advised that the project's upcoming EIR should address impacts to IID's drains. 33.3% of water delivered to agricultural users is discharged 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 of impacted drain and subsequent drainage path to the Salton Sea. This affects drainage habitat (flora and fauna) and the elevation 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.</p> | <p>7-A9</p> |

Ms. Patricia Valenzuela
May 15, 2014
Page 3

10. Furthermore, the EIR should also contain an assessment or analysis of cumulative impacts considering other non-agricultural facilities whose water use (or potential water use) would reduce the inflow conveyed to IID drains and subsequently, the Salton Sea.

7-A10

11. Taking into account that the project proponent plans to potentially draw water from the Wistaria Canal, be advised that all new non-agricultural water project supply requests are processed in accordance with the IID's Interim Water Supply Policy for Non-Agricultural Projects (IWSP) (see <http://www.iid.com/index.aspx?page=152> for a link to the IWSP) and require a water supply agreement prior to operation. In order to enter into a water supply agreement with the IID and obtain canal water service for the project, the applicant will be required to comply with all applicable IID policies and regulations. Such policies and regulations require, among other things, that all potential environmental and water supply impacts of the project have been adequately assessed, appropriate mitigation has been developed and appropriate conditions have been adopted by the relevant land use permitting/approving agencies. Furthermore, the applicant will be required to meet standards for water use efficiency and best management practices, including but not limited to those established by the County, as well as other water use efficiency standards, adopted by IID or local government agencies.

7-A11

12. On May 8, 2012 the IID Board of Directors adopted a Temporary Land Conversion Fallowing Policy (TLCFP) that will require participation from certain project developers and/or landowners as a condition of water service for new non-agricultural projects. In particular, this policy will target 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. Fallowing contracts in support of the TLCFP may be required to implement this policy and in order to process a project's water supply agreement as described previously (see <http://www.iid.com/Modules/ShowDocument.aspx?documentid=5646> or the IID MCI webpage at <http://www.iid.com/index.aspx?page=152>). For additional information regarding the IWSP or TLCFP, contact the IID Water Department representative at (760) 339-9755.

7-A12

13. Any construction or operation on IID property or within its existing and proposed right of way or easements will require an encroachment permit, 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. A copy of the encroachment permit application is included in the IID's *Developer Project Guide 2008*, and can be accessed at: <http://www.iid.com/Modules/ShowDocument.aspx?documentid=2328>. Furthermore, instructions for the completion of encroachment applications can be found at <http://www.iid.com/Modules/ShowDocument.aspx?documentid=2335>. The IID Real

7-A13

Ms. Patricia Valenzuela
May 15, 2014
Page 4

Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits.

7-A13
Cont.

14. 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 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.

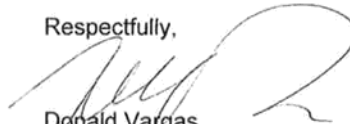
7-A14

15. Any new, relocated, modified or reconstructed IID facilities required for and by the 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.**

7-A15

Should you have any questions, please do not hesitate to contact me by phone at 760-482-3609 or by e-mail at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,



Donald Vargas
Environmental Analyst

Kevin Kelley – General Manager
Kristine Fontaine – Asst. General Manager & Interim Portfolio Management Officer
Carl Stills – Manager, Energy Dept.
Ismael Gomez – Interim Manager, Water Dept.
Vance Taylor – Asst. General Counsel
Tom King – Deputy Energy Manager, Engineering & Operations
Paul G. Peschel – Interim Manager Planning & Engineering, Energy Dept.
Angela Evans – Manager Distribution Services & Maintenance Operations
Juan Carlos Sandoval – Asst. Mgr., Transmission Expansion Development, Energy Dept.
Michael P. Kemp – Superintendent, Real Estate & Environmental
Shayne Ferber – Asst. Supervisor, Real Estate
Vikki Dee Bradshaw – Environmental Compliance Officer

Attachment B



www.iid.com

GS-ES

March 7, 2013

Mr. Jared Chavez
Planner I
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: Iris Solar Farm Project - 8minutenergy Renewables CUP Application #13-0001

Dear Mr. Chavez:

On February 11, 2013 we received from the Imperial County Planning & Development Services Department, Conditional Use Permit (CUP) application #13-0001. 8minute Renewables, LLC is proposing to construct the Iris Solar Farm (85JP 8ME, LLC), an approximately 1400-acre 200 MW photo-voltaic solar facility. The Iris Solar Farm project intends to interconnect to the IV Substation via 230 kV gen-tie facilities shared by the Mount Signal Solar Farm I, Imperial Solar Energy Center South and Centinela Solar Energy projects. The facility is to be located 2 miles west of Calexico, CA adjacent to the Mount Signal Solar Farm I currently under construction.

The Imperial Irrigation District (IID) has reviewed the application and has the following comments:

1. The project will impact numerous IID Water Department facilities. IID facilities that may be impacted include the Wisteria Canal, Wisteria Laterals 2, 3, 4, and 5; Wisteria Drain and Wisteria 5 Drain.
2. Modifications to IID canals and drains may have project level environmental impacts that will be analyzed on a site specific basis.
3. The project proponent should be advised that IID's canal or drain banks may not be used to access the project site. Any abandonment of easements or facilities shall be approved by IID based on its systems (Irrigation, Drainage, Power, etc.) needs.
4. The proposed project may impact IID's drains with site runoff flows. To mitigate impacts, the proposed project will require a comprehensive IID hydraulic drainage system analysis. For additional information regarding items 1 thru 4, project proponent should be advised to contact IID Water Engineering Services at (760) 339-9265.
5. The project's storm water runoff should be designed to connect to drains at existing agricultural discharge locations.

7-B1

7-B2

7-B3

7-B4

7-B5

Mr. Jared Chavez
March 7, 2013
Page 2

6. Be advised that the project's upcoming environmental document should address impacts to IID's drains. 33.3% of water delivered to agricultural users is discharged 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 of impacted drain and subsequent drainage path to the Salton Sea. This affects drainage habitat (flora and fauna) and the elevation 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 habitat which requires additional protections under state and federal Endangered Species Acts. 7-B6
7. Furthermore, the environmental document should also contain an assessment or analysis of cumulative impacts considering other non-agricultural facilities whose water use (or potential water use) would reduce the inflow conveyed to IID drains and subsequently, the Salton Sea. 7-B7
8. Project proponent should be informed that, all new non-agricultural water project supply requests are processed in accordance with the IID's Interim Water Supply Policy for Non-Agricultural Projects (IWSP) (see <http://www.iid.com/index.aspx?page=152> for a link to the IWSP). In order to enter into a water supply agreement with the IID and obtain a water supply for the project, the applicant will be required to comply with all applicable IID policies and regulations. Such policies and regulations require, among other things, that all potential environmental and water supply impacts of the Project have been adequately assessed, appropriate mitigation has been developed and appropriate conditions have been adopted by the relevant land use permitting/approving agencies. Furthermore, the applicant will be required to meet standards for water use efficiency and best management practices, including but not limited to those established by the County, as well as other water use efficiency standards, adopted by IID or local government agencies. For additional information regarding the IWSP, the IID Water Supply Planning/Colorado River Manager may be contacted at (760) 339-9038. 7-B8
9. On May 8, 2012 the IID Board of Directors adopted a Temporary Land Conversion Following Policy that will require participation from certain project developers and/or landowners as a condition of water service for new non-agricultural projects. In particular, this policy will target 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. Implementation details are being developed by IID and will be incorporated into landowner following contracts and project water supply agreements issued under IID's Interim Water Supply Policy (see IID website <http://www.iid.com/Modules/ShowDocument.aspx?documentid=5646> or the IID MCI webpage at <http://www.iid.com/index.aspx?page=152>). 7-B9
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. A copy of the encroachment permit application is included in the IID's *Developer Project Guide 2008*, accessed at: <http://www.iid.com/Modules/ShowDocument.aspx?documentid=2328>. Also, 7-B10

Mr. Jared Chavez
March 7, 2013
Page 3

- instructions for the completion of encroachment applications can be found at <http://www.iid.com/Modules/ShowDocument.aspx?documentid=2335>. For additional information regarding encroachment permits, the IID Real Estate Section at (760) 339-9239 should be contacted.
11. IID water, for use during the project's construction phase, will require an encroachment permit.
12. An IID encroachment permit is also required in order to utilize existing surface water drain pipe connections to drains and receive drainage service from IID. Surface water drain pipe connections are to be modified in accordance with IID Standards. Copies of the Construction Storm Water Permit, the Storm Water Pollution Prevention Plan and the Industrial Storm Water Permit, required by the California Regional Water Quality Control Board, should be submitted to IID in support of the encroachment permit application.
13. 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 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.
14. Of the parcels that make up the project site,
- IID Energy has existing overhead 7.2kV single phase primary lines:
- On parcels 052-180-053 & 052-180-058, on the south side of Kubler Road.
 - Partially along the south side of parcel 052-180-048.
 - On parcel 052-180-040, on the south side of Highway 98, west of George Road, approximately 400 ft.
 - Along the north side of the parcel 052-180-0164.
 - On parcel 052-108-042, along the west side of Corda Road, north of Kubler Road, approximately 1,600 ft..
 - Along the south side of parcel 059-050-002.
- and existing overhead 7.2/12.5kV three phase primary lines:
- On the south side of Highway 98 on parcel 052-180-0164.
 - At the south east corner of parcel 052-108-042, at the intersection of Kubler Road and Ferrell Road.

Mr. Jared Chavez
March 7, 2013
Page 4

- | | |
|--|------------------------|
| <ul style="list-style-type: none"> • On parcel 059-050-001, along the west side of Ferrell Road and at the intersection of Kubler Road and Ferrell Road, on the south side of Kubler Road. • Along the west side of Weed Road on parcel 059-050-002. • Along the east side of Ferrell Road and along the south side of parcel 059-120-001. • Along the south side of parcel 059-050-003 and along the west side of Weed Road. | <p>7-B14
Cont.</p> |
| <p>15. Given that the project's impacts to IID's existing distribution system and planned transmission facilities is virtually impossible to evaluate due to the lack of details of its transmission interconnection facilities contained in the application (e.g. there is no indication of how the project's 230 kV substation will interconnect with the Centinela Solar facility), it is very difficult at this point in time to provide specific comments about impacts to IID's electrical facilities. Nonetheless, we reserve the right to comment on these issues in the future as we deem necessary and as additional information becomes available.</p> | <p>7-B15</p> |
| <p>16. However, a point of concern is the location of the 500'x500' 230 kV substation on the corner of Ferrell Road and Highway 98. It appears that the project could potentially conflict with IID's upcoming IID Kubler Substation project's future transmission right-of-way alignment (92 kV & 230 kV). Thus, IID may require easements across the front of the project site's parcels.</p> | <p>7-B16</p> |
| <p>17. The electric service for the project's construction, station service (backfeed) and the O&M building shall be provided by IID. Thus, it is important to note that all costs associated with the relocation and/or upgrade of IID electrical infrastructure to service the project will be the responsibility of the project proponent. Project proponent is urged to contact IID Energy - Customer Operations & Planning Section at 760-482-3402 or (760) 482-3300 for additional information regarding electrical service for the project. A complete set of electrical plans for the entire facility and the project's construction schedule will be required for initial review.</p> | <p>7-B17</p> |
| <p>18. Power is limited around the project area; a circuit analysis will be needed in order to identify what kind of upgrades to IID electrical infrastructure would be necessary to provide service, which can include but are not limited to new, relocated, modified or re-constructed substations, transmission and/or distribution lines.</p> | <p>7-B18</p> |
| <p>19. Any new, relocated, modified or reconstructed IID facilities required for and by the 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</p> | <p>7-B19</p> |

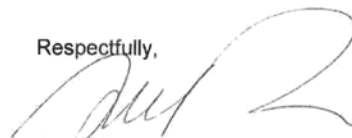
Mr. Jared Chavez
March 7, 2013
Page 5

necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.

7-B19
Cont.

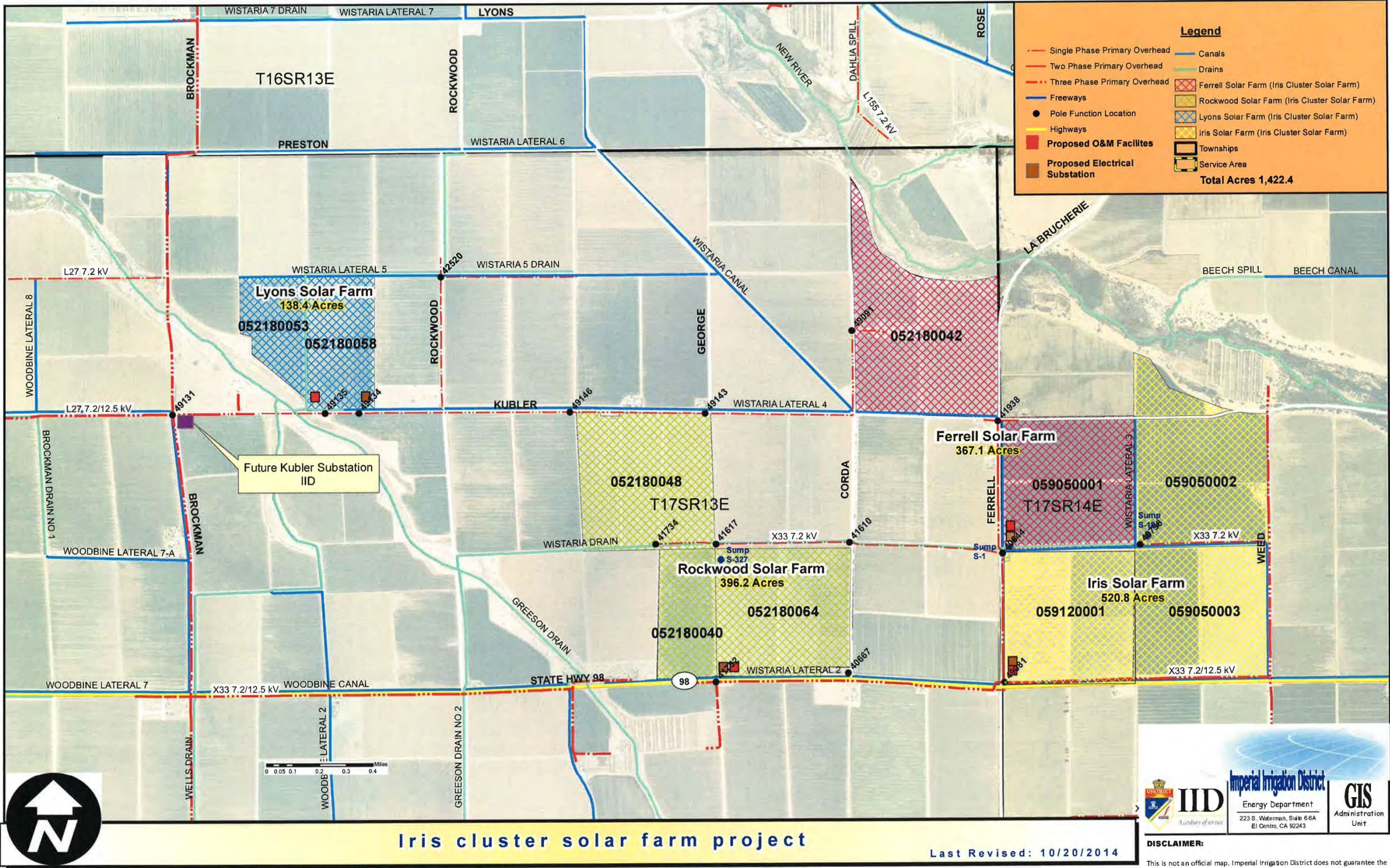
Should you have any questions, please do not hesitate to contact me by phone at 760-482-3609 or by e-mail at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,



Donald Vargas
Environmental Specialist

Kevin Kelley – General Manager
Jesse Silva – Manager, Water Dept.
Carl Sillis – Interim Manager, Energy Dept.
Vance M. Taylor – Asst. General Counsel
Tom King – Interim Project Management Officer, Portfolio Mgmt. Office
Carlos Villalon – Asst. Mgr., Water Dept. System Control & Monitoring
Juan Carlos Sandoval – Asst. Mgr. Energy Dept.
Mike Kemp – Interim Superintendent, GMD - Real Estate & Environmental
Shayne Ferber – Asst. Supervisor, Real Estate Unit
Vikki Dee Bradshaw – Asst. Supervisor, Environmental Services Unit



Date: 10/20/2014
Drawn by: lgallegos

CURRENT COORDINATE SYSTEM: NAD_1983_StatePlane_California_VI_FIPS_0406_Feet
\\Supv5\publicshare\ESRI_GIS\Management\Other_Dept\ENERGY\REAL ESTATE\Renewable Energy Project\MXD\Iris Solar Farm_2.mxd

Letter 7
Imperial Irrigation District
December 14, 2011

Response to Comment 7-1

Comment noted. It is acknowledged that the project applicant will be required to coordinate with IID with respect to any portion of the project that involves IID facilities or easements. The project applicant will be required to comply with specific requirements of IID as part of the construction and operation of the projects.

Response to Comment 7-2

EIR Chapter 3.0 provides the general phasing for the project. Subsequent to approval of the projects, the applicant will be required to continue to coordinate with IID for construction and operation of the projects. This would include providing information requested by IID, including the provision of phasing maps with the different build-out scenarios and estimated timeframes to better enable IID to assess facility and service needs as the projects develop.

Response to Comment 7-3

Comment noted. The applicant will provide improvement plans in CAD to IID as requested in this comment.

Response to Comment 7-4

Comment noted. The County and project applicant acknowledge the potential construction by IID of the Kubler Substation. It is acknowledged that if the Kubler Substation is constructed, the applicant would be required to participate either in an Affected System Agreement and a Backfeed & Station Power Service Agreement or would be required to participate in funding the construction of the proposed Kubler Substation.

Response to Comment 7-5

Comment noted. It is acknowledged that a circuit analysis is needed to identify the types of upgrades needed to serve the project and that costs associated with the relocation or upgrade of IID electrical infrastructure to service the project will be the responsibility of the project proponent. This requirement will be included as a Condition of Approval for the projects.

Response to Comment 7-6

The project applicant will coordinate with IID as part of final engineering/design plans to ensure that the electric service to the three sump pumps (S-1, S-184 and S-327) and four existing residences is maintained or otherwise not impacted by the proposed project.

Response to Comment 7-7

It is acknowledged that the IID facilities identified in this comment are located within, or adjacent to the project areas. The project applicant intends to avoid impacts or changes to IID facilities to the extent feasible, and details of the various transmission and connection facilities will be developed as part of construction level engineering. To the extent that IID facilities are located within the project sites' boundaries, the impacts associated with the development of such facilities have been addressed in the EIR as they would be located within the area of disturbance assumed for the assessment of impacts to issues such as agricultural resources, biological resources, and cultural resources.

Response to Comment 7-8

Comment noted. It is acknowledged that storm water runoff will be controlled to the satisfaction of IID. This requirement will be included as a Condition of Approval for the projects.

Additionally, potential hydrology and water quality impacts are addressed in EIR Section 4.9 Hydrology/ Water Quality. Included is Mitigation Measure 4.9-4, which states in part, "The project applicant shall prepare a site specific Drainage Plan for all facilities constructed in conjunction with the projects that meets the County Department of Public Works and IID requirements, where applicable."

Response to Comment 7-9

Comment noted. Please refer to response to comment 7-8.

Response to Comment 7-10

Comment noted. IID canal or drain banks are not proposed to be utilized for site access. Construction traffic would utilize site access that is available from existing right of way.

Response to Comment 7-11

This comment is acknowledged and does not address the adequacy of the EIR; therefore, no additional response is necessary. The applicant will be required to submit specific locations of groundwater wells and groundwater monitoring well data as requested in this comment.

Response to Comment 7-12

Comment noted. Please refer to response to comment 7-8.

Response to Comment 7-13

Comment noted. Please refer to response to comment 7-8.

Response to Comment 7-14

Comment noted. It is acknowledged that the project applicant will be required to comply with all applicable IID policies and regulations of IID regarding water supply, and that a water supply agreement for the non-agricultural use of water may be required. It should also be noted that water supply for the projects is considered to be reliable.

Response to Comment 7-15

The County acknowledges that IID adopted the Temporary Land Conversion Following Policy (TLCFP) that may require participation by the project applicant as a condition of water service. The applicant will be required to adhere to project water supply agreements issued under IID's Interim Water Supply Policy and the landowner will be required to adhere to appropriate provisions as part of the following contracts.

Response to Comment 7-16

Comment noted.

Response to Comment 7-17

Comment noted. EIR page 3-27 identifies an Encroachment Permit from IID as a potential approval required for implementation of the project. The applicant will coordinate with IID with respect to any

potential encroachment into IID rights of way. Coordination with IID regarding these matters will be included as a Condition of Approval for the projects.

Response to Comment 7-18

Comment noted. EIR Mitigation Measure 4.9-1a requires that the appropriate encroachment and stormwater permits are obtained prior to construction of the proposed projects.

Response to Comment 7-19

Comment noted. The applicant will coordinate with IID with respect to any potential IID connections and/or encroachments into IID rights of way. Coordination with IID regarding these matters will be included as a Condition of Approval for the projects.

Response to Comment 7-20

Comment noted. The applicant will coordinate with IID with respect to any potential encroachment into IID rights of way. Coordination with IID regarding these matters will be included as a Condition of Approval for the projects.

Response to Comment 7-21

The project does not propose specific changes, modifications, or relocations to IID facilities and avoidance of IID facilities is proposed to the extent feasible. Potential impacts associated with any unforeseen improvements to IID facilities would occur within the footprint of the proposed project and, to that extent, impacts have been addressed. These physical impacts include the conversion of agricultural land, and potential biological and cultural resources impacts. These impacts have been evaluated to the extent that the entire project site is assumed to be within the development footprint and proposed area of disturbance, with the exception of IID drainages and canals. Mitigation associated with these impacts (e.g., burrowing owl, agricultural restoration, drainage) are the responsibility of the project applicant.

Letter 7 - Attachment 1 (Comments 7-A1 through A15)

Attachment 1 is the IID's comment letter on the Initial Study and Notice of Preparation. These comments have been addressed in the EIR and/or are otherwise responded to in the preceding responses to comments. Please refer to responses to comments 7-1 through 7-21.

Letter 7 – Attachment 2 (Comments 7-B1 through B19)

Attachment 2 is the IID's comment letter on the CUP applications. These comments do not address the adequacy of the EIR. Where comments may pertain to the EIR, they have been addressed in the EIR and/or are otherwise responded to in the preceding responses to comments. Please refer to responses to comments 7-1 through 7-21.

November 19, 2014

Via Electronic and U.S. Mail

Patricia Valenzuela, Planner IV
Imperial County Planning & Development Services Department
801 Main Street,
El Centro, CA 92243

Email: patriciavalenzuela@imperialcounty.net



Re: Comments on Iris Cluster Solar Farm Project Draft EIR

Dear Ms. Valenzuela:

The following comments are made in regards to the Draft Environmental Impact Report (EIR) for the Iris Cluster Solar Farm Project. Please include these comments as part of the administrative record for this project.

General Comments

The project consists of four solar farm sites (Ferrell Solar Farm, Rockwood Solar Farm, Iris Solar Farm, and Lyons Solar Farm) which combined propose to construct solar energy facilities employing photovoltaic (PV) or concentrated photovoltaic (CPV) technology upon 1,422 acres of farmland west of Calexico to generate up to 360 megawatts of renewable energy. The interconnection for the proposed projects will occur at the 230 kV side of the San Diego Gas & Electric (SDG&E) Imperial Valley Substation, located approximately 5 miles northwest of the project sites, via the existing Mount Signal Solar Farm substation and it's shared 230 kV electrical transmission line. This project is one of a number of similar solar development projects in the area which are expected to generate renewable energy for export through the SDG&E Sunrise Powerlink transmission line.

The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided (Public Resources Code Section 21002). The EIR is also intended to demonstrate to an apprehensive public that the agency has, in fact analyzed and considered the ecological implications of its action [in approving a project] (*No Oil Inc. v. City of Los Angeles* (1974) 13 C3d 68, 86). The foremost principal under CEQA is that the legislature intended the Act to be interpreted in such a manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language. (*Laurel Heights Improvement Assn v. Regents of the University of California* (1988) 47 C3d 376, 390). The current Draft EIR falls short in achieving these purposes because certain impact analyses and/or mitigation measures presented within the document are insufficient as discussed below.

8-1

Patricia Valenzuela
November 19, 2014
Page 2 of 8

Analysis and Proposed Mitigation of Impacts to Agricultural Resources are Inadequate

The Draft EIR notes that 160.4 acres of Prime Farmland and 1,250.7 acres of Farmland of Statewide Importance will be converted to non-agricultural use by the proposed project resulting in significant impacts to the area's agricultural resources (p. 4.2-12). As a means of mitigating these impacts, the Draft EIR recommends a number of measures which it claims will reduce impacts to levels less than significant. On page 4.2-14, the Draft EIR recommends **Mitigation Measure 4.2-1a "Payment of Agricultural and Other Benefit Fees"** as one means to mitigate impacts on agricultural resources. With respect to mitigation of Non Prime Farmland, one of the following three options is proposed:

Option 1: Provide Agricultural Conservation Easement(s). *The Permittee shall procure Agricultural Conservation Easements on a "1 to 1" basis on land of equal size, of equal quality farmland, outside the path of development. The conservation easement shall meet DOC regulations and shall be recorded prior to issuance of any grading or building permits.*

Option 2: Pay Agricultural In-Lieu Mitigation Fee. *The Permittee shall pay an "Agricultural In-Lieu Mitigation Fee" in the amount of 20 percent of the fair market value per acre for the total acres of the proposed site based on five comparable sales of land used for agricultural purposes as of the effective date of the permit, including programs costs on a cost recovery/time and material basis. The Agricultural In-Lieu Mitigation Fee, will be placed in a trust account administered by the Imperial County Agricultural Commissioner's office and will be used for such purposes as the acquisition, stewardship, preservation and enhancement of agricultural lands within Imperial County; or,*

Option 3: Public Benefit Agreement. *The Permittee and County voluntarily enter into an enforceable Public Benefit Agreement or Development Agreement that includes an Agricultural Benefit Fee payment that is (1) consistent with Board Resolution 2012-005; 2) the Agricultural Benefit Fee must be held by the County in a restricted account to be used by the County only for such purposes as the stewardship, preservation and enhancement of agricultural lands within Imperial County and to implement the goals and objectives of the Agricultural Benefit program, as specified in the Development Agreement, including addressing the mitigation of agricultural job loss on the local economy.*

8-2

Similarly, on page 4.2-15, the Draft EIR recommends that one of the following four options be implemented to mitigate impacts to Prime Farmland:

Option 1: Provide Agricultural Conservation Easement(s). *Agricultural Conservation Easements on a "2 to 1" basis on land of equal size, of equal quality farmland, outside the path of development. The Conservation Easement shall meet DOC regulations and shall be recorded prior to issuance of any grading or building permits; or*

Option 2: Pay Agricultural In-Lieu Mitigation Fee. *The Permittee shall pay an "Agricultural In-Lieu Mitigation Fee" in the amount of 30% of the fair market value per acre for the total acres of the proposed site based on five comparable sales of land used for agricultural purposes as of the effective date of the permit, including program costs*

8-3

Patricia Valenzuela
November 19, 2014
Page 3 of 8

on a cost recovery/time and material basis. The Agricultural In-Lieu Mitigation Fee, will be placed in a trust account administered by the Imperial County Agricultural Commissioner's office and will be used for such purposes as the acquisition, stewardship, preservation and enhancement of agricultural lands within Imperial County.

Option 3: Public Benefit Agreement. *The Permittee and County enter into an enforceable Public Benefit Agreement or Development Agreement that includes an Agricultural Benefit Fee payment that is (1) consistent with Board Resolution 2012-005; (2) the Agricultural Benefit Fee must be held by the County in a restricted account to be used by the County only for such purposes as the stewardship, preservation and enhancement of agricultural lands within Imperial County and to implement the goals and objectives of the Agricultural Benefit program, as specified in the Development Agreement, including addressing the mitigation of agricultural job loss on the local economy; the Project and other recipients of the Project's Agricultural Benefit Fee funds; or emphasis on creation of jobs in the agricultural sector of the local economy for the purpose of off-setting jobs displaced by this Project.*

Option 4: Avoid Prime Farmland. *The Permittee must revise their CUP Application/Site Plan to avoid Prime Farmland.*

8-3
Cont.

Additionally, on page 4.2-15, the Draft EIR identifies **Mitigation Measure 4.2-1b Site Restoration Plan** which requires the preparation of a site restoration plan to allow lands converted from agricultural uses to solar uses to be returned to agricultural use at the end of the project's assumed 40 year life.

8-4

The extent and manner by which Mitigation Measures 4.2-1a and 4.2-1b reduce or eliminate impacts to agricultural resources is not clear in the Draft EIR. On page 4.2-15 of the document under the heading "Significance After Mitigation" a statement is made to the effect that with the implementation of Mitigation Measure 4.2-1a impacts to the *permanent* loss of valuable farmlands will be minimized, although there is no discussion as to how this will occur or information supporting the likelihood of whether this will occur. Subsequent statements in the same paragraph conclude that the implementation of Mitigation Measure 4.2-1b will address *temporary* conversion impacts and that this measure would reduce the impact on agricultural resources to less than significant levels. Again, no discussion is provided as to how or why this mitigation measure might accomplish this feat and it is unclear to the document reader as to why this might happen. This omission in analysis prevents the public from assessing the adequacy of the Draft EIR as an informational document and renders it useless in regards to this topic.

8-5

In addition, a number of the mitigation options recommended under **Mitigation Measure 4.2-1a "Payment of Agricultural and Other Benefit Fees"** are uncertain if not dubious as to how or why impacts will be reduced. One of the mitigation options is particularly worthy of comment – the "Public Benefit Agreement". This option requires that the permittee and the County enter into an agreement that includes a fee payment to be held by the County for "such purposes as the stewardship, preservation and enhancement of agricultural lands with Imperial County and to implement the goals and objectives of the Agricultural Benefit program". The Draft EIR also notes that the Public Benefit Agreement must conform with Imperial County Resolution 2012-005 entitled "Resolution of the Board of Supervisors of the County of Imperial Establishing Guidelines for the Public Benefit Program for Use with Solar Plants in Imperial County" adopted

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by the County on January 24, 2012. A review of the resolution and guidelines reveals that mitigation fees collected under this program may be used for measures unrelated to agricultural land preservation. For example, the guidelines allow funds to be expended on “infrastructure improvement”, “economic development and enhancement to the quality of life in neighboring communities”, and “programs or projects that increase agricultural industry employment opportunities”. [See 2012 *Guidelines for the Public Benefit Program for Use with Solar Power Plants in Imperial County*]. More recently, Imperial County adopted a “Funding Allocation Guidelines and the Proposed General Procedures/Guidelines for Allocation of Ag Benefit Funds” on February 11, 2014 to assist with the expenditure of fees collected under this program. These guidelines recommend funding for four categories with the following allocations of funds:

- 1) Agricultural Business Development - funding for agricultural commodity processing plants and energy plants that use agricultural products, 50 % of the funds;
- 2) Research & Development - funding for development of new high-yield or water-efficient crops, new water conservation techniques, new technology to improve yields in existing crops, and partial funding for UCCE Extension Specialist/Advisor position(s), 20% of the funds;
- 3) Agricultural Stewardship Category – funding for programs that bring fields back into production, soil reclamation, and improve existing grounds to improve yields, 20% of the funds; and
- 4) Education/Scholarship Category – matching funds for scholarships awarded by Ag organizations for Ag studies, student loans, FFA/4-H loans, 10% of the funds.

8-6

While some of these funding categories may mitigate economic impacts within the agricultural community resulting from the loss of agricultural lands, none of them serve to protect or off-set the physical loss of agricultural resources resulting from the project. Furthermore, it is noted that non-specific fee based mitigation measures are speculative in nature and insufficient for the purposes of CEQA. (See for example, *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173). While it is recognized that the Draft EIR also allows conservation easements and/or Agricultural In-lieu Mitigation Fees as means of mitigation in addition to a Public Benefit Agreement, these measures also fail because they provide no firm commitments to off-set the actual physical loss of agricultural lands resulting from the project. i.e., no new farmland is created to off-set the loss in production. The fact that a reclamation plan is required under **Mitigation Measure 4.2-1b Site Restoration Plan** in no way assures that lands will actually be restored to agricultural uses at the end of the project’s 40 year life. The preparation of a plan itself is not a firm commitment to restore the lands and cannot be relied upon as mitigation.

8-7

Flawed Analysis of Project’s Consistency with the County’s General Plan

On pages 4.2-6 through 4.2-8, the Draft EIR provides a summary of the project’s purported consistency with the County’s General Plan. This analysis fails to accurately describe the project’s consistency with a number of the General Plan elements. For example, the analysis claims that the project is consistent with the Agricultural Resources Element, Preservation of Important Farmland, Goal 1 which states:

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Goal 1: All Important Farmland, including the categories of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance, as defined by Federal and State agencies, should be reserved for agricultural uses.

The Draft EIR states on page 4.2-6 that the project is consistent with this goal because “[t]he projects would temporarily convert land designated as Prime Farmland and Farmland of Statewide Importance to non-agricultural uses, but mitigation is provided to prevent a permanent conversion”. The fact that the conversion may be temporary has no bearing as to whether or not the project conforms to this goal. The goal clearing describes that farmland “should be reserved for agricultural uses”. A solar farm is not an agricultural use of land, it is an industrial use. The Draft EIR should be revised to reflect that the proposed project is not consistent with this General Plan goal. The fact that the County Board of Supervisors chooses to ignore the inherent conflict with this primary General Plan goal in approving the construction of solar facilities on agricultural lands cannot be used as evidence of compliance.

8-8
Cont.

Similarly, the Draft EIR on page 4.2-6 claims that the project is consistent with Objective 1.1 of the County’s General Plan Agricultural Resources Element which provides:

Objective 1.1 Maintain existing agricultural land uses outside of urbanizing areas and allow only those land uses in agricultural areas that are compatible with agricultural activities.

In support of this claim, the Draft EIR states that “[t]he projects would include development of solar facilities adjacent to productive agricultural lands; however, as shown on Figure 4.2-2, a majority of the currently vacant agricultural lands have been approved (or have been proposed) for the development of utility-scale solar energy projects, and are anticipated to transition into solar energy use over time. Therefore, the proposed projects would be compatible with the existing surrounding uses.” However, the question that must be addressed is not whether the majority of the vacant agricultural lands are approved or proposed for solar development, but rather as noted in the objective whether it is compatible with agricultural activities. The construction of solar facilities on agricultural lands is not compatible with agricultural activities. Compatible can be defined in this context as being able to exist or occur together without conflict. The construction of solar panels on agricultural lands prevents them from being used for agricultural and is thus inherently in conflict with this purpose. The statement that the project is compatible with existing land uses also fails to reflect that not all of the lands in this area have been committed to solar uses. As the owner of land (APN 052-180-030) located at the southeast corner of Kubler Road and Rockwood Road which currently is in agricultural production and anticipated to continue to remain in production, the conclusion that the project is compatible with existing lands is clearly in error. The construction of solar panels on lands adjacent to existing agriculture also conflicts with those lands as noted below.

8-9

On page 4.2-5 the Draft EIR claims that the project is consistent with Objective 1.5 which states:

Objective 1.5 Direct development to less valuable farmland (i.e., Unique Farmland and Farmland of Local Importance rather than Prime Farmland or Farmland of Statewide Importance) when conversion of agricultural land is justified.

8-10

In support of this claim, the statement is made that “mitigation is required to prevent permanent conversion of valuable farmland”. This is not true. While the preparation of a restoration plan is

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required, there is no guarantee or assurances that at the end of the project's 40 year life span that lands will actually be returned to agricultural uses. Notwithstanding the fact that a "temporary" project with a life span of 40 years is in reality a permanent project, this objective has clearly not been met as there has been no attempt to direct the development to less valuable farmland or for that matter non-farmland.

8-10
Cont.

On page 4.2-7 the Draft EIR claims that the project is consistent with Objective 2.1 which states:

Objective 2.1 Do not allow the placement of new non-agricultural land uses such that agricultural fields or parcels become isolated or more difficult to economically and conveniently farm.

8-11

I am particularly disappointed in this conclusion as this project together with the Wistaria Ranch, and Centinela solar projects effectively isolate my land from other agricultural lands and leaves me as an island within a sea of solar developments. Other portions of this project also border lands I own or farm along or northward of Lyons Road and there are a number of other agricultural lands which become isolated as a result of this project. It is absolutely unrealistic to claim that the proposed project conforms to this objective.

Along similar lines, the Draft EIR on page 4.2-8 states that the project is consistent with Goal 3 of the Agricultural and Non-Agricultural Land Use Relations which states:

Goal 3: Limit the introduction of conflicting uses into farming areas, including residential development of existing parcels which may create the potential for conflict with continued agricultural use of adjacent property.

The project fails to meet this goal to the extent that solar development is introduced into farming areas and poses conflicts to farming. In support of its conclusion that the project is consistent with this goal, the Draft EIR notes "[w]ith approval of a Conditional Use Permit, the projects would be an allowable use in agricultural zones. Additionally, the projects do not include the development of housing." While the project may be allowed in an agricultural zone with the approval of a Conditional Use Permit, the project nonetheless intrudes upon farming areas contrary to this goal and no attempt has been made to limit this intrusion. The construction of the project will also conflict with the continued agricultural uses on adjacent properties. For example, transmission lines are proposed throughout the project area including upon lands I own which will limit the ability to treat croplands via aerial applications as the transmission lines pose hazards to aircraft. These transmission lines also pose conflicts with agricultural operations to the extent that they pose dangers to birds in the area which in turn present challenges for farmers as they must deal with restrictions imposed on vegetable harvesting when they discover dead carcasses in their fields. When these carcasses are found, harvest operations must be stopped and an assessment made of the area to identify other potential occurrences. Restrictions are then placed on the crop harvesting around the carcass. There is no discussion in the Draft EIR as to whether these transmission lines will be removed at the end of the project.

8-12

Draft EIR Fails to Analyze Individual or Cumulative Heat Island Impacts

It is well known that the conversion of agricultural lands to solar farms alters the climate within the area of development and at adjoining properties with respect to both ground temperature and humidity. The irrigation of agricultural lands has the effect of reducing ground surface

8-13