

# **Appendix A**

Initial Study and Notice of Preparation and  
Responses

# Notice of Preparation

# 2 fullbacks, 2 very different jobs heading into Rose Bowl

BY RALPH D. RUSSO  
AP College Football Writer

LOS ANGELES — Oklahoma's Dimitri Flowers and Georgia's Christian Payne have the same title but very different job descriptions.

Both are listed as fullbacks. For Flowers, that's really a misnomer. Oklahoma coach Lincoln Riley thinks of Flowers as an H-back, as in hybrid. The senior lines up everywhere — receiver, tight end, tailback — allowing the Sooners' offense to quickly morph from one look to another.

Payne, meanwhile, is the quintessential fullback for Georgia. The senior lines up in front of a tailback and blocks — and that's pretty much it.

"I'm not used like a lot of fullbacks in the country, and that just goes to attribute to coach (Lincoln) Riley and how smart he is on the offensive side of the ball," Flowers said. "It's kind of crazy to see that we play the same position, but do almost two totally different things."

No. 2 Oklahoma and No. 3 Georgia meet for the first time Monday at the Rose Bowl in a College Football Playoff semifinal that features two ways of playing offense. The Sooners' spread highlights the modern move toward position-less football, with players who can be mixed and matched to provide a variety of options for Heisman Trophy winner Baker Mayfield. The Bulldogs take a more traditional approach to offense, while still keeping opponents guessing. Nowhere is the difference between the two styles more apparent than the No. 1 fullbacks on each team's depth chart.

Flowers was a three-star recruit out of San Antonio, Texas, who did a little bit of everything in high school, including play quarterback. Finding a player with the physical skills to handle what the Sooners expect from him is not as challenging as finding one capable of handling all there is to learn.

"Really, really, tough," Oklahoma coach Lincoln Riley said Saturday at Rose Bowl media day. "Most guys, just learning to play one position well is difficult. For (Flowers), you're talking about playing three of four different positions and being able to do them at a high level."

Flowers said he has



In this Oct. 7 photo, Oklahoma fullback Dimitri Flowers (center) celebrates a touchdown with teammate Erick Wren (right) during an NCAA college football game against Iowa State in Norman, Okla. AP PHOTO

on healthy fullbacks in practice and grabbed Payne away from the defense.

"I was like, shoot, that's my way to get on the field," Payne said.

Still, the opportunities are limited. Traditional offenses aren't so traditional anymore. Georgia uses multiple wide-receiver looks and multiple tight ends, and at times has star tailbacks Nick Chubb and Sony Michel on the field at the same time. When the 242-pound Payne is out there, it is to pave the way for running backs or protect the quarterback.

Payne has 11 rushes for 47 yards and 12 catches (none this season) for 119 yards and one touchdown in his career. "I know playing fullback is not a very glorified position," Payne said. "I really, really enjoy seeing Chubb and Sony and Bryan Herrien and Elijah Holyfield ... scoring touchdowns. If I'm on the field and they score a touchdown, it makes me feel like I did my job."

Georgia will use Michel and star freshman runner D'Andre Swift as a slot receiver on occasion, but for the most part a defense knows who will be lining up where. "I wouldn't classify us as some new cutting edge of football," offensive coordinator Jim Chaney said.

Maybe not, but there is nothing simple about preparing for the Bulldogs. "They probably have more formations than we do," Oklahoma defensive coordinator Mike Stoops said. "How they manipulate the game with their personnel is unique. How they move their players, why they move them, what they're trying to get to. Their plays don't change a lot. Just their looks."

## SPORTS BRIEFS

NASHVILLE, TENN.

### Predators place Forsberg on IR with upper-body injury

Nashville left wing Filip Forsberg was placed on injured reserve with an upper-body injury Saturday before the Predators' game against Minnesota, ending his regular-season and post-season consecutive games streak at 325.

Forsberg had 15:04 of ice time Friday night in a loss in Minnesota. His last shift ended with 8:40 remaining in the third period.

The Predators did not offer a timetable for Forsberg's return. As a result of being placed on injured reserve, which is at least one week in length, Forsberg will miss at least three games.

The high-scoring Swede has played in all 82 regular-season games for Nashville the past three seasons and all 42 postseason games in that timeframe as well.

In 37 games played this season, Forsberg leads the Predators with 15 goals and 34 points and is tied for the team lead with 19 assists.

"Everybody appreciates the fact that he's been one of our top scorers and one of our top players consistently year-after-year since he's been here," Nashville coach Peter Laviolette said. "It's an unfortunate thing, all the teams deal with it. Look around the league, everybody seems to be losing a player here or there. I think it becomes more significant when you lose a guy like Filip because of the minutes and the role that he plays on this team. With that comes an opportunity for somebody else to step up and that's the way we've got to look at it."

Saturday night is the first regular-season or postseason game Laviolette has coached the Predators without Forsberg in the lineup. Earlier Saturday, Nashville recalled forward Frederick Gaudreau from the Milwaukee Admirals of the American Hockey League.

OAKLAND

### Stephen Curry returning for Warriors after 11 games

Stephen Curry is returning to the court Saturday night against the Memphis Grizzlies after missing 11 games for Golden State with a sprained right ankle.

Coach Steve Kerr said his plan would be to play Curry in 6- to 7-minute stretches and aim to keep the two-time MVP below 30 minutes total, saying "ideally 20-25 minutes would be nice."

"Ideally four of those bursts sounds about right to me, but this is not an exact science, so we've discussed it," Kerr said. "The Warriors went 9-2 during Curry's absence. Kerr is hopeful the extended rest for his star point guard now to get fully healthy will benefit Curry down the stretch and in the postseason for the defending champions.

SEATTLE

### Seattle nails 17 treys to beat UC Riverside 95-71

Josh Hearnly scored 19 points and Jordan Hill added 17 as Seattle romped past UC Riverside 95-71 for its tenth home victory on Saturday afternoon.

Seattle (11-6) finished non-conference play with a season-high 17 treys, with Hill hitting 5 of 6 from distance and Hearnly dropping in 4 of 6. Matej Kavaz nailed all three attempts from long range for 13 points. The Redhawks shot 63 percent (17-27) from beyond the arc.

Seattle will host Grand Canyon on Saturday to open Western Athletic Conference action.

The Redhawks sprinted to a 17-0 lead, held a 30-11 advantage with 7:40 remaining in the first half and took a 55-29 advantage into the break. Seattle held its double-digit lead in the second half and cruised to the win.

Chance Murray had 16 points and Dikymbe Martin added 12 for the Highlanders (5-9).

SAN JOSE

### Colorado State rallies to beat San Jose State

Prentiss Nixon scored 19 points and Colorado State overcame sluggish first-half shooting and rallied to beat San Jose State 59-52 on Saturday for the Rams' 16th straight win in the series and first road win of the season.

Nico Carvacho scored 10 points with three steals for the Rams (8-7, 1-1 Mountain West), who shot just 22.2 percent in the first half and trailed 31-20 at halftime.

Lorenzo Jenkins and Nixon each hit 3s and the Rams closed to 46-42 after trailing by as many as 14, then Nixon tied it at 48 with another 3. Robbie Berwick made a go-ahead free throw and his 3 with 3:16 left put Colorado State up 53-49. Carvacho's layup off an offensive rebound made it 55-51, and the Rams added four free throws while the Spartans missed three shots in the final 40 seconds.

Colorado State was 26.2 percent to shoot 25 points off of 29 Spartans' turnovers and made 13 free throws.

Ryan Welage scored 16 points, Noah Baumann added 14 with four 3-pointers, and Keith Fisher II grabbed 10 rebounds for the Spartans (3-10, 0-2), who have never beaten the Rams.

SAN DIEGO

### Carter's 7 treys helps San Diego hold off Peppertine

Olin Carter III hit his seventh trey of the game in the closing minutes to help secure San Diego's 74-66 win over Peppertine in West Coast Conference action on Saturday afternoon.

Peppertine stayed within striking distance in the second period. The Waves closed to 63-61 when Colbey Ross drilled a 3-pointer with 2:34 left. San Diego's Isaiah Wright, who finished with 13 points, dropped in two free throws and Carter nailed his last trey of the night for a 68-61 advantage with 1:29 remaining.

Carter finished with 27 points as the Toreros (11-3, 2-0) made 11 of 28 from beyond the arc. They also had 10 blocks with Yauchen Massalski and Juvan Gray, who had 11 points and 11 rebounds, swatting away three apiece.

Carter started the game by hitting four straight from long range. He missed his next four attempts in the first half but drilled two consecutive in the final 4:49.

Ross led Peppertine (3-11, 0-2) with 16 points.

PARK CITY, UTAH

### Bryan Fletcher rallies for Olympic spot in Nordic Combined

Bryan Fletcher qualified for his second consecutive Olympic team in Nordic Combined after rallying for a victory at the U.S. Trials on Saturday.

Fletcher finished the 10-kilometer cross-country in 25 minutes, 6.81 seconds to overcome a poor showing in the earlier ski jump. He placed fifth out of nine athletes after jumping a distance of 86.5 meters and scoring 102.3 points.

"I just had to ski smart and leave enough in the tank at the end that I could finish strong," Fletcher said. "It was going to be a really hard finish no matter what, so I gave it everything I had. If the finish line was 10 feet further, I don't know if I would have made it."

Ben Loomis earned the lead starting spot heading into the 10K race after scoring 123.2 points on his jump. Loomis jumped a distance of 92.5 meters at a speed of 55.1 mph (88.8 kph).

Fletcher started the 10K race 1 minute, 24 seconds behind Loomis. He made up ground quickly and overtook Loomis toward the end of the fourth lap. From there, Fletcher pulled away just enough to clinch an Olympic spot on his final lap.

"I wouldn't say it was my peak performance, but strong enough for sure," Fletcher said.

Adam Loomis, Ben's brother, finished second both in the 10K and ski jump. His final time differential was 12.8 seconds behind Fletcher after finishing the 10K in 25 minutes, 47.63 seconds. Ben Loomis dropped to third in the 10K, and Ben Berend took third in the jump.

Taylor Fletcher, Bryan's younger brother and a member of both the 2010 and 2014 Olympic teams, finished fourth.

Bryan Fletcher was the only qualifier on Saturday. Two more qualifiers for the 2018 Pyeongchang Games will be selected when the trials continue with men's and women's ski jumping on Sunday.

NEW YORK

### Matt Forte placed on IR, ending year

Matt Forte's season is over. His career with the New York Jets might be, too.

"The running back was placed on injured reserve Saturday, a day before the Jets' season finale at New England.

The 32-year-old Forte said earlier in the week that he had been slowed the last month with increased swelling in his surgically repaired right knee. He finished his second season with the Jets with a career-low 351 yards rushing.

"When I was healthy and got the opportunities, I think I produced at a decent level," Forte said Thursday, adding that he needs no additional surgery. "Since the bye week, I've been basically playing on one leg, so that's been tough and obviously that hinders your production level."

Forte has a year remaining on his contract, but he's due to make \$3 million next year and the Jets could opt to clear that amount on the salary cap.

Despite his diminished production, Forte wants to keep playing — and hopes it is with the Jets. — The Associated Press

Imperial County Planning & Development Services Department  
NOTICE OF PREPARATION OF DRAFT EIR FOR THE BIG ROCK CLUSTER SOLAR ENERGY PROJECTS AND NOTICE OF PUBLIC EIR SCOPING MEETING

The Imperial County Planning & Development Services Department intends to prepare an Environmental Impact Report (EIR) for the proposed Big Rock Cluster Solar Projects as described below. A public scoping meeting for the proposed EIR will be held by the Imperial County Planning & Development Services Department on January 25, 2018 at 6:00PM. The scoping meeting will be held at the Board of Supervisors Chambers, 2nd Floor, County Administration Center located at 840 Main Street, El Centro, CA 92243. Comments regarding the scope of the EIR will be accepted at this meeting.

SUBJECT: Environmental Impact Report (EIR), Big Rock Cluster Solar Farm (General Plan Amendment 17-0003, Zone Change 17-0002, and Conditional Use Permits 17-0027, 17-0028, 17-0029, and 17-0030) & Water Supply Assessment (WSA).

BOARD OF SUPERVISORS CONSIDERATION: To Be Determined.

PROJECT LOCATION: The proposed Big Rock Cluster Solar Farm Project (Big Rock 1 Solar Farm, Laurel 1 Solar Farm, Laurel 2 Solar Farm, and Collectors) is located approximately 8 miles southwest of the City of El Centro and 3 miles south of Seelye, a census-designated place, in the unincorporated area of Imperial County. The project sites are located on private land, currently utilized for agricultural operations, and immediately adjacent to the Campo Verde Solar Project. The projects are generally located south of I-8, west of Drew Road and north and east of the Westside Main Canal.

PROJECT DESCRIPTION: The Big Rock Cluster Solar Farm Project involves the construction of four utility-scale photovoltaic (PV) solar facilities on approximately 1,200 acres. The four projects would generate up to 325 megawatts. Power generated by the projects will be delivered from the project sites via up to 230 kVolt overhead and/or underground electrical transmission lines originating from an on-site substation(s) and terminating at the proposed Imperial Irrigation District (IID) Substation, which will be constructed immediately west of Big Rock 1 Solar Farm. Alternatively, power may be delivered to the San Diego Gas & Electric Imperial Valley Substation, Drew Switching, or Imperial Solar Energy Center West Substation. Project approvals include conditional use permits for each project and a General Plan Amendment for the entire project area. Approval of General Plan Amendment and zone change will add the project area to Imperial County's Renewable Energy Overlay only; no land use amendment is requested, and the underlying "Agriculture" designation would remain.

Each project would include a ground mounted PV solar power generating system, supporting structures, inverter modules, paid mounted transformers, energy storage system, access roads and fencing, an operations and maintenance building, and an on-site substation. The projects may share operations and maintenance buildings, energy storage system, substation, and/or transmission facilities as necessary with one another and/or with nearby solar projects, and/or may be remotely operated. Any unused operations and maintenance, substation, and/or transmission facility areas on site could be covered by solar panels under such scenarios.

Project Applicant: 80.78me LLC (Big Rock Applicant) and 901f8me LLC (Laurel Applicant), 6455 Wilshire Boulevard, Suite 2010, Los Angeles, CA 90035

URBAN AREA PLAN: None, located in unincorporated area of County of Imperial

BOARD OF SUPERVISORS DISTRICT: District 2, Supervisor Luis A. Plancarte

ANTICIPATED SIGNIFICANT EFFECTS: The EIR will analyze potential impacts associated with the following: Aesthetics; Agricultural Resources; Air Quality; Biological Resources; Cultural Resources; Cumulative Impacts; Geology/Soils; Greenhouse Gas Emissions/Climate Change; Growth-Inducing Impacts; Hazards/Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; Noise; Public Services; Transportation/Traffic; and Utilities and Service Systems including water supply and energy.

COMMENTS REQUESTED: The Imperial County Planning & Development Services Department would like to know your ideas about the effects that project might have on the environment and your suggestions as to mitigation or ways the project may be revised to reduce or avoid any significant environmental impacts. Your comments will guide the scope and content of environmental issues to be examined in the EIR. Your comments may be reviewed at the David Black, Imperial County Planning & Development Services Department, 801 Main Street, El Centro, CA 92243. Available project information may be reviewed at this location.

NOTICE OF PREPARATION REVIEW PERIOD: January 4<sup>th</sup> 2018 thru February 5<sup>th</sup> 2018

# Initial Study

***Initial Study and NOP***  
***for:***

**Big Rock Cluster Solar Farms Project**  
**Conditional Use Permit: 17-0027, 17-0028, 17-0029, and 17-0030**  
**General Plan Amendment: 17-0003**  
**Zone Change: 17-0002**

**IS# 17-0037**



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# TABLE OF CONTENTS

<b>SECTION I</b>	<b>INTRODUCTION</b> .....	<b>1-1</b>
<b>SECTION II</b>	<b>ENVIRONMENTAL CHECKLIST</b> .....	<b>2-1</b>
	PROJECT SUMMARY.....	2-4
	EVALUATION OF ENVIRONMENTAL IMPACTS .....	2-7
	I.    AESTHETICS.....	2-8
	II.   AGRICULTURE AND FOREST RESOURCES .....	2-9
	III.  AIR QUALITY.....	2-10
	IV.  BIOLOGICAL RESOURCES.....	2-11
	V.   CULTURAL RESOURCES.....	2-12
	VI.  PALEONTOLOGICAL RESOURCES .....	2-13
	VII.  TRIBAL CULTURAL RESOURCES.....	2-14
	VIII. GEOLOGY AND SOILS .....	2-15
	IX.  GREENHOUSE GAS EMISSIONS .....	2-17
	X.   HAZARDS AND HAZARDOUS MATERIALS .....	2-18
	XI.  HYDROLOGY AND WATER QUALITY .....	2-20
	XII.  LAND USE AND PLANNING .....	2-22
	XIII. MINERAL RESOURCES.....	2-23
	XIV.  NOISE .....	2-24
	XV.  POPULATION AND HOUSING.....	2-25
	XVI.  PUBLIC SERVICES .....	2-26
	XVII. RECREATION.....	2-27
	XVIII. TRANSPORTATION / TRAFFIC.....	2-28
	XIX.  UTILITIES AND SERVICE SYSTEMS.....	2-29
<b>SECTION III</b>	<b>MANDATORY FINDINGS OF SIGNIFICANCE</b> .....	<b>3-1</b>

## SECTION I INTRODUCTION

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### A. PURPOSE

This document is a  policy-level;  project-level Initial Study for evaluation of potential environmental impacts resulting with the proposed Big Rock Cluster Solar Farms Project.

### B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REQUIREMENTS AND THE IMPERIAL COUNTY'S RULES AND REGULATIONS FOR IMPLEMENTING CEQA

As defined by Section 15063 of the State California Environmental Quality Act (CEQA) Guidelines and Section 7 of the County's Rules and Regulations for Implementing CEQA, an **Initial Study** is prepared primarily to provide the Lead Agency with information to use as the basis for determining whether an Environmental Impact Report (EIR), Negative Declaration, or Mitigated Negative Declaration would be appropriate for providing the necessary environmental documentation and clearance for any proposed project.

According to Section 15065, an **EIR** is deemed appropriate for a particular proposal if the following conditions occur:

- The proposal has the potential to substantially degrade quality of the environment.
- The proposal has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- The proposal has possible environmental effects that are individually limited but cumulatively considerable.
- The proposal could cause direct or indirect adverse effects on human beings.

According to Section 15070(a), a **Negative Declaration** is deemed appropriate if the proposal would not result in any significant effect on the environment.

According to Section 15070(b), a **Mitigated Negative Declaration** is deemed appropriate if it is determined that though a proposal could result in a significant effect, mitigation measures are available to reduce these significant effects to insignificant levels.

This Initial Study has determined that the proposed applications will result in potentially significant environmental impacts and therefore, an Environmental Impact Report is deemed as the appropriate document to provide necessary environmental evaluations and clearance for the proposed project.

This Initial Study and Notice of Preparation are prepared in conformance with the California Environmental Quality Act of 1970, as amended (Public Resources Code, Section 21000 et. seq.); the State CEQA Guidelines & County of Imperial's CEQA Regulations, Guidelines for the Implementation of CEQA; applicable requirements of the County of Imperial; and the regulations, requirements, and procedures of any other responsible public agency or an agency with jurisdiction by law.

Pursuant to the County of Imperial's CEQA Regulations, Guidelines for the Implementation of CEQA, depending on the project scope, the County of Imperial Board of Supervisors, Planning Commission, and/or Planning Director is designated the Lead Agency, in accordance with Section 15050 of the CEQA Guidelines. The Lead Agency is the public agency which has the principal responsibility for approving the necessary environmental clearances and analyses for any project in the County.

## **C. INTENDED USES OF INITIAL STUDY AND NOTICE OF PREPARATION**

This Initial Study and Notice of Preparation are informational documents which are intended to inform County of Imperial decision makers, other responsible or interested agencies, and the general public of potential environmental effects of the proposed applications. The environmental review process has been established to enable public agencies to evaluate environmental consequences and to examine and implement methods of eliminating or reducing any potentially adverse impacts. While CEQA requires that consideration be given to avoiding environmental damage, the Lead Agency and other responsible public agencies must balance adverse environmental effects against other public objectives, including economic and social goals.

The Initial Study and Notice of Preparation prepared for the project will be circulated for a period of no less than 30 days for public and agency review and comments.

## **D. CONTENTS OF INITIAL STUDY & NOTICE OF PREPARATION**

This Initial Study is organized to facilitate a basic understanding of the existing setting and environmental implications of the proposed applications.

### **SECTION 1**

**I. INTRODUCTION** presents an introduction to the entire report. This section discusses the environmental process, scope of environmental review, and incorporation by reference documents.

### **SECTION 2**

**II. ENVIRONMENTAL CHECKLIST FORM** contains the County's Environmental Checklist Form. The checklist form presents results of the environmental evaluation for the proposed applications and those issue areas that would have either a significant impact, potentially significant impact, or no impact.

**PROJECT SUMMARY, LOCATION, AND ENVIRONMENTAL SETTINGS** describe the proposed project entitlements and required applications. A description of discretionary approvals and permits required for project implementation is also included. It also identifies the location of the project and a general description of the surrounding environmental settings.

**ENVIRONMENTAL ANALYSIS** evaluates each response provided in the environmental checklist form. Each response checked in the checklist form is discussed and supported with sufficient data and analysis as necessary. As appropriate, each response discussion describes and identifies specific impacts anticipated with project implementation.

### **SECTION 3**

**III. MANDATORY FINDINGS** presents Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

## **E. SCOPE OF ENVIRONMENTAL ANALYSIS**

For evaluation of environmental impacts, each question from the Environmental Checklist Form is summarized and responses are provided according to the analysis undertaken as part of the Initial Study. Impacts and effects will be evaluated and quantified, when appropriate. To each question, there are four possible responses, including:

1. **No Impact:** A "No Impact" response is adequately supported if the impact simply does not apply to the proposed applications.
2. **Less Than Significant Impact:** The proposed applications will have the potential to impact the environment. These impacts, however, will be less than significant; no additional analysis is required.



3. **Less Than Significant With Mitigation Incorporated:** This applies where incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact."
4. **Potentially Significant Impact:** The proposed applications could have impacts that are considered significant. Additional analyses and possibly an EIR could be required to identify mitigation measures that could reduce these impacts to less than significant levels.

## **F. POLICY-LEVEL or PROJECT-LEVEL ENVIRONMENTAL ANALYSIS**

This Initial Study will be conducted under a  policy-level,  project-level analysis.

Regarding mitigation measures, it is not the intent of this document to "overlap" or restate conditions of approval that are commonly established for future known projects or the proposed applications. Additionally, those other standard requirements and regulations that any development must comply with, that are outside the County's jurisdiction, are also not considered mitigation measures, and therefore, will not be identified in this document.

## **G. TIERED DOCUMENTS AND INCORPORATION BY REFERENCE**

Information, findings, and conclusions contained in this document are based on incorporation by reference of tiered documentation, which are discussed in the following section.

### **1. Tiered Documents**

As permitted in Section 15152(a) of the CEQA Guidelines, information and discussions from other documents can be included into this document. Tiering is defined as follows:

"Tiering refers to using the analysis of general matters contained in a broader EIR (such as the one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project."

Tiering also allows this document to comply with Section 15152(b) of the CEQA Guidelines, which discourages redundant analyses, as follows:

"Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including the general plans, zoning changes, and development projects. This approach can eliminate repetitive discussion of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of environmental review. Tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration."

Further, Section 15152(d) of the CEQA Guidelines states:

"Where an EIR has been prepared and certified for a program, plan, policy, or ordinance consistent with the requirements of this section, any lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR or negative declaration on the later project to effects which:

- (1) Were not examined as significant effects on the environment in the prior EIR; or
- (2) Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means."

## 2. Incorporation By Reference

Incorporation by reference is a procedure for reducing the size of EIRs/MND and is most appropriate for including long, descriptive, or technical materials that provide general background information, but do not contribute directly to the specific analysis of the project itself. This procedure is particularly useful when an EIR or Negative Declaration relies on a broadly-drafted EIR for its evaluation of cumulative impacts of related projects (*Las Virgenes Homeowners Federation v. County of Los Angeles* [1986, 177 Ca.3d 300]). If an EIR or Negative Declaration relies on information from a supporting study that is available to the public, the EIR or Negative Declaration cannot be deemed unsupported by evidence or analysis (*San Francisco Ecology Center v. City and County of San Francisco* [1975, 48 Ca.3d 584, 595]).

When an EIR or Negative Declaration incorporates a document by reference, the incorporation must comply with Section 15150 of the CEQA Guidelines as follows:

- The incorporated document must be available to the public or be a matter of public record (CEQA Guidelines Section 15150[a]). The General Plan EIR is available, along with this document, at the County of Imperial Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 Ph. (442) 265-1735.
- This document must be available for inspection by the public at an office of the lead agency (CEQA Guidelines Section 15150[b]). These documents are available at the County of Imperial Planning & Development Services Department, 801 Main Street, El Centro, CA 92243, Ph. (442) 265-1735.
- These documents must summarize the portion of the document being incorporated by reference or briefly describe information that cannot be summarized. Furthermore, these documents must describe the relationship between the incorporated information and the analysis in the tiered documents (CEQA Guidelines Section 15150[c]). As discussed above, the tiered EIRs address the entire project site and provide background and inventory information and data which apply to the project site. Incorporated information and/or data will be cited in the appropriate sections.
- These documents must include the State identification number of the incorporated documents (CEQA Guidelines Section 15150[d]). The State Clearinghouse Number for the 'County of Imperial General Plan EIR is SCH #93011023.
- The material to be incorporated in this document will include general background information (CEQA Guidelines Section 15150[f]).

## ***SECTION II ENVIRONMENTAL CHECKLIST***

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1. **Project Title:** Big Rock Cluster Solar Farms Project
2. **Lead Agency:** Imperial County Planning & Development Services Department
3. **Contact person and phone number:** David Black, Planner IV, 442-265-1746
4. **Address:** 801 Main Street, El Centro CA, 92243
5. **E-mail:** DavidBlack@co.imperial.ca.us
6. **Project location:** The proposed Big Rock Cluster Solar Farms Project (Big Rock 1 Solar Farm, Laurel 1 Solar Farm, Laurel 2 Solar Farm, and Laurel 3 Solar Farm, and collectively, the "projects") is located approximately 8 miles southwest of the City of El Centro and 3 miles south of Seeley, a census-designated place, in the unincorporated area of Imperial County (Figure 1). The project sites are located on private land, currently utilized for agricultural operations, and immediately adjacent to the Campo Verde Solar Project. The projects are generally located south of I-8, west of Drew Road and north and east of the Westside Main Canal.
7. **Project sponsor's name and address:** 92JT 8me LLC (Big Rock Applicant) and 90FI 8me LLC (Laurel Applicant), 5455 Wilshire Boulevard, Suite 2010, Los Angeles, CA 90036
8. **General Plan designation:** Agriculture
9. **Zoning:** A-2R (General Agriculture Rural) and A-3 (Heavy Agriculture)
10. **Description of project:** The Big Rock Cluster Solar Farms Project involves the construction of four utility-scale photovoltaic (PV) solar facilities on approximately 1,396 acres. The four projects would generate up to 325 megawatts. Power generated by the projects will be delivered from the project sites via up to 230 kilovolt overhead and/or underground electrical transmission line(s) originating from an on-site substation(s)/switchyard(s) and terminating at the proposed Imperial Irrigation District Fern Substation, which will be constructed immediately west of Big Rock 1 Solar Farm. Alternatively, power may be delivered to the San Diego Gas & Electric Imperial Valley Substation, Drew Switchyard, or Imperial Solar Energy Center West Substation. Project approvals include conditional use permits for each project and a General Plan amendment and zone change for the entire project area. Approval of the General Plan amendment and zone change would add the project area to Imperial County's Renewable Energy Overlay only; no land use amendment is requested, and the underlying "Agriculture" designation would remain.

Each project would include a ground mounted PV solar power generating system, supporting structures, inverter modules, pad mounted transformers, energy storage system, access roads and fencing, an operations and maintenance building, and an on-site substation. The projects may share operations and maintenance buildings, energy storage system, substation, and/or transmission facilities as necessary with one another and/or with nearby solar projects, and/or may be remotely operated. Any unused operations and maintenance, substation, and/or transmission facility areas on site could be covered by solar panels under such scenarios.

11. **Surrounding land uses and setting:** Briefly describe the project's surroundings:

The project sites are located immediately adjacent to the Campo Verde Solar Project. The projects are generally located south of I-8, west of Drew Road and north and east of the Westside Main Canal. The existing Imperial Valley Substation is located approximately 1 mile south of the project site.

12. **Other public agencies whose approval is required** (e.g., permits, financing approval, or participation agreement.):

- Imperial Irrigation District – Encroachment Permit
- Imperial County Public Works Department – Encroachment Permit
- California Regional Water Quality Control Board – Notice of Intent for General Construction Permit

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Aesthetics                    | <input checked="" type="checkbox"/> Agriculture and Forestry Resources | <input checked="" type="checkbox"/> Air Quality               |
| <input checked="" type="checkbox"/> Biological Resources          | <input checked="" type="checkbox"/> Cultural Resources                 | <input checked="" type="checkbox"/> Paleontological Resources |
| <input type="checkbox"/> Tribal Cultural Resources                | <input checked="" type="checkbox"/> Geology /Soils                     | <input checked="" type="checkbox"/> Greenhouse Gas Emissions  |
| <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology / Water Quality          | <input checked="" type="checkbox"/> Land Use / Planning       |
| <input type="checkbox"/> Mineral Resources                        | <input type="checkbox"/> Noise   | <input type="checkbox"/> Population / Housing                 |
| <input checked="" type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation                                    | <input checked="" type="checkbox"/> Transportation/Traffic    |
| <input checked="" type="checkbox"/> Utilities / Service Systems   | <input checked="" type="checkbox"/> Mandatory Findings of Significance |   |

## ENVIRONMENTAL EVALUATION COMMITTEE (EEC) DETERMINATION

After Review of the Initial Study, the Environmental Evaluation Committee has:

- Found that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- Found that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- Found that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- Found that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- Found that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE DE MINIMIS IMPACT FINDING:  Yes  No

EEC VOTES	YES	NO	ABSENT
PUBLIC WORKS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENVIRONMENTAL HEALTH	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OFFICE EMERGENCY SERVICES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
APCD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
AG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SHERIFF DEPARTMENT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICPDS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\_\_\_\_\_  
 Michael Abraham, Assistant Director of Development  
 Services/EEC Chairman

\_\_\_\_\_  
 Date:

## **PROJECT SUMMARY**

### **A. Project Location:**

The proposed Big Rock Cluster Solar Farms Project (Big Rock 1 Solar Farm, Laurel 1 Solar Farm, Laurel 2 Solar Farm, and Laurel 3 Solar Farm, and collectively, the "Projects") is located approximately 8 miles southwest of the City of El Centro and 3 miles south of Seeley, a census-designated place, in the unincorporated area of Imperial County (Figure 1). The project sites are located on private land, currently utilized for agricultural operations, and immediately adjacent to the Campo Verde Solar Project. The projects are generally located south of I-8, west of Drew Road and Vogel Road, north of Mandrapa Road, and east of Hyde Road (Figure 2).

### **B. Project Summary:**

The Big Rock Cluster Solar Farms Project involves the construction of four utility-scale PV solar facilities on approximately 1,396 acres. The four projects would generate up to 325 megawatts. Power generated by the projects will be delivered from the project sites via up to 230 kilovolt (kV) overhead and/or underground electrical transmission line(s) originating from an on-site substation(s)/switchyard(s) and terminating at the proposed Imperial Irrigation District (IID) Fern Substation, which will be constructed immediately west of Big Rock 1 Solar Farm. Alternatively, power may be delivered to the San Diego Gas & Electric Imperial Valley Substation, Drew Switchyard, or Imperial Solar Energy Center West Substation. Project approvals include conditional use permits for each project and a General Plan amendment and zone change for the entire project area. Approval of the General Plan amendment and zone change would add the project area to Imperial County's Renewable Energy Overlay only; no land use amendment is requested, and the underlying "Agriculture" designation would remain.

Each project would include a ground mounted PV solar power generating system, supporting structures, inverter modules, pad mounted transformers, energy storage system, access roads and fencing, an operations and maintenance building, and an on-site substation. The projects may share operations and maintenance buildings, energy storage system, substation, and/or transmission facilities as necessary with one another and/or with nearby solar projects, and/or may be remotely operated. Any unused operations and maintenance, substation, and/or transmission facility areas on site could be covered by solar panels under such scenarios.

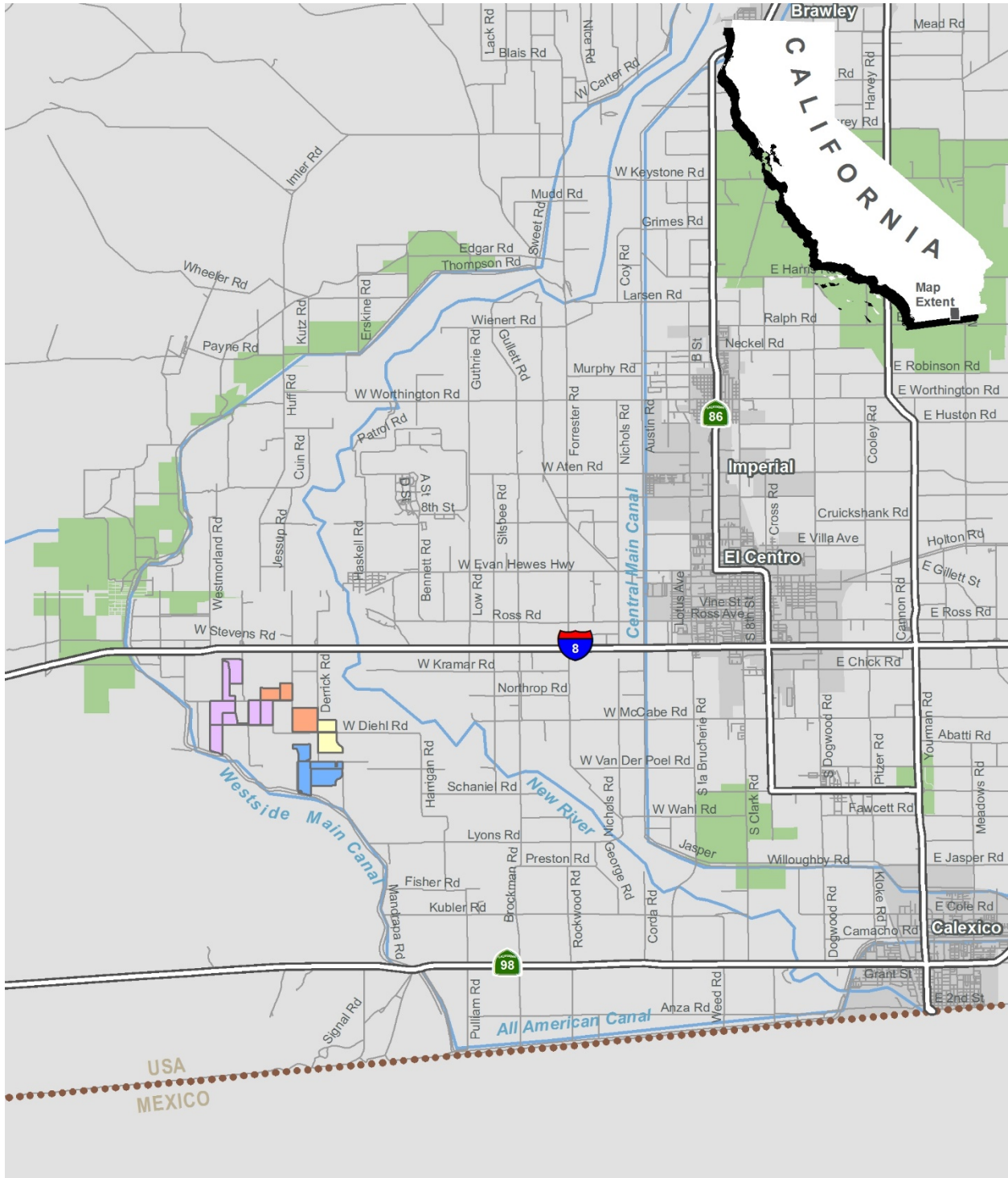
### **C. Environmental Setting:**

The project sites are located immediately adjacent to the Campo Verde Solar Project. The projects are generally located south of I-8, west of Drew Road and north and east of the Westside Main Canal. The existing Imperial Valley Substation is located approximately 1 mile south of the project site.

### **D. General Plan Consistency:**

The projects are located within the unincorporated area of Imperial County. The existing General Plan land use designation is "Agriculture." The project sites are currently zoned A-2R and A-3. Construction of a solar facility would be allowed within the existing zoning under a conditional use permit.

**Figure 1. Regional Location**

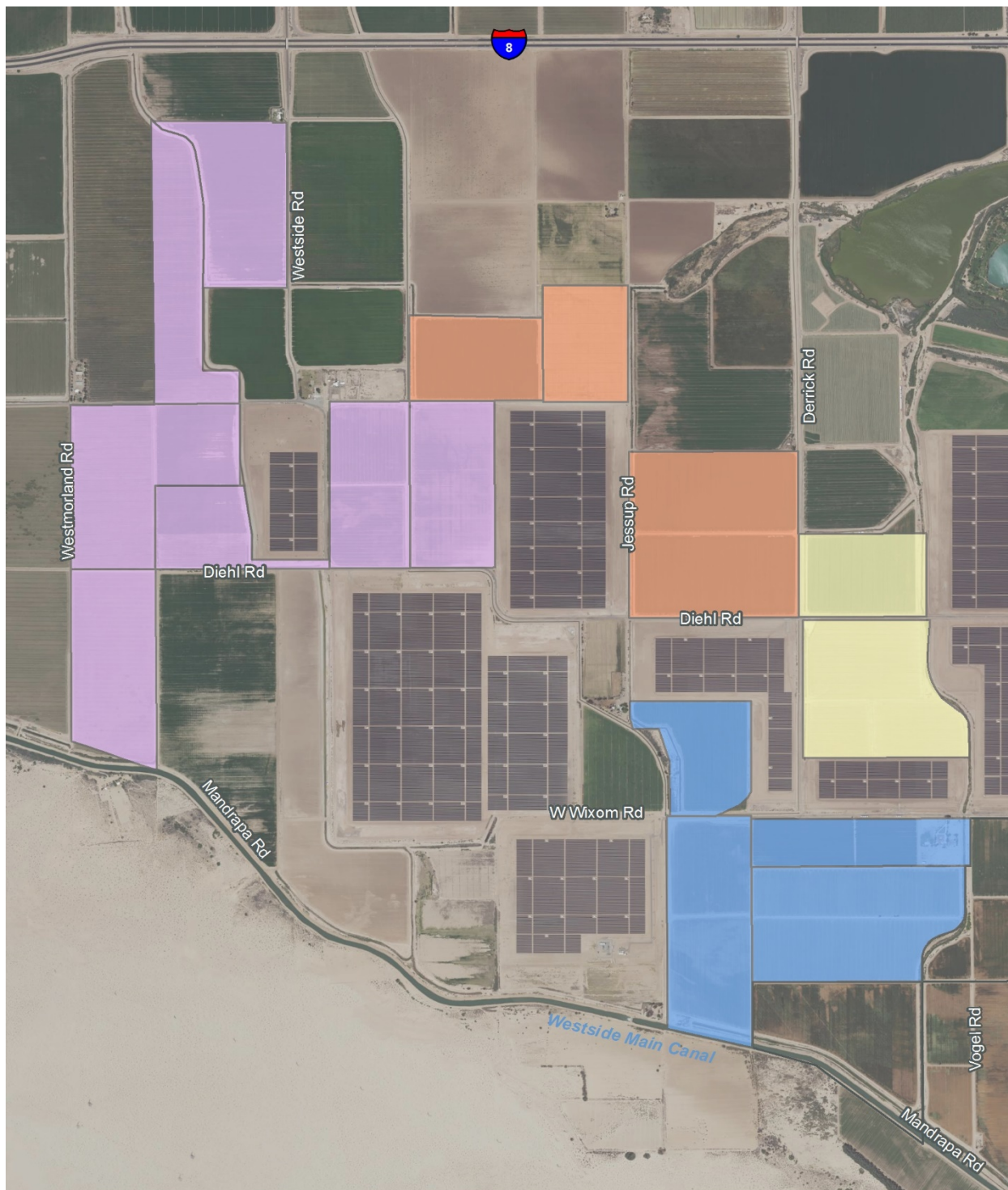


**LEGEND**

- Big Rock 1 Solar Farm
- Laurel 1 Solar Farm
- Laurel 2 Solar Farm
- Laurel 3 Solar Farm
- Renewable Energy Overlay Zone

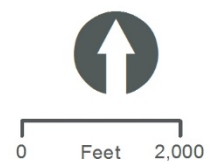


Figure 2. Project Site



**LEGEND**

-  Big Rock 1 Solar Farm
-  Laurel 1 Solar Farm
-  Laurel 2 Solar Farm
-  Laurel 3 Solar Farm





## **EVALUATION OF ENVIRONMENTAL IMPACTS**

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors, as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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**I. AESTHETICS**

Would the project:

- |  |                                     |                          |                          |                                     |
|--|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista or scenic highway?  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially damage scenic resources, including, but limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?                                | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |

**a, b) The proposed projects involve the construction of separate PV solar facilities, composed of four project sites, which would include a ground mounted PV solar power generating system, supporting structures, electronic/electrical equipment, on-site substation, inverter stations, battery storage system, and fencing. The projects also include an underground and/or above ground 230 kV generator intertie line. The proposed projects are not located near any scenic vista or officially designated scenic highway, nor would they damage or degrade any designate scenic resources. Therefore, no impact is identified for this issue area.**

**c) Although the projects are not located near a scenic highway or designated scenic vista, the projects may result in a change to the look and rural character of the area. A potentially significant impact is identified, and this issue will be addressed in the EIR.**

**d) Minimal lighting is required for project operation and is limited to safety and security functions. All lighting will be directed away from any public right-of-way. The solar panels will be constructed of low reflective materials; therefore, it is not anticipated that they would result in creating a glare. The projects are located in a rural undeveloped area of Imperial County. There are no established residential neighborhoods immediately adjacent to the project sites. Although the proposed projects are not expected to create a new source of substantial light or glare affecting day or nighttime views, this issue will be analyzed further in the EIR. Therefore, a potentially significant impact is identified for this issue area.**

**II. AGRICULTURE AND FOREST RESOURCES**

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:

- |  |                                     |                          |                          |                                     |
|--|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use?   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |

**a, e) According to the farmland maps prepared by the California Department of Conservation (2016), the project sites contain Prime Farmland and Farmland of Statewide Importance. Therefore, implementation of the proposed projects would result in a potentially significant impact associated with the conversion of Prime Farmland and Farmland of Statewide Importance to non-agricultural use. A Land Evaluation Site Assessment will be prepared for the projects, and this issue will be addressed in the EIR.**

**b) There is no Williamson Act contract lands located on or adjacent to the project sites. The project sites are currently zoned A-2R and A-3 and designated by the General Plan as "Agriculture." Solar energy facilities are allowed within these zones subject to a conditional use permit; however, project approvals include a General Plan Amendment and zone change for the entire project area. Approval of the General Plan amendment and zone change would add the project area to Imperial County's Renewable Energy Overlay only; no land use amendment is requested, and the underlying "Agriculture" designation would remain. Because the project sites are located on land designated for agricultural uses, this issue will be analyzed in further detail. As mentioned above, a Land Evaluation Site Assessment will be prepared for the projects, and this issue will be addressed in the EIR.**

**c) There are no existing forest lands, timberlands, or timberland zoned "Timberland Production" either on site or in the immediate vicinity that would conflict with existing zoning or cause rezoning. Therefore, no impact is identified for this issue area.**

**d) There are no existing forest lands either on site or in the immediate vicinity of the project sites. The proposed projects would not result in the loss of forest land or conversion of forest land to non-forest use. Therefore, no impact is identified for this issue area.**

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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**III. AIR QUALITY**

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to the following determinations.

Would the Project:

- |   |                                     |                          |                          |                                     |
|---|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan?   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| d) Expose sensitive receptors to substantial pollutants concentrations?   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| e) Create objectionable odors affecting a substantial number of people?   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a) **The project sites are located within the jurisdiction of Imperial County Air Pollution Control District in the Salton Sea Air Basin. Construction of the projects would create temporary emissions of dust, fumes, equipment exhaust, and other air contaminants that may conflict with the Imperial County Air Pollution Control District's rules and regulations. No station source emissions are proposed from the projects; however, temporary construction emissions have the potential to result in a significant air quality impact.**
- b) **Currently, the Salton Sea Air Basin is either in attainment or unclassified for all federal and state air pollutant standards, with the exception of O<sub>3</sub> (8-hour) and PM<sub>10</sub> (total suspended particulate matter less than 10 microns in diameter). Air pollutants transported into the Salton Sea Air Basin from the adjacent South Coast Air Basin (Los Angeles County, San Bernardino County, Orange County, and Riverside County) and Mexicali (Mexico) substantially contribute to the non-attainment conditions in the Salton Sea Air Basin. A potentially significant impact is identified for this issue area. An air quality impact study that will address the proposed projects' potential air quality impacts will be prepared and included in the EIR analysis.**
- c) **The construction of the projects may result in a cumulatively considerable net increase of one or more criteria pollutants as a result of point and non-point source emissions, for which the project region is in non-attainment under applicable federal and state ambient air quality standards. Thus, a potentially significant impact is identified for this issue area. An air quality impact study that will address the proposed projects' potential air quality impacts will be prepared and included in the EIR analysis.**
- d) **The projects are located in a rural agricultural area of Imperial County. There are rural residences located adjacent to the boundary of the project sites. There are no schools, hospitals, or senior homes within or adjacent to the project sites. Although the projects would not expose a significant number of sensitive receptors to substantial pollutant concentrations, this issue will be addressed in the air quality impact study and EIR analysis.**
- e) **The proposed projects are the construction and operation of a solar energy facility. It is not anticipated to generate objectionable odors as currently developed solar facilities in the area do not create odors. No impact is identified for this issue area.**

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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**IV. BIOLOGICAL RESOURCES**

Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

**a, b, d, e) The project sites are located on undeveloped agricultural land and, although previously-disturbed, has the potential to support native habitats and/or sensitive species. The project sites have the potential to be used as burrowing owl foraging habitat. Burrowing owls and burrows are commonly found along canals and drains. Although there are no IID canals or drainage structures located within the project sites, IID right-of-way, access roads, canal, and other drainages are located immediately adjacent to the project sites. Thus, a potentially significant impact is identified for this issue area. A biological resources technical study that will address the proposed projects' potential impacts on biological resources will be prepared and included in the EIR analysis.**

**c) The projects are in an agricultural vegetative community. No IID canal or drain structures will be removed or relocated, no washes are found within the project sites, and impacts to the adjacent Westside Main Canal are not proposed. Therefore, U.S. Army Corps of Engineers, California Department of Fish and Wildlife, or Regional Water Quality Control Board resources are not anticipated to be affected.**

**f) The project sites are not located in a Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. No impact is identified for this issue area.**

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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**V. CULTURAL RESOURCES**

Would the project:

- |   |                                     |                          |                          |                          |
|---|-------------------------------------|--------------------------|--------------------------|--------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Disturb any human remains, including those interred outside of formal cemeteries?                          | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

- a, b) All the parcels comprising the project sites have been disturbed by past farming and/or other activities. Thus, the presences of significant or undamaged cultural resources on the sites are unlikely. Although the proposed projects are not expected to cause a substantial adverse change in the significance of a historical resource or archaeological resource, this issue will be analyzed further in the EIR. Therefore, a potentially significant impact is identified for this issue area. A cultural resources report that will address the proposed projects' potential impacts on historic and prehistoric resources will be prepared and included in the EIR analysis.**
- c) Although unlikely, there is a potential for unknown human remains to be unearthed during earthwork activities. This issue is potentially significant and will be discussed in the EIR.**

<i>Potentially Significant Impact (PSI)</i>	<i>Potentially Significant Unless Mitigation Incorporated (PSUMI)</i>	<i>Less Than Significant Impact (LTSI)</i>	<i>No Impact (NI)</i>
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**VI. PALEONTOLOGICAL RESOURCES**

Would the project:

- a) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
 

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
-------------------------------------	--------------------------	--------------------------	--------------------------
- a) **Many paleontological fossil sites are recorded in Imperial County and have been discovered during construction activities. Paleontological resources are typically impacted when earthwork activities, such as mass excavation cut into geological deposits (formations) with buried fossils. It is not known if any paleontological resources are located on the project sites. The project's potential to impact paleontological resources will be addressed in the EIR.**

<i>Potentially Significant Impact (PSI)</i>	<i>Potentially Significant Unless Mitigation Incorporated (PSUMI)</i>	<i>Less Than Significant Impact (LTSI)</i>	<i>No Impact (NI)</i>
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**VII. TRIBAL CULTURAL RESOURCES**

Would the project:

- a) Cause a substantial adverse change in the significance of a tribal cultural resources as defined in §21074?

**a) Assembly Bill 52 was passed in 2014 and took effect July 1, 2015. It established a new category of environmental resources that must be considered under CEQA called tribal cultural resources (Public Resources Code 21074) and established a process for consulting with Native American tribes and groups regarding those resources. Assembly Bill 52 requires a lead agency to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed projects. Imperial County has consulted with appropriate tribes with the potential for interest in the region. Based on this consultation, the project site is not located in an area identified as having the potential for a tribal cultural resource.**



	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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**VIII. GEOLOGY AND SOILS**

Would the project:

- |  |                                     |                          |                                     |                                     |
|--|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Expose people or structures to potential substantial adverse effects, including risk of loss, injury, or death involving:   |                                     |                          |                                     |                                     |
| 1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42? | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 2) Strong Seismic ground shaking?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| 3) Seismic-related ground failure, including liquefaction and seiche/tsunami?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| 4) Landslides  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil?  | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| d) Be located on expansive soil, as defined in the latest Uniform Building Code, creating substantial risk to life or property?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |

**a1) The projects are not located within a State of California, Alquist-Priolo Earthquake Fault Zone. Therefore, no impact is identified for this issue area.**

**a2) The project sites are located in the seismically-active Imperial Valley in Southern California and considered likely to be subjected to moderate to strong ground motion from earthquakes in the region. The project sites could be affected by the occurrence of seismic activity to some degree but no more than the surrounding properties. A potentially significant impact has been identified for this issue, and it will be evaluated in the EIR.**

**a3) Liquefaction occurs when granular soil below the water table is subjected to vibratory motions, such as produced by earthquakes. With strong ground shaking, an increase in pore water pressure develops as the soil tends to reduce in volume. If the increase in pore water pressure is sufficient to reduce the vertical effective stress (suspending the soil particles in water), the soil strength decreases, and the soil behaves as a liquid (similar to quicksand). Liquefaction can produce excessive settlement, ground rupture, lateral spreading, or failure of shallow bearing foundations.**

**Four conditions are generally required for liquefaction to occur:**

- (1) The soil must be saturated (relatively shallow groundwater).**
- (2) The soil must be loosely packed (low to medium relative density).**
- (3) The soil must be relatively cohesionless (not clayey).**
- (4) Groundshaking of sufficient intensity must occur to function as a trigger mechanism.**

<i>Potentially Significant Impact (PSI)</i>	<i>Potentially Significant Unless Mitigation Incorporated (PSUMI)</i>	<i>Less Than Significant Impact (LTSI)</i>	<i>No Impact (NI)</i>
---	---	--	-----------------------

All these conditions may exist to some degree at the sites. Thus, the impact is identified as potentially significant. This issue will be evaluated in the EIR.

The sites do not lie near any large bodies of water, so the threat of tsunami, seiches, or other seismically-induced flooding is considered unlikely. No impact is identified for these issue areas.

- a4) The hazard of landslides is unlikely due to the relatively planar topography of the project sites. Therefore, no impact is identified for this issue area.
- b) Soil erosion can result during construction as grading and construction can loosen surface soils and make soils susceptible to wind and water movement across the surface. Impacts are not considered significant because erosion would be controlled on-site in accordance with Imperial County standards including preparation, review, and approval of a grading plan by the Imperial County Engineer. Implementation of Imperial County standards would reduce the potential impacts to below a level of significance.
- c) Near surface soils within the project sites will need to be identified to determine if the soils are unstable. This is a potentially significant impact. This issue will be analyzed in the EIR.
- d) Near surface soils within the project sites will need to be identified to determine if they consist of soils having expansion potential. This is a potentially significant impact. This issue will be analyzed in the EIR.
- e) Near surface soils within the project sites will need to be identified to determine if the soils have a moderate infiltration rate. Therefore, a potentially significant impact has been identified for this issue area, and this issue will be addressed in the EIR.

	<i>Potentially Significant Impact (PSI)</i>	<i>Potentially Significant Unless Mitigation Incorporated (PSUMI)</i>	<i>Less Than Significant Impact (LTSI)</i>	<i>No Impact (NI)</i>
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**IX. GREENHOUSE GAS EMISSIONS**

Would the project:

- |  |                                     |                          |                          |                          |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?        | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with an applicable plan or policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**a, b) The projects have the potential to generate greenhouse gas emissions during construction, in addition to construction worker trips to and from the project site. A potentially significant impact is identified and will be evaluated in the EIR. In the long-term, the projects are expected to provide a benefit with respect to reduction of greenhouse gas emissions. A greenhouse gas emissions/climate change technical report will be prepared for the proposed projects, and this issue will be addressed in the EIR.**

**X. HAZARDS AND HAZARDOUS MATERIALS**

Would the project:

- |  |                                     |                          |                          |                                     |
|--|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?                                  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |

**a, b) The projects are expected to include one or more operations and maintenance buildings of approximately 40 feet by 80 feet in size, with associated on-site parking. Operations of the projects may result in the potential to handle hazardous materials. The hazardous materials handled on site would be limited to small amounts of everyday use cleaners and common chemicals used for maintenance. Handling of these materials could result in the potential release of these materials during accidental or unforeseen conditions. The applicant will be required to comply with state laws and county ordinance restrictions, which regulate and control hazardous materials handled on site. Such hazardous wastes would be transported off site for disposal according to applicable state and county restrictions and laws governing the disposal of hazardous waste during construction and operation of the projects. Disposal of hazardous wastes on the project sites is not proposed. However, these issues will be addressed in the EIR.**

**c) The projects are not located within 0.25 mile of an existing or proposed school. No impact is identified for this issue area.**

**d) The project sites are not listed as a hazardous materials site pursuant to Government Code, Section 65962.5. No impact is identified for this issue area.**

<i>Potentially Significant Impact (PSI)</i>	<i>Potentially Significant Unless Mitigation Incorporated (PSUMI)</i>	<i>Less Than Significant Impact (LTSI)</i>	<i>No Impact (NI)</i>
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- e, f) **The project sites are not located within 2 miles of a public airport or a private airstrip. Thus, no impact is identified for these issue areas.**
- g) **The projects are not expected to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The applicant will be required to prepare a street improvement plan for the project sites that will include provisions for emergency access points and vehicular travel. In addition, local building codes will be followed to minimize flood, seismic, and fire hazards. Therefore, no impact is identified for this issue area.**
- h) **According to the Imperial County Natural Hazard Disclosure (Fire) Map prepared by the California Department of Forestry and Fire Protection in 2000, the project sites may be located in a Moderate Severity Fire Hazard area for wildland fire. Also, the construction and operation activities may result in an increased need for fire-fighting personnel and facilities in the area. This impact will be evaluated in the EIR under public services for fire.**

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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**XI. HYDROLOGY AND WATER QUALITY**

Would the project:

- |   |                                     |                          |                                     |                                     |
|---|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements?   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?  | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Substantially alter the existing drainage patterns of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?  | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?  | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) Otherwise substantially degrade water quality?   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| g) Place housing within a 100-year flood hazard area as mapped on a Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect the flood flows?   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss injury or death involving flooding, including flooding as a result of the failure of a levee or dam?   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow?   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**a, f) The projects have the potential to create urban non-point source discharge (e.g., synthetic/organic chemicals). No waste discharge requirements have been issued for the proposed sites. Potentially significant water quality impacts have been identified and will be addressed in the EIR.**

**b) During construction, potable water would be brought to the sites for drinking and domestic needs, while construction water would be brought to the sites for soil conditioning and dust suppression. If municipal water is available for use, water for operational use may also be trucked to the sites. Because the solar panels will be pole-mounted above ground, they are not considered "hardscape," such as roads, building foundations, or parking areas, as they**

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do not require a substantial amount of impervious material. The panels and their mounting foundation would not impede groundwater recharge. Impacts would be less than significant.

- c, d, e) The proposed projects are not anticipated to generate a significant increase in the amount of runoff water from water use involving solar panel washing. Water will continue to percolate through the ground, as a majority of the surfaces on the project site will remain pervious. The proposed project would not substantially alter the existing drainage pattern of the sites, substantially increase the rate of runoff, or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems. No IID drains or canals will be removed or relocated, and no washes were found within the project sites. A less than significant impact is identified for these issue areas.
- g, h) According to the Federal Emergency Management Agency Flood Insurance Rate Map (Panel 06025C2050C and 06025C1700C), the project sites are located in Zone X, which is an area determined to be outside of the 0.2 percent annual chance of a flood. The projects do not propose the placement of housing or structures within a 100-year flood hazard area. Therefore, no impact is identified for these issue areas.
- i) No dams or levees are in the vicinity of the project sites. Therefore, no impact is identified for this issue area.
- j) The project sites are not located near any large bodies of water. Furthermore, the project sites are over 100 miles inland from the Pacific Ocean. In addition, the project sites are relatively flat. Therefore, there is no potential for the project sites to be inundated by seiches, tsunamis, or mudflows. Thus, no impact is identified for these issues.

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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**XII. LAND USE AND PLANNING**

Would the project:

- |   |                                     |                          |                          |                                     |
|---|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Physically divide an established community?  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (include, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan?   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a) **The projects are located in a rural agricultural area of Imperial County. Although there are rural residences located within or adjacent to the boundary of the project site, the project sites are surrounded by undeveloped agricultural lands, as well as existing and/or proposed solar generating facilities similar to the proposed project. Therefore, no impact is anticipated.**

b) **The project sites are currently designated by the General Plan as "Agriculture." The project sites are currently zoned A-2R (General Agricultural Rural Zone) and A-3 (Heavy Agriculture). Construction of a solar facility would be allowed within the existing zoning under a conditional use permit.**

**The County Land Use Ordinance, Division 17, includes the Renewable Energy Overlay Zone, which authorizes the development and operation of renewable energy projects, with an approved conditional use permit. Conditional use permit applications proposed for specific renewable energy projects not located in the Renewable Energy Overlay Zone would not be allowed without an amendment to the Renewable Energy Overlay Zone. The project sites are located outside of the Renewable Energy Overlay Zone. Therefore, the Projects require a General Plan Amendment and Zone Change to include/classify the project sites into the Renewable Energy Overlay Zone. Because a General Plan amendment and zone change would be required for project implementation, the proposed project may result in a conflict with an applicable land plan, policy, or regulation. A potentially significant impact has been identified for this issue, and this issue will be addressed in the EIR.**

c) **The project sites are not located in a Habitat Conservation Plan or Natural Community Conservation Plan. No impact is identified for this issue area.**



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**XIII. MINERAL RESOURCES**

Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?                                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**a, b) The project sites are not used for mineral resource production. According to the Conservation and Open Space Element of the General Plan, no known mineral resources occur within the project sites nor do the project sites contain mapped mineral resources. As such, the proposed projects would not adversely affect the availability of any known mineral resources within the project sites. No impact is identified.**

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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**XIV. NOISE**

Would the project result in:

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) For a project located within an airport land use plan or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**a, c, d) The Imperial County Code of Ordinances, Chapter 2, Section 90702.00 - Sound level limits, establishes 1-hour average sound level limits for Imperial County's land use zones. Agricultural/industrial operations are required to comply with the noise levels prescribed under the general industrial zones. Therefore, the projects are required to maintain noise levels below 75 decibels (averaged over 1 hour) during any time of day. The projects would be expected to comply with the Noise Element of the General Plan, which states that construction noise, from a single piece of equipment or a combination of equipment, shall not exceed 75 decibels, when averaged over an 8-hour period and measured at the nearest sensitive receptor. Construction equipment operation is also limited to the hours of 7 a.m. to 7 p.m., Monday through Friday, and 9 a.m. to 5 p.m on Saturday. Nevertheless, the projects will result in the increase in ambient noise levels during construction. This issue will be addressed in the EIR.**

**b) Groundborne vibration and groundborne noise could originate from earth movement during the construction phase of the proposed projects. However, significant vibration is typically associated with activities such as blasting or the use of pile drivers, neither of which would be required during project construction. The projects would be expected to comply with all applicable requirements for long-term operation, as well as with measures to reduce excessive groundborne vibration and noise to ensure the project would not expose persons or structures to excessive groundborne vibration. No further analysis is warranted.**

**e, f) The project sites are not located within 2 miles of a public airport or a private airstrip. No further analysis is warranted.**

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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**XV. POPULATION AND HOUSING**

Would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**a,b,c) The project sites are currently used for agricultural production. Development of housing is not proposed as part of the projects. Up to 20 full-time employees will operate the projects, split evenly between the four project sites. Projects would also share operations and maintenance, substation, and/or transmission facilities with one another and/or nearby projects. In this context, the projects may also share personnel, reducing the amount of on-site staff. The full-time employees will maintain the facility 7 days per week during normal daylight hours. Up to three staff will work during the day shift (sunrise to sunset), and the remainder during the night shifts and weekends.**

**To ensure optimal PV output, the solar panels will be maintained 24 hours per day/7 days per week. The proposed projects would not result in substantial population growth, as the number of employees required to operate and maintain the facilities is minimal. Therefore, no impact is identified for population and housing.**

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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**XVI. PUBLIC SERVICES**

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1) Fire protection	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2) Police protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**a1) Fire protection and emergency medical services in the area are provided by the Imperial County Fire Department. The proposed projects would be required to comply with all existing regulations and requirements of the Imperial County Fire Department and would be reviewed for adherence to prevention measures for wildland fires. According to the Imperial County Natural Hazard Disclosure (Fire) Map prepared by the California Department of Forestry and Fire Protection in 2000, the project sites may be located within, and/or adjacent to an area identified as a Moderate Fire Hazard Area. Construction and operation activities may result in an increased need for fire-fighting personnel and facilities in the area. Therefore, the potential impact on fire services from construction and operation of the proposed projects will be further evaluated in the EIR.**

**a2) Police (law enforcement) protection services in the proposed projects' area are provided by the Imperial County Sheriff's Department. Although the potential is low, the proposed projects may attract vandals or other security risks. The increase in construction related traffic could increase demand on law enforcement services. On-site security would be provided and access would be limited to the areas surrounding the project sites during construction and operation, thereby minimizing the need for police surveillance. However, the projects' impacts on sheriff services will be further evaluated in the EIR.**

**a3) The proposed projects do not include the development of residential land uses that would result in an increase in population or student generation. Construction of the proposed projects would not result in an increase in student population within the Imperial County's School District because it is anticipated that construction workers would commute in during construction operations. The proposed projects would have no impact on Imperial County schools. No further analysis is warranted.**

**a4, 5) Parks/Libraries/Other Public Facilities: The proposed projects would require minimal full-time staff (for security, maintenance, etc.). Therefore, substantial permanent increases in population that would adversely affect local parks, libraries, and other public facilities (such as post offices) are not expected. The projects are not expected to have an impact on parks and other public facilities, such as post offices and libraries. Therefore, no further analysis of these issue areas is warranted.**

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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**XVII. RECREATION**

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Would the project increase the use of the existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**a, b) The proposed projects would employ a total combined staff of up to 20 employees, which would not significantly increase the use of accelerate the deterioration of regional parks or other recreational facilities. The temporary increase of population during construction that might be caused by an influx of workers would be minimal and not cause a detectable increase in the use of parks. Additionally, the project does not include or require the expansion of recreational facilities. No impact will occur and no further analysis is warranted.**

**XVIII. TRANSPORTATION / TRAFFIC**

Would the project:

- |   |                                     |                          |                          |                                     |
|---|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| b) Conflict with an applicable congestion management program, including but not limited to level of service standard and travel demand measures, or other standards established by the county congestion/management agency for designated roads or highways?  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access?   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with adopted policies, plans, programs, regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**a, b) The construction of the proposed projects would result in a small increase of traffic to the area, which may result in a potentially significant impact. A traffic impact study will be prepared, and this issue will be addressed in the EIR.**

**c, d) The proposed solar panels would not be at a height that would interfere with air traffic patterns. Project access roads will be implemented into the project design. The access roads would provide emergency unit vehicle access and allow access to the inverter modules. These access roads would not increase hazards due to design features or incompatible uses. No impact is identified.**

**e) The proposed street improvement plan for the project will be required to provide provisions for emergency access points and safe vehicular travel. Thus, no impact is identified for this issue area.**

**f) There are currently no pedestrian or bicycle right-of-way within the project sites that the projects would interfere with. There are currently no bus stops located within the projects' boundaries or surrounding area, and the proposed projects do not include changes to the existing county roadway network. The proposed projects would not conflict with any adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. Thus, no impact is identified for this issue area.**

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**XIX. UTILITIES AND SERVICE SYSTEMS**

Would the project:

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
- b) Require or result in the construction of new water or water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?
- e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- g) Comply with federal, state, and local statutes and regulations related to solid waste?

**a, e) The projects would generate a minimal volume of wastewater during construction. During construction activities, wastewater would be contained within portable toilet facilities and disposed of at an approved site. Operation of the proposed projects would require a total of up to 20 on-site full-time employees and could include several operations and maintenance buildings. Wastewater generation would be minimal. The projects' wastewater will be treated via on-site septic systems, designed to meet operation and maintenance guidelines required by Imperial County laws, ordinances, regulations, and standards. The proposed project would not exceed wastewater treatment requirements of the Regional Water Quality Control Board. A less than significant impact is identified for this issue area.**

**b, d) The projects are not anticipated to result in a significant increase in water demand/use; however, water will be needed for solar panel washing and fire protection (on-site storage) once the projects are fully operational. The projects would potentially draw water the landowner's water supply or delivered via truck from off-site source(s). A small water treatment system may be installed to provide deionized water for panel washing. This issue will be addressed in the EIR.**

**c) The projects do not include the construction of a storm drainage system or the alteration of the existing system. No impact is identified for this issue area. However, site drainage will be discussed in the hydrology and water quality section of the EIR.**

**f, g) During construction and operation of the projects, waste generation will be minor. Solid waste will be disposed of using a locally-licensed waste hauling service, most likely Allied Waste. There are over 40 solid waste facilities listed in Imperial County in the CalRecycle database. Trash would likely be hauled to the Calexico Solid Waste Site located in Calexico or the CR&R Material Recovery Transfer Station located in El Centro. The Calexico Solid Waste site has approximately 1.8 million cubic yards of remaining capacity and is estimated to remain in operation through 2077. The CR&R Material Recovery and Transfer station has a maximum**

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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permitted throughput of 99 tons/day. No closure date has been reported for this facility (<http://www.calrecycle.ca.gov/SWFacilities/Directory/13-AA-0109/Detail/>). Therefore, there is ample landfill capacity throughout Imperial County to receive the minor amount of solid waste generated by project construction and operation.

Additionally, because the proposed projects would generate solid waste during construction and operation, they will be required to comply with state and local requirements for waste reduction and recycling; including the 1989 California Integrated Waste Management Act and the 1991 California Solid Waste Reuse and Recycling Access Act of 1991. Also, conditions of the conditional use permit will contain provisions for recycling and diversion of Imperial County construction waste policies. A less than significant impact is identified for this issue.

*Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; Sundstrom v. County of Mendocino, (1988) 202 Cal.App.3d 296; Leonoff v. Monterey Board of Supervisors, (1990) 222 Cal.App.3d 1337; Eureka Citizens for Responsible Govt. v. City of Eureka (2007) 147 Cal.App.4th 357; Protect the Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal.App.4th at 1109; San Franciscans Upholding the Downtown Plan v. City and County of San Francisco (2002) 102 Cal.App.4th 656.*

Revised 2009- CEQA

Revised 2011- ICPDS



Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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### SECTION III MANDATORY FINDINGS OF SIGNIFICANCE

The following are Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

- |  |                                     |                          |                          |                          |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**a, b, c) The projects have the potential to result in significant environmental effects, which could directly or indirectly cause adverse effects on human beings and or the environment. Implementation of the proposed projects have the potential to result in impacts related to: aesthetics, agricultural resources, air quality, sensitive biological resources, cultural resources, paleontological resources, tribal cultural resources, geology/soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use, public services, transportation/circulation impacts, and water supply. These issues will be further evaluated in the EIR. In addition, the proposed projects have the potential to result in cumulative impacts with regards to the identified issue areas. Cumulative impacts will be discussed and further analyzed in the EIR.**

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# **Comment Letters Received on Notice of Preparation**

## NATIVE AMERICAN HERITAGE COMMISSION

Environmental and Cultural Department  
1550 Harbor Blvd., Suite 100  
West Sacramento, CA 95691  
Phone (916) 373-3710



January 5, 2018

David Black  
Imperial County  
801 Main Street  
El Centro, CA 92243

Sent via e-mail: davidblack@co.imperial.ca.us

RE: SCH# 2017121078; Big Rock Cluster Solar Project, Community of Seeley; Imperial County, California

Dear Mr. Black:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for Draft Environmental Impact Report for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd. (a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

**CEQA was amended significantly in 2014.** Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a **separate category of cultural resources**, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment (Pub. Resources Code § 21084.2). Please reference California Natural Resources Agency (2016) "Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form," <http://resources.ca.gov/ceqa/docs/ab52/Clean-final-AB-52-App-G-text-Submitted.pdf>. Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends **lead agencies consult with all California Native American tribes** that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
- The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
- Avoidance and preservation of the resources in place, including, but not limited to:
    - Planning and construction to avoid the resources and protect the cultural and natural context.
    - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - Protecting the cultural character and integrity of the resource.
    - Protecting the traditional use of the resource.
    - Protecting the confidentiality of the resource.
  - Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
  - Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
  - Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
  - The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)).

*This process should be documented in the Cultural Resources section of your environmental document.*

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires **local governments** to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)

Some of SB 18's provisions include:

1. **Tribal Consultation**: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation**. There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality**: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation**: Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

### NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have been already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

- b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
- 3. Contact the NAHC for:

  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
- 4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

Please contact me if you need any additional information at [gayle.totton@nahc.ca.gov](mailto:gayle.totton@nahc.ca.gov).

Sincerely,



Gayle Totton, M.A., PhD.  
Associate Governmental Program Analyst  
(916) 373-3714

cc: State Clearinghouse





## Department of Toxic Substances Control



**Matthew Rodriguez**  
Secretary for  
Environmental Protection

Barbara A. Lee, Director  
5796 Corporate Avenue  
Cypress, California 90630

**Edmund G. Brown Jr.**  
Governor

January 10, 2018

Mr. David Black, Planner IV  
Planning & Development Services Department  
Imperial County  
801 Main Street  
El Centro, California 92243  
[DavidBlack@co.imperial.ca.us](mailto:DavidBlack@co.imperial.ca.us)

### NOTICE OF PREPARATION (NOP) FOR AN ENVIRONMENTAL IMPACT REPORT (EIR) FOR BIG ROCK CLUSTER SOLAR FARMS PROJECT (SCH# 2017121078)

Dear Mr. Black:

The Department of Toxic Substances Control (DTSC) has reviewed the subject NOP. The following project description is stated in the NOP: "The Big Rock Cluster Solar Farms Project involves the construction of four utility-scale photovoltaic (PV) solar facilities on approximately 1,396 acres. The four projects would generate up to 325 megawatts. Power generated by the projects will be delivered from the project sites via up to 230 kilovolt overhead and/or underground electrical transmission line(s) originating from an on-site substation(s)/switchyard(s) and terminating at the proposed Imperial Irrigation District Fern Substation, which will be constructed immediately west of Big Rock 1 Solar Farm."

Based on the review of the submitted document, DTSC has the following comments:

1. The EIR should identify and determine whether current or historic uses at the project site may have resulted in any release of hazardous wastes/substances. A Phase I Environmental Site Assessment may be appropriate to identify any recognized environmental conditions.
2. If there are any recognized environmental conditions in the project area, then proper investigation, sampling and remedial actions overseen by the appropriate regulatory agencies should be conducted prior to the new development or any construction.

3. If the project plans include discharging wastewater to a storm drain, you may be required to obtain an NPDES permit from the overseeing Regional Water Quality Control Board (RWQCB).
4. If the proposed project involves the demolition of existing structures, lead-based paints or products, mercury, and asbestos containing materials (ACMs) should be addressed in accordance with all applicable and relevant laws and regulations.
5. The NOP states, "The project sites are located on private land, currently utilized for agricultural operations, and immediately adjacent to the Campo Verde Solar Project." If the site was used for agricultural or related activities, residual pesticides may be present in onsite soil. DTSC recommends investigation and mitigation, as necessary, to address potential impact to human health and environment from residual pesticides.
6. DTSC recommends evaluation, proper investigation and mitigation, if necessary, of onsite areas with current or historic PCB-containing transformers.
7. If the project development involves soil export/import, proper evaluation is required. If soil contamination is suspected or observed in the project area, then excavated soil should be sampled prior to export/disposal. If the soil is contaminated, it should be disposed of properly in accordance with all applicable and relevant laws and regulations. In addition, if imported soil was used as backfill onsite and/or backfill soil will be imported, DTSC recommends proper evaluation/sampling as necessary to ensure the backfill material is free of contamination.
8. If during construction/demolition of the project, soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the PEIR should identify how any required investigation and/or remediation will be conducted and the appropriate government agency to provide regulatory oversight.

Mr. David Black  
January 10, 2018  
Page 3

If you have any questions regarding this letter, please contact me at (714) 484-5380 or by email at [Johnson.Abraham@dtsc.ca.gov](mailto:Johnson.Abraham@dtsc.ca.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Johnson P. Abraham". The signature is fluid and cursive, with a long horizontal stroke at the end.

Johnson P. Abraham  
Project Manager  
Brownfields Restoration and School Evaluation Branch  
Site Mitigation and Restoration Program – Cypress

kl/sh/ja

cc: Governor's Office of Planning and Research (via e-mail)  
State Clearinghouse  
P.O. Box 3044  
Sacramento, California 95812-3044  
[State.clearinghouse@opr.ca.gov](mailto:State.clearinghouse@opr.ca.gov)

Mr. Dave Kereazis (via e-mail)  
Office of Planning & Environmental Analysis  
Department of Toxic Substances Control  
[Dave.Kereazis@dtsc.ca.gov](mailto:Dave.Kereazis@dtsc.ca.gov)

Mr. Shahir Haddad, Chief (via e-mail)  
Brownfields Restoration and School Evaluation Branch  
Site Mitigation and Restoration Program – Cypress  
[Shahir.Haddad@dtsc.ca.gov](mailto:Shahir.Haddad@dtsc.ca.gov)

CEQA# 2017121078

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 11

4050 TAYLOR STREET, MS-240

SAN DIEGO, CA 92110

PHONE (619) 688-3193

FAX (619) 688-4299

TTY 711

www.dot.ca.gov

*Making Conservation  
a California Way of Life.*

January 22, 2018

11-IMP-8  
PM 28.94  
Big Rock Cluster Solar Project  
NOP/EIR  
SCH# 2017121078Mr. David Black, Planner IV  
Imperial County Planning and Development Services  
801 Main Street  
El Centro, CA 92243

Dear Mr. Black:

The California Department of Transportation (Caltrans) has reviewed the Notice of Preparation (NOP) of the Draft Environmental Impact Report (DEIR) for the Big Rock Cluster Solar Project (SCH# 2017121078) near Interstate 8 (I-8). The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Caltrans has the following comments:

**Traffic Impact Study**

A traffic impact study (TIS) is necessary to determine this proposed project's near-term and long-term impacts to the State facilities – existing and proposed – and to propose appropriate mitigation measures.

The TIS should include an analysis of the multimodal travel demand expected from the proposed project. This analysis should also identify potentially significant adverse impacts from such demands and avoidance, minimization, and mitigation measures needed to address them.

The data used in the TIS should not be more than 2 years old.

**Mitigation**

Caltrans endeavors that any direct and cumulative impacts to the State Highway System be eliminated or reduced to a level of insignificance pursuant to the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA)

Mr. David Black  
January 22, 2018  
Page 2

standards. Mitigation measures to State facilities should be included in TIS. Mitigation identified in the traffic study, subsequent environmental documents, and mitigation monitoring reports, should be coordinated with Caltrans to identify and implement the appropriate mitigation.

### **Hauling**

Caltrans may, upon application and if good cause appears, issue a special permit to operate or move a vehicle or combination of vehicles or special mobile equipment of a size or weight of vehicle or load exceeding the maximum limitations specified in the California Vehicle Code. The Caltrans Transportation Permits Issuance Branch is responsible for the issuance of these special transportation permits for oversize/overweight vehicles on the State Highway System.

Please contact the Caltrans Transportation Permits Issuance Branch, Sacramento, CA (916) 322-1297. Additional information is provided online at:  
<http://www.dot.ca.gov/trafficops/permits/index.html>

If it is determined that traffic restrictions and detours are needed on or affecting State highways, a Transportation Management Plan (TMP) or construction Traffic Impact Study (TIS) may be required of the developer for approval by Caltrans prior to construction. TMPs must be prepared in accordance with Caltrans' *Manual on Uniform Traffic Control Devices*. Further information is available for download at the following web address:  
<http://www.dot.ca.gov/hq/traffops/signtech/mutcdsupp/pdf/camutcd2012/Part6.pdf>

### **Glint Glare Analysis**

Visual aspects of the project, including glint and glare, should be documented not to have any potential impacts to motorists driving on I-8. Please provide the analysis to Caltrans when it becomes available.

### **Utilities**

It is also understood by our agency that no new utility crossings on State Facilities will occur as a result of this project. However, if any work is performed within Caltrans right-of-way (R/W) an encroachment permit will be required.

### **Right-of-Way**

Any work performed within Caltrans R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans R/W prior to construction. As part of the encroachment permit process, the applicant must provide an

Mr. David Black  
January 22, 2018  
Page 3

approved final environmental document including the CEQA determination addressing any environmental impacts within the Caltrans's R/W, and any corresponding technical studies.

Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158. Early coordination with Caltrans is strongly advised for all encroachment permits.

If you have any questions, please contact Mark McCumsey at (619) 688-6802 or by email at [mark.mccumsey@dot.ca.gov](mailto:mark.mccumsey@dot.ca.gov)

Sincerely,

A handwritten signature in blue ink, appearing to read "Keri Robinson", with a long horizontal flourish extending to the right.

KERI ROBINSON, Acting Branch Chief  
Local Development and Intergovernmental Review Branch



January 26, 2018

**VIA EMAIL**

Mr. David Black, Planner IV  
Imperial County  
Planning & Development Services Department  
801 Main Street  
El Centro, CA 92243  
Email: [davidblack@co.imperial.ca.us](mailto:davidblack@co.imperial.ca.us)

Dear Mr. Black:

**NOP – NOTICE OF PREPARATION  
BIG ROCK CLUSTER SOLAR PROJECT  
SCH: 2017121078**

The Department of Conservation's Division of Oil, Gas, and Geothermal Resources (Division) has reviewed the above referenced project for impacts with Division jurisdictional authority. The Division supervises the drilling, maintenance, and plugging and abandonment of oil, gas, and geothermal wells in California. The Division offers the following comments for your consideration.

The project area is in Imperial County and is not within an administrative field boundary. Division records indicate that there is one plugged and abandoned geothermal well located within proximity of the project boundary as identified in the application. Division information can be found at: [www.conservation.ca.gov](http://www.conservation.ca.gov). Individual well records are also available on the Division's web site, or by emailing [DOGDIST1@conservation.ca.gov](mailto:DOGDIST1@conservation.ca.gov).

The scope and content of information that is germane to Division's responsibility are contained in Section 3000 et seq. of the Public Resources Code, and administrative regulations under Title 14, Division 2, Chapters 2, 3 and 4 of the California Code of Regulations.

If any wells, including any plugged, abandoned or unrecorded wells, are damaged or uncovered during excavation or grading, remedial plugging operations may be required. If such damage or discovery occurs, the Division's district office must be contacted to obtain information on the requirements and approval to perform remedial operations.

The possibility for future problems from geothermal wells that have been plugged and abandoned, or reabandoned, to the Division's current specifications are remote. However, the Division recommends that a diligent effort be made to avoid building over any plugged and abandoned well.

Mr. David Black, Planner IV  
SCH No. 2017121078  
January 26, 2018  
Page 2 of 2

Questions regarding the Division's Construction Site Well Review Program can be addressed to the local Division's office in Cypress by emailing [DOGDIST1@conservation.ca.gov](mailto:DOGDIST1@conservation.ca.gov) or by calling (714) 816-6847.

Sincerely,



Grace P. Brandt  
Associate Oil and Gas Engineer

cc: The State Clearinghouse in the Office of Planning and Research  
Tim Shular, DOC OGER  
Crina Chan, DOC OGER  
Jan Perez, DOGGR CEQA Unit  
Chris McCullough, Facilities and Environmental Supervisor  
Environmental CEQA File





State of California • Natural Resources Agency  
Department of Conservation  
**Division of Land Resource Protection**  
801 K Street • MS 14-15  
Sacramento, CA 95814  
(916) 324-0850 • FAX (916) 327-3430

**Edmund G. Brown Jr., Governor**  
**Kathryn M. Lyddan, Division Director**

January 29, 2018

**VIA EMAIL: [DAVIDBLACK@CO.IMPERIAL.CA.US](mailto:DAVIDBLACK@CO.IMPERIAL.CA.US)**

Mr. David Black, Planner IV  
Imperial County  
Planning and Development Services Department  
801 Main Street,  
El Centro CA, 92243

Dear Mr. Black:

**NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE  
BIG ROCK CLUSTER SOLAR FARMS PROJECT, SCH# 2017121078**

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Notice of Preparation submitted by Imperial County (County) for the Big Rock Cluster Solar Farms Project. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources.

Project Description

The proposed Big Rock Cluster Solar Farms Project (Big Rock 1 Solar Farm, Laurel 1 Solar Farm, Laurel 2 Solar Farm, and Laurel 3 Solar Farm, and collectively, the "projects") is located approximately 8 miles southwest of the City of El Centro and 3 miles south of Seeley, in the unincorporated area of Imperial County. The projects are generally located south of 1-8, west of Drew Road and north and east of the Westside Main Canal.

The proposed project involves the construction of four utility-scale photovoltaic (PV) solar facilities on approximately 1,396 acres. The four projects would generate up to 325 megawatts. Power generated by the projects will be delivered from the project sites via up to 230 kilovolts overhead and/or underground electrical transmission line(s) originating from an on-site substation(s)/switchyard(s) and terminating at the proposed Imperial Irrigation District Fern Substation, which will be constructed immediately west of Big Rock 1 Solar Farm. Alternatively, power may be delivered to the San Diego Gas & Electric Imperial Valley Substation, Drew Switchyard, or Imperial Solar Energy Center West Substation. Project approvals include conditional use permits for each project and a General Plan amendment and zone change for the entire project area.

Each project would include a ground mounted PV solar power generating system, supporting structures, inverter modules, pad mounted transformers, energy storage system, access roads and fencing, an operations and maintenance building, and an on-site substation. The projects may share operations and maintenance buildings, energy storage system, substation, and/or transmission facilities as necessary with one another and/or with nearby solar projects, and/or may be remotely operated.

The project site has a land use designation of Agriculture and is zoned Agriculture. The site is also designated as Prime, Statewide Farmland according to the most recent Important Farmland Map produced by the Department of Conservation's Farmland Mapping and Monitoring Program<sup>1</sup>.

### Department Comments

The conversion of agricultural land represents a permanent reduction and significant impact to the State's agricultural land resources. Under CEQA, a lead agency should not approve a project if there are feasible alternatives or feasible mitigation measures available that would lessen the significant effects of the project.<sup>2</sup> All mitigation measures that are potentially feasible should be included in the Draft Environmental Impact Report (DEIR). A measure brought to the attention of the lead agency should not be left out unless it is infeasible based on its elements.

The Department recommends mitigating the impact of the project with permanent agricultural conservation easements on land of at least equal quality and size as compensation for the loss of agricultural land. Conservation easements will protect remaining land resources and mitigate the project impacts in accordance with CEQA Guideline §15370. The Department highlights agricultural conservation easements because of their acceptance and use by lead agencies as an appropriate mitigation measure under CEQA. Agricultural conservation easements are an available mitigation tool and should always be considered. The use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered.

You may wish to contact the California Council of Land Trusts (CCLT), which can be found at: <http://www.calandtrusts.org>. CCLT has developed a guidebook intended as a resource for any local government that is developing mitigation programs for the conservation of farmland in California. It includes an overview of farmland mitigation policies and implementation strategies, model policies and a model local ordinance. The guidebook, *Conserving California's Harvest*, can be found at: <https://www.calandtrusts.org/resources/conserving-californias-harvest/>.

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<sup>1</sup> Department of Conservation, Farmland Mapping and Monitoring Program, California Important Farmland Finder, 2014, <https://maps.conservation.ca.gov/DLRP/CIFF/>

<sup>2</sup> California Environmental Quality Act Statute and Guidelines, Association of Environmental Professionals, 2017, Section 21002, page 2.

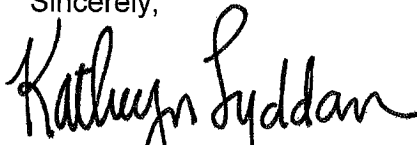
Conclusion

The Department recommends the following discussion under the Agricultural Resources section of the DEIR:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.
- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.
- Proposed mitigation measure for all impacted agricultural lands within the proposed project area.

Thank you for giving us the opportunity to comment on the Notice of Preparation of an Environmental Impact Report for the Big Rock Cluster Solar Farms Project. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Earl Grundy, Environmental Planner at (916) 324-7347 or via email at [Earl.Grundy@conservation.ca.gov](mailto:Earl.Grundy@conservation.ca.gov).

Sincerely,



Kathryn Lyddan  
Division Director



# IID

*A century of service.*

www.iid.com

*Since 1911*

January 29, 2018

Mr. David Black  
Planner IV  
Planning & Development Services Department  
County of Imperial  
801 Main Street  
El Centro, CA 92243

SUBJECT: Big Rock Solar Project IS and NOP of an EIR

Dear Mr. Black:

On January 11, 2018, the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, an Initial Study and a Notice of Preparation of an Environmental Impact Report for the Big Rock Solar Project. The applicants, 92JT8me, LLC and 90FI8me, LLC, propose to develop four (4) solar energy-generating project facilities: Big Rock 1 Solar Farm, Laurel 1 Solar Farm, Laurel 2 Solar Farm and Laurel 3 Solar Farm and generate up to 325 MW. The four sites, totaling approximately 1,396 acres, are located south of I-8, west of Drew Road, north and east of the Westside Main Canal and immediately adjacent to the Campo Verde Solar Project, southeast of El Centro, CA. The generation interconnection transmission line proposed will terminate at the proposed IID Fern Substation, the Drew Switching Station or the Imperial Solar Energy Center West Substation, to eventually be delivered to the SDG&E Imperial Valley Substation.

The IID has reviewed the project information and has the following comment:

1. For temporary construction electrical service and/or permanent electrical service to the solar facilities' on-site substation and energy storage system, the applicant should contact the IID Customer Project Development Office at (760) 482-3300 and speak with the area's project manager. In addition to submitting a formal application for electrical service (available at the IID website <http://www.iid.com/home/showdocument?id=12923>), the applicant will be required to submit electrical loads, plan & profile drawings (hard copy and CAD files), project schedule, estimated in-service date and project's Conditional Use Permit. All associated fees, rights of way and environmental documentation is the responsibility of the applicant.
2. Please note that a circuit study may be required prior to IID committing to serve the project.
3. The IID water facilities that may be impacted include the Fig Drain, Wormwood 7 Drain, Fern Canal, and Westside Main Canal.
4. Taking into account that the project may impact IID drains with site runoff flows and discharge from proposed storm water detention facilities, a comprehensive IID hydraulic drain system analysis will be required to determine impacts and mitigation if the project

discharges into IID's drain system. IID's hydraulic drainage system analysis includes an associated drain impact fee.

5. To ensure there are no impacts to IID water facilities, County of Imperial approved grading, drainage and fencing plans should be submitted to the IID Water Engineering Section prior to final project design as well as the projects' Storm Water Pollution Prevention Plan. IID Water Engineering can be contacted at (760) 339-9265 for further information.
6. To obtain water for the construction phase of the solar facilities, the applicant should be advised to contact IID South End Division at (760) 482-9800.
7. All new non-agricultural water supply requests are processed in accordance with the IID's Interim Water Supply Policy and Temporary Land Conversion Following Policy. Policy documents are posted at <http://www.iid.com/water/municipal-industrial-and-commercial-customers>. For additional information regarding these water supply policies, applicant should contact the IID Water Supply Planning section at (760) 339-9755.
8. IID's canal or drain banks may not be used to access the project sites. Any abandonment of easements or facilities shall be approved by IID based on systems (Irrigation, Drainage, Power, etc.) needs.
9. The project intends to transport generated power from the four sites via overhead/ underground transmission lines originating from the on-site substations/switchyards and terminating at either the proposed IID Fern Substation, the SDG&E Imperial Valley Substation, the Drew Switchyard, or the Imperial Solar Energy Center West Substation. IID rights of way are located immediately adjacent to the project sites.
10. Any construction or operation on IID property or within its existing and proposed right of way or easements 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; requires an encroachment permit, or encroachment agreement (depending on the circumstances). The permit application and its instructions are available at <http://www.iid.com/home/showdocument?id=271>. Additional information regarding encroachment permits or agreements can be provided by the IID Real Estate Section, which can be contacted at (760) 339-9239.
11. In addition to IID's recorded easements, IID claims, at a minimum, a prescriptive right of way to the toe of slope of all existing canals and drains. Where space is limited and depending upon the specifics of adjacent modifications, the IID may 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.
12. 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, 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.**

13. Electrical service is a public utility of utmost importance in the implementation and success of a project and not assessing a project's potential impact on this environmental factor could adversely affect the project as well as the capability of the Imperial Irrigation District to provide electrical service in an efficient and timely manner. Hence, the IID suggests that electrical service be included under the Environmental Factor titled "Utilities/Service Systems" of the checklist. It is important to note that per CEQA Statute and Guidelines the Environmental Checklist under Appendix G is a sample form and may be tailored to satisfy individual agencies' needs and project circumstances and substantial evidence of potential impacts that are not listed on this form must also be considered. The sample questions in the checklist are intended to encourage thoughtful assessment of impacts, and do not necessarily represent thresholds of significance, thus the inclusion of the items we suggest would lead to a more thorough evaluation of a project.

Should you have any questions, please do not hesitate to contact me at 760-482-3609 or at [dvargas@iid.com](mailto:dvargas@iid.com). Thank you for the opportunity to comment on this matter.

Respectfully,



Donald Vargas  
Compliance Administrator II

Kevin Kelley – General Manager  
Mike Pacheco – Manager, Water Dept.  
Vicken Kasarjian – Manager, Energy Dept.  
Charles Allegranza – Manager, Energy Dept., Operations  
Jamie Asbury – Deputy Manager, Energy Dept., Operations  
Vance Taylor – Asst. General Counsel  
Robert Laurie – Asst. General Counsel  
Carlos Vasquez - Planning and Engineering Manager, Energy Dept.  
Enrique De Leon – Asst. Mgr., Energy Dept., Distr., Planning, Eng. & Customer Service  
Michael P. Kemp – Superintendent, Real Estate & Environmental Compliance  
Harold Walk Jr. – Supervisor, Real Estate  
Randy Gray – ROW Agent, Real Estate  
Jessica Lovecchio – Environmental Project Mgr. Sr., Water Dept.

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11.223.01

February 5, 2018

**VIA EMAIL**

davidblack@co.imperial.ca.us

David Black  
Planner IV  
Imperial County Planning and Development Services  
801 Main Street  
El Centro, CA 92243

Re: Scoping Comments of Farms for Farming, Danny Robinson, Robco Farms, Inc.,  
Joe Tagg and West-Gro Farms, Inc. on the Big Rock Cluster Solar Project (SCH#  
2017121078)

Dear Mr. Black:

On behalf of Farms for Farming, Danny Robinson, Robco Farms, Inc., Joe Tagg and West-Gro Farms, Inc. (collectively, “Farms for Farming”), and pursuant to the California Environmental Quality Act (“CEQA”), Public Resources Code (“PRC”) section 21000 *et seq.*, and Imperial County’s (the “County’s”) Notice of Completion & Environmental Document Transmittal (“NOC”), we respectfully submit the following scoping comments identifying issues that must be analyzed in an environmental impact report (“EIR”) for the Big Rock 1 Solar, Laurel 1 Solar, Laurel 2 Solar and Laurel 3 Solar projects (collectively, the “Big Rock Cluster Solar Project” or the “Project”), and opposing the Project as currently proposed. Please include these comments in the public record for Imperial County (the “County’s”) consideration and decision on 92JT 8me LLC and 90FI 8me LLC’s permitting applications for the Project.

The Project would industrialize approximately 1,396 acres of farmland – *all* of which is either prime farmland or farmland of statewide importance – with a 325-megawatt (“MW”) solar photovoltaic (“PV”) electrical generation facility, a battery storage system, an on-site substation, electrical gen-tie lines, new roads, fencing, retention basis, an operations and maintenance building and other infrastructure. Farms for Farming opposes this Project as an unnecessary industrialization of the County’s irreplaceable farmland. The County has already allowed tens of thousands of acres of farmland to be converted to electrical generation and transmission uses. Enough is enough.

Farms for Farming urges the County to maintain the renewable energy overlay boundaries it set in October 2015, only slightly more than two years ago, boundaries that *exclude* the proposed Project site. Farms for Farming encourages the County to analyze and adopt an

alternative to the proposed Project programs to develop or incentivize the development of distributed PV generation projects *near energy demand centers in already-disturbed areas*. The County should abide by its own policy prescriptions and not approve any further renewable energy developments outside the overlay zone, especially not projects that would destroy precious and productive farmland or “result in any [other] significant environmental impacts.” Imperial County General Plan, Renewable Energy and Transmission Element, Section IV(D), p. 35.

In further expression of these major concerns and others, Farms for Farming submit the following comments on the proposed Project and its required environmental review under CEQA.

**I. THE PROPOSED SOLAR ENERGY GENERATION AND TRANSMISSION USES ARE FORBIDDEN BY THE IMPERIAL COUNTY GENERAL PLAN LAND USE ELEMENT.**

**A. The County May Not Approve a Conditional Use that Is Forbidden by the County General Plan.**

The Project is inconsistent with the County General Plan, and thus its approval would violate the Planning and Zoning Law. As acknowledged in *Neighborhood Action Group v. County of Calaveras* (“*Neighborhood*”) (1984) 156 Cal.App.3d 1176, 1184, the requirement that use permits be consistent with a county’s general plan

is necessarily to be implied from the hierarchical relationship of the land use laws. To view them in order: a use permit is struck from the mold of the zoning law ([Government Code section] 65901); the zoning law must comply with the adopted general plan (§ 65860); the adopted general plan must conform with state law (§§ 65300, 65302). The validity of the permit process derives from compliance with this hierarchy of planning laws. *These laws delimit the authority of the permit issuing agency to act and establish the measure of a valid permit. . . . A permit action taken without compliance with the hierarchy of land use laws is ultra vires as to any defect implicated by the uses sought by the permit.*

*Id.* (emphasis added).

Because Imperial County is a general law county, the foregoing settled law is dispositive. Since, as shown below, the proposed solar energy generation and transmission uses are specifically forbidden under the Imperial County General Plan, the County lacks authority to approve those uses in contravention of the General Plan. Any “permit action taken without



compliance with the hierarchy of land use laws is *ultra vires.*” *Id.*

**B. The Imperial County General Plan Forbids the Proposed Solar Energy Generation and Transmission Uses.**

The Imperial County General Plan’s Land Use Element specifically *forbids* the proposed solar uses within the “Agriculture” plan designation that applies to the entire Project site. Initial Study at 2-9 (“The project sites are currently zoned A-2R and A-3 and designated by the General Plan as ‘Agriculture’”). The Land Use Element directs that lands designated as “Agriculture” may not be developed with uses that do not preserve and protect agricultural production and related activities. It states in pertinent part as follows:

**1. Agriculture.**

This category is intended to preserve lands for agricultural production and related industries including aquaculture (fish farms), ranging from light to heavy agriculture. Packing and processing of agricultural products may also be allowed in certain areas, and other uses necessary or supportive of agriculture. . . .

*Where this designation is applied, agriculture shall be promoted as the principal and dominant use to which all other uses shall be subordinate. Where questions of land use compatibility arise, the burden of proof shall be on the non-agricultural use to clearly demonstrate that an existing or proposed use does not conflict with agricultural operations and will not result in the premature elimination of such agricultural operations. No use should be permitted that would have a significant adverse effect on agricultural production, including food and fiber production, horticulture, floraculture, or animal husbandry. . . .*

Imperial County General Plan, Land Use Element (Revised 2015), page 48 (emphasis added).

It is clear from the foregoing language that lands designated as “Agriculture” in the General Plan must be used *only* for agriculture and related industries that support agricultural production. “Where questions of land use compatibility arise, the burden of proof shall be on the non-agricultural use to *clearly demonstrate* that an existing or proposed use does not conflict with agricultural operations and will not result in the premature elimination of such agricultural operations.” *Id.* (emphasis added).

Here, it is undisputed that the proposed industrial-scale solar facility uses would eliminate and indefinitely prevent all agricultural use on nearly 1,400 acres of prime farmland and farmland of statewide importance. Initial Study at 2-9. As the California Department of Conservation has determined in both the Williamson Act and CEQA contexts, and reiterated in its November 1,

2011, and July 16, 2010 letters (attached hereto as Exhibits 1 and 2) to the Imperial County Planning and Development Services Department regarding other solar projects previously proposed for lands designated for Agriculture on the County General Plan, commercial solar uses are *completely incompatible* with agricultural uses.

Furthermore, the Project could impede agricultural operations elsewhere in the County and reduce employment, income, sales and tax revenue. As former Imperial County Agricultural Commissioner Valenzuela noted in her February 25, 2011 comments (attached hereto as Exhibit 3) on the DEIR for a similar solar project, “removal of any farmland out of production would have a *direct negative impact on employment, income, sales and tax revenue.*” As these projects convert more and more agricultural land to non-agricultural uses, more and more agriculture-serving businesses will be forced to close. And as the quantity and quality of agriculture-serving businesses decreases in the County, more and more farmers will find it uneconomical or impractical to keep farming and sell, lease or use their lands for non-agriculture purposes.

Because the proposed solar energy generation and transmission uses would eliminate the potential for farming on the Project sites and “have a” potentially “significant adverse effect on agricultural production” elsewhere in the County, the Project is specifically forbidden by the General Plan.

## **II. THE PROJECT IS NOT NEEDED.**

At least two circumstances render the proposed Project not only unnecessary, but plainly harmful.

First, statewide, Californians are “using less electricity.”<sup>1</sup> As reported by the *Los Angeles Times*, and as evidenced by data compiled by the U.S. Energy Information Administration (“EIA”) and California Energy Commission (“CEC”), California’s “power plants are on track to be able to produce at least 21% more electricity than it needs by 2020.” Exhibit 4 at 2 (quote); EIA, 2017, California Electricity Profile 2015;<sup>2</sup> CEC, 2017, Installed In-State Electric Generation Capacity by Fuel Type (MW).<sup>3</sup> With California’s electricity usage flatlining, and rooftop solar

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<sup>1</sup> Penn, I. and R. Menezes, February 5, 2017, “Californians are paying billions for power they don’t need,” *Los Angeles Times* (attached hereto as Exhibit 4, and also available here: <http://www.latimes.com/projects/la-fi-electricity-capacity/>).

<sup>2</sup> Available here: <https://www.eia.gov/electricity/state/california/>

<sup>3</sup> Available here: [http://www.energy.ca.gov/almanac/electricity\\_data/electric\\_generation\\_capacity.html/](http://www.energy.ca.gov/almanac/electricity_data/electric_generation_capacity.html/)

and other distributed generation capacity increasing rapidly, there is less need than ever for industrial-scale projects like the proposed Big Rock Cluster Solar Project - and much less justification for the Project's massive environmental impacts. *Id.*

Second, wildfire risk in southern California is higher than previously estimated, and getting worse with global warming. This risk would both impact and be exacerbated by the Project, which would be located in a "Moderate Severity Fire Hazard area for wildland fire." Initial Study at 2-19. For example, as reported in the August 2017 Climate Change Vulnerability Assessment for adjacent San Diego County,<sup>4</sup> CalAdapt's wildfire tool estimates that under both a low-GHG-emissions scenario and a high-emissions scenario, substantially more land in the County will burn due to wildfire by 2099. San Diego County, Draft Climate Action Plan, Appendix D, p. 12. Under the low-emissions scenario, over 3,500 more acres are expected to burn *every year* by 2099. *Id.* Under a high-emissions scenario, the additional annual acreage scorched by wildfire increases to nearly 8,500. *Id.*

### **III. THE EIR MUST PROVIDE A FULL AND ACCURATE PROJECT DESCRIPTION.**

"An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193. In addition, "[t]he data in an EIR must not only be sufficient in quantity, it must be presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of the project." *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* ("*Vineyard*") (2007) 40 Cal.4th 412, 431.

The EIR must cure the Initial Study's failure to fully describe the project. For example, the Initial Study fails to provide the height of the proposed solar panels, or any of the other associated facilities. The Initial Study also fails to identify the Project's water supplies with requisite certainty, stating merely that the "projects would potentially draw water [sic] the landowner's water supply or delivered via truck from off-site source(s)." Initial Study at 2-29. CEQA requires more. *Vineyard*, 40 Cal.4th at 434.

### **IV. THE EIR MUST ANALYZE THE FULL RANGE OF PROJECT IMPACTS.**

The EIR must analyze the full range of potentially significant environmental impacts from the Project, including the following:

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<sup>4</sup> Available here:

<http://www.sandiegocounty.gov/content/dam/sdc/pds/advance/cap/publicreviewdocuments/CAPfilespublicreview/Appendix%20D%20Climate%20Change%20Vulnerability%20Assessment.pdf>

*Fire Impacts:* As discussed above, the Project site is in an area of moderate and increasing fire risk. The Project would add many known fire risks to the area, exacerbating that risk further. The EIR must fully analyze the Project's wildland fire impacts.

*Agricultural Impacts:* As discussed above, the Project would eliminate and indefinitely preclude agricultural operations on nearly 1,400 acres. The EIR must analyze that direct impact, as well as the cumulative impact of destroying tens of thousands of acres of farmland over the past decade, along with any planned future farmland conversion. This persistent farmland elimination may well be the death knell for farming in County. The EIR must also analyze the Project's impact on topsoil loss, as well as its impact on access to nearby farms both by ground and by air (for any required aerial applications).

*Greenhouse Gas Emissions:* The EIR must analyze not only the greenhouse gas emissions from Project construction and operation, but also its lifecycle emissions. Without a lifecycle emissions analysis, the EIR could not support the Initial Study's assertion that in "the long-term, the projects are expected to provide a benefit with respect to reduction of greenhouse gas emissions." Initial Study at 2-17.

*Biological Resource Impacts:* The proposed Project site is potentially home to many sensitive species, including the burrowing owl, the loggerhead shrike, the flat-tailed horned lizard and the Swainson's hawk. The County and its consultants must thoroughly survey the area for these and other species and analyze the Project's impacts on them in the EIR.

*Land Use and Planning Impacts:* As discussed, the Project would violate the Imperial County General Plan, which is itself a significant impact requiring CEQA analysis. Initial Study at 2-22. The EIR must analyze this impact. And it must also analyze the extent to which the Project would physically divide an established community. The Initial Study claims that even though "there are rural residences located within or adjacent to the boundary of the project site," "no impact is anticipated." Initial Study at 2-22. The EIR must analyze whether those rural residences in fact constitute an established community. The Initial Study provides no evidence why they do not.

## **V. THE EIR MUST ANALYZE A FULL RANGE OF ALTERNATIVES.**

CEQA requires EIRs to "describe a range of reasonable alternatives to the project . . . which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." Guidelines § 15126.6(a). Alternatives that would lessen significant effects should be considered even if they "would impede to some degree the attainment of the project objectives, or be more costly." *Id.* § 15126.6(b). The range of alternatives considered must "foster informed decisionmaking and public participation." *Id.* § 15126.6(a). Alternatives

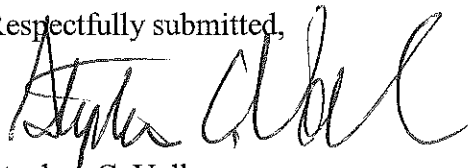
David Black  
Planner IV  
Imperial County Planning and Development Services  
February 5, 2018  
Page 7

may only be eliminated from “detailed consideration” when substantial evidence in the record shows that they either (1) “fail[] to meet most of the basic project objectives,” (2) are “infeasibl[e],” or (3) do not “avoid significant environmental impacts.” *Id.* § 15126.6(c).

Among other alternatives, the EIR should analyze programs to develop or incentivize the development of distributed PV generation projects *near energy demand centers in already-disturbed areas*. The EIR should also analyze an alternative of constructing the proposed Project *within* the County’s own renewable energy overlay zone. Imperial County General Plan, Renewable Energy and Transmission Element, Section IV(D).

For each of these reasons, Farms for Farming opposes the Project as currently proposed, and requests that the EIR analyze all of the impacts and alternatives discussed above.

Respectfully submitted,



Stephan C. Volker  
Attorney for Farms for Farming, *et al.*

SCV:taf

Attachment: Exhibit 1 - John M. Lowrie, California Department of Conservation, Letter to Armando Villa re: Cancellation of Land Conservation (Williamson Act) Contract No. 2001-00706, November 1, 2011.

Exhibit 2 - Dan Otis, California Department of Conservation, Letter to Patricia Valenzuela re: Notice of Preparation for a DEIR for Imperial Solar Energy Center South, July 16, 2010.

Exhibit 3 - Connie L. Valenzuela, Imperial County Agricultural Commissioner, Letter to Armando Villa re: CUP 10-0035 8 Minutenergy Renewables, LLC, Calipatria Solar Farm II, February 25, 2011.

Exhibit 4 - Penn, I. and R. Menezes, February 5, 2017, “Californians are paying billions for power they don’t need,” *Los Angeles Times*.

# EXHIBIT 1



# DEPARTMENT OF CONSERVATION

*Managing California's Working Lands*

## DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE [conservation.ca.gov](http://conservation.ca.gov)

November 1, 2011

Mr. Armando G. Villa, Director  
Imperial County  
Department of Planning and Development Services  
801 Main Street  
El Centro, CA 92243

Dear Mr. Villa:

**SUBJECT:** Cancellation of Land Conservation (Williamson Act) Contract  
No. 2001-00706; Landowner: James R. & Barbara A. Smith; Applicant: 8  
Minute Energy (Calipatria Solar Farm II); APN 022-170-005

The Department of Conservation (Department) monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act. The Department has reviewed the application submitted by the Imperial County Department of Planning and Development Services (County) regarding the referenced cancellation and offers the following recommendations.

### Project Description

The petition proposes to cancel 563 acres of agricultural land subject to Williamson Act Contract in order to build a photovoltaic energy facility (Project) which will generate a total of 50 megawatts. The Project Site is located approximately one mile north of Calipatria, California within Imperial County and is bounded by Blair Road to the east, E. Peterson Road to the north, W. Lindsey Road to the south and the Southern Pacific Railroad to the west. The Calipatria State Prison is located to the northeast of the project site. According to the petition, the applicant has submitted a Conditional Use Permit for a 40 year term.

### Cancellation Findings

Government Code (GC) section 51282 states that tentative approval for cancellation may be granted only if the local government makes *either* one of the following findings:

- 1) Cancellation is **consistent** with purposes of the Williamson Act, (not addressed by the cancellation petition) *or*
- 2) Cancellation is in the **public interest**.

The following are the requirements for the public interest findings required under GC section 51282 (above):

---

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

2) Cancellation is in the Public Interest

For the cancellation to be in the public interest, the Board must make both of the following findings:

- a. Other public concerns substantially outweigh the objectives of the Williamson Act, and
- b. There is no *proximate, noncontracted land*<sup>1</sup> which is available and *suitable*<sup>2</sup> for the use proposed on the contracted land, or, development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

Department Comments on the Public Interest Cancellation Findings

The Department has reviewed the petition and additional information supplied by the applicant, and offers the following comments with regards to the submitted public interest findings:

*a) Other public concerns substantially outweigh the objectives of the Williamson Act:* Renewable energy is energy generated from sources such as the sun, wind, the ocean, and the earth's core. Solar photovoltaic electricity qualifies as a renewable energy source for the purposes of California's Renewables Portfolio Standards. In April, Governor Brown signed Senate Bill 2 (First Extraordinary Session) which extends the current 20% renewables portfolio standard target in 2010 to a 33% renewables portfolio standard by December 31, 2020. Through a number of legislative actions and/or policies, the State has placed an importance on renewable energy as well as preserving farmland.

There are many factors in determining whether the production of solar energy is of a higher public interest than the pre-existing agricultural use of the land. Some factors may include the quality of the soil, current agricultural production and the availability of reliable irrigation water. The Department has no comment regarding this particular finding.

---

<sup>1</sup> "Proximate, noncontracted land" means land not restricted by contract, which is sufficiently close to land which is so restricted that it can serve as a practical alternative for the use which is proposed for the restricted land. (GC section 51282).

<sup>2</sup> "Suitable" for the proposed use means that the salient features of the proposed use can be served by the land not restricted by contract. Such nonrestricted land may be a single parcel or may be a combination of contiguous or discontiguous parcels. (GC section 51282).



Mr. Armando G. Villa  
November 1, 2011  
Page 3 of 4

b) There is no available and suitable proximate non-contracted land for the use proposed on the contracted land:

According to the petition, the property was chosen due to its close proximity to the electrical grid which has the capacity for the solar facility. The Department has no comment regarding this particular finding.

**Cancellation Findings Conclusion**

Imperial County Board of Supervisors could approve the cancellation application based on the required public interest findings only if the Board feels it has adequate amount of information and has built the record to meet the statutory requirements.

**Compatible Use**

The Department has determined that commercial solar facilities are an industrial use of the land and inconsistent with the intent of the Williamson Act and its protection of open space and agricultural resources. The suggestion that a solar facility is a compatible use as defined by the Williamson Act is misguided. The footprint of a solar facility and the fact that it does not allow for the continuation of agricultural operations or open space activities as the main operation of the land, make it inconsistent with many different sections of the Act. The Department views GC §51238, which cites the compatibility of gas, electric, water, communication, or agricultural labor housing facilities in an *agricultural preserve*, as referring to those structures which have minimal impact on the land, and which are necessary for the needs of a community. The Department has consistently interpreted this section to describe overhead power lines, electrical substations, underground communication lines, and water lines, all of which take up a minimal amount of land.

Additionally, the Williamson Act provides a preferential tax assessment on contracted land in exchange for limiting the land to agricultural or open space uses. Agricultural use means the use of the land for the purpose of producing an agricultural commodity for commercial purposes (GC§51201(a)). Open space is the use or maintenance of land in a manner that preserves its natural characteristics, beauty, or openness for the benefit and enjoyment of the public or for wildlife habitat (GC§51201(o)). A commercial solar facility does not meet the definition of an agricultural use and solar energy does not meet the definition of an agricultural commodity, which means any and all plant and animal products produced in this State for commercial purposes. Nor is it consistent with the definition of an open space use. In addition, GC§51242 requires that land enrolled in a Williamson Act contract be devoted to agricultural use. When a solar project displaces all of the agriculture, and replaces it with a use that has no agricultural utility, the land clearly ceases to be devoted to agriculture.

Mr. Armando G. Villa  
November 1, 2011  
Page 4 of 4

Neither the Legislature nor City Councils or Boards of Supervisors can override the restrictions included within the Williamson Act or the Constitutional provision enabling the Act. The construction of solar facilities removes and replaces agriculture or open space uses to have a significant impact on agricultural and open space lands, including grazing land. After a review of the proposal, the Department does not believe that the County can consider commercial solar facilities compatible with the Williamson Act contract.

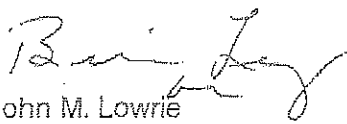
Site Restoration Plan

Since solar technology is advancing rapidly over time, the amount of open land that is needed for the same amount of solar energy production may decrease significantly in the future. That same land may also one day be needed again for the production of food.

It is important that proposals for the conversion of agricultural land to solar energy projects include a detailed site restoration plan describing how the project proponents will restore the land back to its current condition including irrigation supplies if and when some or all of the solar panels are removed. This type of plan would be similar to SMARA-required restoration plans on proposed mining sites. The Department recommends that an acceptable site restoration plan be required by the County for the proposed project.

Thank you for the opportunity to provide comments on the proposed cancellation. Please provide our office with a copy of the Notice of Public Hearing on this matter ten (10) working days before the hearing and a copy of the published notice of the Board's decision within thirty (30) days of the tentative cancellation pursuant to GC section 51284. If you have any questions concerning our comments, please contact Sharon Grewal, Environmental Planner at (916) 327-6643.

Sincerely,

  
John M. Lowrie  
Program Manager  
Williamson Act Program

# EXHIBIT 2



# DEPARTMENT OF CONSERVATION

## DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE [conservation.ca.gov](http://conservation.ca.gov)

July 16, 2010

### **VIA FACSIMILE (760) 353-8338**

Ms. Patricia Valenzuela, Planner III  
Imperial County Planning & Development Services  
801 main Street  
El Centro, CA 92243

Subject: Notice of Preparation for a DEIR for Imperial Solar Energy Center South  
- SCH# 2010061038

Dear Ms. Valenzuela:

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Notice of Preparation (NOP) for a DEIR for Imperial Solar Energy Center South. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources.

### **Project Description:**

The project is located on Pullman Road and Anza Road in an unincorporated part of Imperial County on the US/Mexico Border. The project site is 903 acres of agricultural land. The site is designated Prime Farmland and Farmland of Statewide Importance per the Imperial County Farmland Mapping and Monitoring Program maps. The existing General Plan designation is Agriculture and the zoning is General Agriculture Rural Zone and Heavy Agriculture.

The project proposes the development of a solar energy center and would consist of ground mounted photovoltaic solar power generation system, supporting structures, an operations and maintenance building, substation, water treatment facility, plant control system, meteorological station, roads and fencing. The project also plans a 120-foot wide Right-of-Way from the project site, along BLM land, within BLM's designated Utility Corridor "N" to the Imperial Valley Substation.

### **Division Comments:**

The initial study for the NOP stated that because solar generation facilities are an allowed use within the zone district and subject to a conditional use permit, they do not conflict with existing zoning for agriculture and thus no impact is identified. However, the entire purpose of going through the conditional use permit process is to trigger a thorough CEQA review of a project's potential impacts. The development of 903 acres of Prime Farmland and Farmland of Statewide Importance is a substantial amount of development and displacement of agricultural resources.

Ms. Patricia Valenzuela  
July 16, 2010  
Page 2 of 4

The Department of Conservation considers the construction of a solar facility that removes and replaces agriculture on agricultural lands to have a significant impact on those agricultural lands, including grazing land. While solar panels may be an allowed use under the County zoning and General Plan, they can and should be considered an impact under CEQA to the project site's agricultural resources.

Although direct conversion of agricultural land is often an unavoidable impact under California Environmental Quality Act (CEQA) analysis, mitigation measures must be considered. A principal purpose of an EIR is to present a discussion of mitigation measures in order to fully inform decision-makers and the public about ways to lessen a project's impacts. In some cases, the argument is made that mitigation cannot reduce impacts to below the level of significance because agricultural land will still be converted by the project, and, therefore, mitigation is not required. However, reduction to a level below significance is not a criterion for mitigation. Rather, the criterion is feasible mitigation that lessens a project's impacts. Pursuant to CEQA Guideline §15370, mitigation includes measures that "avoid, minimize, rectify, reduce or eliminate, or compensate" for the impact. For example, mitigation includes "*Minimizing impacts by limiting the degree or magnitude of the action and its implementation (§15370(b))*" or "*Compensating for the impact by replacing or providing substitute resources or environments (§15370(e)).*"

All measures allegedly feasible should be included in the DEIR. Each measure should be discussed, as well as the reasoning for selection or rejection. A measure brought to the attention of the Lead Agency should not be left out unless it is infeasible based on its elements.

Finally, when presenting mitigation measures in the DEIR, it is important to note that mitigation should be specific, measurable actions that allow monitoring to ensure their implementation and evaluation of success. A mitigation consisting only of a statement of intention or an unspecified future action may not be adequate pursuant to CEQA.

#### Project Impacts on Agricultural Land

When determining the agricultural value of the land, the value of a property may have been reduced over the years due to inactivity, but it does not mean that there is no longer any agricultural value. The inability to farm the land, rather than the choice not to do so, is what could constitute a reduced agricultural value. The Division recommends the following discussion under the Agricultural Resources section of the Draft EIR:

- Type, amount, and location of farmland (Prime, Unique, and Farmland of Statewide Importance) conversion that may result directly and indirectly from project implementation and growth inducement, respectively.
- Impacts on current and future agricultural operations; e.g., land-use conflicts, increases in land values and taxes, etc.
- Incremental project impacts leading to cumulative impacts on agricultural land. This would include impacts from uses allowed with the proposed solar facility, as well as impacts from past, current, and likely projects in the future.

Ms. Patricia Valenzuela  
July 16, 2010  
Page 3 of 4

Under California Code of Regulations Section 15064.7, impacts on agricultural resources may also be both quantified and qualified by use of established thresholds of significance. As such, the Division has developed a California version of the USDA Land Evaluation and Site Assessment (LESA) Model. The California LESA model is a semi-quantitative rating system for establishing the environmental significance of project-specific impacts on farmland. The model may also be used to rate the relative value of alternative project sites. The LESA Model is available on the Division's website at:

[http://www.consrv.ca.gov/DLRP/qh\\_les.htm](http://www.consrv.ca.gov/DLRP/qh_les.htm)

#### Solar Facility Mitigations and Reclamation Plan

If the solar facility is considered a temporary displacement of agricultural resources, then there should be some assurances that it will be temporary and will be removed in the future. Hence the need for a reclamation plan. The loss of agricultural land (even temporary) represents a reduction in the State's agricultural land resources. The Division has witnessed the negative impacts of non-operational wind power generation facilities and related equipment that have been left to deteriorate on agricultural land. For that reason, the Division offers a variety of permitting conditions the County might use for energy projects on agricultural land:

- Require a reclamation plan suited for solar facilities, based on the principles of the Surface Mining and Reclamation Act (SMARA). As part of this plan, a performance bond or other similar measure may be used.
  - A typical requirement would be for the soil to be restored to the same condition it was in prior to the solar facility's construction. Whatever project-related materials have been brought in, or changes made to the land (i.e. graveling, roads, compaction, equipment), would be removed once the solar facility (or portions of) is no longer active.
- Solar projects are generally considered to be "temporary". The County could require that a new permit must be applied for after a certain period of time. Because this is a new and unprecedented use for agricultural land, this would allow the County more flexibility in determining what conditional uses or conditions may be most appropriate in the longer term.
- Require permanent agricultural conservation easements on land of at least equal quality and size as partial compensation for the direct loss of agricultural land.
  - Conservation easements will protect a portion of those remaining agricultural land resources and lessen project impacts in accordance with California Environmental Quality Act (CEQA) Guideline §15370. The Department highlights this measure because of its acceptance and use by lead agencies as an appropriate mitigation measure under CEQA and because it follows an established rationale similar to that of wildlife habitat mitigation.

Mitigation via agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The proposed conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands can be conducted regionally or statewide, and need not be limited strictly to lands within the project's surrounding area. Mitigation for the loss of Prime Farmland

Ms. Patricia Valenzuela  
July 16, 2010  
Page 4 of 4

is suggested at a 2:1 ratio due to its importance in the State of California. The use of conservation easements is only one form of mitigation, and any other feasible mitigation measures should also be considered. Mitigations for temporary solar projects can also be flexible, especially in cases where there is a reclamation plan in place that requires the land to be returned to an agricultural state.

The Department also has available a listing of approximately 30 "conservation tools" that have been used to conserve or mitigate project impacts on agricultural land. This compilation report may be requested from the Division at the address or phone number at the conclusion of this letter. Of course, the use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered.

Thank you for giving us the opportunity to comment on the Notice of Preparation for a DEIR for Imperial Solar Energy Center South project. Please provide this Department with a copy of the DEIR, the date of any hearings for this particular action, and any staff reports pertaining to it. If you have questions regarding our comments, or require technical assistance or information on agricultural land conservation, please contact Meri Meraz, Environmental Planner, at 801 K Street, MS 18-01, Sacramento, California 95814, or by phone at (916) 445-9411.

Sincerely,



Dan Otis  
Program Manager  
Williamson Act Program

cc: State Clearinghouse

Imperial County Farm Bureau  
1000 Broadway  
El Centro, CA 92243  
FAX (760) 352-0232

# EXHIBIT 3



Connie L. Valenzuela  
Agricultural Commissioner  
Sealer of Weights and Measures

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



852 Broadway  
El Centro, CA 92243

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

E-mail: [agcom@co.imperial.ca.us](mailto:agcom@co.imperial.ca.us)

February 25, 2011

Armando G. Villa  
Planning & Development Services Director  
801 Main Street  
El Centro, CA 92243

RE: CUP 10-0035 8 Minutenergy Renewables, LLC, Calipatria Solar Farm II

The project entails the construction, development and operation of a ground mounted 50 MW Photovoltaic solar energy facility. The proposed solar plant will convert approximately 563 acres of privately owned farmland to non-farm use. The project will be located approximately one mile north of Calipatria, California in Imperial County and is bounded by Blair Road to the east, E. Peterson Road to the north, W. Lindsey Road to the south, and the Southern Pacific Railroad to the west. Agricultural lands lie to the immediate north, south, east and west of the project. The Calipatria State Prison is located to the northeast of the project site. An algae farm (Earthrise Farms) is located adjacent to the northwest corner of the site across the Southern Pacific Railroad tracks.

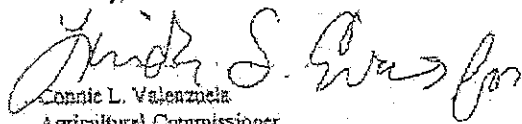
The California Department of Conservation has classified the property as Farmland of Statewide Importance. This farmland supports crops that contribute directly to Imperial County's \$1.45 billion gross agricultural production value. Temporary or permanent removal of any farmland out of production would have a direct negative impact on employment, income, sales and tax revenue.

During the construction phase and perhaps afterwards depending on whether this project will have some level of permanent staffing, neighboring agricultural operations would be impacted and restricted in their ability to use some pesticides or some pesticide application methods. Also, any complaints received by the construction site regarding nearby agricultural operations would need to be investigated; costs incurred to conduct investigations into incidents and complaints are not directly reimbursed by the state.

Since the project will be surrounded by farmland it will be exposed to higher than normal levels of dust and potential pesticide drift which will likely increase the cleaning requirements of the panels.

The land under the solar panels could harbor pests including noxious weeds, plant diseases, insects, and vertebrates which are detrimental to agriculture and could cause damage to adjacent fields and crops. This could be a problem if a cover crop is used for dust control and needs to be addressed or mitigated. In addition to direct crop damage caused by pests, if these solar panels are located next to or near any produce or organic fields, they could create food safety issues (i.e. E. coli in spinach caused by animal dropping getting into the field). Many produce growers today have to comply with Leafy Greens Agreements to ensure produce safety.

Sincerely,

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

RECEIVED

FEB 25 2011

IMPERIAL COUNTY  
PLANNING & DEVELOPMENT SERVICES

EEC ORIGINAL PKG

# EXHIBIT 4




# Californians are paying billions for power they don't need

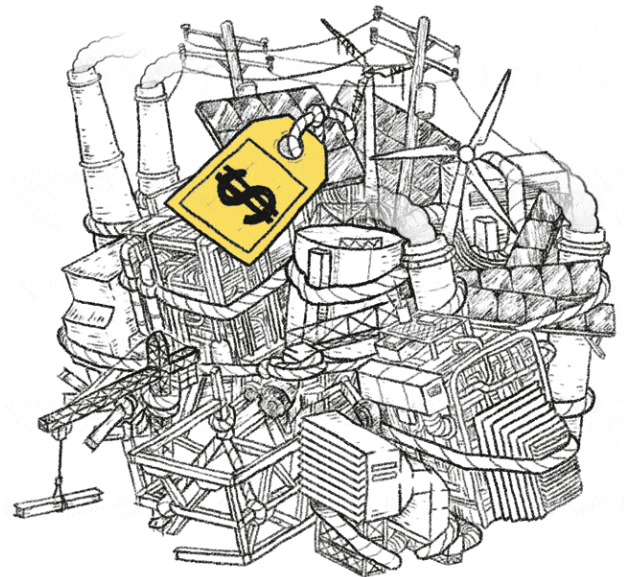
We're using less electricity. Some power plants have even shut down. So why do state officials keep approving new ones?

By IVAN PENN (HTTP://WWW.LATIMES.COM/LA-BIO-IVAN-PENN-STAFF.HTML) and RYAN MENEZES (HTTP://WWW.LATIMES.COM/LA-BIO-RYAN-MENEZES-STAFF.HTML) | Reporting from Yuba City, Calif.

FEB. 5, 2017

Read the story 

View the graphic (/projects/la-fi-electricity-capacity-graphic/)



**T**he bucolic orchards of Sutter County north of Sacramento had never seen anything like it: a visiting governor and a media swarm — all to christen the first major natural gas power plant in California in more than a decade.

At its 2001 launch, the Sutter Energy Center was hailed as the nation's cleanest power plant. It generated electricity while using less water and natural gas than older designs.

A year ago, however, the \$300-million plant closed indefinitely, just 15 years into an expected 30- to 40-year lifespan. The power it produces is no longer needed — in large part because state regulators approved the construction of a plant just 40 miles away in Colusa that opened in 2010.



“We are building more power plants in California than ever before. Our goal is to make California energy self-sufficient.” - Gov. Gray Davis at the opening of Sutter Energy Center in 2001. (Carolyn Cole / Los Angeles Times)



Sutter Energy Center has been offline since 2016, after just 15 years of an expected 30- to 40-year lifespan. (David Butow / For The Times)

**Two other large and efficient power plants in California also are facing closure decades ahead of schedule. Like Sutter, there is little need for their electricity.**

**California has a big — and growing — glut of power, an investigation by the Los Angeles Times has found. The state’s power plants are on track to be able to produce at least 21% more electricity than it needs by 2020, based on official estimates. And that doesn’t even count the soaring production of electricity by rooftop solar panels that has added to the surplus.**

**To cover the expense of new plants whose power isn’t needed — Colusa, for example, has operated far below capacity since opening — Californians are paying a higher premium to switch on lights or turn on electric stoves. In recent years, the gap between what Californians pay versus the rest of the country has nearly doubled to about 50%.**

ADVERTISEMENT

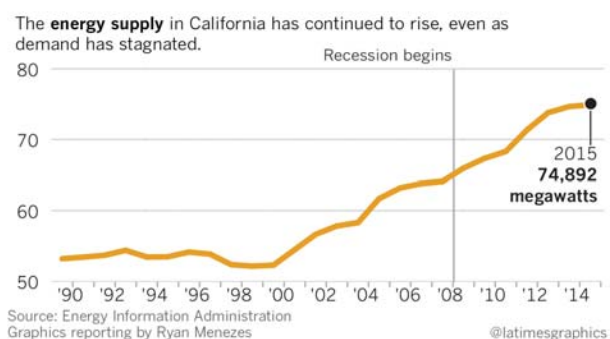
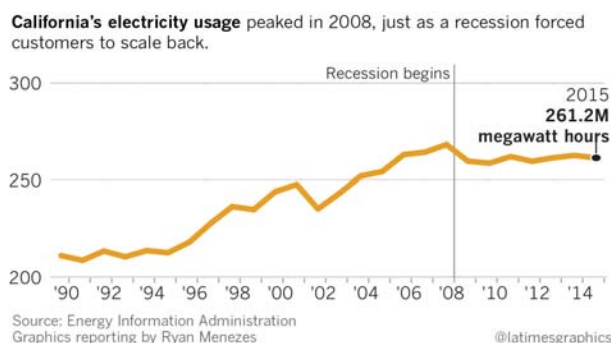
**This translates into a staggering bill. Although California uses 2.6% less electricity annually from the power grid now than in 2008, residential and business customers together pay \$6.8 billion more for power than they did**

then. The added cost to customers will total many billions of dollars over the next two decades, because regulators have approved higher rates for years to come so utilities can recoup the expense of building and maintaining the new plants, transmission lines and related equipment, even if their power isn't needed.

How this came about is a tale of what critics call misguided and inept decision-making by state utility regulators, who have ignored repeated warnings going back a decade about a looming power glut.

“In California, we’re blinding ourselves to the facts,” said Loretta Lynch, a former president of the California Public Utilities Commission, who along with consumer advocacy groups has fought to stop building plants. “We’re awash in power at a premium price.”

California regulators have for years allowed power companies to go on a building spree, vastly expanding the potential electricity supply in the state. Indeed, even as electricity demand has fallen since 2008, California’s new plants have boosted its capacity enough to power all of the homes in a city the size of Los Angeles — six times over. Additional plants approved by regulators will begin producing more electricity in the next few years.



The missteps of regulators have been compounded by the self-interest of California utilities, Lynch and other critics contend. Utilities are typically guaranteed a rate of return of about 10.5% for the cost of each new plant regardless of need. This creates a major incentive to keep construction going: Utilities can make more money building new plants than by buying and reselling readily available electricity from existing plants run by competitors.

Regulators acknowledge the state has too much power but say they are being prudent. The investment, they maintain, is needed in case of an emergency — like a power plant going down unexpectedly, a heat wave blanketing the region or a wildfire taking down part of the transmission network.

“We overbuilt the system because that was the way we provided that degree of reliability,” explained Michael Picker, president of the California Public Utilities Commission. “Redundancy is important to reliability.”

Some of the excess capacity, he noted, is in preparation for the retirement of older, inefficient power plants over the next several years. The state is building many new plants to try to meet California environmental standards requiring 50% clean energy by 2030, he said.

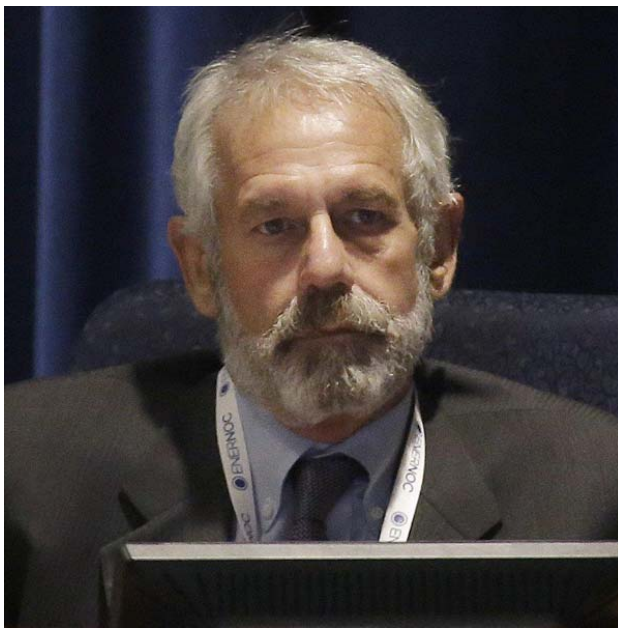
In addition, he said, some municipalities — such as the Los Angeles Department of Water and Power — want to maintain their own separate systems, which leads to inefficiencies and redundancies. “These are all issues that people are willing to pay for,” Picker said.

Critics agree that some excess capacity is needed. And, in fact, state regulations require a 15% cushion. California surpasses that mark and is on pace to exceed it by 6 percentage points in the next three years, according to the Western Electricity Coordinating Council, which tracks capacity and reliability. In the past, the group has estimated the surplus would be even higher.

Michael Picker, current president of California's Public Utilities Commission, said the state's excess power supply is a strategic decision to ensure reliability. Loretta Lynch, who held the same position from 2002 to 2005, has been a critic of overbuilding since she chaired the regulatory agency. (Associated Press)

Even the 15% goal is “pretty rich,” said Robert McCullough of Oregon-based McCullough Research, who has studied California's excess electric capacity for both utilities and regulators. “Traditionally, 10% is just fine. Below 7% is white knuckle. We are a long way from white-knuckle time” in California.

Contrary to Picker's assertion, critics say, customers aren't aware that too



much capacity means higher rates. “The winners are the energy companies,” Lynch said. “The losers are businesses and families.”

The over-abundance of electricity can be traced to poorly designed deregulation of the industry, which set the stage for blackouts during the energy crisis of 2000-2001.

Lawmakers opened the state’s power business to competition in 1998, so individual utilities would no longer enjoy a monopoly on producing and selling electricity. The goal was to keep prices lower while ensuring adequate supply. Utilities and their customers were allowed to buy electricity from new, unregulated operators called independent power producers.

The law created a new exchange where electricity could be bought and sold, like other commodities such as oil or wheat.

Everyone would benefit. Or so the thinking went.

In reality, instead of lowering electricity costs and spurring innovation, market manipulation by Enron Corp. and other energy traders helped send electricity

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prices soaring.

That put utilities in a bind, because they had sold virtually all their natural gas plants. No longer able to produce as much of their own electricity, they ran up huge debts buying power that customers needed. Blackouts spread across the state.

State leaders, regulators and the utilities vowed never to be in that position again, prompting an all-out push to build more plants, both utility-owned and independent.

“They were not going to allow another energy crisis due to a lack of generation,” said Alex Makler, a senior vice president of Calpine, the independent power producer that owns the Sutter Energy plant not far from Sacramento.

But the landscape was starting to change. By the time new plants began generating electricity, usage had begun a decline, in part because of the economic slowdown caused by the recession but also because of greater energy efficiency.

The state went from having too little to having way too much power.

“California has this tradition of astonishingly bad decisions,” said McCullough, the energy consultant. “They build and charge the ratepayers. There’s nothing dishonest about it. There’s nothing complicated. It’s just bad planning.”



California has this tradition of astonishingly bad decisions.

— Robert McCullough, energy consultant

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The saga of two plants — Sutter Energy and Colusa — helps explain in a microcosm how California came to have too much energy, and is paying a high price for it.

Sutter was built in 2001 by Houston-based Calpine, which owns 81 power plants in 18 states.



Sutter Energy Center, now closed, made money only if Calpine Corp. found customers for the plant's power. Other large, natural gas plants in the state also face early closures. (David Butow / For The Times)



Colusa Generating Station opened in 2010. Pacific Gas & Electric will charge ratepayers more than \$700 million over the plant's lifespan, to cover its operating costs and the profit guaranteed to public utility companies. (Rich Pedroncelli / AP)

Independents like Calpine don't have a captive audience of residential customers like regulated utilities do. Instead, they sell their electricity under contract or into the electricity market, and make money only if they can find customers for their power.

Sutter had the capacity to produce enough electricity to power roughly 400,000 homes. Calpine operated Sutter at an average of 50% of capacity in its early years — enough to make a profit.

But then Pacific Gas & Electric Co., a regulated, investor-owned utility, came along with a proposal to build Colusa.

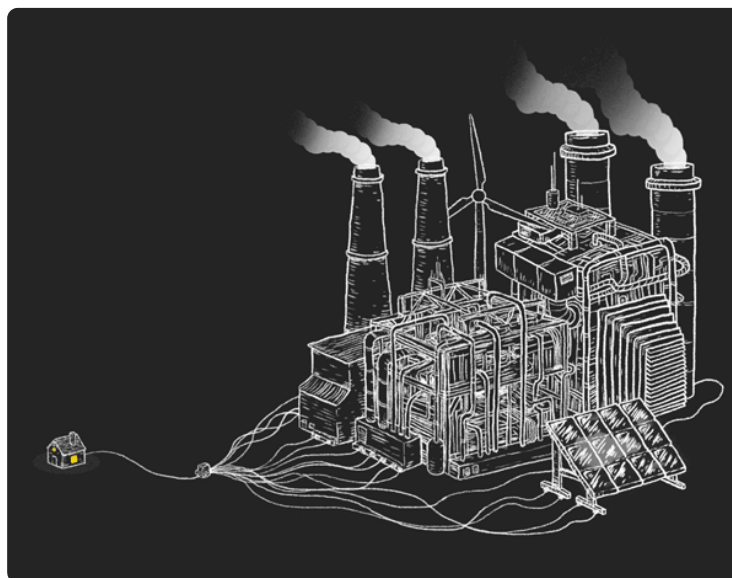
It was not long after a statewide heat wave, and PG&E argued in its 2007 request seeking PUC approval that it needed the ability to generate more power. Colusa — a plant almost identical in size and technology to Sutter — was the only large-scale project that could be finished quickly, PG&E said.

More than a half-dozen opponents, including representatives of independent power plants, a municipal utilities group and consumer advocates filed objections questioning the utility company. Wasn't there a more economical alternative? Did California need the plant at all?

They expressed concern that Colusa could be very expensive long-term for customers if it turned out that its power wasn't needed.

That's because public utilities such as PG&E operate on a different model.

If electricity sales don't cover the operating and construction costs of an independent power plant, it can't continue to run for long. And if the independent plant closes, the owner — and not ratepayers — bears the burden of the cost.



In contrast, publicly regulated utilities such as PG&E operate under more accommodating rules. Most of their revenue comes from electric rates approved

by regulators that are set at a level to guarantee the utility recovers all costs for operating the electric system as well as the cost of building or buying a

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power plant — plus their guaranteed profit.

Protesters argued Colusa was unnecessary. The state's excess production capacity by 2010, the year Colusa was slated to come online, was projected to be almost 25% — 10 percentage points higher than state regulatory requirements.

The looming oversupply, they asserted, meant that consumers would get stuck with much of the bill for Colusa no matter how little customers needed its electricity.

And the bill would be steep. Colusa would cost PG&E \$673 million to build. To be paid off, the plant will have to operate until 2040. Over its lifetime, regulators calculated that PG&E will be allowed to charge more than \$700 million to its customers to cover not just the construction cost but its operating costs and its profit.



Pacific Gas & Electric's Colusa Generating Station has operated at well below its generating capacity — just 47% in its first five years. (Rich Pedroncelli / AP)

The urgent push by PG&E “seems unwarranted and inappropriate, and potentially costly to ratepayers,” wrote Daniel Douglass, a lawyer for industry groups that represent independent power producers.

The California Municipal Utilities Assn. — whose members buy power from public utilities and then distribute that power to their customers — also complained in a filing that PG&E's application appeared to avoid the issue of how Colusa's cost would be shared if it ultimately sat idle. PG&E's "application is confusing and contradicting as to whether or not PG&E proposes to have the issue of stranded cost recovery addressed," wrote Scott Blaising, a lawyer representing the association. ("Stranded cost" is industry jargon for investment in an unneeded plant.)

The arguments over Colusa echoed warnings that had been made for years by Lynch, the former PUC commissioner.

A pro-consumer lawyer appointed PUC president in 2000 by Gov. Gray Davis, Lynch consistently argued as early as 2003 against building more power plants.

"I was like, 'What the hell are we doing?' " recalled Lynch.

She often butted heads with other commissioners and utilities who pushed for more plants and more reserves. Midway through her term, the governor replaced her as president — with a former utility company executive.

One key battle was fought over how much reserve capacity was needed to guard against blackouts. Lynch sought to limit excess capacity to 9% of the

state's electricity needs. But in January 2004, over her objections, the PUC approved a gradual increase to 15% by 2008.

"We've created an extraordinarily complex system that gives you a carrot at every turn," Lynch said. "I'm a harsh critic because this is intentionally complex to make money on the ratepayer's back."

With Lynch no longer on the PUC, the commissioners voted 5-0 in June 2008 to let PG&E build Colusa. The rationale: The plant was needed, notwithstanding arguments that there was a surplus of electricity being produced in the market.

PG&E began churning out power at Colusa in 2010. For the nearby Sutter plant, that marked the beginning of the end as its electricity sales plummeted.

In the years that followed, Sutter's production slumped to about a quarter of its capacity, or just half the rate it had operated previously.

Calpine, Sutter's owner, tried to drum up new business for the troubled plant, reaching out to shareholder-owned utilities such as PG&E and other potential buyers. Calpine even proposed spending \$100 million to increase plant efficiency and output, according to a letter the company sent to the PUC in February 2012.

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PG&E rejected the offer, Calpine said, "notwithstanding that Sutter may have been able to provide a lower cost."

Asked for comment, PG&E said, "PG&E is dedicated to meeting the state's clean energy goals in cost-effective ways for our customers. We use competitive bidding and negotiations to keep the cost and risk for our customers as low as possible." It declined to comment further about its decision to build Colusa or on its discussions with Calpine.

Without new contracts and with energy use overall on the decline, Calpine had little choice but to close Sutter.

During a 2012 hearing about Sutter's distress, one PUC commissioner, Mike Florio, acknowledged that the plant's troubles were "just the tip of the proverbial iceberg." He added, "Put simply, for the foreseeable future, we have more power plants than we need."

Colusa, meanwhile, has operated at well below its generating capacity — just 47% in its first five years — much as its critics cautioned when PG&E sought approval to build it.

Sutter isn't alone. Other natural gas plants once heralded as the saviors of California's energy troubles have found themselves victims of the power glut. Independent power producers have announced plans to sell or close the 14-year-old Moss Landing power plant at Monterey Bay and the 13-year-old La Paloma facility in Kern County.



Put simply, for the foreseeable future, we have more power plants than we need.

— Mike Florio, former PUC commissioner

Robert Flexon, chief executive of independent power producer Dynegy Inc., which owns Moss Landing, said California energy policy makes it difficult for normal market competition. Independent plants are closing early, he said, because regulators favor utility companies over other power producers.

"It's not a game we can win," Flexon said.

Since 2008 alone — when consumption began falling — about 30 new power plants approved by California regulators have started producing

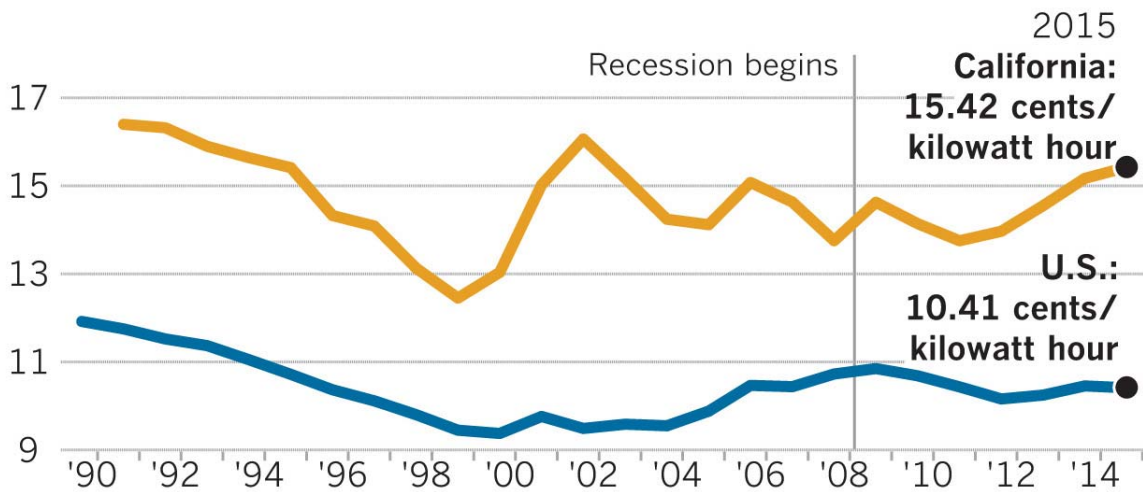
electricity. These plants account for the vast majority of the 17% increase in the potential electricity supply in the state during that period.

Hundreds of other small power plants, with production capacities too low to require the same level of review by state regulators, have opened as well.

Most of the big new plants that regulators approved also operate at below 50% of their generating capacity.

So that California utilities can foot the bill for these plants, the amount they are allowed by regulators to charge ratepayers has increased to \$40 billion annually from \$33.5 billion, according to data from the U.S. Energy Information Administration. This has tacked on an additional \$60 a year to the average residential power bill, adjusted for inflation.

Another way of looking at the impact on consumers: The average cost of electricity in the state is now 15.42 cents a kilowatt hour versus 10.41 cents for users in the rest of the U.S. The rate in California, adjusted for inflation, has increased 12% since 2008, while prices have declined nearly 3% elsewhere in the country.



Note: cost of power figures are adjusted for inflation.  
 Source: Energy Information Administration  
 Graphics reporting by Ryan Menezes

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California utilities are “constantly crying wolf that we’re always short of power and have all this need,” said Bill Powers, a San Diego-based engineer and consumer advocate who has filed repeated objections with regulators to try to stop the approval of new plants. They are needlessly

trying to attain a level of reliability that is a worst-case “act of God standard,” he said.

Even with the growing glut of electricity, consumer critics have found that it is difficult to block the PUC from approving new ones.

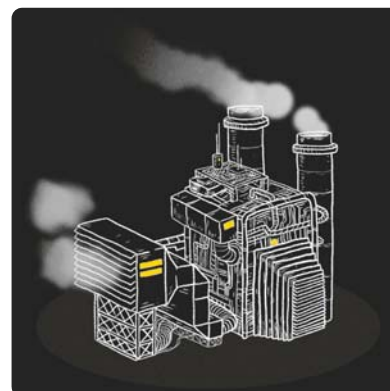
In 2010, regulators considered a request by PG&E to build a \$1.15-billion power plant in Contra Costa County east of San Francisco, over objections that there wasn't sufficient demand for its power. One skeptic was PUC commissioner Dian Grueneich. She warned that the plant wasn't needed and its construction would lead to higher electricity rates for consumers — on top of the 28% increase the PUC had allowed for PG&E over the previous five years.

The PUC was caught in a “time warp,” she argued, in approving new plants as electricity use fell. “Our obligation is to ensure that our decisions have a legitimate factual basis and that ratepayers' interest are protected.”

Her protests were ignored. By a 4-to-1 vote, with Grueneich the lone dissenter, the commissioners approved the building of the plant.

Consumer advocates then went to court to stop the project, resulting in a rare victory against the PUC. In February 2014, the California Court of Appeals overturned the commission, ruling there was no evidence the plant was needed.

Recent efforts to get courts to block several other PUC-approved plants have failed, however, so the projects are moving forward.



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