

## 1.0 INTRODUCTION

This Environmental Impact Report (EIR) has been prepared to meet the requirements of the California Environmental Quality Act (CEQA) for purposes of evaluating the potential environmental impacts, mitigation measures, and alternatives associated with the proposed Mount Signal Solar Farm and Calexico Solar Farm projects. This EIR describes the existing environment that would be affected by, and the environmental consequences which could result from the construction and operation of the proposed projects as described in detail in Chapter 3.0 of this EIR.

### 1.1 OVERVIEW OF THE PROPOSED PROJECTS

The proposed solar farm projects would consist of two primary components: (1) the combined construction and operation of an expansive photovoltaic (PV) solar energy facility and supporting uses; and (2) the construction and operation of off-site electrical transmission infrastructure and associated interconnections. The primary components within the solar farms will be solar arrays, electrical substation facilities, and other operations and maintenance (O&M) facilities. Also, a major component of these projects would be restoration of the project areas to agricultural use in up to 40 years.

Five separate Conditional Use Permit (CUP) applications have been filed by the project applicant for the properties identified below. Additionally, a Variance application has been filed with the County for these properties in order to exceed the currently allowed height limit for transmission towers within the applicable zones:

- Mount Signal Solar Farm 1 (MSSF1)
- Calexico Solar Farm 1 Phase A (CSF1(A))
- Calexico Solar Farm 1 Phase B (CSF1(B))
- Calexico Solar Farm 2 Phase A (CSF2(A))
- Calexico Solar Farm 2 Phase B (CSF2(B))

The entire area of the solar farms (project study area) encompasses 4,228 acres of land located in the southern portion of Imperial County. These projects would also involve the connection of transmission facilities that would extend along private lands, traversing the project area generally east to west, and would connect into approved transmission facilities associated with the recently approved Imperial Solar Energy Center South project. The project also involves the construction of new transmission facilities that would extend from the approved Imperial Solar South transmission lines, extending north through public land approximately five miles to the Imperial Valley Substation. These lands are subject to administration by the Bureau of Land Management (BLM). Figure 3.0-3 in Section 3.0, Project Description, provides an index of the major project components and the details of the projects are further described and depicted in Section 3.0.

#### 1.1.1 Agency Roles and Responsibilities

##### 1.1.1.1 County of Imperial

The County of Imperial will be required to approve each of the five CUPs and corresponding Variance applications for each of the project areas to authorize the construction and operation of the projects. Pursuant to Imperial County Land Use Ordinance Title 9, Division 5, Chapter 9, "Solar Energy Plants" are uses permitted in the A-2, A-2-R, and A-3 Zones, subject to issuance of a CUP by the County. Transmission lines, including "supporting towers, poles, microwave towers, utility substations" are permitted uses within the A-3 Zone. In addition, approval of the projects would involve County approval of a Variance to allow the proposed transmission towers to exceed the 120-foot height limit currently established in the A-2, A-2-R and A-3 zones in which the project areas are located. No land use changes would be required in order to implement the proposed action.

The following approvals will be required for implementation of the projects:

1. **Approval of Conditional Use Permits.** Implementation of the solar farm projects would require the approval of five CUPs by the County to allow for the construction and operation of the proposed MSSF1, CSF1(A), CSF1(B), CSF2(A), CSF2(B) projects. The project areas comprise five CUP applications comprising 29 privately-owned legal parcels zoned A-2 (General Agriculture), A-2-R (General Agriculture Rural), and A-3 (Heavy Agriculture). Pursuant to Title 9, Division 5, Chapter 9, "Solar Energy Plants" is a use that is permitted in the A-2, A-2-R, and A-3 Zones, subject to securing a CUP. ("Transmission lines, including supporting towers, poles, microwave towers, utility substations" are permitted uses within the A-3 Zone.)
2. **Site Plans.** Site Plan and Architectural Review is required.
3. **Variance.** Variances are required for the solar energy facility sites in order to exceed the height limit for transmission towers within the A-2, A-2-R, and A-3 Zones. The existing A-2, A-2-R, and A-3 Zones allow a maximum height limit of 120 feet; whereas, transmission towers of up to 140 feet in height are proposed.
4. **Certification of the EIR.** After the required public review for the Draft EIR, the County will respond to written comments, edit the document, and produce a Final EIR to be certified by the Planning Commission and/or Board of Supervisors prior to making a decision on the projects.
5. **Restoration Plans.** The Applicant will be required to prepare and implement a restoration plan for each project which would be implemented after the useful life of the projects and will extend up to 40 years. When the projects are decommissioned at the end of their life spans, the applicant or its successor in interest would be responsible for the removal, recycling, and/or disposal of all solar arrays, inverters, transformers and other structures on each of the sites. The applicant would be required to prepare and implement an agricultural restoration plan per project site. The County is responsible for approving the project restoration plans and confirming that financial assurances for the projects are in conformance with Imperial County ordinances.
6. **Williamson Act Contract Cancellation.** There are four active Williamson Act Contracts within the study areas. . Agricultural Preserve 115 includes the northern portions of CSF1(A) (Assessors Parcel Numbers (APN) 052-210-001 and 002). Agricultural Preserve 117 includes the southern portions of CSF1(B) (APNs 052-210-038 and 039). Agricultural Preserve 160 includes the southern portions of CSF2(B)(APNs 052-180-022, 050, and 051). Agricultural Preserve 159 includes the northeastern portion of CSF2(A) (APN 059-110-007). Petitions for cancellation of these contracts were filed within the County in September and October of 2011.

Subsequent ministerial approvals may include, but are not limited to:

- Grading and clearing permits;
- Building permits;
- Septic system permits;
- Occupancy permits; and,
- Encroachment permits.

### 1.1.1.2 Other Agency Reviews and/or Consultations

#### 1.1.1.2.1 Federal

##### U.S. Bureau of Land Management

- Right-of-way grant under the Federal Land Policy and Management Act for the off-site transmission line that would be constructed within BLM lands. A portion of the transmission facilities associated with the Imperial Solar Energy Center South Project is being constructed within Bureau of Land Management (BLM) lands, the construction and operation of which, were addressed in BLM EA 2010-64/2011-0007. Transmission facilities currently being constructed in conjunction with the Solar Energy Center South Project would then connect with new transmission facilities proposed as part of this project, on BLM lands from the westerly terminus of the Imperial Solar Energy Center South Project transmission line (located within BLM lands) north to the existing Imperial Valley Substation (see Figure 3.0-2b). The proposed project may involve overlapping right-of-ways with the Imperial Solar Energy Center South Project, and the project applicant may either construct proposed transmission facilities independently or jointly with other parties. In any event, the project applicant is seeking its own right-of-way approval from the BLM for the construction of the transmission facilities. The off-site transmission line is being reviewed under a separate Environmental Assessment (EA) pursuant to the National Environmental Policy Act (NEPA).

##### U.S. Army Corps of Engineers

- Consultation, if required, for a disturbance to jurisdictional waters of the U.S. that may trigger the need for a Clean Water Act (CWA) Section 404 permit.

##### U.S. Fish and Wildlife Service

- Consultation regarding potential impacts to special-status species or their habitat as required under the Federal Endangered Species Act. If applicable, Section 7 or Section 10 take permits would be required for the loss of such species and their habitat.

#### 1.1.1.2.2 State

##### California Department of Fish and Game (Trustee Agency)

- Consultation regarding potential impacts to California special-status species or their habitats as required under the California Endangered Species Act. If applicable, incidental take permits for the loss of such species or their habitat would be required. Consultation regarding potential impacts to waters/wetlands of the state. If applicable, Section 1602 Streambed Alteration Agreement would be required.

##### California Department of Transportation

- Utility encroachment permits and/or consultation on potential impacts/improvements regarding Caltrans roads/rights-of-way.

##### California Regional Water Quality Control Board

**National Pollution Discharge Elimination System (NPDES) Construction Activity General Permit, #CA-S000002.** Requires the applicant to file a public Notice of Intent to discharge stormwater and to prepare and implement a stormwater pollution prevention plan (SWPPP).

**NPDES General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (CA-S000004).** Requires that discharges of pollutants from areas of new development be reduced to the maximum extent practicable in order to protect receiving waters and uphold water quality standards.

**Consultation Regarding Potential Impacts to Jurisdictional Waters.** If applicable, CWA Section 401 Water Quality Certification, or permitting under California Porter-Cologne Act.

### 1.1.1.2.3 Local

#### Imperial County Fire Department

- Review as part of the EIR process including the final design of the proposed fire system.

#### Imperial Irrigation District

- Review as part of the EIR process including approval of encroachment permits.

#### Imperial County Air Pollution Control District

- Review as part of the EIR process regarding consistency with the Imperial County Air Pollution Control District (ICAPCD) CEQA Air Quality Handbook, the 1991 Air Quality Attainment Plan, and the State Implementation Plan for PM<sub>10</sub> in the Imperial Valley, and including verification of Rule 801 compliance.

## 1.2 RELATIONSHIP TO STATUTES, REGULATIONS, AND OTHER PLANS

### County of Imperial General Plan and Land Use Ordinance

The General Plan provides guidance on future growth in the County of Imperial. Any development in the County of Imperial must be consistent with the General Plan and the Land Use Ordinance (Title 9, Division 10). The BLM-managed lands located to the west of the solar facility sites are not subject to the requirements of the General Plan because the BLM is a Federal agency. However, BLM regulations require that resource management plans be consistent with local governments' officially approved resource related plans (FLMPA, Sec. 202(c)(9)).

### California Desert Conservation Area Plan

Section 601 of the Federal Land Management Policy Act (FLMPA) requires that BLM develop a plan to "... provide for the immediate and future protection and administration of the public lands in the California Desert within the framework of a program of multiple use and sustained yield, and the maintenance of environmental quality." Section 601 is specifically included in the FLMPA to give direction about the California Desert Conservation Area Plan (CDCA). In that section, Congress required the preparation of a comprehensive long-range Plan for the CDCA. The BLM portion of the proposed off-site transmission line corridor component of the project is located entirely within the Yuha Basin Area of Critical Environmental Concern (ACEC) of the CDCA. The portion of the proposed project's transmission line corridor located within BLM land is located within Utility Corridor "N" as designated in the Plan.

### Renewables Portfolio Standard Program

Established in 2002 under Senate Bill 1078, California's Renewables Portfolio Standard (RPS) was accelerated in 2006 under Senate Bill 107 by requiring that 20 percent of electricity retail sales be served by renewable energy resources by 2010. Subsequent recommendations in California energy policy

reports advocated a goal of 33 percent by 2020, and on November 17, 2008, Governor Arnold Schwarzenegger signed Executive Order S-14-08 requiring that "...[a]ll retail sellers of electricity shall serve 33 percent of their load with renewable energy by 2020." The following year, Executive Order S-21-09 directed the California Air Resources Board, under its Assembly Bill 32 authority, to enact regulations to achieve the goal of 33 percent renewables by 2020.

In the ongoing effort to codify the ambitious 33 percent by 2020 goal, Senate Bill X1-2 was signed by Governor Brown, in April 2011. This new RPS preempts the California Air Resources Boards' 33 percent Renewable Electricity Standard and applies to all electricity retailers in the state including publicly owned utilities (POUs), investor-owned utilities (IOUs), electricity service providers, and community choice aggregators. All of these entities must adopt the new RPS goals of 20 percent of retail sales from renewables by the end of 2013, 25 percent by the end of 2016, and the 33 percent requirement being met by the end of 2020. Renewable energy sources include wind, geothermal, and solar.

### **California Global Warming Solutions Act of 2006, AB 32 (Statutes 2006; Chapter 488; Health and Safety Code Sections 38500 et seq.)**

This Act requires the ARB to enact standards that will reduce GHG emissions to 1990 levels by 2020. Electricity production facilities are regulated by the ARB.

### **Title 17 CCR, Subchapter 10, Article 2, Sections 95100 et seq.**

These ARB regulations implement mandatory GHG emissions reporting as part of the California Global Warming Solutions Act of 2006.

### **Federal Clean Air Act**

The legal authority for federal programs regarding air pollution control is based on the 1990 Clean Air Act Amendments (CAAA). These are the latest in a series of amendments made to the Clean Air Act (CAA). This legislation modified and extended federal legal authority provided by the earlier Clean Air Acts of 1963 and 1970.

The Air Pollution Control Act of 1955 was the first Federal legislation involving air pollution. This Act provided funds for federal research in air pollution. The CAA of 1963 was the first Federal legislation regarding air pollution *control*. It established a federal program within the U.S. Public Health Service and authorized research into techniques for monitoring and controlling air pollution. In 1967, the Air Quality Act was enacted in order to expand Federal government activities. In accordance with this law, enforcement proceedings were initiated in areas subject to interstate air pollution transport. As part of these proceedings, the Federal government for the first time conducted extensive ambient monitoring studies and stationary source inspections.

The Air Quality Act of 1967 also authorized expanded studies of air pollutant emission inventories, ambient monitoring techniques, and control techniques.

### **Imperial County Air Pollution Control District**

The Imperial County Air Pollution Control District enforces rules and regulations regarding air emissions associated with various activities, including construction and farming, and operational activities associated with various land uses, in order to protect the public health.

## **Federal Clean Water Act (33 U.S.C. §§1251-1387)**

The Federal Water Pollution Control Act (33 U.S.C. §§1251-1387), otherwise known as the CWA, is a comprehensive statute aimed at restoring and maintaining the chemical, physical and biological integrity of the nation's waters. Enacted originally in 1948, the Act was amended numerous times until it was reorganized and expanded in 1972. It continues to be amended almost every year. Primary authority for the implementation and enforcement of the CWA rests with the U.S. Environmental Protection Agency (EPA). In addition to the measures authorized before 1972, the Act authorizes water quality programs, requires federal effluent limitations and state water quality standards, requires permits for the discharge of pollutants into navigable waters, provides enforcement mechanisms, and authorizes funding for wastewater treatment works construction grants and state revolving loan programs, as well as funding to states and tribes for their water quality programs. Provisions have also been added to address water quality problems in specific regions and specific waterways.

Important for wildlife protection purposes are the provisions requiring permits to dispose of dredged and fill materials into navigable waters. Permits are issued by the U.S. Army Corps of Engineers (USACE) under guidelines developed by EPA pursuant to Section 404 of the CWA.

## **Federal Clean Water Act and California Porter-Cologne Water Quality Control Act**

The Proposed Action is located within the Colorado River Basin (CRB) Regional Water Quality Control Board (RWQCB), Region 7. The Federal CWA and the California Porter-Cologne Water Quality Control Act require that Water Quality Control Plans (more commonly referred to as Basin Plans) be prepared for the nine state-designated hydrologic basins in California. The Basin Plan serves to guide and coordinate the management of water quality within the region.

## **Federal Endangered Species Act**

The Federal Endangered Species Act (ESA) (16 U.S.C. 1531-1544) provides protection for plants and animals whose populations are dwindling to levels that are no longer sustainable in the wild. The Act sets out a process for listing species, which allows for petition from any party to list a plant or animal. Depending on the species, either the U.S. Fish and Wildlife Service or the National Marine Fisheries Service will determine whether listing the species is warranted. If it is warranted, the species will be listed as either threatened or endangered. The difference between the two categories is one of degree, with endangered species receiving more protections under the statute.

The ESA also requires that all federal agencies ensure that their actions will not jeopardize the continued existence of a listed species. These actions include actions on federal property, such as National Forests, and actions taken as a result of federal involvement, such as building a state highway where some of the monies come from the Federal Government.

Section 9 of the ESA prohibits the "take" of listed fish and wildlife species, but not plant species. This provision applies to every person. The definition of "take" includes, by regulation, "significant habitat modification or degradation that actually kills or injures wildlife." 50 C.F.R. § 17.3.

## **National Historic Preservation Act**

Federal regulations (36 CFR Part 800.2) define historic properties as "any prehistoric or historic district, site, building, structure, or object included, or eligible for inclusion in, in the National Register of Historic Places (NRHP)." Section 106 of the NHPA (Public Law 89-665; 80 Stat 915; USC 470, as amended) requires a Federal agency with jurisdiction over a project to take into account the effect of the project on properties included in or eligible for the NRHP, and to afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment. The term "cultural resource" is used to denote a historic or prehistoric district, site, building, structure, or object, regardless of whether it is eligible for the NRHP.

## **California Endangered Species Act (Government Code Section 2050)**

The California Endangered Species Act is enacted through Government Code Section 2050. Section 2080 of the California Fish and Game Code prohibits "take" of any species that the commission determines to be an endangered species or a threatened species. Take is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

CESA allows for take incidental to otherwise lawful development projects. CESA emphasizes early consultation to avoid potential impacts to rare, endangered, and threatened species and to develop appropriate mitigation planning to offset project caused losses of listed species populations and their essential habitats.

## **California Lake and Streambed Program (Fish and Game Code Section 1602)**

The Department of Fish and Game (DFG) is responsible for conserving, protecting, and managing California's fish, wildlife, and native plant resources. To meet this responsibility, the Fish and Game Code (Section 1602) requires an entity to notify DFG of any proposed activity that may substantially modify a river, stream, or lake.

### **1.3 PURPOSE OF AN EIR**

The purpose of an EIR is to analyze the potential environmental impacts associated with a project. CEQA (Section 15002) states that the purpose of CEQA is to: (1) inform the public and governmental decision makers of the potential, significant environmental impacts of a project; (2) identify the ways that environmental damage can be avoided or significantly reduced; (3) prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible; and (4) disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

### **1.4 EIR PROCESS**

#### **1.4.1 Availability of Reports**

This Final EIR and documents incorporated by reference are available for public review at the County of Imperial Planning and Development Services Department, 801 Main Street, El Centro, California 92243. Copies are also available for review at the City of El Centro Public Library, 539 State Street, El Centro, CA. Documents at these locations may be reviewed during regular business hours.

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**County of Imperial, Planning and Development Services Department**  
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Comments received during the public review period of the Draft EIR have been reviewed and responded to in this Final EIR. The Final EIR will then be reviewed by the Imperial County Planning Commission and Board of Supervisors as a part of the procedure to adopt the EIR. Additional information on this process may be obtained by contacting the County of Imperial Planning and Development Services Department at (760) 482-4236.

## **Incorporation by Reference**

Pursuant to CEQA Guidelines Section 15150, this EIR incorporates by reference the Imperial Solar Energy Center South Final EIR/EA (SCH# 2010061038, BLM EA#2010-64/2011-007), particularly with respect to the portion of the proposed Off-site Transmission Facilities that are located within BLM lands. The environmental effects of these transmission facilities were previously evaluated in the Imperial Solar Energy Center South Final EIR/EA. The provisions of incorporation by reference are set forth in the CEQA Guidelines Sections 15150(a) through (f), which state that an EIR may incorporate by reference all or portions of another document which is a matter of public record and is generally available to the public. Where an EIR uses incorporation by reference, the incorporated part of the referenced document shall be briefly summarized where possible or briefly described if the data or information cannot be summarized. Also, the relationship between the incorporated part of the referenced document and the EIR shall be described. Incorporation by reference is also described in more detail in Section 4.0 of this EIR.

The Imperial Solar Energy Center South Final EIR/EA is available at the County of Imperial Planning and Development Services Department, 801 Main Street, El Centro, California 92243.

### **1.4.2 Public Participation Opportunities/Comments and Coordination**

#### **1.4.2.1 Notice of Preparation**

The County of Imperial issued a Notice of Preparation (NOP) for the preparation of an EIR for the Mount Signal Solar Farm and Calexico Solar Farm projects on July 25, 2011. The NOP was distributed to City, County, State, and Federal agencies, other public agencies, and various interested private organizations and individuals in order to define the scope of the EIR. The NOP was also published in the Imperial Valley press on July 25, 2011. The purpose of the NOP was to identify public agency and public concerns regarding the potential impacts of the projects, and the scope and content of environmental issues to be addressed in the EIR. Comment letters in response to the NOP were received from: California Department of Transportation, Frontier Agricultural Services, and the Division of Oil, Gas, and Geothermal Resources.

The main comments submitted on the NOP during the public review and comment period are summarized in Table 1.0-1. This table also includes a reference to the section in which each issue is addressed.

#### **1.4.2.2 Scoping Meeting and Environmental Evaluation Committee**

During the NOP public review period, a scoping meeting for the general public as well public agencies was held on July 28, 2011 at 6:00 p.m. The meeting was held by the Imperial County Planning & Developmental Services Department in the Board of Supervisors Chambers located at the County Administration Center at 940 Main Street, El Centro, CA. Table 1.0-1 summarizes the main comments addressed during the public scoping meeting.

### **1.4.3 Environmental Topics Addressed**

Based on the analysis presented in the NOP and the information provided in the comments to the NOP, the following environmental topics are analyzed in this EIR.

- Aesthetics
- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Noise
- Public Services
- Recreation
- Transportation/Circulation
- Utilities/Service Systems



**TABLE 1.0-1. NOP PUBLIC REVIEW PERIOD AND SCOPING MEETING COMMENTS**

Issue Raised	Response
<b>NOP PUBLIC REVIEW PERIOD COMMENTS</b>	
<i>Department of Transportation (Caltrans)</i>	
<p>Caltrans requests that a glare analysis be documented for potential visual impacts to motorists driving on State Route (SR) 98. Caltrans also states that the projects will access SR 98; however, access to SR 98 should be from existing county roads or a permitted highway access location. Additionally, if the route of the proposed transmission line traverses through Caltrans right of way (ROW), an encroachment permit will be required. Finally, Caltrans is requesting that a copy of any traffic analysis related to SR 98 or state facilities be provided. The analysis should use the <i>Caltrans Guide for the Preparation of Traffic Impact Studies</i> as a guideline.</p>	<p>Visual studies and glare analyses have been prepared for the proposed projects and are included as Appendix B of the EIR. Section 4.1 Aesthetics, analyzes glare impacts associated with the projects. While the proposed projects would result in some reflectivity, the PV panels are designed to absorb light rather than reflect it. However, in comparison with sand and agricultural vegetation, the panels will produce less reflectivity. Because the panels will produce less reflectivity than the prevailing ground cover, impacts to this issue area are considered less than significant.</p> <p>The projects do not propose building new roads to access SR 98; access to SR 98 will be available via existing county roads or permitted highway access locations. Further, an encroachment permit will be filed with Caltrans for any portions of the transmission line traversing through Caltrans ROW.</p> <p>A traffic study was prepared for the MSSF1, CSF1(A)(B), and CSF2(A)(B) projects using appropriate recommended guidelines and is included as Appendix J of the EIR. The conclusions of the study are summarized in Section 4.14 of the EIR.</p>
<i>Frontier Agricultural Service, Inc</i>	
<p>Frontier Agricultural Services stated their concerns about the reflective/refractive properties associated with glare resulting from the panels/panel angles. Daytime and nighttime glare to can negatively affect the ability to safely land aircraft. Generally, 40% of their landings are conducted in the nighttime.</p> <p>Additional concerns associated with aircraft safety that would warrant discussion in the EIR include: the use of guy-wires, lights on poles, and/or any use of cranes during construction or maintenance of the panels in the future; disturbance or turbulence of air currents from various panel angles at ground (airstrip) level; the maximum height of solar arrays during both daytime and nighttime could be a safety issue for the Air Tractors; and the minimum adequate distance from both ends of the runway to the proposed projects.</p> <p>Additionally, there are two sources of dust related to operations and maintenance of the Air Tractors: staging for take-offs and actual take-offs. Finally, Frontier Agricultural Services believes solar energy is a beneficial business venture when agricultural land is not lost.</p>	<p>As stated in the response above for the Department of Transportation, visual studies and glare analyses have been conducted for the proposed projects and are included in Appendix B of the EIR. Section 4.1, Aesthetics analyzes glare impacts associated with the projects. While the proposed projects would result in some reflectivity, the PV panels are designed to absorb light rather than reflect it. The panels would produce less reflectivity than the prevailing ground cover. As stated in Section 4.1, Aesthetics, a few days during the year could result in an eventual risk of glint from the PV modules to landing airplanes at the airport resulting in a significant impact. As a result, there is a chance that this could affect Air Tractor landing as well. However, Mitigation Measure 4.1-4 requires coordination of the final designs with the Airport Land Use Commission (ALUC) to minimize glare and glint effects on airport operations.</p> <p>As discussed in Section 3.0, Project Description, dust suppression methods will be implemented by using ground cover in the form of salt grasses. Not only will this type of plant cover reduce dust, but it requires minimal irrigation and thus, minimal vegetation management is anticipated. An alternative to using ground cover as dust suppression is also discussed in this section.</p>

Issue Raised	Response
<b><i>Division of Oil Gas and Geothermal Resources</i></b>	
The Division of Oil, Gas, and Geothermal Resources ("Division") believes there may be a potential risk related to construction within proximity to plugged and abandoned wells. According to the Division's database, there are three abandoned shallow temperature gradient wells located in the area of the proposed projects that may require abandonment if the wells are exposed or the present abandonment plugs are altered. Additionally, the Division must be contacted to obtain information on the requirements for approval to perform any remedial operations.	Phase I Environmental Site Assessments have been conducted for the proposed projects and are included in Appendix H of the EIR. Section 4.8, Hazards and Hazardous Materials, analyzes project impacts associated with hazards. A site reconnaissance conducted by GS Lyon included site observations for wells, pits or sumps, among other hazards. No wells have been observed within the project study area boundaries. However, because the Division has identified three potential wells within the boundary of the project study area, mitigation measure identified in the EIR requires the Division be contacted prior to the issuance of a final grading permit.
<b>PUBLIC SCOPING MEETING COMMENTS</b>	
Comments were made about the resultant glare associated with the panels and heat and noise generated by the panels.	For glare associated concerns, see responses above and Section 4.1 Aesthetics.  As discussed in Section 4.11, Noise, the projects would be required to comply with the County of Imperial Codified Ordinances Division 7 Noise Abatement and Control. This ordinance governs fixed operational noise within the project study areas. The 1-hour average sound level limit for the A-2, A-2-R, and A-3 zones is 75 decibels (dBA) and noise levels up to 70 dBA Ldn are identified as normally acceptable (see Table 4.11-1). The noise generated during these collective operations could exceed 70 dBA at certain times and, more importantly, could likely raise the ambient noise levels 5 dBA on higher throughout the project study areas. As a result, onsite operational noise would not generally exceed the standards of the County of Imperial Noise Ordinance.
Concerns were voiced about the projects' compatibility with residential land uses.	As discussed in Section 4.10, Land Use/Planning, the project study areas is not within proximity to urban areas; surrounding land uses are generally agricultural in nature and therefore, the projects would not interfere with or result in incompatibility with residential land uses. The approval of CUPs by the County would allow for the construction and operation of the projects in the Agriculturally zoned areas.
Concerns were raised regarding associated project impacts to the IID canals and potential access related issues. Additionally, questions were raised regarding potential impacts to habitat located in the drainage due to the the loss of agricultural land. Finally, questions were asked regarding project related impacts to burrowing owls, migratory birds, ESA or species of special concerns.	As discussed in Section 4.4, Biological Resources, IID canals will not be removed, relocated or otherwise impacted during construction or operations and long term maintenance of the proposed projects. Therefore the proposed projects would not impede on existing recreational uses and access to the IID canals. Additionally, active agricultural uses surrounding the project study areas would still utilize the drainages and therefore would not result in habitat alteration associated with the drainage system. Also discussed in Section 4.4, Biological Resources are project related impacts to burrowing owls, migratory birds, and ESA or species of special concern. Associated project impacts have been addressed with mitigation measures that would reduce impacts to levels less than significant.
Concerns were raised about the impacts to potential Williamson Act Contract lands and the loss of jobs associated with the loss of agricultural economy and the potential impacts on other agricultural lands associated with the transfer of water away from the project study areas.	As discussed in Section 4.2, Agricultural Resources, there are four active Williamson Act Contracts within the project study areas. Because final land uses following the projects would consist of agricultural uses, no new growth pressures are anticipated as a direct consequence of the project s and therefore project implementation would not create disincentives for adjacent properties. Also, it is important to note that the continuation of the Williamson Act program

Issue Raised	Response
	<p>within Imperial County is now in question as a result of a recent vote by the Board of Supervisors to discontinue funding for the program for 2012. This decision will essentially result in the non-renewal of all active Williamson Act contracts within the County starting January 1, 2012. The planning department also conducted several workshops and presented various findings and alternative mitigation measures to address this issue, which is summarized in a memorandum from staff, to the Planning Commission, and dated September 2, 2011.</p> <p>Although, landowners have the option of filing a protest against non-renewal, this option only allows them to keep their Williamson Act value until there is less than six years remaining in the non-renewal phase-out. Beyond four years, current tax incentives would no longer apply. This issue is discussed further in the impact analysis section within Section 4.2, Agricultural Resources. Also, as discussed in Section 4.2, Agricultural Resources, the project would temporarily convert Important Farmland on-site to non-agricultural uses, but the project's indirect impact reduces the need for IID to fallow irrigated lands elsewhere in the County to meet IID water conservation goals.</p> <p>Although assessment of economic conditions and job loss related to projects is not required under CEQA, a Fiscal Impact Analysis is currently under preparation to determine, in part, whether the proposed projects will have a negative or positive economic impact on the County. The Fiscal Impact Analysis will be presented to the Planning Commission as part of their consideration of the proposed projects.</p>
What are EMF dangers associated with Solar Energy?	Section 4.8 Hazards and Hazardous Materials addresses EMF impacts. As discussed, impacts would be less than significant.
What is the length of lease?	As discussed in Section 3.0, Project Description, in this EIR, restoration of the project study areas to agricultural uses would occur in 40 years. After the useful life of the projects, the solar facility would be disassembled and the site would be restored to pre-project conditions.
Full drainage canals from active agricultural farming typically result in optimal service pipe performance. How will project-related impacts affect service pipe performance?	Section 6.0 Cumulative Impacts addresses potential cumulative impacts to drainage canals under discussion of biological resources. As discussed impacts would be less than significant.
A local resident cited an article in the Desert Sun (6/29/11) discussing franchise fee for solar developers.	Franchise fees are not considered an environmental issue; therefore, they are not discussed in the EIR. This issue would be addressed by the Planning Commission and Board of Supervisors as part of consideration of approval of the projects.
Has a fiscal feasibility study been prepared to address project related impacts to employment, lease, water, and Williamson Act?	Although assessment of economic conditions and job loss related to projects are not required under CEQA, a Fiscal Impact Analysis is currently under preparation to determine, in part, whether the proposed projects will have a negative or positive economic impact on the County.

### 1.4.3.1 Eliminated from Further Review in Notice of Preparation

The NOP completed by the County (Appendix A) determined that environmental effects to Minerals and Population/Housing would not be potentially significant. Therefore, these impacts are not addressed in this EIR; however, the rationale for eliminating these issues is briefly discussed below:

#### Minerals

The project study area is not used for mineral resource production and the projects do not propose any mineral extraction. According to the Conservation and Open Space Element of the County of Imperial 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.

#### Population/Housing

The proposed project sites have been used for and are currently being used for agricultural production. Development of housing is not proposed as part of the proposed projects. The project study areas will be staffed with up to 18 full time employees to maintain the facility seven days a week during normal daylight hours. The facilities will operate seven days per week, generating electricity during normal daylight hours when the solar energy is available. To ensure optimal PV output, the solar panels will be maintained 24 hours a day/seven days a week. The proposed projects would not result in a substantial population growth, as the number of employees required to operate and maintain the facilities is minimal. A total of three residences are located within the project sites. These residences would not be relocated as part of the proposed project, therefore, no impact associated with displacement would result.

### 1.4.4 Areas of Controversy to be Resolved

#### Areas of Concern

Section 15123(b)(2) of the *CEQA Guidelines* requires that an EIR identify areas of controversy known to the Lead Agency, including issues raised by other agencies and the public. The main comments submitted on the NOP during the public review and comment period are summarized in Table 1.0-1. This table also includes a reference to the section in which each issue is addressed. A primary issue associated with these solar farm projects, and other solar facility projects that are proposed in the County, is the conversion of agricultural lands, including Williamson Act Contracted lands, to the solar farm use and the corresponding fiscal and economic impacts to the County. Through the course of the environmental review process for these projects, other areas of concern and issues to be resolved include the CSF2(A) consistency determination from the Airport Land Use Commission.

### 1.4.5 Document Organization

The structure of the Final EIR is identified below. The Draft EIR was organized into eleven chapters, including the Executive Summary. Within Chapter 4.0 the environmental impacts associated with implementation of the proposed projects are addressed.

- **Section I.1 Introduction** describes CEQA requirements and content of this Final EIR.
- **Section II.1 Corrections and Additions** provides a list of those revisions made to the Draft EIR text and figures as a result of comments received and/or clarifications subsequent to release of the Draft EIR for public review. Revisions to the Draft EIR have been incorporated into this Final EIR document.

- **Section III.1 Responses to Comment Letters Received on the Draft EIR** provides copies of the comment letters received and individual responses to written comments. In accordance with Public Resources Code 21092.5, copies of the written proposed responses to public agencies will be forwarded to the agencies at least 10 days prior to certifying an EIR. The responses will conform to the legal standards established for response to comments on Draft EIRs.
- **Section IV.1 Mitigation Monitoring and Reporting Program** includes the Mitigation Monitoring and Reporting Program (MMRP) which identifies the mitigation measures, timing and responsibility for implementation of the measures.
- **Section 0.1, the Executive Summary** provides a summary of the proposed projects, including a summary of project impacts, mitigation measures, and project alternatives.
- **Chapter 1.0 Introduction** provides a brief introduction of the proposed projects; relationship to statutes, regulations and other plans; the purpose of an EIR; public participation opportunities; availability of reports; and, comments received on the NOP.
- **Chapter 2.0 Environmental Setting** provides a description of the physical characteristics of the proposed project study areas.
- **Chapter 3.0 Project Description** provides a description of the Mount Signal Solar Farm and Calexico Solar Farm Projects. This chapter also defines the goals and objectives of the proposed projects, provides details regarding the individual components that together comprise the projects, and identifies the discretionary approvals required for implementation of each of the projects.
- **Chapter 4.0 Environmental Analysis** provides an analysis of the environmental impacts of the projects for the following environmental issues: aesthetics; agricultural resources; air quality; biological resources; cultural resources; geology and soils; greenhouse gas emissions; hazards and hazardous materials; land use/planning; public services; recreation; transportation/circulation; and utilities/service systems. This chapter also identifies mitigation measures to address potential impacts to the environmental issues identified above.
- **Chapter 5.0 Analysis of Long-Term Effects** provides an analysis of growth inducing impacts, significant irreversible environmental changes, and unavoidable adverse impacts.
- **Chapter 6.0 Cumulative Impacts** discusses the impact of the proposed projects in conjunction with other planned and future development in the surrounding areas.
- **Chapter 7.0 Effects Found Not to be Significant** lists all the issues determined to not be significant as a result of the preparation of this EIR.
- **Chapter 8.0 Alternatives** analyzes the alternatives to the proposed projects.
- **Chapter 9.0 References** lists the data references utilized in preparation of the EIR.
- **Chapter 10.0 EIR Preparers and Organizations Contacted** lists all the individuals and companies involved in the preparation of the EIR, as well as the individuals and agencies consulted and cited in the EIR.

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