

CHAPTER 3.0

**COMMENTS AND
RESPONSE TO COMMENTS**

3.0 COMMENTS AND RESPONSE TO COMMENTS

3.1 INTRODUCTION

This chapter includes all comments received on the Draft EIR during the 50-day public and agency review period (45-day minimum per CEQA, plus five days per County of Imperial Guidelines). No new significant environmental impacts or issues beyond those already identified in the Draft EIR for the Seville 4 Solar Project were raised during the public review period. Acting as lead agency under CEQA, Imperial County directed responses to the comments received on the Draft EIR. Pursuant to CEQA Guidelines Section 15088.5, none of the comments received during the comment period involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR. This issue is discussed further in Chapter 1.0, Introduction under 1.1.2.3 Final EIR.

3.2 LIST OF COMMENTERS

The following individuals and representatives of organizations and agencies submitted written comments on the Draft EIR.

**TABLE 3.0-1
LIST OF COMMENTERS ON THE DRAFT EIR**

COMMENTS RECEIVED BY IMPERIAL COUNTY			
LETTER or E-MAIL	INDIVIDUAL OR SIGNATORY	AFFILIATION	DATE
1	Victoria Martin Tribal Secretary	Augustine Band of Cahuilla Indians	July 19, 2018
2/2A	Donald Vargas Compliance Administrator II	Imperial Irrigation District	August 6, 2018
3	Steve Quartieri Interim District Superintendent Ocotillo Wells District	California Department of Parks and Recreation	August 27, 2018
4	Jacob Armstrong Branch Chief Local Development and Intergovernmental Review Branch	California Department of Transportation	August 28, 2018
5	Scott Morgan Director, State Clearinghouse	Governor’s Office of Planning and Research	August 28, 2018
6	Axel Salas, EIT APC Environmental Coordinator	Imperial County Air Pollution Control District	August 31, 2018
7	Manuel Ortiz Assistance County Engineer	County of Imperial Department of Public Works	August 31, 2018

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3.3 COMMENTS AND RESPONSES

3.3.1 REQUIREMENTS FOR RESPONDING TO COMMENTS ON A DRAFT EIR

CEQA Guidelines Section 15088 requires that lead agencies evaluate all comments on environmental issues received on the Draft EIR and prepare a written response. The written response must address the environmental issue(s) raised and provide a detailed response. Rationale must be provided when specific comments or suggestions (e.g., additional mitigation measures) are not accepted. In addition, the written response must be a good faith and reasoned analysis. As long as a good faith effort at full disclosure is made in the EIR (CEQA Guidelines Section 15204), lead agencies need only to respond to significant environmental issues associated with the project and do not need to provide all the information requested by commenters.

CEQA Guidelines Section 15204 recommends that commenters provide detailed comments that focus on the sufficiency of the Draft EIR in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. CEQA Guidelines Section 15204 also notes that commenters should provide an explanation and evidence supporting their comments. Pursuant to CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

CEQA Guidelines Section 15088 also recommends that where the response to comments results in revisions to the Draft EIR, those revisions should be noted as a revision to the Draft EIR or in a separate section of the Final EIR. Revisions necessitated by comments appear as part of the response as well as in Chapter 4.0, Errata of this Final EIR.

3.3.2 COMMENTS AND RESPONSE TO COMMENTS

Written comments on the Draft EIR are reproduced on the following pages, along with responses to those comments. To assist in referencing comments and responses, the letters are coded using numbers (e.g., Comment Letter 1) and each issue raised in the comment letter is assigned a number that correlates with the letter (e.g. 1-1, 1-2, 1-3, etc.).

Where changes to the Draft EIR text result from responding to comments, those changes are included in the response and demarcated with revision marks (underline for new text, ~~strike-out~~ for deleted text). Comment-initiated text revisions to the Draft EIR and minor staff-initiated changes are compiled in their entirety and are demarcated with revision marks in Chapter 4.0, Errata, of this Final EIR.

3.0 COMMENTS AND RESPONSE TO COMMENTS



AUGUSTINE BAND OF CAHUILLA INDIANS

PO Box 846 84-481 Avenue 54 Coachella CA 92236

Telephone: (760) 398-4722

Fax (760) 369-7161

Tribal Chairperson: Amanda Vance

Tribal Vice-Chairperson: William Vance

Tribal Secretary: Victoria Martin

LETTER 1

RECEIVED

JUL 30 2018

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

July 19, 2018

Jim Minnick
Imperial County
Planning & Development Services Dept.
801 Main Street
El Centro, CA 92243

RE: Seville 4 Solar Project

Dear Mr. Minnick-

Thank you for the opportunity to offer input concerning the development of the above-identified project. We appreciate your sensitivity to the cultural resources that may be impacted by your project, and the importance of these cultural resources to the Native American peoples that have occupied the land surrounding the area of your project for thousands of years. Unfortunately, increased development and lack of sensitivity to cultural resources has resulted in many significant cultural resources being destroyed or substantially altered and impacted. Your invitation to consult on this project is greatly appreciated.

1-1

At this time we are unaware of specific cultural resources that may be affected by the proposed project. We encourage you to contact other Native American Tribes and individuals within the immediate vicinity of the project site that may have specific information concerning cultural resources that may be located in the area. We also encourage you to contract with a monitor who is qualified in Native American cultural resources identification and who is able to be present on-site full-time during the pre-construction and construction phase of the project. Please notify us immediately should you discover any cultural resources during the development of this project.

1-2

1-3

1-4

1-5

Very truly yours,

Victoria Martin
Tribal Secretary

3.0 COMMENTS AND RESPONSE TO COMMENTS

RESPONSE TO COMMENT LETTER 1

Commenter: Victoria Martin, Tribal Secretary, Augustine Band of Cahuilla Indians

Date of Letter: July 19, 2018

Response to Comment 1-1: Introductory comments noting appreciation for sensitivity to cultural resources that may be impacted by the Project. No response is necessary.

Response to Comment 1-2: Comment states that at this time the Augustine Band of Cahuilla Indians are unaware of specific cultural resources that may be affected by the proposed Project. This comment is noted.

Response to Comment 1-3: Comment encourages the County to contact other Native American Tribes and individuals in the vicinity of the Project. As noted on page 4.7-15 of the Draft EIR, on June 26, 2017, the County sent letters to 20 Native American individuals and organizations on a list generated by the Native American Heritage Commission (NAHC). The NAHC was contacted again to determine if any Cahuilla Native American individuals and organizations should also be contacted as the proposed Project is located near the southern boundary of the Cahuilla's ethnographic territory. On June 27, 2017, the NAHC provided an additional 17 Cahuilla Native American individuals and organizations to contact for further information. Letters were sent to the additional 17 contacts on June 28, 2017.

Response to Comment 1-4: Comment encourages the County to contract with a qualified Native American monitor during pre-construction and construction of the Project. Mitigation measure MM 4.7.3b on page 4.7-25 of the Draft EIR includes provision of construction monitoring by a qualified local Native American monitor of all ground disturbance. Mitigation measure MM 4.7.4 on page 4.7-26 of the Draft EIR also notes that a local Native American monitor following the Guidelines for Monitors/Consultants of Native American Cultural, Religious, and Burial Sites established by the NAHC, may also be required.

Response to Comment 1-5: The Commenter requests that the County notify the Augustine Band of Cahuilla Indians if any cultural resources are discovered during development of the Project. This comment is noted.

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Since 1911

August 6, 2018

LETTER 2

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

SUBJECT: Draft EIR for the Seville 4 Solar Project

Dear Mr. Minnick:

On July 19, 2018, the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, the Notice of Availability of the Draft Environmental Impact Report for the Seville 4 Solar Project. The applicant, Titan Solar II, LLC; proposes to develop an approximately 20 MW solar energy generation facility on approximately 174 acres or 146 acres (depending on the solar panel configuration) of the 572.10-acre portion of Lot 8 of Tract Map No. 00988. The project consists of the solar generation facility, an extension of the existing private access road, a 34.5kV Gen-Tie line, the project's substation and the expansion of the adjacent IID Switching Station. The project site is located, in west-central Imperial County, CA, approximately eight miles southwest of the junction of State Route 78 and SR 86, and approximately three miles east of the San Diego County line.

2-1

The IID has reviewed the DEIR and finds that the comments provided in the July 13, 2018 district letter on the project's Initial Study & Environmental Analysis (see attached letter) continue to apply.

2-2

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

2-3

Respectfully,

Donald Vargas
Compliance Administrator II

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AUG 06 2018

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

- Kevin Kelley - General Manager
Mike Pacheco - Manager, Water Dept.
Enrique B. Martinez - Manager, Energy Dept.
Jamie Asbury - Deputy Manager, Energy Dept., Operations
Enrique De Leon - Asst. Mgr., Energy Dept., Distr., Planning, Eng. & Customer Service
Vance Taylor - Asst. General Counsel
Robert Laurie - Asst. General Counsel
Michael P. Kemp - Superintendent, Regulatory & 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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3.0 COMMENTS AND RESPONSE TO COMMENTS



LETTER 2A

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Since 1911

July 13, 2017

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

SUBJECT: Initial Study & Environmental Analysis for the Seville 4 Solar Project

Dear Ms. Valenzuela:

On June 27, 2017, the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, a Request for Agency Comments on the Initial Study & Environmental Analysis for the Seville 4 Solar Project, where the applicant, Titan Solar II, LLC; proposes to construct and operate a 20 MW solar photovoltaic facility on 175 acres of the 572.10-acre portion of APN 018-170-057-000 known as Lot 8 of Tract Map No. 00988, that was created as part of the major subdivision/tract map of the 2,440-acre Allegretti Farms property for the Seville Solar Farm Complex and located approximately eight miles west of SR78 and SR 86, west of Brawley, CA.

2A-1

The IID has reviewed the IS and EA and has the following comments:

1. Given that the project will likely require temporary construction power from the existing overhead primary line near a portion of the S-59 distribution circuit out of Anza Substation, applicant should be advised to contact the IID Customer Project Development Office, 333 S. Waterman Ave., El Centro, CA at (760) 482-3300 and speak with the area's project manager to initiate the customer service application process. In addition to submitting a formal application for electrical service (which can be accessed at: <http://www.iid.com/home/showdocument?id=12923>), the applicant will be required to submit site plans, approved project construction CAD files (electronic and hard copy), plan and profile drawings of proposed gen-tie and or collector lines, electrical panel specifications, electrical loads, project schedule and estimated in-service date. A circuit study may be required for the project. The applicant will be responsible for all fees, environmental compliance documentation, rights of way and encroachment permits related to providing electrical service to the project.
2. 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; will require an encroachment permit, or encroachment agreement (depending on the circumstances). A copy of the IID encroachment permit application and instructions for its completion can be found at the IID website: <http://www.iid.com/home/showdocument?id=271>. The IID Real Estate

2A-2

2A-3

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

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Patricia Valenzuela
July 13, 2017
Page 2

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

2A-3
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3. 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.** E.g., the gen-tie should be considered a part of the project and as such assessed and mitigated.

2A-4

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

2A-5

Respectfully,



Donald Vargas
Compliance Administrator II

Kevin Kelley – General Manager
Mike Pacheco – Manager, Water Dept.
Vickon Kasarjian – Manager, Energy Dept.
Vance Taylor – Asst. General Counsel
Robert Laurie – Asst. General Counsel
Jesse Montano – Transmission, Planning and Engineering Oversight
Carlos Vasquez - Planning and Engineering Manager, Energy Dept
Samuel E. Singh – Supt. Customer Project Development, Energy Dept.
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance
Harold Walk Jr. – Supervisor, Real Estate
Randy Gray – ROW Agent, Real Estate
Jessica Lovecchio – Biologist, Water Dept.

3.0 COMMENTS AND RESPONSE TO COMMENTS

RESPONSE TO COMMENT LETTER 2

Commenter: Donald Vargas, Compliance Administrator II, Imperial Irrigation District
Date of Letter: August 6, 2018

Response to Comment 2-1: Introductory remarks describing the Project and indicating that IID received a letter from the County on July 19, 2018. No response is required.

Response to Comment 2-2: Comment states that the IID has reviewed the Draft EIR and that the comments previously provided on July 13, 2017 on the Project's Initial Study still apply. The July 13, 2017 are included as Letter 2A. This comment is noted.

Response to Comment 2-3: Comment provides closing remarks and contact information. No response is required.

RESPONSE TO COMMENT LETTER 2A

Commenter: Donald Vargas, Compliance Administrator II, Imperial Irrigation District
Date of Letter: July 13, 2017

Response to Comment 2A-1: Introductory remarks describing the Project and indicating that IID received a letter from the County on June 27, 2018. No response is required.

Response to Comment 2A-2: Commenter indicates that the Project may require temporary construction power and provides details on how to obtain a formal application for electrical service. This comment is noted.

Response to Comment 2A-3: Commenter indicates that the Project may require an encouragement permit and provides details on how the Applicant can obtain an encroachment permit from the IID. This comment is noted.

Response to Comment 2A-4: Commenter states that new, relocated, modified or reconstructed IID facilities will need to be included as part of the Project's CEQA documentation. The comment also notes that any and all mitigation necessary as a result of construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent. This comment is noted. The Project does not include any new, relocated, modified or reconstructed IID facilities.

Response to Comment 2A-5: Comment provides closing remarks and contact information. No response is required.

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State of California • Natural Resources Agency
DEPARTMENT OF PARKS AND RECREATION

Edmund G. Brown Jr., Governor

Lisa Ann L. Mangat, Director

Ocotillo Wells District
California State Parks
5172 Highway 78, #10
Borrego Springs, CA 92004

LETTER 3

August 27, 2018

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

RE: Draft Environmental Impact Report (DEIR) for Seville 4 Solar (SCH #2017061062)

Dear Ms. Valenzuela,

The Ocotillo Wells District of the California Department of Parks and Recreation (State Parks) appreciates the opportunity to comment on the DEIR for the Seville 4 Solar Project (Project). Since 2013, the district has provided comments on the Seville Solar project and met with County planning staff to address our concerns. We do recognize and appreciate that the Project has incorporated some of our concerns.

3-1

As the governmental entity responsible for the stewardship of Ocotillo Wells State Vehicular Recreation Area (OWSVRA), we have a strong interest and concern about contemplated alterations of land use adjacent to the park. The long-term health of the OWSVRA is dependent on the health of the area ecosystems because the biotic boundaries of the park extend beyond its jurisdictional boundaries and must be managed with an eye toward wildlife corridors and regional concerns.

3-2

State Parks is a State Agency as defined by the California Environmental Quality Act (CEQA) § 21082.1, a Trustee Agency as used by CEQA, its Guidelines and as defined by CCR § 15386 for the resources affected by this proposed project. Our mission is to provide for the health, inspiration, and education of the people of California by helping preserve the state's extraordinary biodiversity, protecting its most valued natural and cultural resources, and creating opportunities for high quality outdoor recreation.

3-3

OWSVRA is an off-highway vehicle (OHV) park operated by the Ocotillo Wells District of State Parks. OWSVRA encompasses over 85,000 acres directly west of Anza-Borrego Desert State Park, east of State Route (SR) 86; primarily between State Route 78 and County Road S-22. Visitors to OWSVRA vary from 500,000 to over 1 million annually.

3-4

3.0 COMMENTS AND RESPONSE TO COMMENTS

OWSVRA also hosts over 50,000 people to its interpretive programs which include stargazing, wildlife, and wildflower viewing.

3-4
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Portions of the Seville Solar Farm Complex project are located immediately adjacent to the OWSVRA boundary and the remainder of the project is located south of the park, but within the park viewshed and biological community.

3-5

We initially submitted a letter to the County in July of 2017, detailing our concerns with the Seville 4 Solar Project. Through discussions with the County and Project Proponent, as well as clarifications offered in the DEIR, we feel that many of those concerns have been addressed. However, there are a few remaining issues that we wish to address prior to the EIR being finalized.

3-6

First, we noticed and appreciated that our comments from the Notice of Preparation were included in Table 1.0-1 Summary of NOP Comments. These comments are currently attributed to the Department of Parks and Recreation – Colorado Desert District, however this should be corrected to Department of Parks and Recreation – Ocotillo Wells District. While both Colorado Desert and Ocotillo Wells are districts within the Department of Parks and Recreation, only Ocotillo Wells District submitted a comment letter.

3-7

Second, in Section 4.1 Aesthetics, the viewshed of recreational riding along the roads and trails within OWSVRA is considered. However, the analysis in the DEIR does not consider the popularity of camping near the intersection of Poleline Road (Road 191) and SR 78. Due to the presence of bathrooms, flat and stable surfaces for RVs, and easy access to many areas of the park, this is a very popular camping location. Many campers within OWSVRA value the scenery and the lack of development within the park. Individuals camping in this area would be looking at the Seville expansion from the northeast, which may not be sufficiently blocked by tamarisk and is not considered within the DEIR. At minimum, the DEIR should address potential impacts to camping within OWSVRA.

3-8

Third, in Section 4.2.1 Land Use, it states that OWSVRA can be accessed from SR 78 approximately 20 miles west of SR 86. Depending on the intended meaning of this statement, some clarification is needed. The Ocotillo Wells District office is approximately 20 miles west of SR 86. However, visitors can access OWSVRA from many different locations along SR 78, including two locations near the Project – Road 183 (Tarantula Wash) and Road 191.

3-9

Fourth, in Section 4.7 Cultural Resources, when discussing the survey results for P-13-001266 / IMP-1266 (including subsumed P-13-008587 / IMP-8010), Road 191 is addressed as an OWSVRA road. We want to clarify that while the road runs through OWSVRA, we do not have ownership of the road, particularly outside of the boundary of the park. Additionally, within OWSVRA, there are two parallel roads that run along Road 191 – one is maintained by Imperial Irrigation District and the other is maintained by State Parks.

3-10

Fifth, in Section 4.12 Biological Resources, it states that flat-tailed horned lizards (*Phrynosoma mcallii*; FTHL) are presumed absent from the project area based on the one survey that was completed for the Biological Resources Assessment. Due to their

3-11

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cryptic coloration, FTHL can be difficult to spot, and the one survey may not be sufficient for determining if FTHL are in fact absent from the project area. OWSVRA completes annual occupancy surveys within the park, in which pre-selected plots are visited for one hour six times during the season. In several cases, no FTHL were observed until the last visit. Additionally, while the area has been previously disturbed, from our experience this is not always a definitive qualifier on FTHL presence or absence. Within OWSVRA, Tarantula Wash has some of the highest quality FTHL habitat and due to the abundance of FTHL we've encountered, it's where we complete some of our most intensive surveys for FTHL. It may be prudent to define avoidance measures or a worker's awareness training for this species even though they weren't identified in the Biological Resources Assessment.

3-11

3-12

We request that the Lead Agency and Project Proponent continue to work with State Parks, where appropriate, to address the above concerns prior to release of the EIR.

3-13

We appreciate the opportunity to comment on the proposed project. Thank you for your consideration of these comments. Please contact Steve Quartieri at (760) 587-1160 or steve.quartieri@parks.ca.gov if you have further questions.

3-14

Sincerely,



Steve Quartieri
Interim District Superintendent
Ocotillo Wells District

cc: State Clearinghouse
Dan Canfield, Acting Deputy Director, Off-Highway Motor Vehicle Recreation
Division
DPLA Environmental Review Unit
DPR Acquisition and Development Unit

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RESPONSE TO COMMENT LETTER 3

Commenter: Steve Quartieri, Interim District Superintendent, Ocotillo Wells District, California
Department of Parks and Recreation

Date of Letter: August 28, 2018

Response to Comment 3-1: Introductory statement noting that the District provided comments on the Seville Solar Project dating back to September 2013 and expressing appreciation that the Project addresses some of the District's concerns. No response is required.

Response to Comment 3-2: Commenter states that the long-term health of the Ocotillo Wells State Vehicular Recreation Area (OWSVRA) is depending on the health of the area ecosystems because the boundaries of the park extend beyond its jurisdictional boundaries. This comment is noted.

Response to Comment 3-3: The Commenter indicates that State Parks is a State Agency and a Trustee Agency under the California Environmental Quality Act. Commenter also states the mission of the Agency. This comment is noted.

Response to Comment 3-4: The Commenter provides details on the size and number of visitors to the OWSVRA on an annual basis. The Commenter also describes the activities available to visitors. This comment is noted.

Response to Comment 3-5: The Commenter notes that portions of the Seville Solar Farm Complex project are located immediately adjacent to the OWSVRA boundary and the remainder of the project is located south of the park but within the park viewshed and biological community. This comment is noted.

Response to Comment 3-6: The Commenter states that a letter was submitted to the County on July 2017 detailing concerns with the Seville 4 Solar Project. The Commenter notes that a few issues remain to be addressed prior to the EIR being finalized. This comment is noted and responded to further in Response to Comment 3-7 thru 3-11.

Response to Comment 3-7: The Commenter appreciates that comments from the Notice of Preparation were included in Table 1.0-1 of the Draft EIR. However, the source of the comments needs to be corrected to identify the Department of Parks and Recreation Ocotillo Wells District. As shown on the following pages, the text in Table 1.0-1 on pages 1.0-13 thru 1.0-15 of the Draft DEIR has been revised as follows in response to this comment.

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**TABLE 1.0-1
SUMMARY OF NOP COMMENTS**

Agency/Individual	Issue Noted or Area of Controversy
<p>Garratt Aitchison, District Superintendent State of California, Department of Parks and Recreation - Colorado Desert District <u>Ocotillo Wells District</u></p>	<p>Concerned that the proposed Project may result in significant and unavoidable impacts to the Ocotillo Wells State Vehicular Recreation Area (OWSVRA) with regard to the following:</p> <ul style="list-style-type: none"> • Aesthetics <p>The project site is within the view shed of OWSVRA. Water tanks, fencing and security lighting may affect views.</p> <ul style="list-style-type: none"> • Air Quality <p>Methods and treatment of soils in and around the project site both during and after construction (water, binders, etc.) should be identified. Long-term restoration of the bladed area should be discussed.</p> <ul style="list-style-type: none"> • Biological <p>The potential cumulative impacts of further expansion of the Seville Solar Farm on sensitive species such as burrowing owl, kit fox, flat-tailed horned lizard, and fringe-toed lizard should be considered. Mitigation for these species should be identified in the immediate area and within or adjacent to the project.</p> <p>Fencing could provide predator perching opportunities which could impact flat-tailed horned lizards.</p> <p>Focused surveys should be completed to inform the EIR, as needed.</p> <p>Identify how much undisturbed desert habitat corridors and linkages would be affected.</p> <p>Concerned that loss of connectivity and foraging habitat will significantly impact the park.</p> <p>The EIR should discuss the potential for the solar panels to cause a "lake effect" in which birds may perceive the solar field as a water body.</p> <p>Project proponent should pre-plan for the early reintroduction of native vegetation to expedite in their growth, and increase the visual quality of operational structures.</p> <ul style="list-style-type: none"> • Geology and Soils <p>Provide specific information about the potential application of chemical stabilization agents to be discussed in the EIR.</p>

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**TABLE 1.0-1
SUMMARY OF NOP COMMENTS**

Agency/Individual	Issue Noted or Area of Controversy
<p>Garratt Aitchison, District Superintendent State of California, Department of Parks and Recreation - Colorado Desert District <u>Ocotillo Wells District</u></p>	<ul style="list-style-type: none"> • Hydrology and Water Quality The EIR should address the water use by the project and cumulative effects in the area. • Recreation Recreational impacts range from potential interruption of wildlife and OHV travel corridors between OWSVRA and the BLM Areas of Critical Environmental Concern (ACEC's) and Superstition BLM OHV area, to potential night sky impacts to our Interpretive Program's stargazing events. Potential aesthetic impacts from glare as well as public safety impacts need to be analyzed in the EIR. Request that the Project proponents work with State Parks staff during the development of the EIR to appropriately mitigate any impacts to recreation, visitor services, and associated public safety at OWSVRA. • Transportation/Traffic Inquires if identified truck trips to export or import material to the jobsite, as well as other associated construction traffic, will create the need for traffic control signs/devices for the park visitors as they ingress and egress on State Highway 78. Inquires if the Project restrict or eliminate, either temporarily or permanently, access between OWSVRA and the Superstition OHV area. Inquires how the construction schedule for numerous projects will affect traffic along the 78 corridor over time. Inquires how often will there be periodic maintenance events and the volume of traffic associated with those events. • Tribal Cultural Resources Due to the Project's proximity to the Ancient Lake Cahuilla shoreline, there is a high potential for impacts to cultural resources and possibly human remains. The project should be designed to avoid these impacts. • Noise Address why the noise impacts are potentially significant and why they would continue past the short-term construction periods in the EIR.

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**TABLE 1.0-1
SUMMARY OF NOP COMMENTS**

Agency/Individual	Issue Noted or Area of Controversy
Garratt Aitchison, District Superintendent State of California, Department of Parks and Recreation - Colorado Desert District <u>Ocotillo Wells District</u>	Address proximity effects from this project on the camping, visual, interpretive and public safety operations at the OWSVRA. <ul style="list-style-type: none"> • Utilities and Service Systems If the Project includes the construction of new stormwater drainage facilities, the potential change in the Ocotillo-Clark Groundwater Basin should be addressed in the EIR. <p>Requests that the Lead Agency and Project proponent work with State Parks, where appropriate, to address the above questions and concerns prior to release of the EIR.</p> <p><i>The above issues are addressed as appropriate throughout the document including Sections 4.1 Aesthetics, 4.3 Transportation and Circulation, 4.4 Air Quality, 4.5 Climate Change, 4.7 Cultural Resources, 4.8 Noise, 4.11 Hydrology and Water Quality, and Section 4.12 Biological Resources.</i></p>

Response to Comment 3-8: The Commenter states that the analysis in the Draft EIR does not consider the camping near the intersection of Poleline Road and SR 78 in the Aesthetics section. The Commenter asserts that campers in this area would be looking at the Project from the northeast which may not be sufficiently blocked by tamarisk. The Commenter requests that the EIR address potential impacts to camping within the OWSVRA.

The Commenter correctly states that camping was not considered in the Draft EIR. Campgrounds are located on the north side of SR 78 which is more one-and-a-half miles away from the proposed Project. Views directly south from the intersection of Poleline Road and SR 78 would be obscured by the presence of the Anza Substation in the foreground on the south side of SR 78. Tamarisk along the northern boundary of the Seville 4 Project site, in combination with the distance of the site from the campgrounds, would serve to obscure views of the Project from campers. It should also be noted that the existing solar facilities developed as part of the Seville Solar Farm Complex are approximately one-half mile south of SR 78 and partially obscured by a row of tamarisk extending east-west along the northern boundary of the facilities. At this distance, the existing facility is barely visible looking south from SR 78.

Response to Comment 3-9: The Commenter requests clarification regarding a statement on page 4.2-2 of the Draft EIR regarding access to the Project site. The Commenter states that the Ocotillo Wells District Office is approximately 20 miles west of SR 86 and that the OWSVRA can be accessed from two locations near the Project. The text on page 4.2-2 of the Draft EIR has been revised as follows to provide clarification:

“The OWSVRA can be accessed from multiple locations along SR 78, including Road 183 (Tarantula Wash) and Road 191 near the Project site. The Ocotillo Wells District Office is approximately 20 miles west of SR 86 (BLM n.d.).”

3.0 COMMENTS AND RESPONSE TO COMMENTS

Response to Comment 3-10: The Commenter states that Road 191 is not under the ownership of the OWSVRA. The Commenter also notes that there are two roads parallel to Road 191. The text on page 4.7-8 of the Draft EIR has been revised to clarify the text in response to this comment.

“P-13-001266 / IMP-1266 (Including subsumed P-13-008587 / IMP-8010)

Only a small portion of P-13-001266/IMP-1266 intersects the survey area, including the previously subsumed resource P-13-008587/IMP-8010. Approximately 60 buffware body sherds were identified within the portion of the site that lies with the survey area. A small percentage of the buffware body sherds show evidence of burning. P-13-001266/IMP-1266 also includes one grayware body sherd; five wonderstone interior flakes; 10+ volcanic interior flakes; six quartzite interior flakes; three obsidian interior flakes; one petrified wood interior flake; one jasper primary flake; and five fire-affected rocks (FAR). The site has been impacted by vehicular traffic along Road 191 (~~an OWSVRA road~~, refer to Figure 4.2-1 in Section 4.2, Land Use), which cuts through the western boundary of the site. Two roads parallel Road 191: one is maintained by the Imperial Irrigation District and the other is maintained by State Parks.”

Response to Comment 3-11: The Commenter is concerned that the EIR’s conclusion that there are no Flat-Tailed Horned Lizards on the site based on only one survey may not be sufficient. The Commenter suggests that avoidance measures be defined or that this species be included in a Worker Awareness Training. Mitigation Measure MM 4.12.4b on page 4.12-38 of the Draft EIR regarding Loggerhead Shrike states in part that “The Applicant shall develop and implement a Worker Environmental Awareness Program (WEAP) prior to the start of construction”. Page 4.12-37 of the Draft EIR indicated that while no specific mitigation measures are required for Flat-Tailed Horned Lizards, Worker Environmental Awareness Program training (refer to mitigation measure MM 4.12.4b) would educate construction workers to be watchful of flat-tailed horned lizard during construction activities.” In addition, page 4.12-45 of the Draft EIR explicitly states “...flat-tailed horned lizard would be included in the Worker Environmental Awareness Program for the Project and monitors would be vigilant to report any siting of flat-tailed horned lizard during construction.”

Response to Comment 3-12: The Commenter requests that the Lead Agency and Project Proponent continue to work with State Parks. This comment is noted.

Response to Comment 3-13: Commenter provides closing remarks and contact information. No response is required.

3.0 COMMENTS AND RESPONSE TO COMMENTS

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3.0 COMMENTS AND RESPONSE TO COMMENTS

DEPARTMENT OF TRANSPORTATION

DISTRICT 11
4050 TAYLOR STREET, MS-240
SAN DIEGO, CA 92110
PHONE (619) 688-6960
FAX (619) 688-4299
TTY 711
www.dot.ca.gov



*Making Conservation
a California Way of Life.*

LETTER 4

August 28, 2018

11-IMP-78
PM 6.03
Seville 4 Solar Project
SCH# 2017061062
DEIR

Ms. Patricia Valenzuela, Planning IV
Imperial County Planning and Development Services Dept.
801 Main Street
El Centro, CA 92243

Dear Ms. Valenzuela:

Thank you for including the California Department of Transportation (Caltrans) in the Draft Environmental Impact Report (DEIR). The project is located in the State Route 78 (SR-78). West of State Route 86. 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.

4-1

Caltrans has the following comments:

The complex was developed with a primary access road extending south from SR-78 and internal access roads across portions of the Property to each lot. The primary access has 30-foot double swing gates with a coded entry and "Knox Box" over-ride." Additionally, Section 4.3.2 Impact, states that this access off of SR-78 is an existing access road and no new driveways or other design features are proposed that would impact SR-78 or infringe upon emergency access. It is also stated that it would be used as the primary construction and permanent access for the Project with an anticipated low Project trip generation (8 daily trips and 4 peak hour trips). Therefore, it is understood that no new access is being proposed on SR-78 for this project.

4-2

4-3

4-4

Hauling

Project work that requires use of oversized or excessive load vehicles on State roadways requires a transportation permit. Caltrans may, upon permit 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. See the weight limitation table at the following link:

4-5

<http://www.dot.ca.gov/trafficops/trucks/weight.html>

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*

3.0 COMMENTS AND RESPONSE TO COMMENTS

Ms. Patricia Valenzuela,
August 28, 2018
Page 2

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.

4-5
Con't

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/trafficops/tm/docs/TMP_Guidelines.pdf

4-6

Utilities

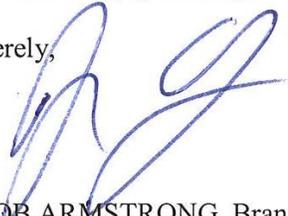
It is understood that no new utility crossings on State Facilities will occur as a result of this project. However, if any work is performed within Caltrans' Right-of-Way (R/W), an encroachment permit will be required.

4-7

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

4-8

Sincerely,



JACOB ARMSTRONG, Branch Chief
Local Development and Intergovernmental Review Branch

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*

3.0 COMMENTS AND RESPONSE TO COMMENTS

RESPONSE TO COMMENT LETTER 4

Commenter: Jacob Armstrong, Branch Chief, Local Development and Intergovernmental Review Branch, California Department of Transportation

Date of Letter: August 28, 2018

Response to Comment 4-1: The Commenter provides introductory remarks explaining the Local Development-Intergovernmental Review Program. This comment is noted.

Response to Comment 4-2: The Commenter notes that the Project was developed with a primary access road extending south from SR 78. The primary access has 30-foot double swing gates with a “Knox Box.” This comment is noted.

Response to Comment 4-3: The Commenter notes that the access off of SR 78 is an existing access road and no new driveways or other design features are proposed that would infringe upon emergency access. This comment is noted.

Response to Comment 4-4: The Commenter notes that SR 78 would be used as the primary construction and permanent access for the Project with a trip generation of 8 daily trips and 4 peak hour trips. No new access is being proposed on SR 78 for the Project. This comment is noted.

Response to Comment 4-5: The Commenter provides information regarding permits for oversized or excessive load vehicles. A permit is needed for oversize loads and, if warranted, a special permit may be issued. This comment is noted.

Response to Comment 4-6: The Commenter provides information regarding traffic restrictions or detours. A Traffic Impact Study was prepared for the Project and is discussed in Section 4.3, Transportation and Circulation of the Draft EIR. If a Transportation Management Plan (TMP) is required, the Commenter states that the TMP must be prepared in accordance with Caltrans’ Manual on Uniform Traffic Control Devices. A link to a website is provided. This comment is noted.

Response to Comment 4-7: The Commenter states 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, an encroachment permit will be required. This comment is noted.

Response to Comment 4-8: The Commenter provides closing remarks and contact information. No response is required.

3.0 COMMENTS AND RESPONSE TO COMMENTS

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3.0 COMMENTS AND RESPONSE TO COMMENTS



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH



KEN ALEX
DIRECTOR

LETTER 5

August 28, 2018

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

Subject: Seville 4 Solar Project
SCH#: 2017061062

Dear Patricia Valenzuela:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on August 27, 2018, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

5-1
5-2

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

RECEIVED
AUG 29 2018
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
1-916-322-2318 FAX 1-916-558-3184 www.opr.ca.gov

3.0 COMMENTS AND RESPONSE TO COMMENTS

Document Details Report State Clearinghouse Data Base

SCH# 2017061062
Project Title Seville 4 Solar Project
Lead Agency Imperial County

Type EIR Draft EIR

Description The project consists of the construction, operation and reclamation of a 146 or 174-acre, 20 MW solar PV energy project on 572.10 acres in a portion of Imperial County APN 018-170-057-000, Lot 8 of Tract Map No. 00988 in west-central. The project would use the existing private access road extending south from Hwy 78 to the Seville Solar Farm Complex. The project would also include internal access roads and infrastructure (i.e. PV modules, inverters, internal transmission lines, security fence, etc.). The project will connect to the existing substation via a tie-in at Lot 3 to an existing pole line that connects the Seville 3 Solar Project to the substation. A 20,000-gallon water tank for fire protection and 14-acre retention basin for stormwater are also proposed on the site.

Lead Agency Contact

Name Patricia Valenzuela
Agency Imperial County
Phone 442-265-1749 **Fax**
email
Address 801 Main Street
City El Centro **State** CA **Zip** 92243

Project Location

County Imperial
City
Region
Lat / Long 33° 6' 40.5" N / 116° 0' 7.39" W
Cross Streets 8 mi west of junction of SR 78 and SR 98
Parcel No. 018-170-057-000
Township 12S **Range** 9E **Section** 23 **Base** SBBM

Proximity to:

Highways 78
Airports
Railways
Waterways San Filippe Creek
Schools
Land Use vacant/A-2/Ag

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

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 6; Cal Fire; Department of Parks and Recreation; Department of Water Resources; Caltrans, District 11; Regional Water Quality Control Board, Region 7; California Energy Commission; Native American Heritage Commission; Public Utilities Commission

Date Received 07/13/2018 **Start of Review** 07/13/2018 **End of Review** 08/27/2018

Note: Blanks in data fields result from insufficient information provided by lead agency.

3.0 COMMENTS AND RESPONSE TO COMMENTS

RESPONSE TO COMMENT LETTER 5

Commenter: Scott Morgan, Director, State Clearinghouse

Date of Letter: August 28, 2018

Response to Comment 5-1: The Commenter indicates that the Draft EIR was circulated to State agencies for review and that the Project has complied with State Clearinghouse review requirements pursuant to CEQA. This comment is noted.

Response to Comment 5-2: The Commenter provides contact information for the State Clearinghouse. No response is required.

3.0 COMMENTS AND RESPONSE TO COMMENTS

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3.0 COMMENTS AND RESPONSE TO COMMENTS

H NINTH STREET
RO, CA 92243-2850

TELEPHONE: (442) 265-1800
FAX: (442) 265-1799



AIR POLLUTION CONTROL DISTRICT

August 31, 2018

LETTER 6

RECEIVED

AUG 31 2018

**IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES**

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

SUBJECT: Notice of Availability of Draft EIR for Seville 4 Solar Project

Dear Mr. Minnick,

On July 12, 2018, The Air District received a Notice of Availability of the Draft Environmental Impact Report (DEIR) for Seville 4 Solar Project. Upon further review, the DEIR indicated that the proposed project consists of the construction, operation, and reclamation of a 20 MW solar generation facility, which will use either thin film or crystalline solar photovoltaic (PV) technology modules mounted on either fixed frames or horizontal single-axis tracker (HSAT) systems.

6-1

More specifically, the fixed-frame configuration would require 146 acres of land including 128 acres for the panels and an 18-acre retention basin in the southeast portion of the project site. The HSAT configuration would require 174 acres of land including 156 acres for panels and six retention basins totaling 18-acres. A direct current (DC) collection system, which would be routed underground, would collect the electricity generated by the PV modules. The electrical energy produced would be conducted to the proposed Seville 4 Substation from the project collection station via the proposed aboveground 34.5 kV gen-tie line. A new project substation would be constructed and would take delivery of the 34.5 kV power from the project collection station gen-tie line and increase the voltage of the electricity to 92 kV for metering and delivery to the IID electrical grid. 8-foot high security fencing would be installed around the perimeter of the project site. Primary access to the property would be available via an existing private access road from the north off SR-78. Internal to the project site, 20-foot wide roads would be developed between the PV arrays as well as around the perimeter of the project site inside the perimeter security fence. These roads would provide access to all areas for maintenance and emergency vehicles.

6-2

After review, the Air District would like to make the following comments:

When exploring the impacts of renewable projects, it is a common misconception to believe that these types of projects are not a significant source of air pollution. While it is true that renewable projects are typically cleaner projects during their operational phases, in most cases construction and cumulative impacts still exist. PM₁₀ and NO_x emissions are the primary pollutants of concern for the construction and operational phases of these types of projects. This is due to the shorter construction periods of these types of renewable projects, which tend to cause high levels of NO_x emissions because of the use of large amounts of construction equipment, as well as high levels of PM₁₀ during earthmoving activities.

6-3

For construction related impacts, the Air District cannot concur with the "less than cumulatively considerable" finding provided in the DEIR. Elevated levels of PM₁₀ and NO_x have been observed during construction of renewable energy projects in the past. This is mainly due to the high number of construction

6-4

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

3.0 COMMENTS AND RESPONSE TO COMMENTS

equipment onsite and in use during the construction phase of these projects. Most of the time, the NO_x emissions from the use of heavy-duty equipment will exceed the 100 lbs/day threshold of significance for construction activities. It is for this reason the Air District adopted Policy 5. Policy 5 allows projects like these to mitigate construction related air quality impacts by allowing project proponents to offset excess NO_x emissions by payment of an in-lieu fee. While the DEIR does briefly mention Policy 5 on page 4.4-8, it provides no commitment. In order for the project to maintain a less than significant finding, it must abide by Policy 5. As part of Policy 5, submittal of monthly construction equipment lists will be required during the construction phase of the project in order to assure that thresholds of significance for NO_x have not been exceeded during construction activities. If the Air District's emission analysis does find that thresholds of significance for NO_x have been exceeded during construction activities, in order for the applicant to maintain a less than significant finding, the project proponent may choose to offset excess emissions under Policy 5 by implementing an offsite mitigation project, payment of in-lieu fee, or both.

6-4
con't

Regarding PM₁₀ construction emissions, the Air District would like to clarify that mitigation measures found of page 4.4-36 of the DEIR are already required as part of the Air District's Fugitive Dust Regulation VIII. Additionally, it should be noted that since CalEEMod was used in determining construction related impacts, by default CalEEMod only allows a 50% reduction of PM₁₀ emissions regardless of the amount of daily watering. Therefore, the findings for construction impacts in the DEIR are inconsistent. However, compliance can be achieved by the submittal of a Dust Control Plan for Air District approval.

6-5

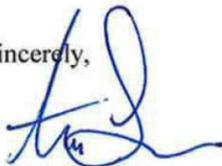
In regards to operations, the Air District cannot concur with the "less than cumulatively considerable" finding provided in the DEIR. This is because, as you may already know, Imperial County is a nonattainment area for PM₁₀ and experiences high wind events multiple times throughout the year. The project will be located in a known PM₁₀ emitting area. Although the DEIR indicated the use of chemical stabilization agents (soil binders), to assure the continued application of Best Available Control Measures (BACM), the Air District requires an Operational Dust Control Plan (ODCP) detailing how dust emissions will be controlled and maintained during the operational phase of the project. Additionally, as part of the ODCP, a site visit to confirm the elements of any draft ODCP will also be required before the Air District can concur with the Certificate of Occupancy. After this, no less than a 12-month site visit will typically occur. Please note that an ODCP is intended to provide pertinent information specific to your operation for the reduction of fugitive dust emissions created by the ongoing operations at your facility.

6-6

Air District Rules and Regulations can be found on our website at www.co.imperial.ca.us/AirPollution under the "Planning" tab. Should the applicant have any further questions, please contact our office at (442) 265-1800.

6-7

Sincerely,



Axel Salas, EIT
APC Environmental Coordinator

3.0 COMMENTS AND RESPONSE TO COMMENTS

RESPONSE TO COMMENT LETTER 6

Commenter: Axel Salas, EIT, APC Environmental Coordinator, Imperial County Air Pollution Control District

Date of Letter: August 31, 2018

Response to Comment 6-1: The Commenter provides introductory comments. No response is required.

Response to Comment 6-2: The Commenter describes the Project. No substantive comment on the Draft EIR is provided. No response is required.

Response to Comment 6-3: The Commenter asserts that that shorter construction periods of renewable energy Projects tend to cause high levels of NO_x and PM₁₀ emissions. This comment does not address a substantive issue with regard to the analysis of Air Quality contained in the Draft EIR. This comment is noted for the decision-makers consideration.

Response to Comment 6-4: The Commenter states that the ICAPCD cannot concur with a “less than cumulative considerable” finding with regard to PM₁₀ and NO_x. Additional language has been added to the text of Impact 4.4.4 on page 4.4-40 of the Draft EIR and the subsequent construction impact discussion to address the comment.

“Violate air Quality Standard/Cause Air Quality Violation

Impact 4.4.4 The proposed Project would generate criteria pollutant emissions during construction. However, the short-term construction emissions exceedances of ICAPCD thresholds would be mitigated with implementation of mitigation measures, including those in the ICAPCD’s Policy 5. Operational emissions would not exceed ICAPCD thresholds but would still incorporate Applicant-proposed measures, including the requirement for the adoption of an Operational Dust Control Plan (ODCP) detailing how dust emissions will be controlled and maintained during the operational phase of the project, to reduce dust. Therefore, the proposed Project would result in a **less than cumulatively considerable impact** with regard to violating an air quality standard.”

Construction

The projects listed in Table 3.0-1 are large scale renewable energy projects. As such, the majority of air emissions from these projects would be generated during construction with drastically reduced emissions occurring during operations and maintenance.

The construction phase of the proposed Project may contribute to a net increase in criteria pollutants PM₁₀. As noted above, the Imperial Valley is classified as non-attainment for federal and state PM₁₀ standards. Thus, the Project’s contribution to existing criteria pollutants could be cumulatively considerable without mitigation. However, as described under Impact 4.4.1 above, implementation of mitigation measures MM 4.4.1a, MM 4.4.1b and MM 4.4.1c, and ICAPCD’s Policy 5, would reduce construction-phase PM₁₀ and NO_x emissions to less than significant levels, resulting in a **less than cumulatively considerable contribution** to existing criteria pollutants. In addition, all other cumulative projects are required to comply with Regulation VIII and would also be assumed to implement mitigation measures to reduce their individual construction air quality emissions. In this way, each individual cumulative project would reduce construction emissions on a project-by-project basis resulting in less than cumulatively considerable contributions to

3.0 COMMENTS AND RESPONSE TO COMMENTS

existing criteria pollutants. Because the proposed Project would mitigate air quality emissions associated with construction, and other cumulative projects would also mitigate construction emissions on a project-by-project basis, emissions resulting in a violation of an air quality standard would be reduced to **less than cumulatively considerable.**”

Response to Comment 6-5: The ICAPCD clarifies that the mitigation measures found of page 4.4-36 of the Draft EIR are already required as part of the ICAPCD’s Fugitive Dust Regulation VIII. The Commenter further notes that CalEEMod by default only allows a 50% reduction of PM10 emissions regardless of the amount of daily watering. The Commenter goes on to state that findings for construction impacts in the Draft EIR are inconsistent, but that compliance can be achieved by submitting a Dust Control Plan for to the Air District for approval. This comment is noted for the decision-makers consideration.

Response to Comment 6-6: The Commenter states that the ICAPCD cannot concur with a “less than cumulative considerable” finding with regard to operational emissions. Page 4.4-41 of the Draft EIR has been revised to include language regarding application of Best Available Control Measures (BACM) and the requirement of an Operational Dust Control Plan (ODCP) has been added to the operational discussion in response to the comment.

“Operation

Emissions resulting from operations of the Project for all criteria pollutants would be limited and very low in number (limit operational maintenance, periodic panel washing). Such levels of emissions should not cause localized exceedances or contribute cumulatively to existing exceedances of the State or federal ozone and PM10 standards. Further, the Project would implement Applicant-proposed mitigation measures to periodically apply chemical stabilization agents (soil binders) to exposed soil surfaces during operations. Finally, to assure the continued application of Best Available Control Measures (BACM), the ICAPCD requires the submittal and compliance with an Operational Dust Control Plan (ODCP) detailing how dust emissions will be controlled and maintained during the operational phase of the project. Therefore, the proposed Project would result in a **less than cumulatively considerable contribution** to air quality standard violations during operations. Moreover, operation of the proposed Project, in combination with other cumulative projects identified in Table 3.0-1, would result in **less than cumulatively considerable** impacts to air quality standards and air quality violations.”

Response to Comment 6-7: The comment provides a link to the ICAPCD’s website with Air District Rules and Regulations and provides contact information. This comment is noted.

3.0 COMMENTS AND RESPONSE TO COMMENTS



COUNTY OF IMPERIAL

DEPARTMENT OF PUBLIC WORKS

155 S. 11th Street El Centro, CA 92243

Tel: (442) 265-1818 Fax: (442) 265-1858

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Public Works works for the Public

August 31, 2018

LETTER 7

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

Attention: David Black, Planner IV

SUBJECT: Draft EIR for Seville 4 Solar.
GPA 17-0002/ZC17-0001/CUP 17-0006
Located 8 miles west of the junction of SR 78 and SR 86.
APN 018-170-057-000

Dear Mr. Minnick:

This letter is in response to your submittal received by this Department on July 12, 2018 for the above mentioned project. The applicant proposes to construct, operate a 20-MW solar photovoltaic energy project on approximately 146 or 174 acres in Lot B of Tract Map 60938.

7-1

Department staff has reviewed the package information and the following comments shall be addressed:

Draft EIR:

Traffic Impact Analysis Review Comments.

7-2

- 1. The proposed project location is South of SR 78, there are no County roads in the nearby vicinity. Caltrans should be contacted for any traffic concerns along SR 78, HWY 86 and project entrance.
2. It is notice that all the appendices are not included.

7-3

The Following Conditions will be required as the project moves through the permitting process.

- 1. All of the conditions as applicable required under Tract 988, as recorded by the Board of Supervisors on October 21, 2014, M.O. #33e of Imperial County shall remain the same. (As directed by Imperial County Board of Supervisors per Minute Order #6 dated 11/22/1994 per the Imperial County Circulation Element Plan of the General Plan).
2. The applicant shall furnish a Drainage and Grading Plan/Study to provide for property grading and drainage control, which shall also include prevention of sedimentation of damage to off-site properties. The Study/Plan shall be submitted to the Department of Public Works for review and approval. The applicant shall implement the approved plan. Employment of the appropriate Best Management Practices (BMP's) shall be included. (Per Imperial County Code of Ordinances, Chapter 12.10.020 B).
3. No road right of way conditions required. (As directed by Imperial County Board of Supervisors per Minute Order #6 dated 11/22/1994 per the Imperial County Circulation Element Plan of the General Plan).

7-4

3.0 COMMENTS AND RESPONSE TO COMMENTS

7-4
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4. Each parcel created or affected by this project shall abut a maintained road and/or have legal and physical access to a public road before the project documents are recorded.
5. The applicant for grading plans and/or improvement plans is responsible for researching, protecting, and preserving survey monuments per the Professional Land Surveyor's Act (8771 (b)). This shall include a copy of the referenced survey map and tie card(s) (if applicable) for all monuments that may be impacted by the project whether it be on-site or off-site.
6. At time of development, if required, by **Section 8762(b) of the Professional Land Surveyors Act**, a record of survey shall be filed with the County Recorder of Imperial County.
7. As-Built Plans shall be required prior to ICPWD signing the final Certificate of Occupancy letter.

INFORMATIVE:

The following items are for informational purposes only. The applicant is responsible to determine if the enclosed items affect the subject project.

7-5

- All solid and hazardous waste shall be disposed of in an approved solid waste disposal site in accordance with existing County, State and Federal regulations. **(Per Imperial County Code of Ordinances, Chapter 8.72).**
- All on-site traffic area shall be hard surfaced to provide all weather access for fire protection vehicles. Fire/OES Standards as well as those of the Air Pollution Control District (APCD). **(Per Imperial County Code of Ordinances, Chapter 12.10.020 A).**
- The project may require a National Pollutant Discharge Elimination System (NPDES) permit and Notice of Intent (NOI) from the Regional Water Quality Control Board (RWQCB) prior to County approval of onsite grading plan **(40 FR 122.28).**
- Public Works requests that the project proponent be aware of all survey land control monument, property and right of way monuments, general land office (GLO) corners, vertical control monuments and horizontal control monuments in the area of construction. If the monuments are in or near the proposed area of construction and may be destroyed, damaged, covered or in any way disturbed; they shall provide a Record of survey and/or corner record card prior to and again after construction and reconstruct said monument with a durable monument in the exact location as prior to construction. Preservation and perpetuation of these monuments is per **Professional Land Surveyor Act, Article 5, and Section 8771**. Imperial County Public Works Survey office should be visited for research in locating data for the above mentioned monuments.
- A Transportation Permit may be required from road agency(s) having jurisdiction over the haul route(s) for any hauls of heavy equipment and/or large vehicles which impose greater than legal loads on riding surfaces, including bridges. **(Per Imperial County Code of Ordinances, Chapter 12.10.020 B).**
- As this project proceeds through the planning and the approval process, additional comments and/or requirements may apply as more information is received.
- Per Section 12.10.020 - Street Improvement Requirements of Imperial County Ordinance:

P:\PRIVATE PROJECTS ADMIN\2) PRIVATE PROJECTS\DEIR\Seville Solar Farm\Tr 988 ADEIR Seville Solar Farm\ADEIR 1st Review\DEIR - Seville 4 Solar (draft).docx

3.0 COMMENTS AND RESPONSE TO COMMENTS

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con't

a. For the purpose of establishing proper standards, specification and directions for design and construction of any road, or other land division improvements required to be constructed in the unincorporated territory of Imperial County, the document entitled "Engineering Design Guidelines Manual for the Preparation and checking of Street Improvement, Drainage, and Grading Plans within Imperial County" revision dated September 15, 2008, is hereby adopted and made a part of this division by reference, three copies of which are on file in the office of the clerk of the board of supervisors and for use and examination by the public. Copies of the manual can also be found at the Imperial County Department of Public Works.

• Per Section 12.10.030 - Building Permits of Imperial County Ordinance:

a. No building permit for any structure or building or major addition to a building or structure shall be issued until the improvements required by Section 12.10.010 of this chapter have been installed or a deferral agreement has been executed and recorded as provided in Section 12.10.040 of this chapter. In addition, no building permit shall be issued until there has been compliance with Chapter 12.12 of this title and the requirement that an encroachment permit be obtained.

7-6

Should you have any questions, please do not hesitate to contact this office. Thank you for the opportunity to review and comment on this project.

Respectfully,

John A. Gay, PE
Director of Public Works

By:



Manuel Ortiz
Assistant County Engineer

OB/dm

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3.0 COMMENTS AND RESPONSE TO COMMENTS

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RESPONSE TO COMMENT LETTER 7

Commenter: Manuel Ortiz, Assistant County Engineer, County of Imperial, Department of Public Works
Date of Letter: August 31, 2018

Response to Comment 7-1: The Commenter provides introductory comments and indicates that the Department of Public Works has reviewed the Draft EIR. This comment is noted.

Response to Comment 7-2: The Commenter states that there are no County roads in the vicinity of the Project and indicates that Caltrans should be contracted for any traffic concerns along SR 78, Highway 86 and the project entrance. The analysis in the Draft EIR notes that no new access driveways would be constructed off of SR 78. Caltrans has also provided a letter on the Project (refer to Letter 4). Access off SR 78 is discussed as part of Response to Comment 4-4. This comment is noted.

Response to Comment 7-3: The Commenter states that not all appendices are included. Appendices for the EIR can be found on the County's website: <http://www.icpds.com/?pid=6232>. The Traffic Appendix is Appendix C.

Response to Comment 7-4: The Commenter provides a list of conditions that are required as the Project moves through the permitting process. These conditions do not address the adequacy of the environmental analysis but are noted for the decision-makers consideration.

Response to Comment 7-5: The Commenter provides a list of items for informational purposes only. This list of items does not address the adequacy of the environmental analysis but are noted for the decision-makers consideration.

Response to Comment 7-6: The Commenter provides closing remarks. No response is required.

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