

CHAPTER 1.0

INTRODUCTION

1.1 PURPOSE OF THE DOCUMENT

The California Environmental Quality Act (CEQA) requires State and local public agencies to prepare an Environmental Impact Report (EIR) prior to approving any project that may have a significant effect on the environment. According to CEQA, a “project” is defined as the whole of an action that has the potential to result in a direct physical change or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15378[a]). The Wistaria Ranch Solar Energy Center is in Imperial County and meets the definition of a “project” as defined by CEQA.

The County of Imperial is the lead agency for the preparation of this EIR under CEQA and is responsible for conducting the environmental review and certifying the EIR. Likewise, consistent with the requirements of CEQA, the County will use the EIR as a decision-making tool to assist with its determination whether to approve, modify, or deny the project. The County also has authority to issue the major discretionary approvals for the Project including, but not limited to the Conditional Use Permit (CUPs), Variances, and Development Agreement for the Project. Other agencies with discretionary approval authority over the proposed Project will also utilize the EIR.

The Wistaria Ranch Solar Energy Center EIR (State Clearinghouse Number [SCH. No.] 2013091084) is a public document for a renewable energy project, specifically a solar generation facility. This Draft EIR describes the existing environment and evaluates the project-specific and cumulative impacts of the Wistaria Ranch Solar Energy Center (“proposed Project” or “Project”) and alternatives in accordance with the provisions set forth in CEQA and the CEQA Guidelines. This EIR will be used to address potentially significant environmental issues and recommend adequate and feasible mitigation measures, where possible, that could reduce or eliminate potentially significant environmental impacts.

1.2 PROJECT BACKGROUND

In 2002, California established a Renewable Portfolio Standard (RPS) requiring electric utilities in the State to increase procurement of eligible renewable energy resources to achieve a target of 20 percent of annual retail sales by year 2010. In 2008, by Executive Order (S-14-08), then Governor Arnold Schwarzenegger increased that target to 33 percent by the year 2020. In 2011, Governor Jerry Brown signed Senate Bill (SB) X1-2 into law. The Bill requires all California utilities, including independently owned utilities (IOUs), energy service providers, and community choice aggregators (CCAs), to generate electricity from renewable sources over a three-stage compliance period (refer to subsection 1.7.1, item “A. Renewables Portfolio Standard Program”).

One form of renewable energy is solar energy harnessed through the use of photovoltaic (PV) or concentrated photovoltaic (CPV) technology¹. PV and CPV power systems convert sunlight into electricity. The process begins with individual PV cells that combine to form PV modules. The modules are sealed and connected to each other with wires to form a PV array. The PV arrays convert solar radiation into direct current (DC) electricity. The direct current from the PV array is collected at an inverter and converted to alternating current (AC). AC electricity is consistent with the current flowing through the electrical grid.

The proposed Project is a solar generation facility using PV and/or CPV technology proposed by Wistaria Ranch Solar, LLC (hereafter referred to as “Applicant” or WRS). The electricity generated by the proposed Project will be eligible for use by California electric utilities to satisfy procurement obligations under the State’s RPS program.

¹ Unless the context indicates otherwise, the use of the term PV herein also includes CPV.

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On August 5, 2013, the Applicant submitted 17 CUP applications to the Imperial County Department of Planning and Development Services (ICPDS). The CUP applications were submitted to allow construction and operation of a solar PV and/or CPV electric generation facility and associated transmission lines in southwestern unincorporated Imperial County. Subsequently, the Applicant submitted 17 variance requests (V 13-0002 thru V-13-0018) to the ICPDS. The Variance applications were submitted to address transmission structures that may exceed the A-2 (Agricultural, General) and A-3 (Agricultural, Heavy) zoning height limitation of 120 feet. If approved, the Variance would permit a maximum height of the generation interconnection (Gen-Tie) line structures of 140 feet.

A Notice of Preparation (NOP) for the Wistaria Ranch Solar Energy Center Draft Environmental Impact Report was issued by the ICPDS on September 26, 2013. The NOP review period was from September 26, 2013 thru October 25, 2013.

1.3 TERMINOLOGY AND DEFINITIONS

For the purposes of this EIR, the following terms and definitions are provided to orient the reader with regard to specific aspects of the proposed Project.

CUP(s) – refers to an individual CUP (i.e. 13-0036), multiple CUPs (i.e. 13-0036, 13-0041 and 13-0043) or all CUPs (13-0036 thru 13-0052) as appropriate.

Phased CUP Scenario – refers to the development scenario where the Project is constructed in phases by individual CUP (i.e. 13-0036) or a group of CUPs (i.e. 13-0036, 13-0041 and 13-0043) as appropriate to accommodate market demand. This scenario also refers to the Gen-Tie, electrical collector line and other off-site ancillary facilities proposed for development as part of the Project.

Full Build-out Scenario – refers to all 17 CUPs, Gen-Tie, electrical collector line and other off-site ancillary facilities proposed for development as part of the Project.

Project – refers to construction, operation, and decommissioning of the solar field site parcels, Gen-Tie line, Electrical Collector Line Corridor, and other on-site and off-site ancillary features as described in the Project Description under either the Phased CUP Scenario or Full Build-out Scenario with up to approximately 2,793 acres of disturbance.

Northern Cluster or Northern CUP Cluster – refers to the northern-most cluster of CUPs (13-0038 thru 13-0049).

Central Cluster or Central CUP Cluster - refers to the central cluster of CUPs (13-0036 and 13-0037).

Southern Cluster or Southern CUP Cluster - refers to the southern-most cluster of CUPs (13-0050, 13-0051 and 13-0052).

Project area – refers to the area encompassed by the three CUP clusters as well as the areas in the immediate surrounding these clusters, Gen-Tie line, electrical collector line and other off-site ancillary facilities.

Gen-Tie – all inclusive term referring to the existing generation interconnection (Gen-Tie) line that extends from CUPs through the Mount Signal Solar Farm Project to the Imperial Solar Energy Center South (ISECS) switchyard as well as the eight towers that will be added to the Mount Signal Solar Farm segment of the Gen-Tie to accommodate co-location of the Project's lines with the Mount Signal Solar Farm Gen-Tie line.

Solar Energy Center – refers to the area developed within each CUP with PV and/or CPV panels, inverters and pad mounted transformers, substation and switchyard, energy storage, O&M building, etc.

Electric Collector Line Corridor – refers to the 140 foot wide corridor adjacent to many of the CUPs. This corridor will be used to connect electricity generated from each CUP to the Gen-Tie to convey electricity to the ISCES switchyard for conveyance to the Imperial Valley Substation. The voltage within the collector line corridor could be up to 230-kV, but will likely be 34.5 kV or 66 kV.

solar field site parcels – refers to the 32 parcels which are currently fields where the PV and/or CPV panels and associated solar equipment are proposed for development as CUPs 13-0036 thru 13-0052.

1.4 PROJECT OVERVIEW

The Wistaria Ranch Solar Energy Center is a renewable energy project employing PV or CPV technology. The proposed Project consists of 17 CUPs of approximately 20 megawatts (MW) each which may be constructed individually or in multiples (i.e. Phase CUP Scenario), or all at once as a consolidated Project (i.e. “Full Build-out Scenario”) generating approximately 250 MW. The ultimate energy output is dependent on several variables, including off-take arrangements and the evolving efficiency of PV panels. As a result, the Project could generate more or less than 250 MW.

The “solar field site parcels” include 32 parcels which comprise the 17 CUPs of the Project. All CUPs are anticipated to use the existing Gen-Tie line that extends from the solar field site parcels to the ISECS switchyard. The proposed Project would construct eight new towers to accommodate co-location of the Project’s lines with the Mount Signal Solar Farm Gen-Tie line.

In addition to the structures associated with the solar field, such as PV panels, inverters, transformers, Power Conversion System (PCS) enclosures, etc., the Project would include an Operations and Maintenance (O&M) building(s) compliant with height limits and setbacks for the zone. The Project may also include additional auxiliary facilities such as raw water/fire water storage, treated water storage, water filtration buildings and equipment, equipment control buildings, septic system(s), energy storage facility, and parking. The Project includes an Electric Collector Line Corridor as part of the CUPs with segments spanning the gaps between the southern and central CUP cluster and the northern CUP cluster and central CUP cluster. The Project also includes electric line and vehicular crossings of Imperial Irrigation District (IID) facilities and County facilities. Electric line crossings would be either overhead or underground. If the crossings are constructed underground, either trenching or horizontal directional drilling may be required to place the electric or water lines under existing IID and County facilities.

1.4.1 PROJECT LOCATION

The Project is comprised of 32 individual parcels within the area south of Interstate 8 (I-8), east of Pulliam Road, and north of the All American Canal in southwestern unincorporated Imperial County (refer to Figure 2.0-2 in Chapter 2.0, Project Description). The solar field site parcels are generally bounded by Wahl Road on the north, Brockman and Rockwood Roads on the west, the U.S./Mexico border on the south, and Ferrell and Corda Roads on the east. The solar field site parcels are approximately six miles southwest of the City of El Centro, California and 5.5 miles directly west of Calexico, California (refer to Figure 2.0-1 in Chapter 2.0, Project Description).

1.5 OBJECTIVES, PURPOSE AND NEED FOR THE PROPOSED PROJECT

Section 15124(b) of the CEQA Guidelines requires that an EIR include a statement of objectives sought by the proposed Project. These objectives identify the underlying purpose of the project and provide a

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basis for identification of alternatives evaluated in the EIR. A clearly written statement of objectives allows the lead agency to develop a reasonable range of alternatives to evaluate in the EIR and aids the decision-makers in preparing findings or a statement of overriding considerations, if necessary.

Demand for new forms of renewable electric energy continues to grow based on three factors. First, total electricity demand continues to grow as a result of population growth, economic growth and new applications offset only, in part, by energy efficiency programs. The 2010 United States Energy Information Administration (EIA) Annual Energy Outlook (“reference case”) forecast is for a 30 percent increase in total demand (from 3,873 billion kilowatt hours to 5,021 billion kilowatt hours, annually), between the years 2008 and 2035. Second, new generation facilities are required to not only meet this demand, but to replace the output of aging generation facilities which are to be retired during this period. Third, driven by federal incentives, regional greenhouse gas reduction targets, state renewable energy portfolio standards (RPS) requirements, and potential legislation, an increasingly greater portion of new generation will need to be supplied in the form of renewable energy. The EIA forecast for the period from 2008 to 2035 is for 41 percent of growth in generation to come from non-hydro renewables.

The national trend in renewable energy is particularly evident in the West, the fastest growing region in the United States. Many Western states have adopted renewable energy standards and greenhouse gas (GHG) reduction goals. California is a national leader in requiring a significant proportion of electricity to come from renewable sources. The 2010 requirement that 20 percent of electricity sales come from renewable energy was increased to 33 percent by 2020. With California’s 33 percent mandate, combined with other mandated RPS requirements and regional sales growth, the total renewable energy sales for the United States portion of the Western Electricity Coordinating Council region has been estimated at close to 150,000 Gigawatt hours (GWH) by 2020 (not including Idaho, Utah and Wyoming). The proposed Project will help California meet its statutory and regulatory goals for increasing renewable power generation and use.

The Gen-Tie component of the proposed Project would provide the needed transmission capacity to connect the CUPs of the Wistaria Ranch Solar Energy Center with the Imperial Valley Substation. Renewable energy generated by the Project would be conveyed to areas of demand.

The Wistaria Ranch Solar Energy Center qualifies as an Eligible Renewable Energy Resource as defined by the California Public Utilities Code and would assist the state in meeting current and planned goals for renewable energy development and use. The California Energy Commission (CEC) certified the Wistaria Ranch Solar Energy Center as an eligible renewable energy resource under the RPS and assigned it CEC-RPS identification (ID) number 62623C (Ferrara 2014c).

1.5.1 OBJECTIVES

Pursuant to CEQA Section 15124(d), the following objectives have been identified for the proposed Project:

- To utilize Imperial County’s abundance of available solar energy (sunlight) to generate approximately 250 megawatts of renewable energy consistent with the County General Plan renewable energy objectives.
- To meet the terms and requirements of any Power Purchase Agreement (PPA) or Large Generator Interconnection Agreement that the Applicant may enter into.
- To deploy a technology that is safe, readily available, efficient, and environmentally responsible.

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- To generate electricity in an efficient manner and at a cost that is competitive on the renewable market on sites controlled by the applicant.
- To provide a new source of renewable energy to assist the State of California in achieving and exceeding the RPS.
- To provide a new source of renewable energy to assist the State of California in achieving and exceeding its current 1.3 GW energy storage target.
- To maximize local construction jobs for a variety of trades, reducing unemployment in the construction sector.
- To locate the Project in Imperial County in close proximity to the existing California Independent System Operator (CAISO) electric transmission system at a location which has available capacity to deliver electricity to major load centers in California.
- To locate the Project in an area that ranks among the highest in solar resource potential in the nation, as measured by the CEC.
- To minimize potential impacts to aesthetics, health and safety and other potential environmental impacts:
 - Locate a majority of the Project on disturbed land.
 - Consistent with County conditions on similar solar generation projects, group or co-locate the Project's proposed electrical interconnection facilities with existing or proposed electrical interconnection facilities, to the extent that such grouping/co-location can be accommodated.
 - Utilize existing infrastructure (transmission lines, roads, and water sources) where feasible to locate the project proximate to existing electric transmission systems in Imperial County with capacity to deliver electricity to major load centers in California.
- To indirectly reduce the need to emit greenhouse gases caused by the generation of similar quantities of electricity from either existing or future non-renewable sources through the use of renewable energy sources during on-peak power periods.
- To create a sustainable form of electricity that requires little fuel to be consumed.
- Where existing agricultural operations are active, to promote continued agricultural operations until that CUP is developed for use through efficient project grading.
- To encourage economic investment in renewable energy activities.
- To maximize opportunities for construction employment, reducing unemployment in one of the labor sectors most affected by the recession.
- To diversify Imperial County's economic base by developing environmentally-responsible non-agricultural activities.
- To provide tax revenue through sales, use and property taxes generated by renewable energy development within Imperial County.
- To reinforce Imperial County's position as a leader in renewable energy production.
- To expand the renewable energy sector in Imperial County's economy.
- On developed CUPs, to provide a reduction in water use to assist the IID in fulfilling its obligations to reduce the incidences of water supply/demand imbalance that, under IID's Equitable Distribution Plan, would require farmers to fallow land to generate water

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supplies necessary for IID to fulfill its Salton Sea conservation obligations under various State Water Resources Control Board Orders, the Quantification Settlement Agreement (QSA), and IID's Water Transfer Agreement.

1.5.2 REVIEW AND CERTIFICATION PROCESS

A. NOTICE OF PREPARATION

Due to the potential for significant impacts to result from the proposed Wistaria Ranch Solar Energy Center, the County determined that an EIR would be necessary. The County prepared an Initial Study (Code of California Regulations [CCR] §15063b (1)(A)) and subsequently issued a Notice of Preparation (NOP) for the preparation of an EIR (SCH. No. 2013091084) for the Wistaria Ranch Solar Energy Center on September 26, 2013 (discussed further in subsection 1.8.1, Public Participation Opportunities/Comments and Coordination, below). The NOP was distributed to city, county, state and federal agencies, other public agencies, and various interested private organizations and individuals to define the scope of the EIR. The NOP was also published in the Imperial Valley Press on Friday, September 27, 2013. The purpose of the NOP was to identify public agency and public concerns regarding the potential impacts of the proposed Project, and the scope and content of environmental issues to be addressed in the EIR. Circulation of the NOP ended on October 25, 2013.

B. DRAFT EIR

The Draft EIR includes a detailed description of the proposed Project, description of the environmental setting, identification of Project impacts (for the Phased CUP scenario and Full Build-out Scenario), cumulative impacts, and mitigation measures for impacts found to be significant. An analysis of Project alternatives is also provided as well as a summary of cumulative impacts; and other CEQA required considerations. Upon completion of the Draft EIR, a Notice of Completion (NOC) will be filed with the State Office of Planning and Research (OPR) by the County. The NOC signals the start of the public review period for the Draft EIR (CCR §15085).

C. PUBLIC NOTICE/PUBLIC REVIEW

In the case of the proposed Project, the review period will be 50 days (45 day minimum per CEQA, plus five days per County of Imperial Guidelines).

On August 22, 2014 a NOC for the Draft EIR was filed with the State Clearinghouse, initiating the 50-day public review period of the Draft EIR document and associated technical appendices. The public review period on the Draft EIR ends on October 10, 2014 after which time all comments received will be responded to (refer to item D, "Response to Comments/Final EIR," below).

Concurrent with filing the NOC, the County is also required to provide notice to the public, agencies, organizations and other interested parties of the availability of the Draft EIR for review and comment. A Notice of Availability (NOA) was published on August 22, 2014 in the Imperial Valley Press newspaper as well as posted at the County's website and libraries. Public comment on the Draft EIR will be accepted in written form. Details on where to send questions or comments are provided in subsection 1.9, Availability of Reports, below.

D. RESPONSE TO COMMENTS/FINAL EIR

A Final EIR (FEIR) will be prepared following the public review and comment period for the Draft EIR. The Final EIR will respond to written comments received during the public review and comment period and to oral comments made at any public hearings to take comments on the Draft EIR.

E. CERTIFICATION OF THE EIR

The Final EIR will be independently reviewed and considered by the County. If the Final EIR is deemed “adequate and complete,” the County may certify the EIR at a public hearing. In general, the rule of adequacy holds that the EIR can be certified if it demonstrates a good faith effort at full disclosure of environmental information and provides sufficient analysis to allow decisions to be made regarding the project in terms of its environmental consequences.

Following review and consideration of the Final EIR, the County may take action to approve, conditionally approve, revise, or reject the Project. Written findings would accompany a decision to approve or conditionally approve the project (CCR §15091). Likewise a statement of overriding considerations would be prepared if necessary (CCR §15093). A Mitigation Monitoring and Reporting Program, as described below, would also be adopted for mitigation measures that have been incorporated into or imposed upon the Project to reduce or avoid significant effects on the environment.

F. MITIGATION MONITORING AND REPORTING PROGRAM

The County must adopt a Mitigation Monitoring and Reporting Program (MMRP) for mitigation measures that have been incorporated into or imposed upon the Project to reduce or avoid significant effects on the environment (CCR §15097). This program will be designed to ensure that these measures are carried out during Project implementation.

The specific reporting or monitoring program required by CEQA is not required to be included in the EIR. However, any mitigation measures adopted by the County as part of the certified Final EIR will be considered as conditions of approval for the Project and will be included in the MMRP to ensure and verify compliance.

1.6 AGENCY ROLES AND RESPONSIBILITIES

The purpose of the EIR is to analyze the proposed project and the EIR is intended to apply to all listed project approvals as well as any other permits or approvals necessary or desirable to implement the project. In this regard, the following agencies each play a role in the project.

1.6.1 IMPERIAL COUNTY

The application for the proposed Project requests approval of 17 CUPs by Imperial County to allow the construction and operation of the proposed solar energy center on 32 privately owned parcels zoned A-2, A-2-R and A-3. The Imperial County Code of Ordinances Title 9, Division 5 (Zoning Areas Established), identifies permitted uses within various zones as well as uses requiring a CUP.

Imperial County Code Section 90508.02 addresses electrical substations in an electrical transmission system (500 kV, 230-kV, 161 kV) uses in the A-2 and A-2-R zone. The following uses are permitted subject to approval of a CUP from Imperial County: “solar energy electrical generator, electrical power generating plant, major facilities relating to the generation and transmission of electrical energy, and resource extraction and energy development.”

Section 90509.01 identifies the following permitted uses in the A-3 zone: “Transmission lines, including supporting towers, poles, microwave towers, utility substations.”

Section 90509.02 identifies the following use in the A-3 zone with approval of a CUP from Imperial County: “major facilities related to the generation and transmission of electrical energy.”

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In addition to a CUP, the proposed Project would require approval of a variance by Imperial County to allow the proposed transmission pole structures to potentially exceed the 120-foot height limit. No rezoning is required to implement the proposed Project.

Pursuant to CEQA, at a minimum the proposed Project will require the following County authorizations:

- Certification of the Final EIR
- Adoption of a project MMRP
- Approval of CEQA Findings pursuant to CEQA Guidelines Section 15091
- Review of Project Site Plan(s)
- Architectural Review
- Approval of 17 Conditional Use Permits (CUP 13-0036 thru 13-0052)
- Development Agreement
- Encroachment Permits
- Approval of 17 Variances (V13-0002 thru V13-0018)
- Grading Permits
- Construction Traffic Management Plan
- Building Permits
- Private Sewage Disposal Permit(s)
- Occupancy Permits

The Project may also require the following additional County authorizations:

- A lot line adjustment for substation switchyard and electric lines on private property
- Lot-tie Agreement
- Vacation of easements
- Abandonment of Rights-of-Way

1.6.2 OTHER AGENCY REVIEWS AND/OR CONSULTATIONS

The Project would require permits and approvals from various federal, state and local regulatory agencies. The agencies, potential permits and approvals are identified below.

A. FEDERAL

UNITED STATES ARMY CORPS OF ENGINEERS

The United States Army Corps of Engineers (USACE) possesses jurisdiction over waters of the United States and jurisdictional wetlands pursuant to the federal Clean Water Act (CWA). The USACE regulates the discharge of dredge/fill material into such waters, including ditches and drains that could be jurisdictional. The Applicant has submitted a jurisdictional determination report to the USACE to determine the scope of potential jurisdictional waters and, if required by the USACE, will obtain permit coverage for any impacts to federal jurisdictional waters.

UNITED STATES FISH AND WILDLIFE SERVICE

The United States Fish and Wildlife Service (USFWS) is responsible for oversight of the Federal Endangered Species Act (ESA) and the Migratory Bird Treaty Act (MBTA). USFWS is being consulted regarding the Project's potential to impact federally-listed endangered/threatened or proposed species or their critical habitat. The Applicant does not anticipate the need to obtain appropriate take authorization under the ESA.

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B. STATE

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

The California Department of Fish and Wildlife (CDFW) is responsible for overseeing the California Endangered Species Act, approving Streambed Alteration Agreements (Section 1602 of the California Fish and Game [CDFG] Code), and enforcing the California Native Plant Protection Act. The CDFW would take action associated with any activity where a listed candidate, threatened or endangered species under California Endangered Species Act (CESA) may be present in the project area and a state agency is acting as lead agency for CEQA compliance. CDFW would also consider issuance of a Section 2081 incidental take permit for state-only listed species and a Section 2081.1 consistency determination for the effects on species that are both state and federally listed.

CDFW is in the process of reviewing the project for potential effects on State listed species and determining the extent of its jurisdiction under Section 1602 Streambed Alteration Agreement (SAA) for construction impacts associated with crossing IID facilities, if applicable.

CDFW will review the mitigation agreement and mitigation plan for plants listed as rare, if applicable, as part of California Native Plant Protection Act requirements.

CALIFORNIA STATE HISTORIC PRESERVATION OFFICE

The California State Historic Preservation Office (SHPO) is responsible for coordinating with BLM regarding compliance with the National Historic Preservation Act (NHPA) Section 106 consultation process; issuance of cultural resources use permits; and field use authorization or an Archaeological Resources Protection Act Permit, if required.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD (RWQCB), COLORADO RIVER BASIN REGION 7

The California Regional Water Quality Control Board (RWQCB), Colorado River Basin Region 7 is responsible for regulating water quality. Construction of the Project would be covered under General Permit for Discharges of Storm Water Associated with Construction Activity (NPDES No. CAS000002) (Construction General Permit Order 2010-2014-DWQ, effective February 14, 2011). The permit requires the Applicant to file a public Notice of Intent (NOI) to discharge stormwater and to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP).

CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)

The California Department of Transportation (Caltrans) has jurisdiction over all State highways and roads. The Project may construct a 230-kV Gen-Tie or a lower voltage collector line that would involve the construction of an approximately one-half mile line along Rockwood Road to the Mount Signal Solar Farm Gen-Tie. This segment would require an encroachment permit from Caltrans to cross State Route (SR-) 98. Another electric corridor crossing that possibly requiring a Caltrans encroachment permit could occur along Brockman Road (S30).

CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)

The California Department of Toxic Substances Control (DTSC) oversees toxic substances procedures and remediation. DTSC will review the Hazardous Materials Management Plan (HMMP), the Spill Containment, Countermeasure, and Control (SPCC) Plan and hazardous materials transportation plans, if applicable.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY (CAL EPA)

The California Environmental Protection Agency (CalEPA) oversees various aspects of environmental protection throughout the State. CalEPA will review the HMMP, Environmental Health and Safety Plan, and SPCC Plan.

CALIFORNIA NATIVE AMERICAN HERITAGE COMMISSION

The California Native American Heritage Commission (NAHC) strives for the preservation and protection of Native American human remains and associated grave goods. The NAHC has been consulted to conduct a Sacred Lands file search.

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (CALOSHA)

The California Occupational Safety and Health Administration (CalOSHA) is responsible for protecting workers and the public from safety hazards. CalOSHA will review the HMMP, if applicable.

CALIFORNIA PUBLIC UTILITIES COMMISSION

The CPUC has authority for independently owned utilities and their entry into PPAs. As such, the CPUC will be involved with approving Project PPAs.

C. LOCAL

IMPERIAL COUNTY AIR POLLUTION CONTROL DISTRICT

Imperial County Air Pollution Control District (ICAPCD) is responsible for enforcing air emission requirements in the County. The ICAPCD will review the proposed Project for consistency with the ICAPCD CEQA Air Quality Handbook, the 1991 Air Quality Attainment Plan, and the State Implementation Plan for PM₁₀ in the Imperial Valley. The Project will obtain a Dust Control Permit to comply with Rule 801 of Imperial County's Rules and Regulations for Construction and Earthmoving Activities.

IMPERIAL COUNTY FIRE DEPARTMENT

The Imperial County Fire Department (ICFD) would provide fire protection service to the proposed Project. The ICFD received a copy of the NOP, and was consulted during preparation of this EIR. The ICFD identified general requirements regarding fire. The ICFD will review the Project including the final design of the proposed fire system.

IMPERIAL COUNTY SHERIFF'S OFFICE

The Imperial County Sheriff's Office (ICSO) would provide law enforcement service to the proposed Project, as necessary. The ICSO received a copy of the NOP and will review the proposed Project, including the final design, for adequate emergency access. The ICSO was also contacted for input regarding ability to serve the proposed Project.

IMPERIAL IRRIGATION DISTRICT

The Imperial Irrigation District (IID) has infrastructure on and surrounding the proposed solar field site parcels including drains, canals and overhead electrical infrastructure. IID will review the Project and will use the Final EIR in its approval of encroachment permits for crossings of IID canals; permits for construction water and power; and contracts for Project water use and power during operation. IID may also review and approve agreements to transfer or quitclaim easements and/or fee parcels, for drainage, restrict surface access, and to abandon delivery gates and service pipes.

AIRPORT LAND USE COMMISSION

The Airport Land Use Commission (ALUC) is empowered to review and make determinations for the use of land within an airport's "sphere of influence," assure safety of air navigation, promote air commerce, and conduct public hearings regarding any proposed development within its area of responsibility. The ALUC is responsible for reviewing the proposed Project for consistency with the Imperial County Airport Land Use Plan and making appropriate consistency findings.

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1.7 RELATIONSHIP TO STATUTES, REGULATIONS AND OTHER PLANS

1.7.1 STATE

A. RENEWABLES PORTFOLIO STANDARD PROGRAM

This Renewables Portfolio Standard Program requires investor-owned utilities to obtain 33 percent of the power supplied to customers to be generated from renewable sources by the year 2010. Senate Bill (SB) X1 2 established a three-stage compliance period: 20 percent by December 31, 2013; 25 percent by December 31, 2016; and 33 percent by December 31, 2020.

B. CALIFORNIA GLOBAL WARMING SOLUTIONS ACT OF 2006, ASSEMBLY BILL (AB) 32

This California Global Warming Solutions Act, AB 32 (Statutes 2006; Chapter 488; Health and Safety Code Sections 38500 et. seq) requires the California Air Resources Board (CARB) to enact standards that will reduce GHG emissions to 1990 levels by 2020. CARB regulates electricity production facilities.

C. CALIFORNIA ENERGY STORAGE MANDATE, AB 2514

In 2010, California enacted AB 2514 - California Energy Storage Mandate, requiring the California Public Utilities Commission (CPUC) and the State's three investor-owned utilities to establish procurement targets for energy storage projects. These projects store energy from peak renewable energy generation periods of the day for use in the grid during times when renewable energy is generating minimal power (i.e. when the sun is not shining and the wind is not blowing.) The CPUC recently set the investor-owned utility target at 1.3 GW by the end of 2020 (CPUC 2013; St. John 2013; AB 3514). The proposed Project includes a possible energy storage component as an ancillary on-site feature to help maximize the proposed Project's contribution to California's renewable energy storage target.

D. TITLE 17 CALIFORNIA CODE OF REGULATIONS (CCR)

Title 17 CCR, Subchapter 10, Article 2, Sections 95100 et seq. are CARB regulations that implement mandatory GHG emissions reporting as part of the California Global Warming Solutions Act of 2006.

E. CALIFORNIA ENDANGERED SPECIES ACT

The California Endangered Species Act (CESA) is codified at CDFG Section 2050. This section prohibits "take" of any species listed as an endangered or threatened species. Take is defined in Section 86 of the CDFG 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 activity through take authorization issued by CDFW. CESA emphasizes early consultation to avoid potential impacts to rare, endangered, and threatened species. Early consultation is also helpful in developing appropriate mitigation to offset losses of listed species populations and their essential habitats. The Applicant has been in consultation with CDFW regarding any issues arising under CESA.

F. CALIFORNIA LAKE AND STREAMBED PROGRAM

The Department of Fish and Wildlife (CDFW) is responsible for conserving, protecting, and managing California's fish, wildlife, and native plant resources. The California Lake and Streambed Program (CDFG Code Sections 1601 to 1603) requires an entity to notify CDFW prior to constructing any project that would divert, obstruct or change the natural flow, bed, channel, or bank of any river, stream, or lake. CDFW is required to propose reasonable project changes and/or mitigation to protect the resource in cases where an existing fish or wildlife resource may be substantially adversely affected. Changes or mitigations are formalized in a SAA that becomes part of the plans, specifications, and bid documents for the project. The Applicant has been in discussion with CDFW regarding all aspects of the Project.

1.7.2 LOCAL

A. IMPERIAL COUNTY GENERAL PLAN AND LAND USE ORDINANCE

The Imperial County General Plan provides guidance on future growth in the County. Any development within the jurisdiction of the County must be consistent with the General Plan and the Land Use Ordinance (Title 9, Division 2). However, the United States Bureau of Land Management regulations require that resource management plans be consistent with local governments' officially approved resource related plans (Federal Land Policy and Management Act, Sec. 202(c) (9)). The proposed Project is not proposed on lands under the jurisdiction of the BLM. However, the Project's ultimate connection to the Imperial Valley (IV) Substation would extend through BLM land via an existing Gen-Tie line.

B. IMPERIAL COUNTY AIR POLLUTION CONTROL DISTRICT

The ICAPCD is responsible for enforcing rules and regulations regarding air emissions to protect public health. These regulations apply to various activities including construction, farming, and operational activities associated with various land uses. The ICAPCD would be responsible for reviewing Project Dust Control Plans. The Applicant has been consulting with the ICAPCD during preparation of the Draft EIR.

1.8 PUBLIC PARTICIPATION OPPORTUNITIES/COMMENTS AND COORDINATION

Several opportunities for agency input and public involvement have occurred as part of the environmental review process and will continue to occur going forward. Imperial County conducted a scoping process to fulfill the intent and requirements of CEQA Guidelines Section 15082 (described in detail under subsection 1.8.2, Scoping Meeting below), including a scoping meeting held on October 10, 2013 at the Board of Supervisors meeting room to gather input from the public.

1.8.1 NOTICE OF PREPARATION

The Notice of Preparation (NOP) for the Wistaria Ranch Solar Energy Complex EIR was issued by the ICPDSD on September 26, 2013. Eight letters were received in response to the NOP from various agencies and individuals. In addition, one letter was submitted after the close of the NOP comment period. **Table 1.0-1** provides a list of the letter writers and summarizes the areas of controversy or issue raised in these letters. The NOP and written comments received during the public review period for the NOP are included on the attached CD of Technical Appendices as **Appendix A** of this EIR.

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

| Agency/Individual | Issue Noted or Area of Controversy |
|--|---|
| <p>Scott Morgan Director, State Clearinghouse</p> | <ul style="list-style-type: none"> • None. Letter distributing NOP to State agencies for comment. |
| <p>Belen Leon APC Environmental Coordinator Imperial County Air Pollution Control District</p> | <ul style="list-style-type: none"> • Requests preparation of a comprehensive Air Quality Analysis of construction and operational impacts for Project and alternatives. • Suggests that a Health Risk Assessment be conducted. • Suggests “Hot Spot Modeling” if heavy volumes of traffic are expected. • Requests inclusion of cumulative impact analysis for existing and proposed projects. • Directs that all mitigation measures be formulated consistent with CEQA Air Quality Handbook and in consultation with Clean Air Plans, District Rules and Regulations and other Air District approved programs. • States that the EIR requires a discussion of the impacts from Green House Gas emissions (AB 32). • Directs that the EIR include a discussion of combined cumulative impacts of the Project per section 15065 (c)(a)(3) of CEQA. • Requires that construction sites follow Fugitive Dust Control, Regulation VIII requirements. • Requires that the Project prepare a dust control plan and appropriate notification of the APCD prior to commencement of construction. • Requires that the Project submit a list of equipment that will be used in construction and operation of the Project. • Notes that the Project is subject to the Air District’s Rule 310, “Operational Development Fees.” |
| <p>Stacey Osborne, Paralegal Lozeau, Drury LLP</p> | <ul style="list-style-type: none"> • Representing the Laborers International Union of North America, Local Union 1184 and members residing in Imperial County (LiUNA). • Requests the County of Imperial to be in full compliance with CEQA Public Resources Code section 21000 regarding the Project. • Reserves the right to submit additional comments in future stages of the Project, including the Draft EIR and Final EIR. |

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

| Agency/Individual | Issue Noted or Area of Controversy |
|--|---|
| <p>Jacob M. Armstrong, Chief Department of Transportation, Development Review Branch</p> | <ul style="list-style-type: none"> • Expresses concern that the proposed transmission line connection between the ISECS switchyard near SR-98 is possibly a utility encroachment. • Recommends the Caltrans Encroachment Permit Manual be used as a reference regarding encroachment permits. • Advises early coordination and identifies documents to be considered during permit process. • Notes that a Traffic Control Plan/construction traffic impact study would need to be approved by Caltrans before construction for Right-of-Way (ROW) access to SR-98. • Expresses concern about the impact of traffic restrictions and pedestrian/bicycle routes. • Expresses concern regarding lane and shoulder closures and roadway features (signs, pavement delineation, roadway surface, etc.) within the State ROW. • Notes that any work performed within Caltrans ROW must be accompanied with Final EIR, CEQA determinations and corresponding technical documents; before any permit applications are accepted. |
| <p>Tanya M. Trujillo Executive Director Colorado River Board of California</p> | <ul style="list-style-type: none"> • No comments regarding the Notice of Preparation. • Requests that Applicant consult with IID regarding the requirements of surface and/or groundwater supply; drainage and flood flows; electric power supply; and interconnection to the Imperial Valley Substation. |
| <p>Bill Brandenburg, President Cattlemen’s Feeding & Milling dba Meloland Cattle Co.</p> | <ul style="list-style-type: none"> • Expresses concern regarding solar panels increasing the temperature in cattle feeding operations area. • Expresses concern regarding higher temperatures, possibly caused by presence of solar panels that may impact the ability of cattle to feed/drink, and subsequently, potentially cause higher death rates. • Expresses concern that heat impacts would be even greater during summer months when the temperatures are higher. • Requests a buffer zone of preferably ½ mile, but |

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

| Agency/Individual | Issue Noted or Area of Controversy |
|---|--|
| | no less than ¼-mile from cattle feeding operations. |
| Ben Abatti Ben Abatti Farms, LLC El Centro, CA | <ul style="list-style-type: none"> • Expresses concerns that higher temperatures would affect agriculture production and create dust causing loss of farmland and allergens. • Expresses concerns regarding disposal of waste metals produced during solar production, specifically chromium and mercury. • Requests relocation of the Project. |
| Michael & Kerri Abatti Private Farmers, El Centro CA | <ul style="list-style-type: none"> • Expresses concerns regarding solar panels causing heat damage and subsequently an effect on crops. • Expresses concerns regarding that damage will be caused from winds bringing debris from birds and/or pests from the Project area. • Concerned that aerial and ground application will be more difficult. • Requests a relocation of the Project. |
| Stephen C. Volker* Attorney for the Protect Our Communities Foundation Backcountry Against Dumps Donna Tisdale and Carolyn Allen | <ul style="list-style-type: none"> • States that the Airport Land Use Commission should postpone its project analysis until the County has prepared a Draft EIR. • States that the proposed solar energy generation uses are forbidden by the Imperial County General Plan Land Use Element. • States that the Board may not approve a conditional use that is forbidden by the County General Plan. • States that the Imperial County General Plan forbids the proposed solar energy generation and transmission uses. • States that the Project's incompatibility with the General Plan agricultural use provisions is not cured by other conflicting general plan provisions or the county land use ordinance. • States that the Draft EIR must contain a robust analysis of project Alternatives and impacts. • States that the Draft EIR should analyze a distributed generation alternative. • States that the Draft EIR must analyze the Project's significant agricultural impacts. • States that the Draft EIR must analyze the Project's impacts on the burrowing owl and other listed, rare and important species. |

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

| Agency/Individual | Issue Noted or Area of Controversy |
|-------------------|--|
| | <ul style="list-style-type: none"> • States that the Draft EIR must identify likely water sources for the Project. • States that the Draft EIR must analyze the Project’s electromagnetic field impacts. • The Draft EIR must analyze the Project’s audible, inaudible, high-frequency and low-frequency noise impacts. • The Draft EIR must analyze the Project’s direct, indirect and embedded greenhouse gas emissions. |

**This letter was submitted on March 19, 2014 at the Airport Land Use Commission Meeting, after the NOP comment period had closed.*

1.8.2 SCOPING MEETING

A public scoping meeting was held for the proposed Project to solicit input on the scope and content of the EIR. CEQA Guidelines Section 15082(c)(2)(A, B, C and D) addresses parties to be included in a scoping meeting. The initial scoping meeting conducted by Imperial County took place on October 10, 2013 at 6:00 pm at the Board of Supervisors meeting room to gather input from the public. No oral comments were received from ten individuals in attendance at the meeting.

The County also sent an NOP to responsible agencies (e.g., Imperial County Sheriff’s Office) to provide input on the project during the 30-day comment period (September 25 thru October 26, 2013). Notification letters were sent to Native American Tribes by the County in October 2013.

1.8.3 AIRPORT LAND USE COMMISSION MEETING

The proposed Project was presented and discussed at the County’s Airport Land Use Commission (ALUC) Meeting held on March 19, 2014. The ALUC reviewed the proposed application, including the variances for transmission tower height described in subsection 1.2, above. The ALUC found the proposed Project consistent with the 1996 Airport Land Use Compatibility Plan (ALUCP) with no conditions.

1.9 AVAILABILITY OF REPORTS

This Draft EIR, appendices, and documents incorporated by reference, including the Mount Signal Solar Farm Project and the Imperial Solar Energy Center South Project EIRs and related technical studies, are available for public review at the Imperial County 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, California. Documents at these locations may be reviewed during regular business hours. This document is also available for review online at the Imperial County Planning and Development Services website: <http://www.icpds.com>.

All comments on the Draft EIR should be directed to:

David Black, Planner IV
Imperial County Planning and Development Services Department
801 Main Street
El Centro, California 92243
DavidBlack@co.imperial.ca.us

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Comments received during the public scoping meeting were reviewed and addressed as appropriate in this Draft EIR. The Draft EIR will be reviewed by the Imperial County Planning Commission and Board of Supervisors as a part of the procedure to certify the EIR. Additional information on this process may be obtained by contacting the Imperial County Planning and Development Services Department at (760) 482-4236.

1.10 STRUCTURE OF THIS EIR

1.10.1 DRAFT EIR

The structure of this Draft EIR is identified in the Table of Contents. The Draft EIR is organized into nine Chapters and the Executive Summary.

Executive Summary. This chapter provides a summary of the proposed Project, including a summary matrix of Project impacts, mitigation measures, and alternatives to the proposed Project.

Chapter 1.0 - Introduction. This chapter explains the purpose of the document; provides a summary of the background, terminology and overview of the proposed Project; identifies the purpose and objectives of the Project; explains the review and certification process; identifies agencies responsible for review and/or consultation regarding the Project; explains the Project's relationship to statutes, regulations and other plans; identifies public participation opportunities and summarizes comments received on the NOP and at the scoping meeting; provides information regarding the availability of reports; and, outlines the structure of the document.

Chapter 2.0 - Project Description. This chapter provides a detailed description of the proposed Project, its 17 CUPs, and its various components; identifies the Project's location; specifies the General Plan and zoning designations; provides details regarding the Project's construction, operation, and decommissioning; identifies alternatives under consideration; and, explains the intended uses of the EIR and authorizing actions.

Chapter 3.0 - Introduction to the Environmental Analysis and Assumptions Used. This chapter provides an introduction to the environmental impacts analyses and general assumptions used in the Project-specific and cumulative analyses contained in Sections 4.1 thru 4.13. It also describes the approach used in the General Plan consistency analysis.

Chapter 4.0 – Environmental Analysis. This chapter provides a brief overview of the thirteen resource areas determined for inclusion in the EIR by the Initial Study. This chapter also orients the reader to the order of the sections and format of the analysis.

Section 4.1 - Aesthetics. This section examines the potential change in aesthetic character for each CUP measured against the existing setting and visual conditions of the Project area. Project visibility, scale, additional light and glare are considered relative to the existing aesthetic context of the area and each CUP. This section includes visual simulations from 10 Key Observation Points.

Section 4.2 - Land Use. This section focuses on the potential impacts on, and conflicts with, land use that may result from development of the proposed Project under both a Phased CUP Scenario and Full Build-out Scenario. This section also evaluates the consistency of the Project with the County of Imperial General Plan, zoning, and other applicable plans or documents.

Section 4.3 - Transportation and Circulation. This section identifies existing traffic volumes and levels of service at Project study area intersections, roadway segments and freeway segments. The analysis examined potential impacts under four Full Build-out construction scenarios: Existing Year 2013, Near-Term Year 2016, Mid-Term Year 2019 and Long-Term Year 2024. This section is based on a Draft Traffic Impact Assessment prepared for the proposed Project.

Section 4.4 - Air Quality. This section describes existing air quality in the region. It also addresses the requirements of the ICAPCD and analyzes local and regional air quality impacts associated with Project implementation including short-term construction impact (grading, etc.), long-term operational emissions and decommissioning emissions. This section is based on the Air Quality Impact Analysis prepared for the proposed Project.

Section 4.5 - Climate Change and Greenhouse Gases. This section describes the existing setting and regulatory conditions of the County of Imperial and surrounding area in terms of GHGs and climate change. Potential increases in GHG emissions or factors that would affect climate change as a result of implementation of the proposed Project are discussed. This section is based on the Air Quality Impact Analysis prepared for the proposed Project.

Section 4.6 - Geology and Soils. This section describes the current setting of the Project seismically and geologically. Engineering constraints and general soil suitability for the proposed Project are discussed. This section is based on a Preliminary Geotechnical and GeoHazards Report prepared for the Project area.

Section 4.7 - Cultural and Paleontological Resources. This section describes the setting of the Project area with regard to cultural, historic and paleontological resources. The analysis is based on the findings of Phase I Cultural Resources Inventory Report and Paleontological Resources Inventory Report prepared for the Project. Potential resources are assessed for significance and potential for damage as a result of implementing the proposed Project.

Section 4.8 – Noise. This section explains noise terminology and describes the existing noise setting of the Project area and sensitive receptors in proximity to specific CUPs. The discussion includes an analysis and potential Project noise impacts resulting from construction, operation, and decommissioning. This section is based on Noise Impact Analysis prepared for the proposed Project.

Section 4.9 - Agricultural Resources. This section describes the agricultural setting of the County and the Project area. The analysis focuses on potential impacts of the conversion of farmland as well as potential for conversion of farmland to each CUP. The analysis also identifies any land use compatibility conflicts associated with the proposed Project on adjacent farmland. This section is based on the Land Evaluation and Site Assessment Models prepared for the proposed Project.

Section 4.10 - Hazardous and Hazardous Materials. This section examines the potential presence of hazardous materials based on and historical agricultural operations conducted on the solar field site parcels. Potential impacts and mitigation measures are identified. This section is based on the Phase I Environmental Site Assessments prepared for the Project area.

Section 4.11 - Hydrology and Water Quality. This section describes the current drainage of the Project area and assesses potential impacts of the proposed Project on hydrology, storm drainage, and water quantity. The analysis discusses drainage patterns, storm drainage runoff, and potential flooding impacts. This section is based on the Conceptual Drainage Study and Storm Water Quality Analysis prepared for the proposed Project.

Section 4.12 - Biological Resources. This section describes the existing and potential biological resources on the solar field site parcels and in the vicinity of the Project area. Potential impacts to plants and wildlife in the affected area including listed, proposed, candidate threatened and endangered species are examined. This section is based on a Biological Technical Report prepared for the proposed Project.

Section 4.13 – Public Services and Utilities. This section discusses public services and utilities that would serve the Project. These include fire protection, law enforcement, solid waste, electricity, and telephone/internet. An on-site wastewater system is proposed along with use of IID water for water

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supply is proposed. This section is based on consultation with appropriate service providers and information provided by the Applicant.

Chapter 5.0 – Cumulative Impacts Summary. This chapter summarizes the cumulative impacts for each resource area identified in Sections 4.1 through 4.13.

Chapter 6.0 – Alternatives. This chapter qualitatively analyzes impacts associated with alternatives to the proposed Project relative to impacts resulting from the proposed Project. A summary matrix of impacts for each issue area is included to facilitate comparison of each alternative relative to the proposed Project (better, similar, worse).

Chapter 7.0 - Other CEQA Required Considerations. This chapter provides a discussion of energy conservation, significant and unavoidable environmental effects (if present), growth-inducing impacts, significant irreversible environmental changes, and mandatory findings of significance.

Chapter 8.0 - EIR Preparers. This chapter lists all the individuals involved in the preparation of the EIR.

Chapter 9.0 – References. This chapter lists the data references used in preparing the EIR as well as the individuals and agencies consulted and cited in the text.

1.10.2 TECHNICAL APPENDICES

The technical reports for agricultural resources; air quality; biological resources; cultural resources; geology/soils; greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality; noise; and, transportation/circulation are provided on the attached CD found on the back cover of this Draft EIR. These reports are referenced within the relevant environmental analysis sections of this document. Incorporation by reference is permitted by Section 15150 of the CEQA Guidelines. Other documents, reference sources, and individuals cited in the preparation of this Draft EIR are identified in Chapter 9.0, References. The baseline physical conditions as analyzed in these reports are the conditions that existed at the time of the issuance of the NOP for the EIR (CEQA Guideline Section 15125 (a)).

1.11 ISSUES TO BE ADDRESSED

The issues evaluated in this EIR include the physical, biological, cultural, and other resources that have the potential to be affected by activities related to the proposed Project. The issues were identified through the preparation of an Initial Study:

- Aesthetics
- Land Use
- Transportation and Circulation
- Air Quality
- Climate Change and Greenhouse Gases
- Geology and Soils
- Cultural and Paleontological Resources
- Noise
- Agricultural Resources
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Biological Resources
- Public Services and Utilities

1.12 ISSUES SCOPED OUT FROM FURTHER ENVIRONMENTAL REVIEW

The Initial Study for the proposed Wistaria Ranch Solar Energy Complex prepared by the County of Imperial concluded that the Project would not cause significant impacts related to various topics addressed in the CEQA Environmental Checklist (included in **Appendix A** of this EIR). Therefore, those topics are not addressed in this EIR. The reasons for concluding that no significant impacts would occur related to those topics are disclosed in the Initial Study, which was distributed with the NOP from September 26 thru October 25, 2013. CEQA Environmental Checklist topics not addressed in this EIR, and the rationale for their exclusion, are identified below:

AGRICULTURE AND FOREST RESOURCES

- Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 511 04(g))?

No Impact. Based on the Imperial County General Plan Conservation and Open Space Element, mixed chaparral, pinyon-juniper habitats, and the montane hardwood-conifer forest are located in restricted areas of the County. Mixed chaparral and pinyon-juniper habitats are located in the extreme southwestern corner of the County and montane hardwood-conifer forest is in the extreme northwestern corner of Imperial County. Thus, there are no existing forest lands, timberlands, or timberland zoned Timberland Production either on or near the solar field site parcels that would conflict with existing zoning. This issue will not be discussed in the EIR.

- Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. There are no existing forest lands either on-site or in the immediate vicinity of the solar field site parcels. The proposed Project would not result in the loss of forest land or conversion of forest land to non-forest use. Therefore, no impact is identified for this issue area.

BIOLOGICAL RESOURCES

- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. Imperial County does not have a Habitat Conservation Plan (HCP). Thus, no conflicts or impacts would occur between the proposed Project and an adopted HCP. Some lands in the County under the jurisdiction of the BLM are covered by the California Desert Conservation Area (CDCA) Plan which includes Areas of Critical Environmental Concern (ACEC). None of the solar field site parcels are within or immediately adjacent to an ACEC of the CDCA. Therefore, no impact would occur.

GEOLOGY AND SOILS

- Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

No Impact. Neither the solar field site parcels nor the gen-tie line parcels are not within a designated State of California Alquist-Priolo Earthquake Fault Zone. In addition, surface rupture at the site is considered to be low. Therefore, no impact is anticipated with regard to rupture of a known earthquake fault.

HAZARDS AND HAZARDOUS MATERIALS

- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact. None of the solar field site parcels are located within one-quarter mile of an existing school. Therefore, this issue will not be discussed in the EIR.

- Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

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No Impact. Based on the information available, none of the Project parcels are anticipated to be listed as hazardous materials sites pursuant to government Code Section 65962.5. This has been confirmed by the Phase I Environmental Site Assessment. However, no impact is identified for this issue.

- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

No Impact. The solar field site parcels are not located within two miles of a public airport. The Naval Air Facility, El Centro is approximately 6 miles north of northernmost Project parcels and the El Centro Airport is approximately 7.5 miles to the northeast. The Airport Land Use Commission also reviewed the Project and found it to be consistent with the ALUCP. Thus, no impact is identified with regard to a safety hazard associated with a public airport. This will not be discussed in the EIR.

- For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

No Impact. The solar field site parcels, gen-tie lines, and electrical collector lines are not within the sphere of influence of any private airstrip. The Johnson Brothers Private Airstrip is located 1.5 miles to the east, however it does not experience high levels of air traffic and there is not a high incidence of crop dusting or other aircraft hitting gen-tie or electrical collector lines in Imperial County. Thus no impact is identified for any safety hazard for people residing or working in the Project area from the Project's proximity to the private airstrip.

- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No Impact. As identified in the Seismic and Public Safety Element of the County of Imperial General Plan, the "Imperial County Emergency Plan" addressed Imperial County's planned response to extraordinary emergency situations associated with natural disasters, technological incidents, and nuclear defense operations. The proposed circulation plan for the solar field site parcels will be required to provide emergency access points and safe vehicular travel. In addition, local building codes would be followed to minimize flooding, seismic damage, and fire hazard. Thus, the proposed Project would not impair the implementation of, or physically interfere with, any adopted emergency response plans or emergency evacuation plans. No impact is identified for this issue area.

- Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

No Impact. The solar field site parcels are not characterized as an area of urban/wildland interface. According to the Imperial County Natural Hazard Disclosure (Fire) Map prepared by the California Department of Forestry and Fire Protection (2000), none of the solar field site parcels fall within an area characterized as either: (1) a wildland area that may contain substantial forest fire risk and hazard; or (2) a very high fire hazard severity zone. Thus, the Project would not expose people or structures to significant risk of loss injury or death involving wildland fire. No impact is identified for this issue area.

HYDROLOGY AND WATER QUALITY

- Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

No Impact. The groundwater in the Project area is brackish and typically encountered at a depth of 5 to 10 feet below ground surface. WRS plans to secure water rights from the IID under the IID's Interim Water Supply Policy for Non- Agricultural Projects. In the event this isn't feasible, WRS will truck water to the site for operational purposes. The Project would not substantially change the amount of pervious surface on the Project site such that groundwater recharge would be affected. Therefore, no impact to groundwater would occur.

- Place housing within a 100-year flood hazard area as mapped on a Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

No Impact. The Project does not include a residential component. Therefore, no homes would be constructed within a 100-year flood zone. No impact would occur.

- Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

No Impact. FIRMettes (Federal Insurance Rate Maps prepared by the Federal Emergency Management Agency [FEMA]) of the Project parcels show that the 100-year flood is contained within the banks of the New River and Greeson Drain. No solar array development is proposed in these areas. In addition, no dams or levees are in the vicinity of the solar field site parcels. Therefore, no impact would occur with regard to exposing people or structures to a significant risk of loss, injury or death involving flooding as a result of the failure of a levee or dam.

- Inundation by seiche, tsunami, or mudflow?

No Impact. No bays or lakes are located within a two-mile radius of the Project. Furthermore, the solar field site parcels are approximately 90-miles inland from the Pacific Ocean. In addition, the solar field site parcels and agricultural fields are relatively flat and level. Therefore, there is no potential for the solar field site parcels to be inundated by seiches, tsunamis, or mudflows and no impact is identified for these issues.

LAND USE AND PLANNING

- Physically divide an established community?

No Impact. There are several other approved solar projects in the immediate vicinity surrounding the solar field site parcels. The other projects include Centinela Solar Energy Project, the Mount Signal Solar Farm and Calexico Solar Projects, and the Imperial Solar Energy Center South Project. The rest of the area contains very few residences and agricultural buildings mixed in. Therefore, no impact would occur with regard to dividing an established community.

- Conflict with any applicable habitat conservation plan or natural community conservation plan?

No Impact. Imperial County is not within the jurisdiction of any adopted habitat conservation plan (HCP) or natural community conservation plan (NCCP), or other approved local, regional or state habitat conservation plan. Therefore, no impact to an HCP or NCCP would occur and this issue will not be examined in the EIR.

MINERAL RESOURCES

- Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No Impact. The solar field site parcels have historically and currently been used for agriculture. According to the Conservation and Open Space Element of the County of Imperial General Plan, no

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known mineral resources occur within the Project parcels nor does the Project contain any mapped mineral resources. Thus, no impact is identified with regard to mineral resources.

- Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

NOISE

- For a project located within an airport land use plan or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The solar field site parcels are not located within two miles of a public airport or a private airstrip. Thus, the solar field site parcels would not be exposed to excessive aircraft noise. The proposed Project is a solar development that is considered industrial in nature and therefore is not a noise sensitive land use. No impacts are identified with regard to airport noise and this issue will not be discussed in the EIR.

- For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The solar field site parcels, gen-tie lines, and electrical collector lines are not within the sphere of influence of any private airstrip. The Johnson Brothers Private Airstrip is located 1.5 miles to the east, however it does not experience high levels of air traffic or load aircraft engines. Thus, no impact is identified for noise related to the project's proximity to the Johnson Brothers Private Airstrip.

POPULATION AND HOUSING

- Induce substantial growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example through extension of roads or other infrastructure)?

No Impact. The Project does not propose the development of new housing on the solar field site parcels nor does it propose construction or extension of new roads (aside from access) in the Project area. The Project, by its nature as solar generation facility, would not induce growth. Rather it would produce renewable energy to meet existing demands. No impact would occur for this issue. [Note: Growth inducement is discussed in Chapter 7.0, Other CEQA Required Considerations].

- Displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere?
- Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

No Impact. The proposed solar field site parcels are currently agricultural land. As a result, development of the proposed solar facility would not displace substantial numbers of existing housing or people requiring construction of replacement housing elsewhere. No impact would occur for these issues.

RECREATION

- Would the project increase the use of the existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?

No Impact. The proposed Project is a solar facility and would not create a demand for recreation or parks in the County. Thus, no impact is identified for these issues and recreation will not be discussed in the EIR.

TRANSPORTATION/TRAFFIC

- Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

No Impact. The proposed Project would not result in changes to existing air traffic patterns through an increase in traffic levels or change in location. Thus, no impact is identified for this issue area.

- Result in inadequate emergency access?

No Impact. The proposed circulation plan for the Project is required to provide emergency access points and safe vehicular travel. As noted in item d) above, multiple access points to the solar field site parcels are proposed with associated security gates at several entrances. The final site plan would be designed in accordance with the Imperial County Fire Department requirements for access and would not impact the ability to provide emergency access to the site. The Project is not anticipated to hinder the ability of fire or law enforcement to access nearby properties. Thus, no impact is identified for this issue area.

- Conflicts with adopted policies, plans, programs, regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance safety of such facilities?

No Impact. The proposed Project is in a rural, sparsely populated portion of the County void of public transit, bike lanes and pedestrian facilities. Thus, a solar facility would not conflict with any adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. Thus, no impact is identified for this issue area.

UTILITIES AND SERVICE SYSTEMS

- Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

No Impact. An on-site septic system will be developed to serve the Project. Thus, no impact to a wastewater provider would occur.

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