CHAPTER 4.0
ERRATA

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4.1 INTRODUCTION

This Errata has been prepared in response to additional information that became available subsequent to publication of the Draft EIR for the Wistaria Ranch Solar Energy Center (Original Project) which was circulated for a 50-day public review period in compliance with Public Resources Code 21091 from August 22, 2014 thru October 10, 2014. Following the close of the public review period for the Draft EIR, the Applicant submitted a letter dated October 30, 2014 to the County of Imperial Planning and Development Services Department (ICPDSD) Director, Mr. Jim Minnick and the Project Planner, Mr. David Black, recommending that the County approve and certify the Reduced Size Solar Generation Facility Alternative (i.e. Alternative 2) in order to further reduce impacts associated with CUP 13-0047 (Letter from Robert A. Ramaekers, Vice President, Wistaria Ranch Solar, LLC, dated October 30, 2014). On November 19, 2014, the Applicant submitted a follow-up letter to the ICPDSD requesting revision of the Project application so that the Reduced Size Solar Generation Facility Alternative is selected resulting in withdrawal of CUP 13-0047, a 130-acre site (see **Figure 6.0-2** in the Draft EIR), which is proximate to the New River (Letter from Robert A. Ramaekers, Vice President, Wistaria Ranch Solar, LLC, dated November 19, 2014). As such, the Project as now proposed includes 16 CUPs (13-0036 thru 13-0046 and 13-0048 thru 13-0052), 16 Variances (V13-002 thru V13-0011 and V13-0013 thru V13-0018) and encompasses 29 parcels totaling 2,660 acres.

The minor modifications to the text of the Draft EIR detailed below reflect clarifications that do not constitute significant new information and do not change any of the impact conclusions of the Draft EIR. These minor modifications do not constitute changes to the Project or environmental setting nor would they result in any new significant environmental impacts. In addition, these minor revisions to the text, as described below, would not cause a substantial increase in the severity of any environmental impacts. Rather, these changes merely clarify portions of the text. Amended text is identified by page number. Clarifications to the draft EIR text are shown with <u>underline</u> and text removed from the draft EIR is shown with ~~strikethrough~~.

4.2 CHANGES AND EDITS TO THE DRAFT EIR

The following changes and edits represent revisions to information included in the Draft EIR based upon: (1) additional or revised information required to prepare a response to a specific comment; (2) updated information required due to the passage of time; and/or (3) typographical errors. Given the minor changes associated with the document, the information added to the EIR does not meet the requirements for recirculation pursuant to Section 150885.5 of the State CEQA Guidelines.

A brief description of what the change or edit is provided as well as a reference to where the change or edit occurs in the document (page number, paragraph, sentence, table, etc). Changes to the portion of text are included in quotes (“”).

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EXECUTIVE SUMMARY

Page ES-1, the fourth paragraph under "Project Background" has been revised to reflect the reduction in CUPs as a result of withdrawal of CUP 13-0047 from the Project.

> "On August 5, 2013, the Applicant submitted 17 CUP applications to the Imperial County Department of Planning and Development Services (ICPDSD). 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.
>
> Following the close of the public review period for the Draft EIR, the Applicant submitted a letter dated November 19, 2014 to the County of Imperial Planning and Development Services Department Director, Mr. Jim Minnick and the Project Planner, Mr. David Black withdrawing CUP 13-0047 and Variance 13-0012. This request resulted in a reduction in the number of CUPs to 16 (CUPs 13-0036 thru 13-0046 and 13-0048 thru 13-0052). Likewise, the number of Variances also was reduced to 16 (V13-0002 thru 13-0011 and V13-0013 thru V13-0018)."

Page ES-1 and ES-2, the two paragraphs under "Project Overview" has been revised to reflect the reduction in CUPs as a result of withdrawal of CUP 13-0047 from the Project.

> "The Wistaria Ranch Solar Energy Center is a renewable energy project employing PV or CPV technology. The proposed Project consists of ~~17~~ 16 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~~ 29 parcels which comprise the ~~17~~ 16 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 gen-tie line."

Pages ES-4 and ES-5, the text of "Alternative 2 – Reduced Size Solar Generation Facility," has been revised to reflect selection of this alternative as the proposed Project.

"ALTERNATIVE 2 – REDUCED SIZE SOLAR GENERATION FACILITY ALTERNATIVE

> This Reduced Size Solar Generation Alternative, which is the environmentally superior alternative, would exclude CUP 13-0047, a 130-acre site (**Figure 6.0-2**)**,** which is proximate to the New River. CUP 13-0047 and has a potentially significant impact to biological resources that are mitigated to below a level of significance with the implementation of the Project's biological mitigation measures. This alternative would result in reducing the initial potential for significant impacts to biological resources. Whereas the proposed Project would result in the removal of

sensitive vegetation communities including 10.69 acres of Arrow Weed Scrub, 2.06 acres of drains and canals, 1.26 acres of open water, and 45.21 acres of tamarisk scrub, the Reduced Size Solar Generation Facility Alternative would only impact 7.72 acres of Arrow Weed Scrub, 0.15 acres of drains and canals, 1.26 acres of open water, and 42.13 acres of tamarisk scrub. ~~In addition, the Reduced Size Solar Generation Facility Alternative would avoid potentially significant impacts to27.63 acres of waters of the U.S. and States, 0.008 acres of non-waters of the U.S. and States, and 19.77 acres of riparian area jurisdiction to the California Department of Fish and Wildlife compared to the proposed Project.~~

"The Applicant submitted a letter dated November 19, 2014 to the County of Imperial Planning and Development Services Department Director, Mr. Jim Minnick and the Project Planner, Mr. David Black withdrawing CUP 13-0047 and Variance 13-0012 thereby requesting selection of the Reduced Size Solar Generation Facility Alternative (Alternative 2) as the Preferred Project."

Page ES-12, 13 and 17 mitigation measures incorrectly numbered as 4.6.3a, 4.6.3b, 4.6.3c, and 4.6.3d, have been revised to reflect the correct numbering to correspond to Impact 4.3.6.

Page ES-16, mitigation measure MM 4.6.3c, the text referring to CUP 13-0047 has been removed to reflect the elimination of CUP 13-0047.

Page ES-32, mitigation measure MM 4.6.2a, the text referring to CUP 13-0047 has been removed to reflect the elimination of CUP 13-0047.

Page ES-34, Impact 4.6.4 and mitigation measure MM 4.6.4, the text referring to CUP 13-0047 has been removed to reflect the elimination of CUP 13-0047.

Pages ES-43 thru ES-45, the text of mitigation measure MM 4.7.2 has been modified at the request of the Applicant to provide for a Native American monitor when needed.

Page ES-46, the text of mitigation measure MM 4.7.3 has been slightly revised to provide more specificity regarding discovery of deceased Native American remains.

Page ES-47, Impact 4.7.4 Impacts to Nonrenewable Fossil Remains and mitigation measures MM 4.7.4a and MM 4.7.4b have been added to the Summary as they were previously omitted.

Page ES-68, mitigation measures MM 4.11.5a and MM 4.11.5b, the text referring to CUP 13-0047 has been removed to reflect the elimination of CUP 13-0047.

Page ES-83, Impact 4.12.2, the text referring to CUP 13-0047 has been removed to reflect the elimination of CUP 13-0047

Page ES-87, Impact 4.12.3 and mitigation measure MM 4.12.3, the text referring to CUP 13-0047 has been removed to reflect the elimination of CUP 13-0047.

Page ES-88, Impact 4.12.4, the text referring to CUP 13-0047 has been removed to reflect the elimination of CUP 13-0047.

Page ES-89, Impact 4.12.5 and mitigation measure MM 4.12.5, the text referring to CUP 13-0047 has been removed to reflect the elimination of CUP 13-0047.

Pages ES-91 thru ES-101, mitigation measure MM 4.12.7, the text has been revised and references to CUP 13-0047 have been removed from Table 4.12-17.

Page ES-106, Impact 4.12.13, the text referring to CUP 13-0047 has been removed to reflect the elimination of CUP 13-0047.

Page ES-112, Impact 4.12.15, the text referring to CUP 13-0047 has been removed to reflect the elimination of CUP 13-0047.

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TABLE ES-1
SUMMARY OF IMPACTS

IMPACT	LEVEL OF IMPACT/ SIGNIFICANCE BEFORE MITIGATION	MITIGATION MEASURES	LEVEL OF IMPACT/ SIGNIFICANCE AFTER MITIGATION
Increase Hazards Due to a Design Feature – Damage to County-Maintained Roadways During Project Construction **Impact 4.3.6** Construction of the proposed Project will require movement of heavy equipment and large vehicles on County roadways not designed to accommodate high volumes of overweight trucks and loads. The condition of the roadways will deteriorate rapidly based on the volume and weight of construction traffic. Therefore, impacts to County-maintained roadways are considered **potentially significant**.	PS	**MM ~~4.6.3a~~ 4.3.6a** The ~~Proponent~~ CUP owner shall utilize I-8 to SR-111 and/or SR-98 for all equipment deliveries. Employee and vendor routes to each CUP shall be limited to SR-111, SR-98, and Clark Road, LaBrucherie/Ferrell Road and Kubler Road, unless improvements are made to other county roads leading to individual CUP sites in advance of development of each CUP. **MM ~~4.6.3b~~ 4.3.6b** As each CUP may be constructed individually and independently, the CUP owner ~~Proponent~~ shall improve the roads as shown on **Figures ~~4.3-18~~ 4.3-13** thru **~~4.3-35~~ 4.3-29**. If a CUP owner ~~proponent~~ has already improved the roads that will be utilized by the next CUP to start construction, then no new road improvements are required. **MM ~~4.6.3c~~ 4.3.6c** Each CUP owner ~~Proponent~~ shall be responsible for repairing any damage caused to the roads it utilizes as follows: • **CUP 13-0036** – Approximately 200 feet of new pavement required on Rockwood Road south of SR-98 for entrance from SR-98 (**Figure 4.3-13**). • **CUP 13-0037** – Approximately 200 feet of new pavement required on Rockwood Road north of SR-98 and 0.25 miles of new pavement required	LTS

		along Rockwood Road from Kubler Road to the south (**Figure 4.3-14**). • **CUP 13-0038** – No improvements required as long as traffic remains on SR-98, Ferrell Road and Kubler Road (**Figure 4.3-15**). • **CUP 13-0039** – No improvements required as long as traffic remains on SR-98, Ferrell Road and Kubler Road (**Figure 4.3-16**). • **CUP 13-0040** – a) Micro-grind and Asphalt Rubber Asphalt Membrane (ARAM) resurfacing along Brockman Road from SR-98 to CUP 13-0042 for approximately 1.5 miles then utilized on-site haul road through CUP 13-0041 and CUP 13-0042 or b) utilize on-site haul road from Kubler Road thru CUP 13-0038 (**Figure 4.3-17**). • **CUP 13-0041** – a) Micro-grind and Asphalt Rubber Asphalt Membrane (ARAM) resurfacing along Brockman Road from SR-98 to CUP 13-0042 or b) utilize on-site haul road from Kubler Road thru CUP 13-0038 and CUP 13-0040 (**Figure 4.3-18**). • **CUP 13-0042** – Micro-grind and Asphalt Rubber Asphalt Membrane (ARAM) resurfacing along Brockman Road from SR-98 to Cup 13-0042 for approximately 1.5 miles (**Figure 4.3-19**). • **CUP 13-0043** – a) Micro-grind and Asphalt Rubber Asphalt Membrane (ARAM) resurfacing along Brockman Road from SR-98 to CUP 13-0042 for approximately 1.5 miles then on-site haul road through CUPs 13-0042, 13-0041, 13-0040 or; b) Micro-grind and Asphalt Rubber Asphalt Membrane (ARAM) resurfacing along	

		Brockman Road from SR-98 to Lyons Road for approximately 2.5 miles and 1 mile of 3-inch asphalt concrete overlay and 3-inch thick aggregate base shoulder backing on Lyons Road (**Figure 4.3-20**). • **CUP 13-0044** – Micro-grind and Asphalt Rubber Asphalt Membrane (ARAM) resurfacing along Brockman Road from SR 98 to Lyons Road for approximately 2.5 miles and 3-inch thick aggregate base shoulder backing; then pave 0.25 miles of Rockwood Road south of Lyons Road (**Figure 4.3-21**). • **CUP 13-0045** – Micro-grind and Asphalt Rubber Asphalt Membrane (ARAM) resurfacing along Brockman Road from SR-98 to Lyons Road for approximately 2.5 miles and 1.5 miles of 3-inch asphalt concrete overlay and 3-inch thick aggregate base shoulder backing on Lyons Road east of Brockman Road (**Figure 4.3-22**). • **CUP 13-0046** – Micro-grind and Asphalt Rubber Asphalt Membrane (ARAM) resurfacing along Brockman Road from SR-98 to Lyons Road for approximately 2.5 miles and 1 mile of 3-inch asphalt concrete overlay and 3-inch thick aggregate base shoulder backing on Lyons Road east of Brockman Road (**Figure 4.3-23**). • ~~**CUP 13-0047 –** Micro-grind and Asphalt Rubber Asphalt Membrane (ARAM) resurfacing along Brockman Road from SR-98 to Lyons Road for approximately 2.5 miles and 1 mile of 3-inch asphalt concrete overlay and 3-inch thick aggregate base shoulder backing on Lyons Road east of Brockman Road; then on-site haul road~~	

		~~through CUP 13-0046 (**Figure 4.3-24**).~~ • **CUP 13-0048** – Micro-grind and Asphalt Rubber Asphalt Membrane (ARAM) resurfacing along Brockman Road from SR-98 to Lyons Road for approximately 2.5 miles and 1 mile of 3-inch asphalt concrete overlay and 3-inch thick aggregate base shoulder backing on Lyons Road east of Brockman Road (**Figure 4.3-25**). • **CUP 13-0049** – Micro-grind and Asphalt Rubber Asphalt Membrane (ARAM) resurfacing along Brockman Road from SR-98 to Lyons Road for approximately 2.5 miles (**Figure 4.3-26**). • **CUP 13-0050** – 3-inch asphalt concrete overlay and 3-inch thick aggregate base shoulder backing on Anza Road west of Ferrell Road for approximately 1.5 miles (**Figure 4.3-27**). • **CUP 13-0051** – 3-inch asphalt concrete overlay and 3-inch thick aggregate base shoulder backing on Anza Road west of Ferrell Road for approximately 0.75 miles (**Figure 4.3-28**). • **CUP 13-0052** – No Improvements. Access from Ferrell Road/Anza Road intersection (**Figure 4.3-29**). **MM ~~4.6.3d~~ 4.3.6d** ~~Proponent~~ CUP owner shall limit the Project's construction traffic on unpaved County roadways to the extent possible and utilize improved paved roadways identified in MM 4.6.3c. In the event the ~~Proponent~~ CUP owner's construction traffic requires the use of unpaved County roadways, the CUP owner ~~Proponent~~ shall mitigate those County unpaved roadways in accordance with ICAPCD 805.	

		In addition to complying with Rule 805, if 50 vehicle trips per day (VPD) are triggered by the projects on any single County unpaved roadway, the CUP owner ~~Proponent~~ shall provide for the future maintenance cost of the affected roadway for the full term of the CUP which trigged the increase beyond the 50 VPD threshold.	
Liquefaction/Ground Failure **Impact 4.6.2** Soils throughout the solar field site parcels could be subject to liquefaction. Further, liquefaction settlement and ground fissures are common in the bottom lands of the incised New River flood channel during seismic events. Therefore, a **potentially significant** impact could occur with regard to liquefaction and ground failure.	PS	**MM 4.6.2a** A Final Geotechnical and GeoHazards Report shall be prepared by a licensed professional engineer during the final design phase of the Project. The proposed solar field site parcels and Gen-Tie shall be designed in accordance with the Final Geotechnical and GeoHazards Report. The Report shall be submitted to, and reviewed and approved by, the Imperial County Department of Public Works prior to issuance of building permits. The Geotechnical and GeoHazards Report shall include, but not be limited to, an analysis and recommendations regarding site-specific design provisions for mitigating the following on-site conditions as identified in the Preliminary Geotechnical and GeoHazards Report (LandMark 2014a): • Soil liquefaction (All solar field site parcels) • ~~Liquefaction settlement and ground fissures along the New River (CUP 13-0047)~~ • Sheet flooding along All American Canal earthen embankments (CUPs 13-0050, 13-0051 and 13-0052) • Landsliding along the New River (CUPs ~~13-0047;~~ 13-0046 and 13-0045) • Expansive and corrosive soils (All solar field site parcels)	LTS

		All measures and design specifications identified in the Final Geotechnical and GeoHazards Report shall be incorporated into and reflected on the Project design and building plans.Or: **MM 4.6.2b** No habitable structures shall be placed within the incised New River flood channel and floodplain.	
Landslides **Impact 4.6.4** Throughout the majority of the solar field site parcels, landslides are unlikely to occur due to the relatively planar topography. However, CUPs 13-0045~~,~~ and 13-0046 ~~and 13-0047~~ include areas located adjacent to the incised New River channel where bluffs range from 25 to 35 feet high. Therefore, a **potentially significant impact** associated with landslides could occur at CUPs 13-0045~~,~~ and 13-0046 ~~and 13-0047~~.	PS	**MM 4.6.4** The proposed Project shall be designed in accordance with the engineering and design standards contained in the 2013 CBC, the Seismic Regulations, Special Publication 117A, the Landslide Guidelines and the County of Imperial building requirements. Prior to approval of final building plans, a registered civil engineer or certified engineering geologist, having at least five years of experience in the field of seismic hazard evaluation and mitigation, shall prepare a Final Geotechnical and GeoHazards Report containing site-specific evaluations of the landsliding hazards along the New River (CUPs ~~13-0047;~~ 13-0046 and 13-0045) and identify appropriate Project design measures pursuant to the established and proven methodologies set forth in the 2013 CBC, Special Publication 117A and the Landslide Guidelines and otherwise in compliance with the requirements of Special Publication 117A. All recommended Project design measures as set forth in the Final Geotechnical and GeoHazards Report shall be incorporated into and reflected on the final design and building plans. The Final Geotechnical and GeoHazards Report and project plans shall be submitted for review and approval by the Imperial County Department of Planning and Development Services prior to approval of the final building plans.	LTS

Impacts to Unrecorded Subsurface Archaeological Resources **Impact 4.7.2** Unrecorded subsurface archaeological resources could be damaged during earth-moving activities. This is considered a **potentially significant impact**.	PS	**MM 4.7.2** Per CEQA Guidelines Section 15126.4(b)(3)(A), preservation in place is the preferred method of mitigating impacts to archaeological sites. To the extent feasible, any discovered archaeological resources shall be preserved in place. However, if preservation in place is not feasible, each CUP owner shall retain a Registered Professional Archaeologist (RPA). Due to the extensive disturbance by farming in the agricultural fields and the limited depth of disturbance for the proposed Project, archaeological monitoring is not required on the agricultural fields outside the three recorded historic period sites. Archeological monitoring shall be required during construction within 10 feet of the three recorded historic period sites. However, in the unlikely event that potential subsurface resources are discovered by construction workers, the RPA shall be called to the site to investigate and monitor subsurface excavations within 100 feet of the potential resource. Monitoring activities shall be supervised by an RPA, who shall have the authority to determine the duration, intensity and inspection timing (from full-time to as-needed). <u>The RPA may also recommend a Native American monitor (following the Guidelines for Monitors/Consultants of Native American Cultural, Religious, and Burial Sites established by the Native American Heritage Commission [NAHC]) to attend such investigations and monitoring efforts.</u> The RPA shall be empowered to temporarily halt or divert construction operations within a reasonable distance from a find or resource exposure in order to determine if significant cultural resources are present, and if such resource would be	LTS

		adversely affected by continuing construction operations. The RPA shall immediately notify the Imperial County Planning and Development Services Department of such decisions. Work shall not continue at the discovery site until the RPA, in coordination with the Native American monitor and the Imperial County Planning and Development Services Department, conducts sufficient research and data collection to make a determination that the resource is either 1) not cultural in origin; or 2) not potentially significant or eligible for listing on the NRHP or CRHR. If a potentially-eligible resource is encountered, then the ~~archaeologist~~, the RPA, Native American monitor, ~~lead agency~~ the County, and ~~Project proponent~~ each CUP owner shall arrange for either 1) total avoidance of the resource, if possible; or 2) test excavations to evaluate eligibility for the CRHR and, if eligible, data recovery as mitigation. The data recovery plan shall identify methods for recovering the scientifically consequential information from and about the historical resource, and recordation/deposition of data/materials with the local California Historical Resources Information Center (CHRIS). Any recovered artifacts would be curated with a local museum. This will enable the collection of information that may be important to the prehistory or history of the local area, California, or the nation.	

Impacts to Previously Unknown Subsurface Human Remains **Impact 4.7.3** Subsurface human remains, if present, could be impacted during Project construction. This is considered a **potentially significant impact**.	PS	**MM 4.7.3** In the event that evidence of human remains is discovered, construction activities within 200 feet of the discovery shall be halted or diverted and the Imperial County Coroner shall be notified (Section 7050.5 of the Health and Safety Code). If the Coroner determines that the remains are of a deceased Native American, the Coroner ~~shall~~ will notify the Native American Heritage Commission (NAHC) which shall in turn notify the ~~designate a~~ Most Likely Descendant (MLD) for the ~~discovery~~ deceased Native American (Section 5097.98 of the Public Resources Code). Upon notification by the NAHC, ~~T~~the designated MLD ~~shall have~~ then has 48 hours from the time access to the ~~solar field site parcels~~ property is granted to make recommendations concerning treatment of the remains and associated grave goods (AB 2641). If the ~~landowner~~ CUP owner does not agree with the recommendations of the MLD, the NAHC can mediate (Section 5097.94 of the Public Resources Code). If no agreement is reached, the ~~landowner shall~~ CUP owner must inter ~~rebury~~ the remains with appropriate dignity where they will not be further disturbed (Section 5097.98 of the Public Resources Code). With regards to the new burial site, in order to protect it, the ~~landowner shall~~ CUP owner must either record the site with the NAHC or the appropriate California Historic~~al~~ Resources Information System Center; record an open space or conservation zoning designation or easement; or record a document with the county in which the property is located (AB 2641). If the remains are not Native American, then the coroner shall follow all applicable laws for removal and treatment of the remains.	LTS

Impacts to Nonrenewable Fossil Remains Fossil remains could be destroyed by excavation and other earth-moving activities. This is considered a **potentially significant impact**.	PS	**MM 4.7.4a** Each CUP owner shall retain a qualified paleontologist. Due to the significant disturbance from agricultural activities to depths of 5 feet, paleontological monitoring shall take place during construction of the initial 10 percent of land area of each CUP for 2 days per week when ground disturbance is at a depth of 5 feet and deeper. Following that period, if no paleontological resources meeting the San Bernardino County Museum significance criteria are found, the Principal Paleontologist may review the procedures and, if warranted, reduce the rate of monitoring to one day per week. However, if paleontological sensitive soils (as defined per the Society of Vertebrate Paleontology) or paleontological resources (per significance criteria of the San Bernardino County Museum) are encountered, monitoring shall be increased to full-time within a radius of 100 meters of the location of the find. Full time monitoring may become necessary if the earth-moving operations continuously impact undisturbed paleontologically sensitive soils. A program to mitigate impacts on paleontological resources that are exposed shall be developed and implemented. **MMM 4.7.4b** Earth-moving operations impacting the soils five feet and deeper within the Project area shall be "spot-checked" up to two days per week by a RPA to determine whether undisturbed lakebed sediments have been encountered. During construction on the initial ten percent of total solar field grading, disturbance below 5 feet shall be monitored through "spot-checking" two	LTS

		days per week. If within that period no paleontological findings meeting the San Bernardino County Museum significance criteria are found, the Principal Paleontologist may review the procedures and, if warranted, reduce the rate of "spot-checking" to one day per week. If paleontologically sensitive soils, as defined by the Society of Vertebrate Paleontology (1995), are being impacted, or if paleontological resources meeting the San Bernardino County Museum significance criteria are encountered, they would be reported to the Principal Paleontologist and monitoring would be increased to full-time within a radius of 100 meters of the find. Full time monitoring may become necessary if the earth-moving operations continuously impact paleontological sensitive soils. A program to mitigate Project impacts on paleontological resources that are exposed shall be developed and implemented. Paleontological monitors shall be equipped to salvage fossils as they are unearthed (to help avoid construction delays) and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. Monitors shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens. Recovered specimens shall be prepared to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates. Fossil specimens shall be curated by accessioning into an established, accredited museum repository with permanent retrievable paleontological storage. A	

		report of findings with an appended itemized inventory of specimens shall be prepared. Submittal of the report and inventory to the Imperial County Planning and Development Services Department, along with confirmation of the curation of recovered specimens into an established, accredited museum repository, shall signify completion of the program to mitigate impacts to paleontological resources.	

Result in Placement of People or Structures within an Area Subject to Flood Hazards **Impact 4.11.5** Implementation of the proposed Project could place workers and structures within FEMA Zone "A" during construction, operation and decommissioning. This Zone indicates areas subject to inundation by the 100-year storm event. Thus, a **potentially significant impact** could occur.	PS	**CUPs 13-0045, 13-0046, ~~13-0047,~~ 13-0036, 13-0037, 13-0042 13-0051 and 13-0052** **MM 4.11.5a** During final design of CUPs 13-0045, 13-0046, ~~13-0047,~~ 13-0036, 13-0037, 13-0042 13-0051 and 13-0052, the limits of FEMA FIRM Zone "A" shall be considered and structures shall be located beyond the limits of Zone "A." If the Project requires placement of structures within Flood Zone "A," site-specific analysis shall be performed during final engineering design to determine the depth of flooding in a 100-year event. The analysis shall specify the grading and construction work necessary to ensure structures are above the 100-year flood elevation. The results of the site-specific analysis shall be submitted for review and approval by the Imperial County Planning and Development Services Department and the Public Works Department during Final Project Design. All measures and design specifications identified in the site-specific analysis shall be incorporated into and reflected on the Project design and building plans. **MM 4.11.5b** Should construction, operation, or decommissioning activities require presence of people within Flood Zone "A" at CUPs 13-0045, 13-0046, ~~13-0047,~~ 13-0036, 13-0037, 13-0042 13-0051 and 13-0052, CUP owners and/or contractor representatives shall conduct a review of rain forecasts, and construction activities shall be scheduled in a manner that considers potential for flooding. Any non-stationary equipment and personnel located within Flood Zone "A" shall be relocated outside of the flood zone until such time as the threat of flooding has passed. Each CUP owner	LTS

		shall prepare a plan identifying actions to be taken to avoid placement of people and equipment within the Flood Zone "A" during construction, operation, and decommissioning of the Full Build-out Scenario and each CUP. The plan shall be submitted to the County of Imperial Planning and Development Services Department, and reflected in the Project's conditions of approval.	

Impacts to Jurisdictional Areas **Impact 4.12.2** Construction, operation and decommissioning of CUPs 13-0037, 13-0038, 13-0039, 13-0040, 13-0042, 13-0043, 13-0046, ~~13-0047,~~ and 13-0051 could result in direct and indirect impacts to potential State and Federal jurisdictional waters and wetlands. This is considered a **potentially significant impact.**	PS	**JURISDICTIONAL WATERS AND WETLANDS MEASURES - ALL CUPs (13-0036 THRU 13-0052)** **MM 4.12.2** Each CUP owner shall implement the following measures prior to and during construction activities at each CUP, the Electric Collector line Corridor and Gen-Tie line corridor to avoid construction-related impacts to jurisdictional waters and wetlands: • Each CUP and Project design shall avoid direct and indirect impacts to jurisdictional waters to the greatest extent feasible. Construction within jurisdictional waters and/or wetlands shall be subject to prior authorization by USACE, RWQCB, and CDFW. • All equipment operating in and near jurisdictional waters or wetlands shall be in good working condition and free of leaks. All vehicles shall have drip pans during storage to contain minor spills and drips. No refueling or storage shall take place within 100 feet of a drainage channel or structure. In addition, all maintenance crews working with heavy equipment shall be trained in spill containment and response. • Discharges shall not permanently restrict or impede the passage of normal or expected high flows, or cause the permanent relocation or diversion of the flows. • Where turbidity or erosion occurs or is expected to occur from drainage structures, biofilters, detention basins or other appropriate drainage catchment structures shall be installed where flow conveyance occurs from the Project directly into a jurisdictional area. • Temporary impacts to jurisdictional waters and	LTS

		wetlands will be recontoured to pre-construction conditions. Temporary impacts to vegetated jurisdictional waters and wetlands will also be revegetated with appropriate native vegetation or non-native compatible with the landscape palette. • Permanent impacts to jurisdictional waters and wetlands shall be mitigated either through on-site and/or off-site re-establishment and/or enhancement of jurisdictional waters and wetlands or through an approved-mitigation bank or in-lieu fee program, if one is available. The type of mitigation, mitigation location, and the final mitigation ratios will be established during the permit process for the Project's USACE Section 404 permit, the RWQCB Section 401 Water Quality Certification, and a CDFW Streambed Alteration Agreement. The federal agencies have published guidance on mitigation, i.e., the final rule for Compensatory Mitigation for Losses to Aquatic Resources that was issued by USACE and USEPA. Issuance of required permits/authorizations and preparation of a detailed Wetland/Waters Mitigation Plan to be submitted for review and approval by the USACE, RWQCB, and CDFW before impacts to jurisdictional waters. • Each CUP owner shall comply with additional measures identified during permitting through the USACE, RWQCB, and CDFW. In addition, the determination of whether the Project may be permitted under USACE's NWP program, or whether an individual permit shall be required, shall be determined formally as part of the CWA Section 404 permit process. To qualify for an NWP, the proposed action and the associated	

		unavoidable impacts to jurisdictional waters based on final project designs must satisfy all terms and conditions of the applicable NWP, as well as all general conditions and any relevant regional conditions of the NWP program (refer also to mitigation measure 4.11.1a). • The Wetland/Waters Mitigation Plan shall describe proposed on-site and off-site mitigation. For all habitat restoration proposed, this plan shall include details regarding site preparation (e.g., grading), planting specifications, and irrigation design, as well as maintenance and monitoring procedures. The plan shall also outline yearly success criteria and remedial measures should the mitigation effort fall short of the success criteria, and a strategy for long-term mitigation site management. Alternatively, mitigation obligations may be satisfied by participating in a fee-based mitigation program (e.g., a wetland mitigation bank) in which case, long-term management for such mitigation shall be covered under the terms of the formal banking agreement or by purchasing appropriate mitigation credits from a regulatory approved bank.	

Impacts to Special Status Plant Species **Impact 4.12.3** ~~Construction of CUP 13-0047 could directly affect special-status plant species during clearing and grading.~~ Construction, operation and decommissioning of the Solar Energy Center developed on each individual CUP (13-0036 thru 13-0052) could also result in indirect impacts to non-listed special-status plant species due to long-term unauthorized trespass, operation-generated fugitive dust, erosion, sedimentation, storm water contaminant runoff, and the potential introduction and proliferation of invasive non-native plant species. Therefore, a **potentially significant impact** to non-listed special-status plant species could occur throughout the Solar Energy Center at each individual CUP 13-0036 thru 13-0052)**.**	PS	**MM 4.12.3** Prior to the on-set of construction within each CUP ~~13-0047~~, a rare plant habitat field assessment shall be conducted to assess the need for focused rare plant surveys within this CUP area. If rare plants have potential to occur in each CUP ~~13-0047~~, then surveys shall be required during appropriate conditions. If focused rare plant surveys detect special-status species, the Applicant shall prepare a salvage and relocation plan in coordination with CDFW. In addition, compliance with mitigation measures MM 4.12.1a, MM 4.12.2b, MM 4.12.1c, MM 4.12.1d, MM 4.12.1e and MM 4.12.1f would serve to mitigate impacts to special status plant species.	LTS

Construction Impacts to Special Status Animal Species – Southwestern Willow Flycatcher **Impact 4.12.4** Construction of CUPs 13-0037, 13-0038, 13-0039, 13-0040, 13-0042, 13-0045, 13-0046~~, 13-0047,~~ and 13-0049 would result in permanent direct impacts to southwestern willow flycatcher migration stopover habitat, including drains and canals, arrow weed scrub, and tamarisk scrub through habitat removal. Construction, operation and decommissioning of ~~the~~ both the Full Build-out Scenario and each individual CUP (13-0036 thru 13-0046 and CUP 13-0048 thru 13-0052) proposed as part of the Phased CUP Scenario may also result in direct and indirect impacts to southwestern willow flycatcher as a result of collisions with overhead lines and PV panels and disruption of habitat and foraging/migration behavior. Therefore, impacts to southwestern willow flycatcher are considered **potentially significant**.	PS	Implement mitigation measures MM 4.12.1a, MM 4.12.1b, MM 4.12.1c, MM 4.12.1d, MM 4.12.1e, MM 4.12.1f, MM 4.12.14a and MM 4.12.14b.	LTS

Construction Impacts to Special Status Animal Species with Potential to Occur in the BSA – Yuma Clapper Rail **Impact 4.12.5** ~~Construction of CUP 13-0047 would result in permanent, direct impacts to potential Yuma clapper rail habitat through habitat removal.~~ Construction, operation and decommissioning of the Full Build-out Scenario and each individual CUP (13-0036 thru 13-0052) proposed as part of the Phased CUP Scenario may ~~also~~ result in direct and indirect impacts to Yuma clapper rail as a result of collisions with overhead lines and PV panels and disruption of habitat and foraging/migration behavior. Therefore, impacts to Yuma clapper rail are considered **potentially significant**.	PS	**MM 4.12.5** ~~Prior to the on set of construction within CUP 13-0047, a Yuma clapper rail field habitat assessment shall be conducted within CUP 13-0047 plus a 500 foot (150 meter) buffer (CUP 13-0047 Study Area) to determine whether potentially suitable habitat is present. If potentially suitable Yuma clapper rail habitat occurs within the CUP 13-0047 Study Area, focused surveys shall be conducted using methods outlined the USFWS National Marsh Bird Survey Protocol. At least three breeding surveys will be conducted between March 15 and April 30. A focused survey shall be conducted by ornithologists with marsh bird experience. If focused Yuma clapper rail surveys detect this species, the Applicant shall consult with USFWS.~~ Prior to the onset of construction within CUP areas 13-0046 and 13-0045 a Yuma clapper rail field habitat assessment shall be conducted within CUPs 13-0046 and 13-0045 plus a 250 foot (75 meter buffer) (CUP 13-0046/13-0045 Study Area) to determine if potentially suitable habitat is present. o The Project Applicant shall not remove any identified potentially suitable Yuma clapper rail habitat within CUP areas 13-0046 or 13-0045. o Project-related construction, clearing and ground disturbing activities are prohibited within 250-feet of identified potentially suitable Yuma clapper rail habitat during the breeding season (February 15 through June 30). Compliance with mitigation measures MM 4.12.1a, MM 4.12.1b, MM 4.12.1c, MM 4.12.1d, MM 4.12.1e MM 4.12.1f, MM 4.12.14a and MM 4.12.14b.	LTS

Impacts to Non-listed Special Status Animal Species – Burrowing Owl **Impact 4.12.7** The Full Build-out Scenario and all CUPs (13-0036 thru 13-0052) support burrowing owl habitat. Project construction, operation and decommissioning would result in temporary and permanent, direct and indirect impacts to burrowing owls, burrowing owl foraging habitat, and burrowing owl breeding habitat for both the Full Build-out Scenario and all CUPs (13-0036 thru 13-0052) proposed as part of the Phased CUP Scenario. The burrowing owl is a USFWS Bird of Conservation Concern and CDFW Species of Special Concern. Therefore, impacts to burrowing owl are considered **potentially significant**.	PS	**BURROWING BURROWING OWL CONSTRUCTION MEASURES - ALL CUPs 13-0036 THRU 13-0052** **MM 4.12.7** The following measures shall apply to construction activities at the Full Build-out Scenario and each individual CUP (13-0036 thru 13-0052): • A qualified biologist shall be on-site during all ground-disturbing construction activities in potential BUOW habitat. The qualified biologist shall be responsible for implementing and overseeing BUOW avoidance and minimization measures. • The qualified biologist shall have the authority to stop construction if activities are in violation of avoidance and minimization measures. A qualified biologist possesses a bachelor's degree in wildlife biology or a related field and has demonstrated field experience in the identification and life history of BUOW. • Per CDFW guidance, a take avoidance survey (i.e., pre-construction clearance survey) will be conducted by a qualified biologist to determine presence or absence of BUOW no less than 14 days and no more than 30 days prior to initiating construction activities. Surveys shall include areas within the Project footprint and a surrounding 500-foot (150-meter) buffer. The survey shall consist of walking parallel transects and noting any fresh BUOW sign or presence. The results of the take avoidance survey shall be provided to CDFW. If more than 30 days pass between the take avoidance survey and initiation of Project construction, additional take avoidance surveys may be required, depending on what actions have	LTS

		been implemented to deter BUOW from moving into the Project footprint and buffer area. A final take avoidance survey shall be conducted within the Project footprint within 24 hours prior to initiation of construction activities. Given the total duration of construction and the size of the Project, it is expected that take avoidance surveys will be conducted in phases, in order to stay within the required survey windows associated with construction activities. ➢ If occupied burrows are found during take avoidance surveys, appropriate construction buffers or setback distances shall be determined by the qualified biologist on a case-by-case basis, depending on the season in which disturbance will occur, the type of disturbance, and other factors that could influence susceptibility to disturbance (e.g., topography, vegetation, existing disturbance levels, etc.). To the extent feasible, buffers of 246 feet (75 meters) will be used during the breeding season (February 1 through August 31) and 164 feet (50 meters) will be used during nonbreeding season (September 1 through January 31). "Shelter in place" techniques shall be used if necessary to create a visual and auditory barrier between construction activities and the occupied burrow. Techniques shall include placing hay bales, fencing, or another physical barrier between the occupied burrow and construction activities. The qualified biologist shall determine if and/or when shelter in place is necessary and feasible for implementation. When construction activities	

		commence adjacent to the buffer area, a qualified biologist shall be present on-site full time to monitor the behavior of BUOW for at least 3 days. The qualified biologist shall have the authority to increase the setback distance if there are signs of disturbance, such as changes in behavior as a result of construction or other indications of distress by BUOW. ➢ If BUOW activity is detected at a burrow within the Project footprint during the non-breeding season (September 1 through January 31), BUOW shall be excluded from active burrows and encouraged to passively relocate to suitable, unoccupied habitat outside of the exclusion area. BUOW shall be excluded by installing one-way doors in burrow entrances. Although passive relocation does not result in control of the recipient area for BUOW, the qualified biologists shall verify that there is an acceptable "recipient" area within a reasonable distance that provides the necessary subsidies to support BUOW with the goal to minimize the stress of relocation. Subsidies to be considered include suitable burrows (primary and satellite) and habitat quality (e.g., vegetation cover, diversity) that is equal to or greater than that from which they were relocated. If, during pre-construction surveys, BUOW activity is detected at a burrow within the Project footprint during the breeding season (February 1 through August 31), then an appropriate construction buffer or setback distance shall be determined by the qualified biologist on a case-by-case basis. This buffer	

		shall be flagged and all Project-related activity shall remain outside of the flagged area until a qualified biologist determines the burrow is no longer occupied (e.g., juveniles are foraging independently and are capable of independent survival). ➢ In the event that BUOW will be excluded from the Project footprint and occupied burrows will be impacted, a mitigation site with suitable burrows and habitat shall be secured and a Burrowing Owl Exclusion Plan shall be developed and approved by CDFW prior to excluding BUOW from burrows. Specific objectives for BUOW protection addressed by this Burrowing Owl Exclusion Plan shall describe exclusion methodology, burrow excavation procedures, on-site and post-relocation monitoring of occupied burrows, and reporting. ➢ ~~A Burrowing Owl Habitat Mitigation strategy shall be developed and approved by CDFW. BUOW occupancy analysis and modeling determined that the Project would impact 614 acres (248 hectares) of core BUOW foraging habitat. A mitigation program has been developed that compensates for impacts to core foraging habitat through a list of mitigation options including:~~ ➢ Occupied BUOW burrows directly impacted shall be replaced by installing artificial burrows on mitigation sites (i.e., conservation easements, in-lieu fee lands, Farm Contract land), or other land as agreed to by CDFW, at a ratio of 1:1. If the mitigation sites identified for the Project	

		have at least two suitable BUOW burrows for each occupied burrow directly impacted, then artificial burrows shall not be installed. Suitable burrows are defined as burrows greater than approximately 4 inches (10 centimeters) in diameter (height and width) and greater than approximately 60 inches (150 centimeters) in depth. Burrows shall be scoped to ensure they are of proper depth for BUOW. ➢ A security in an amount equal to the fair market value of the cost of a perpetual conservation easement and long-term endowment for the number of acres of burrowing owl habitat mitigation obligation for each CUP Phase (one or more CUPs for which a security is posted) prior to commencement of construction shall be posted to fulfill the mitigation obligations for lost burrowing owl habitat. ➢ A CUP owner shall proffer compensatory mitigation when a total of four CUP Phases have posted security and proffered compensatory mitigation or 18 months from the date of posting security on the first CUP Phase, whichever is longer. Security shall be returned to the CUP owner upon proffer of compensatory mitigation. CDFW may extend the 18-month period if the CUP owner is making a good-faith effort to proffer mitigation and demonstrating progress in securing mitigation. If the 18-month period elapses and the CUP owner cannot proffer mitigation or demonstrate a good faith effort to secure mitigation, CDFW may cash in the security to secure mitigation itself.	

		➢ The CUP owner shall proffer mitigation for lost burrowing owl core foraging habitat, as identified in the BUOW occupancy analysis and model (Table 4.12-16; Appendix J), by (1) securing a CUP owner purchased conservation easement or similar instrument that protects the agricultural use of the land in perpetuity at a ratio of 1:1; (2) participating in the Burrowing Owl Habitat Mitigation Plan administered by the Imperial Community Foundation-Burrowing Owl Stewardship and Education Fund (IVCF-BOSEF) (or similar qualified non-profit organization and approved by CDFW), if available; and/or (3) using a CDFW-approved in-lieu fee program, if one is available at the time the compensatory mitigation is proffered. To be available as compensatory mitigation for this Project, the Burrowing Owl Habitat Mitigation Plan shall be developed for approval by CDFW and the IVCF-BOSEF Board of Directors (or the Board of Directors of similar qualified non-profit organization) before the time compensatory mitigation is proffered. ➢ The Burrowing Owl Habitat Mitigation Plan would be developed to compensate for impacts to core foraging habitat, and include the following components: – Avoiding higher quality habitat to the extent practicable. [Note: The Project Applicant has already implemented this measure by removing portions of the Project based on the occupancy model.] – ~~The Applicant shall collaborate with Imperial~~	

		~~Valley Community Foundation Burrowing Owl Stewardship and Education Fund (IVCF-BOSEF) or another nonprofit group~~ A strategy and methods to enroll farmers in a program to grow and retain Burrowing Owl Friendly Crops (BOFC) identified by the occupancy model (i.e., wheat and alfalfa). Core BUOW foraging habitat shall be mitigated at a 1:1 ratio by entering farm land into short-term (~~e.g., 1 to 5~~ minimum 3 years) farm agreements to predominantly grow BOFC (**Table 4.12-17**). – ~~The Applicant shall collaborate with IVCF-BOSEF or another nonprofit group to enroll farmers in a Burrowing Owl Safe Farm Program (BOSFP) that~~ A strategy and method for integrating~~s~~ owl-friendly farm practices to reduce mortality of owls. For farm land enrolled in BOFC agreements that include requirements to implement BUOW safe farm practices, impacts to core BUOW foraging habitat shall be mitigated at a reduced ratio of ~~0.65:1~~ 0.7:1, which reflects the combined benefit of farming BOFC using BOSFP through short-term (~~e.g., 1 to 5 years~~ minimum of 3 years) farm agreements (**Table 4.12-17**). – ~~The Applicant shall collaborate with IVCF-BOSEF or another non-profit group to develop a~~ A long-term financing plan and a defined program ~~shall fund an endowment account~~ sufficient to fund the BOFC/BOSFP agreement program through the end of the Project's operational life (anticipated to be	

approximately 30 years) (e.g. endowment account).

TABLE 4.12-17
COMPENSATION FOR CORE BURROWING OWL FORAGING HABITAT UNDER THE BURROWING OWL FARM CONTRACT PLAN[1] (ACRES)

CUP Area	Core Foraging Habitat (acres)	Base BUOW Friendly Crops/ Consistency (1:1)	BUOW Friendly Crops/ Consistency + BOSFP (0.7:1)~~[1]~~[2]
CUP 13-0036	123.7	123.7	86.6
CUP 13-0037	6.9	6.9	4.8
CUP 13-0038	0.0	0.0	0.0
CUP 13-0039	7.8	7.8	5.5
CUP 13-0040	37.9	37.9	26.6
CUP 13-0041	0.0	0.0	0.0
CUP 13-0042	0.0	0.0	0.0
CUP 13-0043	133.2	133.2	93.2
CUP 13-0044	0.0	0.0	0.0
CUP 13-0045	28.6	28.6	20.0
CUP 13-0046	14.7	14.7	10.3
~~CUP 13-0047~~	~~0.4~~	~~0.4~~	~~0.3~~
CUP 13-0048	9.1	9.1	6.4
CUP 13-0049	1.9	1.9	1.3
CUP 13-0050	99.6	99.6	69.7
CUP 13-0051	150.2	150.2	105.2
CUP 13-0052	0.0	0.0	0.0
Total	**~~614.0~~ 613.6**	**~~614.0~~ 613.6**	**~~430.0~~ 429.7**

Source: AECOM 2014e, pp. 5-11-5-12).

[1] The mitigation ratios proposed in this table would also be used for Plan administrator-secured perpetual conservation easements. CUP owner-secured perpetual conservation easements would reflect a 1:1 mitigation ratio.

~~[1]~~[2] Reduced ratios reflect added conservation value of implementing BOSFP through (short-term) Farm Contracts and perpetual conservation easements. Ratios shown are proposed and will be finalized in Burrowing Owl Habitat Mitigation Plan ~~Farm Contract~~

		~~Plan~~. – ~~Establish a~~ A Farm Contract incentive plan, including compensation for farmers entering into and successfully executing Farm Contracts and eligibility requirements. – ~~Identify~~ Identification of minimum duration of Farm Contracts and other Farm Contract management practices. – A set of on-farm practices in consultation with IVCF-BOSEF, the local farming community, and other stakeholders. – ~~Establish an~~ An accounting mechanism for tracking acreage enrolled in Farm Contracts. – ~~Identify options~~ Specific actions to ensure enrolled acreage for Farm Contracts satisfy the established compensatory mitigation acreage requirement. – ~~Establish a~~ A monitoring and reporting program. – ~~Describe use of~~ An adaptive management strategy for ~~in~~ the implementation of the Burrowing Owl Habitat Mitigation ~~Farm Contract~~ Plan, such as changes to BOSFPs and Farm Contract duration. – ~~Allow for~~ Ability to purchase of conservation easements and include a mechanism to provide long-term funding to enroll lands in agricultural conservation	

		easements with a requirement to implement BOSFP, under the discretion of the implementing entity. The Burrowing Owl Habitat Mitigation ~~Farm Contract~~ Plan will finalize a reduced mitigation ratio to reflect the added conservation value of restricting land under an agricultural easement to implement BOSFP; the proposed mitigation ratio is 0.7:1 (**Table 4.12-17**). Conservation easements secured by the Burrowing Owl Habitat Mitigation Plan administrator (IVCF-BOSEF) without requirements to implement BOSFP would be mitigated at a 1:1 ratio. – The total number of acres encumbered at any one time (as Farm Contracts would be short-term agreements) shall depend on Project impacts to core BUOW foraging habitat, the portfolio of Farm Contracts (i.e., whether a property is implementing burrowing owl-friendly crops only or also implementing BOSFP), and the quantity of acres in conservation easements. ~~[Note: A complete description of each mitigation option can be found in the LOA and CSP report (Appendix H included in **Appendix J** of this EIR).]~~ • ~~In the event that BUOW will be excluded from the Project footprint and occupied burrows will be impacted, a mitigation site with suitable burrows and habitat must be secured. A BUOW Exclusion Plan must be developed and approved by CDFW prior to excluding BUOW from burrows. Specific~~	

		~~objectives for BUOW protection addressed by this Plan are to describe exclusion methodology, burrow excavation procedures, identification of artificial burrow sites, and post-relocation monitoring and reporting.~~ • ~~Occupied BUOW burrows directly impacted shall be replaced by installing artificial burrows on mitigation sites (i.e., conservation easements, in-lieu fee lands, Farm Contract land), or other land as agreed to by CDFW, at a ratio of 1:1. If the mitigation sites identified for the Project have at least two suitable BUOW burrows for each occupied burrow directly impacted, then artificial burrows shall not be installed. Suitable burrows are defined as burrows greater than approximately 4 inches (10 centimeters) in diameter (height and width) and greater than approximately 60 inches (150 centimeters) in depth. Burrows shall be scoped to ensure they are of proper depth for BUOW.~~	

Impacts to Non-listed Special-Status Animal Species – American Badger **Impact 4.12.13** ~~Project construction may result in direct impacts to American badger burrowing/denning habitat through direct removal of habitat at CUP 13-0047.~~ Construction, operation, and decommissioning of the Solar Energy Center, each CUP (13-0036 thru 13-0052), and the Electric Collector Line Corridor improvements could result in direct impacts to American badger due to collisions with equipment. Construction, operation and decommissioning activities could ~~also~~ result in indirect impacts to American badger foraging habitat in areas on the edge of agricultural fields and in drains and canals at the Solar Energy Center at all CUPs (13-0036 thru 13-0052) and the Electric Collector Line Corridor. Therefore, impacts to American badgers are considered **potentially significant.**	PS	Implement Applicant-proposed BMPs and Design Features (as identified in Table 2.0-9, in Chapter 2.0 Project Description) and mitigation measures MM 4.12.1a, MM 4.12.1b, MM 4.12.1c, MM 4.12.1d, MM 4.12.1e, and MM 4.12.1f.	LTS

Impacts to Nesting and Migratory Birds **Impact 4.12.14** Construction, operation and decommissioning of the Full Build-out Scenario and each CUP (13-0036 thru 13-0052) proposed as part of the Phased CUP Scenario could result in direct and indirect impacts to nesting and migratory birds protected under California Fish and Game Code and the MBTA, as a result of removal of foraging habitat and potential collisions with Project facilities and equipment. This is considered a **potentially significant impact.**		**MM 4.12.14a** A ~~voluntary~~ Bird and Bat Conservation Strategy (BBCS) will be developed by the Project Applicant in coordination with the County of Imperial, USFWS, and CDFW. The BBCS will include the following components: • A description and assessment of the existing habitat and avian and bat species; • An avian and bat risk assessment and specific measures to avoid, minimize, reduce, or eliminate avian and bat injury or mortality during all phases of the ~~p~~Project. • A post-construction monitoring plan that will be implemented to assess impacts on avian and bat species resulting from the Project. The post-construction monitoring plan will include a description of standardized carcass searches, scavenger rate (i.e., carcass removal) trials, searcher efficiency trials, and reporting. • Statistical methods will be used to estimate Project avian and bat ~~fatalities if sufficient data is collected to support statistical analysis.~~ species, including special status species, annual mortality by taxa and season. Analysis will also determine collision rates during diurnal and nocturnal periods; species mortality composition; and assess the spatial distribution mortalities. Sufficient data (i.e., sample sizes) will dictate the extent that fatality models can be used to generate fatality estimates within the various categories. Fatality estimates will be generated using the most appropriate fatality estimator	

		given the data set. • An injured bird response plan that delineates care and curation of any and all injured birds. • A nesting bird management strategy to outline actions to be taken for avian nests detected within the impact footprint during operation of the Project. • A conceptual adaptive management and decision-making framework for reviewing, characterizing, and responding to monitoring results. • Monitoring studies following commencement of commercial operation of each CUP area. Monitoring results will be reviewed annually by the Applicant and the County of Imperial, in consultation with CDFW and USFWS, to inform adaptive management responses. • During Project construction, incidental avian carcasses or injured birds found during construction shall be documented. Should a carcass be found by Project personnel, the carcass shall be photographed, the location shall be marked, the carcass shall not be moved, and a qualified biologist shall be contacted to examine the carcass. When a carcass is detected, the following data shall be recorded (to the extent possible): observer, date/time, species or most precise species group possible, sex, age, estimated time since death, potential cause of death or other pertinent information, distance and bearing to nearest structure (if any) that may have been associated with the mortality, location (recorded with a Global Positioning System	

		[GPS]), and condition of carcass. • If any federal listed, state listed or fully protected avian carcasses or injured birds are found during construction or post-construction monitoring, the Project Applicant shall notify USFWS and CDFW within 24 hours via email or phone and work with the resource agencies to determine the appropriate course of action for these species. For such listed species, the CUP owner shall obtain or retain a biologist with the appropriate USFWS Special Purpose Utility Permit(s) and CDFW Scientific Collecting Permit(s) to collect and salvage all dead and injured birds, and store/curate them in freezers for later disposition and analysis. • Although take is not anticipated, it is possible. Should mortality of a federally listed species be documented, the take will be addressed by applying for an incidental take permit through the development of a Habitat Conservation Plan (HCP) that satisfies the permit issuance criteria stipulated under Section 10(a)(l)(B) of the Endangered Species Act or through consultation under Section 7 of the federal Endangered Species Act. If mortality of a State-listed species is documented, the CUP owner shall apply for a 2081(b) incidental take permit from CDFW. Alternatively, if available, the CUP owner may elect to obtain incidental take authorization through participation in the Desert Renewable Energy Conservation Plan. • Utility lines constructed above-ground shall conform to Avian Power Line Interaction Committee (APLIC) standards.	

		• Post-construction monitoring studies shall be conducted by a third-party independent contractor for at least 2 years following commencement of commercial operation of each CUP area. Monitoring results shall be reviewed annually by the Applicant and the County of Imperial, in consultation with CDFW and USFWS, to determine if and to what extent post-construction monitoring studies shall be continued in future years.	

Impacts to Wildlife Movement **Impact 4.12.15** The proposed Project would be developed on disturbed agricultural land surrounded by agricultural and solar energy facility uses. No impact to wildlife movement through corridors is anticipated to occur. However, Project construction could impact migratory bird movement through the Solar Energy Center at each individual CUP (13-0036 thru ~~13-0047~~ 13-0052). Therefore, the proposed Project would result in a **potentially significant** impact to avian migratory wildlife movement.	PS	Implement Applicant-proposed BMPs and Design Features (as shown in Table 2.0-9, in Chapter 2.0 Project Description) and mitigation measures MM 4.12.1a, MM 4.12.1b, MM 4.12.1c, MM 4.12.1d, MM 4.12.1e and MM 4.12.1f, MM 4.12.14a and 4.12.14b.	LTS

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4.0 ERRATA

CHAPTER 1.0, INTRODUCTION

Page 1.0-2, the first paragraph has been revised to reflect that the number of CUPs and Variances has been reduced with the withdrawal of CUP 13-0047.

> "On August 5, 2013, the Applicant submitted 17 CUP applications to the Imperial County Department of Planning and Development Services (ICPDSD). 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.
>
> Following the close of the public review period for the Draft EIR, the Applicant submitted a letter dated November 19, 2014 to the County of Imperial Planning and Development Services Department Director, Mr. Jim Minnick and the Project Planner, Mr. David Black withdrawing CUP 13-0047 and Variance 13-0012. This request resulted in a reduction in the number of CUPs to 16 (CUPs 13-0036 thru 13-0046 and 13-0048 thru 13-0052). Likewise, the number of Variances also was reduced to 16 (V13-0002 thru 13-0011 and V13-0013 thru V13-0018)."

Page 1.0-7, the text has been revised to reflect that the number of CUPs and Variances has been reduced with the withdrawal of CUP 13-0047.

> "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~~ 16 Conditional Use Permits (CUP 13-0036 thru 13-0046 and 13-0048 thru 13-0052)
> - Development Agreement
> - Encroachment Permits
> - Approval of ~~17~~ ~~16~~ Variances (V13-0002 thru V13-0011 and V13-0013 thru V13-0018)
> - Grading Permits
> - Construction Traffic Management Plan
> - Development Agreement
> - Building Permits
> - Private Sewage Disposal Permit(s)
> - Occupancy Permits"

CHAPTER 2.0, PROJECT DESCRIPTION

Page 2.0-1,

"Information identified in this chapter regarding the proposed Wistaria Ranch Solar Energy Center is based on technical studies, mapping, the ~~17~~ 16 Conditional Use Permit (CUP) applications submitted to the Imperial County Planning & Development Services Department (ICPDSD) by Wistaria Ranch Solar, LLC (hereafter, "WRS" or "Applicant"), and information provided by the Applicant. Land disturbance acreages, equipment, schedule, mileage, and workforce information is based on the most up-to-date engineering available from the Applicant and generally represent conservative estimates.

2.1 INTRODUCTION

This chapter of the Environmental Impact Report (EIR) defines key terms relevant to understanding the spatial arrangement of the Wistaria Ranch Solar Energy Center ("proposed Project" or "Project") and surrounding lands. It also describes features and components of the proposed Project. Construction, operation and decommissioning are described along with discretionary actions and approvals.

The Wistaria Ranch Solar Energy Center (i.e. proposed Project or Project) is a renewable energy project employing photovoltaic (PV) or concentrated photovoltaic (CPV) technology. The Applicant originally ~~has~~ filed 17 CUP applications (13-0036 thru 13-0052) to develop up to 17 individual solar projects or clusters of multiple solar projects on 32 parcels totaling approximately 2,793 acres (i.e. Phased CUP Scenario). Alternatively, the Project could be built out in its entirety (i.e. all 17 CUPs, Full Build-out Scenario) at one time. Each CUP is approximately 20 megawatts (MW) while the entire Project (if built-out at once) is anticipated to generate 250 MW. The ultimate energy output is dependent on several variables, including off-take arrangements and the evolving efficiency of PV and CPV panels. As a result, the Project could generate more or less than 250 MW. However, the Project would not disturb more than 2,793 acres.

Following the close of the public review period for the Draft EIR, the Applicant submitted a letter dated November 19, 2014 to the County of Imperial Planning and Development Services Department Director, Mr. Jim Minnick and the Project Planner, Mr. David Black withdrawing CUP 13-0047 and Variance 13-0012. This request resulted in a reduction in the number of CUPs to 16 (CUPs 13-0036 thru 13-0046 and 13-0048 thru 13-0052); a reduction of three assessor's parcel numbers (i.e. APNs 13-360-008, -009 and 052-410-006) such that only 29 parcels would be impacted; and a reduction of 131.98 acres impacted resulting in a total disturbance area of approximately 2,330 acres. Likewise, the number of Variances also was reduced to 16 (V13-0002 thru 13-0011 and V13-0013 thru V13-0018)."

Page 2.0-2 of the Draft EIR, the text under the heading 2.1.1 Project Background has been revised to reflect withdrawal of CUP 13-0047.

"2.1.1 PROJECT BACKGROUND

In March 2012, the Applicant began performing environmental studies to support the Project's CEQA process. On August 5, 2013, the Applicant submitted 17 CUP applications (CUP 13-0036 thru CUP 13-0052) for the proposed Wistaria Ranch Solar Energy Center. Subsequently, the Applicant filed 17 Variance requests (V 13-0002 thru V-13-0018) to allow Gen-Tie structures to be up to 140 feet in height. This EIR is being prepared to analyze the potential environmental impacts of the proposed Project (in its entirety (the "Full Build-out Scenario") as well as the 17

individual CUPs as stand-alone solar fields constructed over the course of the ten year period permitted for construction ("Phased CUP Scenario") and fulfill the requirements of the California Environmental Quality Act (CEQA).

Following the close of the public review period for the Draft EIR, the Applicant submitted a letter dated November 19, 2014 to the County of Imperial Planning and Development Services Department Director, Mr. Jim Minnick and the Project Planner, Mr. David Black withdrawing CUP 13-0047 and Variance 13-0012. This request resulted in a reduction in the number of CUPs to 16 (CUPs 13-0036 thru 13-0046 and 13-0048 thru 13-0052); a reduction of three assessor's parcel numbers (i.e. APNs 13-360-008, -009 and 052-410-006) such that only 29 parcels would be impacted; and a reduction of 131.98 acres impacted resulting in a total disturbance area of approximately 2,330 acres. Likewise, the number of Variances also was reduced to 16 (V13-0002 thru 13-0011 and V13-0013 thru V13-0018)."

Page 2.0-2 of the Draft EIR, the text under the heading 2.1.3 Ownership has been revised to reflect withdrawal of CUP 13-0047.

"**2.1.3 OWNERSHIP**

The proposed Project is located on privately owned agricultural land. The ~~32~~ 29 parcels that comprise the Project in its entirety, as well as the ~~17~~ 16 individual CUPs (13-0036 thru 13-0046 and 13-0048 thru 13-0052), are currently owned by 12 separate landowners/landowner groups. WRS has agreements in place with the entities that control the offsite lands required for the Electric Collector Line Corridor as well as the Gen-Tie. **Figure 2.0-3** shows the configuration of the parcels. [Note that with the withdrawal of CUP 13-0047, APNs 052-360-008, -009 and 052-410-006 are no longer part of the proposed Project.]

Page 2.0-2 of the Draft EIR, the last sentence under heading A. Existing Uses and Features has been revised to reflect withdrawal of CUP 13-0047.

"A. Existing Uses and Features

The solar field component of the Project consists of agricultural lands currently in field crop production. Crops include, but are not limited to, alfalfa, bermudagrass, and sudangrass. A network of IID canals and drains are located within and along the perimeter of the solar field site parcels. Several paved rural roads and State Route (SR-) 98 align through the CUPs. Agricultural fields also surround the perimeter of the solar field site parcels. Dirt roads are located along the margins and also cross the parcels. The adjacent properties are approximately the same elevation as the solar fields with the exception of parcels in the northeast portion of the northern CUP cluster (CUPs 13-0043~~,~~ and 13-0046~~, and 13-0047~~) which abut the 35 foot deep incised flood channel of the New River."

Page 2.0-7 of the Draft EIR, Table 2.0-7 has been revised to reflect withdrawal of CUP 13-0047.

TABLE 2.0-1
SOLAR FIELD SITE PARCELS BY CUP

APN	Acreage	Zoning[1]	APN	Acreage	Zoning[1]
CUP 13-0036			**CUP 13-0044**		
052-210-025	55.53	A-2	052-440-006	**79.82**	A-3
052-210-026	61.37	A-2	**CUP 13-0045**		
052-210-029	73.33	A-2-R	052-350-020	**76.64**	A-2-R
052-210-006	0.38	A-3	**CUP 13-0046**		
Total	**190.61**		052-350-001	159.58	A-2-R
CUP 13-0037			052-350-002	23.20	A-3
052-180-028	71.24	A-2-R	052-350-003	12.89	A-3
052-180-039	152.42	A-2-R	052-350-004	6.57	A-3
Total	**223.66**		**Total**	**202.24**	
CUP 13-0038			~~**CUP 13-0047**~~		
052-180-045	**162.93**	A-2-R	~~052-360-008~~	~~75.53~~	~~A-2-R~~
CUP 13-0039			~~052-360-009~~	~~4.83~~	~~A-3~~
052-180-034[2]	77.48	A-2-R	~~052-410-006~~	~~51.53~~	~~A-3~~
052-180-054	82.72	A-2-R	~~**Total**~~	~~**131.89**~~	
Total	**161.20**		**CUP 13-0048**		
CUP13-0040			052-440-005	**160.00**	A-2-R
052-180-015	**148.53**	A-3	**CUP 13-0049**		
CUP 13-0041			052-440-003	3.05	A-3
052-180-012	**153.61**	A-2-R	052-440-004	156.85	A-3
CUP 13-0042			**Total**	**159.90**	
052-180-011	115.26	A-3	**CUP 13-0050**		
052-170-014	36.98	A-2-R	052-210-019	**123.54**	A-3
052-180-002	40.42	A-3	**CUP 13-0051**		
052-180-001	36.56	A-2-R	052-210-020[3]	**241.98**	A-3
052-440-009	2.1	A-2-R	**CUP 13-0052**		
Total	**231.32**		052-210-020[3]	**194.05**	A-3
CUP 13-0043			**Total ~~2,793~~ 2,660***		
052-350-021	150.11	A-2-R			
052-350-022	2.00	A-2-R			
Total	**152.11**				

*Source: WRS 2013a (with 2014 updates).*Acreages in Table total slightly more than 2,793. However, the total has been rounded down to 2,793.*

[1] Imperial County Zoning Areas: A-2 = Agricultural, General; A-2-R = General Agricultural Rural Zone; A-3 = Heavy Agriculture.

[2]According to Imperial County Planning and Development Services, the acreage of APN 052-180-034 is 82.16 acres; however, 5 acres will be retained by the landowner as an agricultural homesite and are not included in the total parcel or Project site acreage estimates.

[3]APN 052-210-020 is currently under Williamson Act Contract. A Notice of Nonrenewal was recorded by the Department of Conservation on December 4, 2006. The Williamson Act parcel's contract term of encumbrance is due to expire on January 1, 2016.

Page 2.0-9, the text has been revised to reflect withdrawal of CUP 13-0047 from the Project.

"Per Title 9, Division 5, Sections 90508.02 and 90509.02 of the Land Use Ordinance, solar energy electrical generators, electrical power generating plants, substations, and facilities for the transmission of electrical energy are allowed as conditional uses in Agricultural zones. In keeping with the provisions of the zoning designations, the Applicant is seeking ~~17~~ 16 CUPs from the Imperial County Planning and Development Services Department (ICPDSD).

A. CUPs

As previously noted, WRS has filed applications for ~~17~~ 16 CUPs (13-0036 thru 13-0046 and 13-0048 thru 13-0052). The Project could be built out at one time or developed as ~~17~~ 16 individual CUPs over a ten year period. Each CUP may have its own off-taker (or customer) for electricity. Likewise, each CUP may operate independently from the other CUPs. The CUPs may also be aggregated during construction and operation so that multiple CUPs could be built at one time. This will allow the utilities greater flexibility in obtaining renewable energy to meet ratepayer needs. A brief description of each CUP is provided below. **Figure 2.0-5** shows the overall configuration of the Project while **Figures 2.0-6** thru **2.0-22** depict the layout of each CUP. These figures are provided following the description of CUP 13-0052."

Page 2.0-14, the first paragraph of the description of CUP 13-0046 has been revised to reflect withdrawal of CUP 13-0047 from the Project.

"CUP 13-0046

CUP 13-0046 consists of four parcels totaling 202.24 acres (refer to **Table 2.0-1**). The CUP area is bounded by the New River on the north; the Wistaria Canal and Lyons Road on the south; an unnamed dirt farm road on the east and the New River to the northeast; and the Wistaria Canal and Rockwood Road on the west. Agricultural land borders most of the north and east and all of the west and south sides of the CUP area. Four CUPs are proposed adjacent to CUP 13-0046: ~~CUP 13-0047 is proposed to the north~~; CUP 13-0048 is proposed to the west; and, CUPs 13-0043 and 13-0045 are proposed to the south. The Electric Collector Line Corridor is proposed to extend north-south along the western boundary of the CUP area as well as east-west along the southern boundary.

Page 2.0-14 of the Draft EIR, the description of CUP 13-0047 has been deleted to reflect withdrawal of CUP 13-0047 from the Project.

~~**"CUP 13-0047**~~

~~CUP 13-0047 consists of three parcels totaling 131.89 acres (refer to **Table 2.0-1**). The CUP area is bounded by the New River on the north; Wahl Road on the south; New River on the east; and the Wistaria Canal on the west. Rockwood Road terminates at the southern border of the CUP. Agricultural land surrounds the CUP area on all sides. CUP 13-0046 is proposed to the south of CUP 13-0047. The Electric Collector Line Corridor is proposed to extend north-south from the southern portion of the CUP 13-0047 along Rockwood Road.~~

~~One primary and one secondary point of access is proposed to CUP 13-0047. Both are from the south, off of Wahl Road and require crossing over an existing crossing of IID's Wistaria Canal. The electric line associated with CUP 13-0047 would extend south along Rockwood Road and follow the corridor described in CUP 13-0046. Substation and O&M facilities may be located in the southwest corner of the CUP area (**Figure 2.0-17**).~~"

Page 2.0-45 of the Draft EIR, Table 2.0-5 has been revised to reflect withdrawal of CUP 13-0047 from the Project.

TABLE 2.0-5
WATER USE FOR DUST CONTROL AND OTHER CONSTRUCTION ACTIVITIES BY CUP

CUP	Acreage	Water (AF)	CUP	Acreage	Water (AF)
CUP 13-0036	190.61	109	CUP 13-0045	76.64	44
CUP 13-0037	223.66	128	CUP 13-0046	202.24	116
CUP 13-0038	162.93	93	~~CUP 13-0047~~	~~131.89~~	~~76~~
CUP 13-0039	161.2	92	CUP 13-0048	160	92
CUP13-0040	148.53	85	CUP 13-0049	159.9	92
CUP 13-0041	153.61	88	CUP 13-0050	123.54	71
CUP 13-0042	231.32	132	CUP 13-0051	241.98	139
CUP 13-0043	152.11	87	CUP 13-0052	194.05	111
CUP 13-0044	79.82	46	Total all CUPs		1,601

Source: WRS 2014.

Page 2.0-34, the text under heading D. Solar Energy Center Facilities has been revised to reflect withdrawal of CUP 13-0047 from the Project.

"B. Solar Energy Center Facilities

Each of the components of the solar energy center is described in detail below. The components would be installed as part of construction, in use during operation, and removed and decommissioned at the end of each CUP or 30 years, whichever is later. The following components would be developed on each parcel whether built as ~~17~~ 16 individual CUPs phased in over ten years or as the entire ~~2,793~~ 2,660-acre Project over an 18 month period."

Page 2.0-36, the text has been revised to reflect withdrawal of CUP 13-0047 from the Project.

"Substation and Switchyard

An on-site substation will step-up the voltage from the collection level voltage to 230-kV. Breakers, buswork, protective relaying, Supervisory Control and Data Acquisition (SCADA), and associated substation equipment will be constructed on the CUPs. The communication system may include an above- or below-ground fiber optic cable network or microwave tower. The Project will be interconnected to the regional transmission system from the on-site substation/switchyard via the Gen-Tie interconnection. As previously noted, each of the ~~17~~ 16 CUPs (13-0036 thru 13-0046 and 13-0048 thru 13-0052) are anticipated to utilize the Gen-Tie line extending from the CUPs to the ISECS switchyard as well as the main Project switchyard located in CUP 13-0036. Alternatively, each CUP may independently construct its own 230-kV (maximum) step-up transformer and switchyard."

Page 2.0-36, the first sentence under the text describing the Transmission Interconnection Facilities has been revised to reflect withdrawal of CUP 13-0047 from the Project.

"Transmission Interconnection Facilities: Collector Lines and Gen-Tie Line

Regardless of whether the Project is built as 17 individual CUPs, a combination of several CUPs, or as a single project in its entirety (i.e. the Full Build-out Scenario), the use of collector lines to convey electricity from the array fields to the Project substation would remain similar."

Page 2.0-38 of the Draft EIR, Figure 2.0-17, CUP 13-0047 – Access Point and electrical Flow Diagram, has been deleted to reflect withdrawal of CUP 13-0047 from the Project.

Page 2.0-40, the first sentence under the text describing the Energy Storage has been revised to reflect withdrawal of CUP 13-0047 from the Project.

> ***"Energy Storage***
>
> Utilities have been encouraging the use of energy storage in conjunction with the generation of solar energy. Energy storage allows the generating facility to smooth its generation profile which reduces the need for the utility to call upon other resources to support the intermittency of renewable resources. The Project may incorporate an energy storage component and each CUP may have its own energy storage component. The storage component for the entire Project (all ~~17~~ 16 CUPs) is likely to be 50 MW with up to 6 hours of capacity; the size for any specific CUP is likely to be approximately 6 MW with up to 6 hours of capacity."

Page 2.0-41, the third sentence under the text describing the Energy Storage has been revised to reflect withdrawal of CUP 13-0047 from the Project.

> ***"Construction Duration***
>
> Project construction is estimated to begin at some point in 2015. Construction of the Full Build-out Scenario is expected to take approximately 18 months. Under the Phased CUP Scenario, each CUP could take approximately 7 to 8 months. **Tables 2.0-3a** and **2.0-3b** provide a general schedule for construction. The equipment, materials, and labor involved in building the Project remain similar whether it is constructed as ~~17~~ 16 individual CUPs, a combination of multiple CUPs over a period of ten years, or built-out in its entirety over an 18 month period. However, the 18 month build-out of the entire Project would result in greater intensity of labor and equipment."

Pages 2.0-61 and2.0-62, the first sentence under the text describing the Removal of Collector Lines has been revised to reflect withdrawal of CUP 13-0047 from the Project.

> **"Removal of Collector Lines**
>
> The ~~17~~ 16 CUPs (13-0036 thru 13-0046 and 13-0048 thru 13-0052) may be decommissioned individually. This means that some CUPs may still be operating while others are decommissioned. All facilities related to the decommissioned CUP will be removed unless being used by an operating CUP. For instance, the Gen-Tie line will likely be used by an operating CUP while individual CUPs may be decommissioned. Additionally, some collector lines may be utilized by operating CUPs while CUPs that formerly shared the electric collector line have ceased to operate. The amount of decommissioning ground disturbance would be the same as the construction ground disturbance."

Pages 2.0-62 thru 2.0-66 of the Draft EIR, Table 2.0-9 has been revised to reflect various revisions to the Applicant Proposed Measures and Project Design Features Included as Part of the Project:

TABLE 2.0-9
APPLICANT PROPOSED MEASURES/PROJECT DESIGN FEATURES
INCLUDED AS PART OF THE PROJECT

AESTHETICS
• The Project will provide landscaping at Project entrances and the operations and maintenance buildings. • Plant Indian Rosewood, Italian Cyprus, or similar landscaping along the property line for CUP 13-0039 where it is adjacent to 2 residences. • Plant oleander vegetation or similar along the boundary of CUP 13-0036 and the adjacent residence to the east.
AIR QUALITY
• Stabilize all disturbed areas with water, tarps, dust suppressants, or soil binders. • Most construction equipment will be equipped with EPA Tier 2 or better engine designation. • Bulk Materials shall be completely covered unless six inches of freeboard space from the top of the container is maintained with no spillage and loss of Bulk Material. In addition, the cargo compartment of all Haul Trucks is to be cleaned and/or washed at delivery site after removal of Bulk Material. • Clean all Track-Out or Carry-Out at the end of each workday or immediately when mud or dirt extends a cumulative distance of 50 linear feet or more onto a paved road within an urban area. • Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface within the construction site.
BIOLOGICAL RESOURCES
General Design Features
• The development footprint of the Project shall be confined to the minimal amount of area necessary for construction and safe, reliable operation. Access routes shall be limited to existing roadways to the maximum extent possible. All construction areas, staging areas, and access routes shall be clearly delineated in the final engineering plans. • Lights on Project components shall be motion sensitive rather than steady burning and shall be downcast and shielded to keep light within the boundary of the Project. The use of high-intensity lighting; steady-burning lights; or bright lights such as sodium vapor, quartz, halogen, or other bright spotlights shall be minimized. • Final engineering plans for new vehicular crossings and/or upgrades to IID vehicular crossings will be designed to avoid impacts to USACE wetlands~~, with the exception of CUP area 13-0047,~~ to facilitate Project permits under USACE's Nationwide Permit (NWP) program. One of the regional conditions published by USACE Los Angeles District that pertains to the NWPs most applicable to the proposed project (e.g., NWP 14 for Linear Transportation Projects or NWP 51 for Land-Based Renewable Energy Generation Facilities) indicates that individual permits are required for all discharges of fill material that shall result in the "loss" of wetlands (USACE Special Public Notice 15 March 2012) within the USGS Hydrologic Unit Code [HUC] where the project is located (Salton Sea-181002).
Avian Specific
• ~~To the extent feasible,~~ ~~n~~Non-reflective PV or CPV modules shall be used over reflective

TABLE 2.0-9
APPLICANT PROPOSED MEASURES/PROJECT DESIGN FEATURES
INCLUDED AS PART OF THE PROJECT

technologies to minimize collision risk.

- To the extent feasible, transmission towers shall not use lattice-type structures and external ladders and platforms to minimize perching and nesting.
- Underground (rather than overhead) collection lines shall be used, when possible, to minimize avian collision risk.
- When above-ground lines, transformers, or conductors are necessary, all shall be spaced and designed to fully comply with the APLIC (2006) suggested practices to prevent avian electrocutions.
- When above-ground lines are necessary, power line/wire marking devices including aerial marker spheres, swinging plates, bird diverters, paint, and other bird avoidance devices shall be used to prevent avian collisions as outlined in the APLIC Reducing Avian Collisions with Power Lines: State of the Art document (2012). Bird flight diverters have proven effective for reducing and preventing bird collisions in some cases (CEC 2002).
    - WRS is committed to assessing Project-related impacts to avian and bat species to avoid and reduce potential impacts to the greatest extent feasible. WRS is voluntarily developing a BBCS for this Project. This plan will be developed in coordination with the County of Imperial, USFWS, and CDFW. Avian- and bat-specific measures outlined herein will be finalized during the development process of the BBCS. The primary objectives of the BBCS are to:
    - Identify feasible conservation measures that could be implemented to reduce negative impacts to avian and bat species.
    - Develop a wildlife monitoring and reporting program to estimate post-construction fatality rates and impacts on avian and bat species.
    - Determine whether avoidance, minimization, and mitigation measures implemented for the Project are adequate or whether additional corrective action or adaptive management is warranted. An adaptive management framework will be prepared to inform the potential development of additional actions.

To meet these objectives, the BBCS will include the following components:

- A description and assessment of the existing habitat and avian and bat species;
- An avian and bat risk assessment and specific measures to avoid, minimize, reduce, or eliminate avian and bat injury or mortality during all phases of the project.
- A post-construction monitoring plan that will be implemented to assess impacts on avian and bat species resulting from the Project. The post-construction monitoring plan will include a description of standardized carcass searches, scavenger rate (i.e., carcass removal) trials, searcher efficiency trials, and reporting.
- Statistical methods will be used to estimate Project avian and bat ~~fatalities if sufficient data is collected to support statistical analysis.~~ species, including special status species, annual mortality by taxa and season. Analysis will also determine collision rates during diurnal and

TABLE 2.0-9
APPLICANT PROPOSED MEASURES/PROJECT DESIGN FEATURES
INCLUDED AS PART OF THE PROJECT

nocturnal periods; species mortality composition; and assess the spatial distribution mortalities. Sufficient data (i.e., sample sizes) will dictate the extent that fatality models can be used to generate fatality estimates within the various categories. Fatality estimates will be generated using the most appropriate fatality estimator given the data set.

- An injured bird response plan that delineates care and curation of any and all injured birds. If any federal listed, state listed or fully protected avian carcasses or injured birds are found during post-construction monitoring, the Project Applicant shall notify USFWS and CDFW within 24 hours via email or phone and work with the resource agencies to determine the appropriate course of action for these species.
- A nesting bird management strategy to outline actions to be taken for avian nests detected within the impact footprint during operation of the Project. A conceptual adaptive management and decision-making framework for reviewing, characterizing, and responding to monitoring results.
- Monitoring studies following commencement of commercial operation of each CUP area. Monitoring results will be reviewed annually by the Applicant and the County of Imperial, in consultation with CDFW and USFWS, to inform adaptive management responses

NOISE

- All Project components (e.g., inverters, trackers, substation, energy storage units, etc.), construction vehicle, and equipment operation shall be sited at least 50 feet from farmhouses on-site or in the vicinity of the Project.
- Construction equipment shall be encouraged to operate 600 feet or more away from sensitive receptors. When construction equipment is planned to occur within the 50- to 600-foot range of occupied sensitive receptors, the Applicant shall implement the following measures:
  - All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers or better; and
  - Equipment staging areas shall be located away from occupied residences (i.e., farmhouses) or schools to the extent feasible.
- Whenever feasible, electrical power shall be used to run air compressors and similar power tools.
- Temporary long-term construction equipment staging areas shall be located away from occupied residences and schools.
- During the construction and decommissioning phases, in the event that activities are anticipated to occur outside the hours of 7 a.m. to 7 p.m., Monday through Friday, and 9 a.m. to 5 p.m. on Saturday, the activities shall not include the operation of construction equipment. No commercial construction operations are permitted on Sunday or holidays.
- Vibratory rollers and other ground compaction equipment shall not be used within 50 feet of residences, in order to avoid the potential for structural damage from vibration.
- Any inverters located within 100 feet of an existing occupied residence shall be shielded with a structural barrier capable of reducing the inverter's noise and the ambient increase at the receptor to less than 5 A-weighted decibels (dBA) Community Noise Equivalent Level (CNEL) and

TABLE 2.0-9
APPLICANT PROPOSED MEASURES/PROJECT DESIGN FEATURES
INCLUDED AS PART OF THE PROJECT

less than 10 dBA equivalent continuous noise level (Leq) in order to avoid a substantial permanent increase in ambient noise. • Any energy storage facilities located within 150 feet of an existing occupied residence shall be shielded with a structural barrier capable of reducing the facility's noise and the ambient increase at the receptor to less than 5 dBA Community Noise Equivalent Level (CNEL) and less than 10 dBA equivalent continuous noise level (Leq), in order to avoid a substantial permanent increase in ambient noise. • Wherever all three operational facilities (inverters, transformers, and energy storage facilities) are located together within 180 feet of an existing occupied residence, the facilities shall be shielded with a structural barrier capable of limiting the combined noise generated and ambient increase at the receptor to less than 5 dBA *Community Noise Equivalent Level (*CNEL) and less than 10 dBA Leq in order to avoid a substantial permanent increase in ambient noise.
HAZARDS AND HAZARDOUS MATERIALS
• Prior to commencement of construction of a CUP, all trash and debris will be removed from the CUP parcels of the Project and properly disposed in the appropriate type of landfill in accordance with all laws and regulations.
HYDROLOGY AND WATER QUALITY
Flood Hazard
• The Project will make best efforts to avoid constructing facilities within a flood hazard zone; however, in the event some facilities are required to be constructed in flood hazard zone, the Project will design its facilities to meet Imperial County Building Standards.
Construction Activities
• Prior to the recordation of the first final map and/or issuance of the first grading permit, the developer shall submit and receive a National Pollutant Discharge Elimination System permit from the Regional Water Quality Control Board in accordance with a Stormwater Pollution and Prevention Plan (SWPPP) approved by the County of Imperial. The SWPPP shall include source control and treatment control BMPs. Possible source control BMPs include, but are not limited to: ➢ trash storage; ➢ integrated pest management; ➢ efficient irrigation and landscape design; and, ➢ ~~property~~ CUP owner educational materials regarding source control management. • Treatment control BMPs will be comprised of detention basins to remove trash and pollutants such as sediment, nutrients, metals, bacteria, oil and grease, and organics.
GEOLOGY AND SOILS
Geologic Hazards
A Geotechnical Investigation Report will be Prepared consistent with California geologic and engineering standards by a licensed geotechnical engineer and those design recommendations will be incorporated into all final engineering and grading plans. This report will identify specific measures for mitigating geotechnical conditions on the project site, and addresses site preparation, foundations and settlements, slabs-on-grade, concrete mixes and corrosivity, seismic design, and pavement design. The County's soil engineer and engineering geologist shall review grading plans

TABLE 2.0-9
APPLICANT PROPOSED MEASURES/PROJECT DESIGN FEATURES
INCLUDED AS PART OF THE PROJECT

prior to finalization, to verify plan compliance with the recommendations of the report. All development on the Project site shall be in accordance with Title 24, California Code of Regulations.

AGRICULTURAL RESOURCES

- A Weed and Pest Management Plan will be developed.

  1) The Plan must be consistent with the Imperial Agricultural Commissioner's "Pest Management Plan Requirements for Solar Projects" (June 2012), including , but not limited to its notification, site/records access, and record keeping requirements, as well as identifying the contact person for the operator of the site.

  2) The Plan must be designed to prevent weed and pest levels on-site from rising to the level of a private nuisance or public nuisance;

  3) Identify proven monitoring, preventative, and management strategies for weed and pest control during construction and decommissioning activities at the CSE Facility and portions of the Gen-Tie line that are adjacent agricultural lands that will be deployed, including revegetation of disturbed areas with native plant seeds consistent with fire safety and fuel management and schedules for implementation through a licensed Pest Control Advisor or Pest Control Business

  4) The plan shall comply with all applicable rules, regulations and laws for the control of pests and weeds.

  5) Identify proven monitoring, preventative, and management strategies for weed and pest control during long-term operation of the CSE Facility and portions of the Gen-Tie line that are adjacent agricultural lands that will be deployed, including:

     a. Use of specific types of ground cover and maintenance (mowing, replacement, etc.) of such ground cover consistent with fire safety and fuel management

     b. A schedule for implementation of herbicides and pesticides strategies by a licensed Pest Control Advisor or Pest Control Business effective in reducing pests and weeds in a manner that avoids a public or private nuisance.; and

     c. A schedule for implementation of a strategy for maintenance of the Project site in a manner that avoids a public or private nuisance.

TRANSPORTATION AND CIRCULATION

- Construction traffic will minimize use of unpaved roads to the extent feasible.
- Roads will be photographed prior to construction and Project related impacts to County roads will be repaired.

PUBLIC SERVICES

Fire Prevention

A Fire Prevention and Response Plan (FPRP) will be developed to County standards and implemented during construction, operation, and maintenance of the Project.

Security

- The Project will contract with a security company to protect the facility.

TABLE 2.0-9
APPLICANT PROPOSED MEASURES/PROJECT DESIGN FEATURES
INCLUDED AS PART OF THE PROJECT

• A perimeter fence with 3 strands of barbed wire will be placed along the Project perimeter to keep people out of the facility.

Source: WRS 2014.

Page 2.0-67, sub-section 2.1.6 Decommissioning and Reclamation Plan, the following text has been added immediately below the last bullet item.

> "Because the Reclamation Plan was not complete at the time the EIR was prepared, and because the Plan will be implemented 30 or more years in the future (i.e. at the end of the maximum life of CUP), it was not environmentally assessed as part of the EIR. To the extent the Reclamation Plan raises environmental issues within the scope of rules and regulations in effect at the time of implementation, further analysis may be required."

Page 2.0-69, the last sentence under the heading "Development Agreement" has been revised as follows:

> **"Development Agreement**
>
> The Project is processing a Development Agreement with Imperial County to enable and control a phased build-out of the Project that is capable of meeting changing market demands by authorizing initiation of a single CUP or multiple CUPs anytime within the ten year period. Thereafter, the CUPs are valid for 30 years. The requested Development Agreement would provide flexibility to allow the start of construction to commence for up to ten years after the CUPs are approved. This Development Agreement ~~would allow the County to require extraordinary benefits such as collecting a community or agricultural benefit payment~~ makes enforceable the County's receipt of Public Benefit payments to mitigate impacts form the temporary use of agricultural land as well as provide other economic benefits as well as the use of those payments."

Page 2.0-69, the text under the heading Conditional Use Permits and Variance has been revised to reflect withdrawal of CUP 13-0047 from the Project.

> **"Conditional Use Permits**
>
> The proposed Project will require approval of ~~17~~ 16 CUPs (CUP 13-0036 thru CUP 13-0046 and CUP 13-0048 thru CUP 13-0052) to develop a solar energy center on lands zoned A-2, A-2-R, and A-3, per Title 9, Division 5: Zoning Areas Established, Chapter 8, Sections 90508.02 and 90509.02.
>
> **Variance**
>
> ~~Seventeen~~ Sixteen variance applications have been submitted to the County (V13-0002 thru V13-0011 and V13-0013 thru V13-0018) representing one variance request for each CUP of the Project for Gen-Tie line structures that are over 120 feet in height. With approval of variances, the proposed structures could be up to 140 feet in height."

CHAPTER 3.0 INTRODUCTION TO THE ENVIRONMENTAL ANALYSIS AND ASSUMPTIONS USED

Figure 3.0-1, Cumulative Projects Map has been revised to reflect the Preferred Alternative.

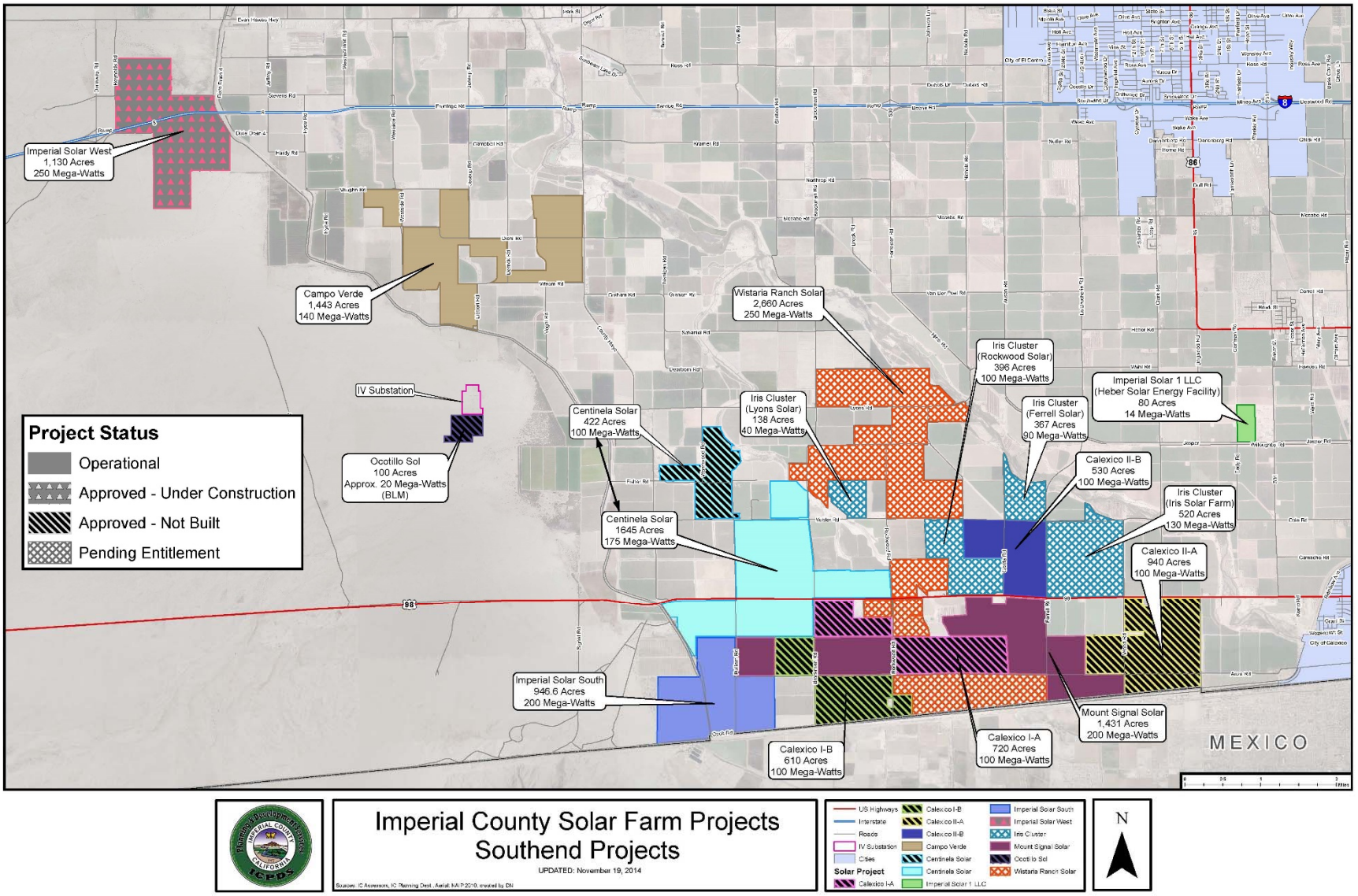

FIGURE 3.0-1
CUMULATIVE PROJECTS MAP

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SECTION 4.1, AESTHETICS

Page 4.1-3, the analysis of Objective 7.1 has been revised to reflect the reduction in CUPs as a result of withdrawal of CUP 13-0047 from the Project.

> "The Project area includes several overhead telephone and electrical lines. While the proposed electric collector line corridor and gen-tie line would introduce new features to the landscape, the existing transmission lines related to surrounding solar projects, as well as the Mount Signal Solar Farm gen-tie and associated supporting structures, are currently visible within the Project viewshed. While the proposed Project would introduce solar development on up to ~~17~~ 16 CUPs, it would not alter existing views of the desert and mountains. Instead, the Project will share 230-kV structures with the Mount Signal Solar Project to connect to the ISECS switchyard. Project to facilitate the interconnection."

Page 4.1-5, the text under the heading 4.1.2 Environmental Setting has been revised to reflect the reduction in CUPs and overall Project acreage as a result of withdrawal of CUP 13-0047 from the Project.

> **"4.1.2 ENVIRONMENTAL SETTING**
>
> The visual setting includes privately owned agricultural land under the jurisdiction of Imperial County. The solar field site parcels are generally clustered in northern, central, and southern groupings. In total, 32 parcels that comprise the Full Build-out Scenario and all ~~17~~ 16 CUPs total ~~2,793~~ 2,660 acres."

Page 4.1-19, the description of CUP 13-0047 has been eliminated to reflect withdrawal of CUP 13-0047 from the Project.

> ~~**"CUP 13-0047**~~
>
> ~~CUP 13-0047 consists of three parcels totaling 131.89 acres that have historically been farmed as wheat and forage hay. The CUP area is bounded by the New River on the north; Wahl Road on the south; New River on the east; and the Wistaria Canal on the west. Rockwood Road terminates at the southern border of the CUP. Agricultural land surrounds the CUP area on all sides."~~

Page 4.1-28, the text has been revised to reflect the reduction in CUPs as a result of withdrawal of CUP 13-0047 from the Project.

> **"FULL BUILD-OUT SCENARIO/PHASED CUP SCENARIO**
>
> Both the Full Build-out Scenario and the Phased CUP Scenario would change the existing use of all the solar field site parcels. Currently, each of the ~~17~~ 16 CUPs is used for agricultural production (alfalfa, sugar beet, oat, wheat, forage hay, sudangrass, and bermudagrass). As such, there are no outstanding or unique visual resources located on the solar field site parcels. However, the proposed Project would not significantly alter the existing visual character of the area and its surroundings as a result of converting agricultural land to a solar energy generation facility because the area is already a blend of agricultural fields and solar generation fields."

Page 4.1-29, the description of CUP 13-0047 has been eliminated to reflect withdrawal of CUP 13-0047 from the Project.

> "~~Existing views are shown in the top image of **Figures 4.1-2a and 4.1-2b** through **4.1-11**. The visual simulation of the same view is depicted in the lower image. **Figure 4.1-12a** is a KOP map~~

~~showing the northern cluster of CUPs (13-0038 thru 13-0047). **Figure 4.1-12b** shows the KOPs of the central (13-0036 & 13-0037) and southern clusters of CUPs (13-0050 thru 13-0052).~~"

Page 4.1-30, the description of CUP 13-0047 has been eliminated to reflect withdrawal of CUP 13-0047 from the Project.

"*Residents and Travelers*

Short-term visual impacts would occur in association with construction activities, including introducing heavy equipment (e.g., cranes), staging and materials storage areas and potential dust and exhaust to the Project area. Residents living adjacent to parcels undergoing construction would be subject to these visual changes throughout the duration of construction. If the Project is built out at one time, construction is expected to take approximately 18 months. If the individual CUPs are constructed over time, each CUP could take approximately seven months with construction of some CUPs overlapping one another. The equipment, materials, and labor involved in building the Project remain similar whether it is constructed as ~~17~~ 16 individual CUPs, a combination of several CUPs over a period of ten years, or built-out in its entirety over an 18-month period. However, the Full Build-out Scenario where the Project is constructed over 18-months would result in greater intensity of labor and equipment and present the greatest (i.e. worst-case) visual impact. The Phased CUP Scenario, which would build out over ten years is less intense because no single sensitive receptor (area resident) would be exposed to visual impacts from construction for more than the estimated seven months."

Page 4.1-32, the third paragraph under the heading Travelers has been eliminated to reflect the reduction in the number of CUPs associated with withdrawal of CUP 13-0047 from the Project.

"The Mount Signal Solar Farm gen-tie structures are located along the southern boundary of CUP 13-0036 approximately 140 feet in height. Regardless of whether the Project is built out as ~~17~~ 16 individual CUPs, a combination of several CUPs or in its entirety, the use of collector lines to convey electricity from the solar array fields to the Project substations would remain similar."

Page 4.1-37, the first paragraph under the heading Residents and Travelers has been eliminated to reflect the reduction in the number of CUPs associated with withdrawal of CUP 13-0047 from the Project.

"*Residents and Travelers*

Short-term visual impacts would occur in association with decommissioning activities, including introducing heavy equipment (e.g., cranes), staging and materials storage areas and potential dust and exhaust to the Project area. Residents living adjacent to CUPs undergoing decommissioning would be subject to these visual changes throughout the duration of decommissioning activities. The equipment, materials, and labor involved in Project decommissioning remain similar whether it is decommissioned as ~~17~~ 16 individual CUPs, a combination of several CUPs over a long period, or decommissioned in its entirety (i.e. the Full Build-out Scenario). However, if the Full Build-out Scenario were decommissioned at one time, the decommissioning activities would result in greater (i.e. worst-case) intensity of labor and equipment and present the greatest visual impact to residents and travelers."

Page 4.1-38, the third paragraph under the heading Light has been eliminated to reflect the reduction in the number of CUPs associated with withdrawal of CUP 13-0047 from the Project.

"As previously noted, the proposed Project may be built out at one time, as multiple CUPs, or as ~~17~~ 16 individual CUPs. If built separately, each CUP or group of CUPs may have its own O&M building. However, the lighting system would be designed to provide nighttime lighting levels consistent with applicable Imperial County lighting standards. Thus, impacts associated with a substantial increase in new sources of light are considered **less than significant** for both the Full Build-out Scenario and the Phased CUP Scenario during Project operation."

Page 4.1-40, the second sentence under the heading Scenic Vistas and Visual Character has been eliminated to reflect the reduction in the number of CUPs associated with withdrawal of CUP 13-0047 from the Project.

"*Scenic Vistas and Visual Character*

The proposed Project area is surrounded by mostly agricultural land with no scenic vistas or outstanding aesthetic features. The proposed Project may be developed as ~~17~~ 16 individual CUPs or the Full Build-out Scenario may be built at one time."

Page 4.1-41, the first sentence under the heading Scenic Vistas and Visual Character has been eliminated to reflect the reduction in the number of CUPs associated with withdrawal of CUP 13-0047 from the Project.

"*Scenic Vistas and Visual Character*

Decommissioning of the proposed Project would be implemented as ~~17~~ 16 individual CUPs or the Full Build-out Scenario."

SECTION 4.2, LAND USE

Page 4.2-13, the reference to 17 CUPs in the analysis of Goal 8 has been eliminated to reflect withdrawal of CUP 13-0047 from the Project.

"The proposed Project includes development of up to ~~17~~ 16 CUPs and an associated Gen-Tie on private land within the jurisdiction of the County of Imperial."

Page 4.2-14, the reference to 17 CUPs in the analysis of Objective 8.8 has been eliminated to reflect withdrawal of CUP 13-0047 from the Project.

"The Imperial County Land Use Ordinance conditionally allows for "major facilities relating to the generation and transmission of electrical energy" on agriculturally-zoned lands with a CUP (Imperial County 2009). The Applicant has requested ~~17~~ 16 CUPs from the County, which collectively comprise most of the Project."

Page 4.2-23, the reference to 17 Variance requests has been eliminated to reflect withdrawal of CUP 13-0047 from the Project.

"Section 90508.07 and 90509.07 of the Land Use Ordinance limits non-residential structure height to 120-feet within the A-2, A-2-R and A-3 zones. Specifically, Sections 90508.07(C) and 90509.07(C) state, "Non-Residential structures and commercial communication towers shall not exceed one hundred twenty (120) feet in height, and shall meet ALUC Plan requirements." The highest structures associated with Project would be the Gen-Tie structures which could extend up to 140 feet in height. The specific location of the structures that would exceed 120 feet is not yet known, pending final engineering design. Accordingly, the Applicant originally filed 17 variance requests (V 13-0002 thru V 13-0018) with the Imperial County Planning and Development Services Department. Following the close of the public review period for the Draft EIR, the Applicant submitted a letter dated November 19, 2014 to the County of Imperial

Planning and Development Services Department Director, Mr. Jim Minnick and the Project Planner, Mr. David Black withdrawing CUP 13-0047 and Variance 13-0012. This request resulted in a reduction in the number of Variances to 16 (V13-0002 thru 13-0011 and V13-0013 thru V13-0018)."

Page 4.2-24, the reference to 17 Variance requests has been eliminated to reflect withdrawal of CUP 13-0047 from the Project.

"The Applicant originally submitted 17 Variance Applications to the ICPDSD to address Gen-Tie structures that may exceed the A-2, A-2-R, and A-3 zoning height limitation of 120 feet. The maximum height of the Gen-Tie structures could be up to 140 feet. Following the close of the public review period for the Draft EIR, the Applicant submitted a letter dated November 19, 2014 to the County of Imperial Planning and Development Services Department Director, Mr. Jim Minnick and the Project Planner, Mr. David Black withdrawing CUP 13-0047 and Variance 13-0012. This request resulted in a reduction in the number of Variances to 16 (V13-0002 thru 13-0011 and V13-0013 thru V13-0018)."

Page 4.2-25, the reference to 17 CUPs in the third sentence of the first paragraph has been eliminated to reflect withdrawal of CUP 13-0047 from the Project.

"Historical crops for the period 2008 through 2014 (ICACO 2014) on each of the ~~17~~ 16 CUPs is discussed below. [Note: Refer to Table 2.0-2, in Chapter 2.0, Project Description for a break-down of APNs, acreage and zoning for each CUP (13-0036 thru 13-0052)]."

Page 4.2-30, the description of CUP 13-0047 has been eliminated to reflect withdrawal of CUP 13-0047 from the Project.

"~~CUP 13-0047~~

~~CUP 13-0047 consists of three parcels zoned A-3 (**Figure 4.2-3a**) totaling 131.89 acres that have historically been farmed as wheat and forage hay. These lands are designated Deciduous Fruits and Nuts-Truck, Nursery and Berry Crops-Melon, Squash and Cucumbers (all types)(D-T-9); Deciduous Fruits and Nuts-Pasture-Alfalfa & Alfalfa Mixtures (D-P-1); Semiagricultural & Incidental to Agriculture-Native Vegetation (S-NV); and Semiagricultural & Incidental to Agriculture-Field Crops (S-F) (**Figure 4.2-4a**).~~"

Page 4.2-32, the description of CUP 13-0047 has been eliminated to reflect withdrawal of CUP 13-0047 from the Project.

"~~CUP 13-0047~~

~~CUP 13-0047 is bounded by the New River on the north; Wahl Road on the south; New River on the east; and the Wistaria Canal on the west. Rockwood Road bisects the CUP area north-south. Agricultural land surrounds the CUP area on all sides.~~"

Page 4.2-35, the reference to 17 CUPs and 17 Variances under the discussion of "Operation" has been eliminated to reflect withdrawal of CUP 13-0047 from the Project.

"All of the existing solar field site parcels are currently zoned A-2, A-2-R, or A-3 (refer to **Table 2.0-1** in Chapter 2.0, and **Figure 4.2-1**, above). Per Sections 90508.02 and 90509.02 (Uses Permitted with a Conditional Use Permit) of Division 5 of Title 9 of the Imperial County Land Use Code, development of the solar field site parcels with a "solar energy electrical generator" and "solar energy plants" are an allowed use subject to a CUP. Consistent with this requirement, the Applicant submitted ~~17~~ 16 CUP applications (13-0036 thru 13-0052) inclusive of all solar field

site parcels to ICPDSD. The Project does not propose to change to the existing zoning designations of any of the parcels. However, because the Gen-Tie structures may be taller than the 120-foot maximum allowable height as identified by the Land Use Ordinance, the Applicant has also submitted ~~17~~ 16 Variance Applications to ICPDSD."

Page 4.2-37, the reference to 17 CUPs under the heading County of Imperial Land Use Ordinance, Title 9 has been eliminated to reflect withdrawal of CUP 13-0047 from the Project.

"COUNTY OF IMPERIAL LAND USE ORDINANCE, TITLE 9

Imperial County Land Use Ordinance identifies allowable uses and standards applicable to each zoning designation. The solar field site parcels are located on lands within the A-2, A-2-R and A-3 zones. "Solar energy electrical generator" *and "*solar energy plants" are conditionally allowable within the A-2, A-2-R and A-3 zones, subject to approval of required CUP applications. Consistent with this requirement, the Applicant has submitted ~~17~~ 16 CUP applications inclusive of all solar field site parcels."

Page 4.2-38, the third sentence of the first paragraph has been revised to reduce the number of Variances to reflect withdrawal of CUP 13-0047 from the Project.

"The Applicant has requested ~~17~~ 16 Variance applications from the County to allow towers exceeding the 120-foot height limit."

Page 4.2-38, the reference to 17 CUPs under the heading County of Imperial Land Use Ordinance, Title 9 has been eliminated to reflect withdrawal of CUP 13-0047 from the Project.

"COUNTY OF IMPERIAL LAND USE ORDINANCE, TITLE 9

As part of the proposed Project, the Applicant filed ~~17~~ 16 CUP applications (13-0036 thru 13-0046 and 13-0048 thru 13-0052) with the ICPDSD to allow construction and operation of each of the solar energy projects within the A-2, A-2-R and A-3 zones."

SECTION 4.3 TRANSPORTATION AND CIRCULATION

Page 4.3-14, the second paragraph under the heading "Project Trip Generation" has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the Project.

"The proposed Project could be built-out in its entirety or phased over time. Therefore, four possible development scenarios were analyzed: the Full Build-out Scenario (all ~~17~~ 16 CUPs 13-0036 thru 13-0046 and 13-0048 thru 13-0052) being constructed early in 2013 (existing conditions scenario); the Full Build-out Scenario being constructed on a typical schedule that accounts for time needed to obtain permits and financing for the Project in 2016 (near-term scenario); the Full Build-out Scenario being constructed in 2019 (2024 minus 5 years for a mid-point scenario of the CUPs); and the Full Build-out Scenario being delayed due to market forces until 2024 (long-term scenario)."

Page 4.3-65, mitigation measures MM 4.6.3a, MM 4.6.3b, MM 4.6.3c and MM 4.6.3d have been revised as follows to correct the numbering and eliminate CUP 13-0047:

"MM 4.~~6~~3.3a The ~~Proponent~~ CUP owner shall utilize I-8 to SR-111 and/or SR-98 for all equipment deliveries. Employee and vendor routes to each CUP shall be limited to SR-111, SR-98, and Clark Road, LaBrucherie/Ferrell Road and Kubler Road, unless improvements are made to other county roads leading to individual CUP sites in advance of development of each CUP.

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

"MM 4.~~6~~3.3b As each CUP may be constructed individually and independently, the CUP owner ~~Proponent~~ shall improve the roads as shown on **Figures 4.3-18** thru **4.3-35**. If a CUP owner ~~Proponent~~ has already improved the roads that will be utilized by the next CUP to start construction, then no new road improvements are required.

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

"MM 4.~~6~~3.3c Each CUP owner ~~Proponent~~ shall be responsible for repairing any damage caused to the roads it utilizes as follows:

- **CUP 13-0036** – Approximately 200 feet of new pavement required on Rockwood Road south of SR-98 for entrance from SR-98 (**Figure 4.3-13**).
- **CUP 13-0037** – Approximately 200 feet of new pavement required on Rockwood Road north of SR-98 and 0.25 miles of new pavement required along Rockwood Road from Kubler Road to the south (**Figure 4.3-14**).
- **CUP 13-0038** – No improvements required as long as traffic remains on SR-98, Ferrell Road and Kubler Road (**Figure 4.3-15**).
- **CUP 13-0039** – No improvements required as long as traffic remains on SR-98, Ferrell Road and Kubler Road (**Figure 4.3-16**).
- **CUP 13-0040** – a) Micro-grind and Asphalt Rubber Asphalt Membrane (ARAM) resurfacing along Brockman Road from SR-98 to CUP 13-0042 for approximately 1.5 miles then utilized on-site haul road through CUP 13-0041 and CUP 13-0042 or b) utilize on-site haul road from Kubler Road thru CUP 13-0038 (**Figure 4.3-17**).
- **CUP 13-0041** – a) Micro-grind and Asphalt Rubber Asphalt Membrane (ARAM) resurfacing along Brockman Road from SR-98 to CUP 13-0042 or b) utilize on-site haul road from Kubler Road thru CUP 13-0038 and CUP 13-0040 (**Figure 4.3-18**).
- **CUP 13-0042** – Micro-grind and Asphalt Rubber Asphalt Membrane (ARAM) resurfacing along Brockman Road from SR-98 to Cup 13-0042 for approximately 1.5 miles (**Figure 4.3-19**).
- **CUP 13-0043** – a) Micro-grind and Asphalt Rubber Asphalt Membrane (ARAM) resurfacing along Brockman Road from SR-98 to CUP 13-0042 for approximately 1.5 miles then on-site haul road

through CUPs 13-0042, 13-0041, 13-0040 or; b) Micro-grind and Asphalt Rubber Asphalt Membrane (ARAM) resurfacing along Brockman Road from SR-98 to Lyons Road for approximately 2.5 miles and 1 mile of 3-inch asphalt concrete overlay and 3-inch thick aggregate base shoulder backing on Lyons Road (**Figure 4.3-20**).

- **CUP 13-0044** – Micro-grind and Asphalt Rubber Asphalt Membrane (ARAM) resurfacing along Brockman Road from SR 98 to Lyons Road for approximately 2.5 miles and 3-inch thick aggregate base shoulder backing; then pave 0.25 miles of Rockwood Road south of Lyons Road (**Figure 4.3-21**).
- **CUP 13-0045** – Micro-grind and Asphalt Rubber Asphalt Membrane (ARAM) resurfacing along Brockman Road from SR-98 to Lyons Road for approximately 2.5 miles and 1.5 miles of 3-inch asphalt concrete overlay and 3-inch thick aggregate base shoulder backing on Lyons Road east of Brockman Road (**Figure 4.3-22**).
- **CUP 13-0046** – Micro-grind and Asphalt Rubber Asphalt Membrane (ARAM) resurfacing along Brockman Road from SR-98 to Lyons Road for approximately 2.5 miles and 1 mile of 3-inch asphalt concrete overlay and 3-inch thick aggregate base shoulder backing on Lyons Road east of Brockman Road (**Figure 4.3-23**).
- ~~**CUP 13-0047 –** Micro-grind and Asphalt Rubber Asphalt Membrane (ARAM) resurfacing along Brockman Road from SR-98 to Lyons Road for approximately 2.5 miles and 1 mile of 3-inch asphalt concrete overlay and 3-inch thick aggregate base shoulder backing on Lyons Road east of Brockman Road; then on-site haul road through CUP 13-0046 (**Figure 4.3-24**).~~
- **CUP 13-0048** – Micro-grind and Asphalt Rubber Asphalt Membrane (ARAM) resurfacing along Brockman Road from SR-98 to Lyons Road for approximately 2.5 miles and 1 mile of 3-inch asphalt concrete overlay and 3-inch thick aggregate base shoulder backing on Lyons Road east of Brockman Road (**Figure 4.3-25**).
- **CUP 13-0049** – Micro-grind and Asphalt Rubber Asphalt Membrane (ARAM) resurfacing along Brockman Road from SR-98 to Lyons Road for approximately 2.5 miles (**Figure 4.3-26**).
- **CUP 13-0050** – 3-inch asphalt concrete overlay and 3-inch thick aggregate base shoulder backing on Anza Road west of Ferrell Road for approximately 1.5 miles (**Figure 4.3-27**).
- **CUP 13-0051** – 3-inch asphalt concrete overlay and 3-inch thick aggregate base shoulder backing on Anza Road west of Ferrell Road for approximately 0.75 miles (**Figure 4.3-28**).
- **CUP 13-0052** – No Improvements. Access from Ferrell Road/Anza Road intersection (**Figure 4.3-29**).

Timing/Implementation: Prior to the issuance of grading permit.

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

"MM 4.~~6~~3.3d The CUP owner ~~Proponent~~ shall limit the Project's' construction traffic on unpaved County roadways to the extent possible and utilize improved paved roadways identified in MM 4.~~6~~3.3c. In the event the ~~Proponent~~ CUP owner's construction traffic requires the use of unpaved County roadways, the CUP owner ~~Proponent~~ shall mitigate those County unpaved roadways in accordance with ICAPCD Rule 805.

In addition to complying with Rule 805, if 50 vehicle trips per day (VPD) are triggered by the projects on any single County unpaved roadway, the ~~Proponent~~ CUP owner shall provide for the future maintenance cost of the affected roadway for the full term of the CUP which trigged the increase beyond the 50 VPD threshold.

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

Page 4.3-79, Figure 4.3-34, CUP 13-0047 – Roadway Improvements on has been eliminated.

SECTION 4.4, AIR QUALITY

Page 4.4-20, the first sentence of the second paragraph under the discussion of "Construction Phase emission Methodology" has been revised to reduce the number of CUPs to 16 to reflect withdrawal of CUP 13-0047 from the Project.

> "The Full Build-out Scenario may be constructed over 18 months, or it may be built out as the Phased CUP Scenario over 10 years in as many as ~~17~~ 16 individual CUPs (or clusters of CUPs), each an approximately 7 to 8 month construction period."

Page 4.4-22, the first sentence of the second paragraph under the discussion of Construction has been revised to reduce the number of CUPs to 16 to reflect withdrawal of CUP 13-0047 from the Project.

> "Assuming each CUP (13-0036 thru 13-0052) would be constructed over approximately seven months, the total construction schedule to build out all ~~17~~ 16 CUPs would be 10 years."

Page 4.4-24, the second sentence of the second paragraph under the discussion of Construction has been revised to reduce the number of CUPs to 16 to reflect withdrawal of CUP 13-0047 from the Project.

> "Construction emissions can substantially vary from day to day, depending on the level of activity, the specific type of construction activity, and the prevailing weather conditions. The Full Build-out Scenario may be constructed over 18 months, or it may be built out as ~~17~~ 16 individual CUPs over an approximately 10-year period."

Page 4.4-26, the second sentence of the second paragraph under the discussion of Operation has been revised to reduce the number of CUPs to 16 to reflect withdrawal of CUP 13-0047 from the Project.

> "On-site operation activity throughout the Full Build-out Scenario would include panel washing, which would require approximately 60 acre feet of water per year. Operational emissions would

also result from intermittent use of diesel-powered emergency generators for maintenance and testing purposes. Each 250-hp generator (one per each CUP; ~~17~~ 16 for the Full Build-out Scenario) would be operated for testing and maintenance for approximately one hour each week, for a total of 50 hours per year (AECOM 2014d, p. 34)."

Page 4.4-33, the seventh sentence of the third paragraph has been revised to reduce the number of CUPs to 16 to reflect withdrawal of CUP 13-0047 from the Project.

"Based on a total construction schedule of 10 years for all ~~17~~ 16 CUP areas, each CUP area would be constructed over approximately seven months."

SECTION 4.5, CLIMATE CHANGE AND GREENHOUSE GASES

Page 4.5-14, the first sentence of the second paragraph under the discussion of C. Solar Energy Center has been revised to reduce the number of CUPs to 16 to reflect withdrawal of CUP 13-0047 from the Project.

"The proposed Project includes the construction, operation and decommissioning of up to ~~17~~ 16 individual CUPs developed with PV and/or CPV solar technology."

Page 4.5-14, the second sentence of the fourth paragraph under the discussion of C. Solar Energy Center has been revised to reduce the number of CUPs to 16 to reflect withdrawal of CUP 13-0047 from the Project.

"Alternatively, the Project may be built out under the Phased CUP Scenario which consists of constructing ~~17~~ 16 individual CUPs or multiple CUPs over a ten year period."

Page 4.5-21, the second sentence of the first paragraph under the discussion of "Construction, Operation and Decommissioning" has been revised to reduce the number of CUPs to 16 to reflect withdrawal of CUP 13-0047 from the Project.

"Therefore, development of each of the ~~17~~ 16 CUPs would support the State's goal to obtain 33 percent of all electricity from renewable sources and help to achieve 1990 statewide GHG emissions levels by 2020 (AECOM 2014d, p. 47)."

SECTION 4.6, GEOLOGY AND SOILS

Page 4.6-7, the description of CUP 13-0047 has been eliminated to reflect withdrawal of CUP 13-0047 from the Project.

"Landslides

According to the Preliminary Geotechnical and Geohazards Report (LandMark 2014a), no ancient landslides are shown on geologic maps of the region and no indications of landslides were observed during the site investigation. The solar field site parcels are relatively flat and level. However, the several solar field site parcels in the northeastern margin of the Project site (at proposed CUPs ~~13-0047~~, 13-0046 and 13-0045) are located adjacent to the incised New River channel. The bluffs range from 25 to 35 feet high and have potential for small to moderate-scale landslides (LandMark 2014a, p. 3)."

Page 4.6-20, the discussion under Impact 4.6.2 has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project.

"~~CUP 13-0047~~

Construction

According to the Preliminary Geotechnical and GeoHazards Report prepared for the proposed Project, liquefaction settlement and ground fissures are common occurrences in the bottom lands of the incised New River flood channel during strong seismic events (LandMark 2014a, p.4). ~~The eastern boundaries of CUP 13-0047 includes areas adjacent to and/or inclusive of portions of the New River flood channel and floodplain.~~ The Project proposes to install non-habitable solar facilities within these areas. Any improvements placed in the New River floodplain bottom are likely to be damaged by liquefaction settlement and ground fissures during a strong seismic event unless soils and foundations are properly engineered. Therefore, a **potentially significant** impact related to liquefaction settlement and ground fissures ~~at CUP 13-0047~~ would occur during the Project's construction phase.

Operation

~~As noted above, the Project proposes to install non-habitable solar facilities within the eastern boundary of CUP 13-0047 within portions of the New River flood channel and floodplain. These a~~Areas are vulnerable to liquefaction settlement and ground fissures during a strong seismic event. Any such facilities would likely be damaged during a strong seismic event without proper soil and foundation engineering. Potential issues related to liquefaction settlement and ground fissures would be addressed during Project design and construction, in compliance with the recommendations of the Final Geotechnical and GeoHazards Report. With proper engineering and construction, potential for impacts resulting from liquefaction settlement and ground fissures ~~at CUP 13-0047~~ would be reduced to **less than significant** levels during Project operation."

Page 4.6-23, the third paragraph has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project.

"However, as discussed above, liquefaction settlement and ground fissures are common occurrences in the bottom lands of the incised New River flood channel during strong seismic events. ~~CUP 13-0047 is subject to potential liquefaction settlement and ground fissures associated with the incised New River flood channel and floodplain as a result of the planned installation of non-habitable solar facilities within the channel.~~ Any solar facility improvements placed in the New River flood channel would be engineered in compliance with the recommendations of the Final Geotechnical and GeoHazards Report as reviewed and approved by the Imperial County Public Works Department prior to issuance of a building permit. ~~As CUP 13-0047 is part the Full Build-out Scenario, a~~ A **potentially significant** impact related to the presence of liquefiable soils would occur during the construction."

Page 4.6-23, the first paragraph under the heading "Operation" has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project.

"~~Operation~~

~~As noted above, the Project proposes to install non-habitable solar facilities within the eastern boundary of CUP 13-0047. This area includes portions of the New River flood channel and floodplain that are subject to liquefaction settlement and ground fissures during a strong seismic event. Without proper soil engineering and foundation design, any such facilities would likely be damaged during such an event. However, potential impacts related to liquefaction would be addressed during Project design and construction, in compliance with the recommendations of the Final Geotechnical and GeoHazards Report, as reviewed and approved~~

~~by the Imperial County Public Works Department prior to issuance of a building permit. With proper engineering, impacts associated with soil liquefaction and ground failure at CUP 13-0047 would be reduced to **less than significant**.~~"

Pages 4.6-23 and 4.6-24, mitigation measure MM 4.6.2a has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

"**Mitigation Measures**

MM 4.6.2a A Final Geotechnical and GeoHazards Report shall be prepared by a licensed professional engineer during the final design phase of the Project. The proposed solar field site parcels and Gen-Tie shall be designed in accordance with the Final Geotechnical and GeoHazards Report. The Report shall be submitted to, and reviewed and approved by, the Imperial County Department of Public Works prior to issuance of building permits. The Geotechnical and GeoHazards Report shall include, but not be limited to, an analysis and recommendations regarding site-specific design provisions for mitigating the following on-site conditions as identified in the Preliminary Geotechnical and GeoHazards Report (LandMark 2014a):

- Soil liquefaction (All solar field site parcels)
- ~~Liquefaction settlement and ground fissures along the New River (CUP 13-0047)~~
- Sheet flooding along All American Canal earthen embankments (CUPs 13-0050, 13-0051 and 13-0052)
- Landsliding along the New River (CUPs ~~13-0047;~~ 13-0046 and 13-0045)
- Expansive and corrosive soils (All solar field site parcels)

All measures and design specifications identified in the Final Geotechnical and GeoHazards Report shall be incorporated into and reflected on the Project design and building plans."

Page 4.6-24, Significance After Mitigation has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

"**Significance After Mitigation**

Implementation of mitigation measure MM 4.6.2a or MM 4.6.2b would reduce exposure of Project structures to potential damage caused by soil liquefaction, ground failure, or ground fissures. Mitigation measure MM 4.6.2a would reduce impacts through proper engineering while MM 4.6.2b would preclude habitable structures from being exposed to damage from liquefaction settlement and ground fissures during a strong seismic event. Thus, impacts associated with liquefaction and ground failure would be reduced to less than significant levels with implementation of mitigation measures MM 4.6.2a and MM 4.6.2b. ~~However, any solar facilities within the eastern boundary of CUP 13-0047 that are within the incised New River flood channel and floodplain may be subject to minor damage due to liquefaction settlement and ground fissures during a strong seismic event. Thus, impacts associated with soil liquefaction and ground failure on the solar field site parcel CUP 13-0047 would be **less than significant** after mitigation.~~"

Page 4.6-26, Impact 4.6.4 has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

"**Landslides**

Impact 4.6.4 Throughout the majority of the solar field site parcels, landslides are unlikely to occur due to the relatively planar topography. However, CUPs 13-0045~~,~~ and 13-0046 ~~and 13-0047~~ include areas located adjacent to the incised New River channel where bluffs range from 25 to 35 feet high. Therefore, a **potentially significant impact** associated with landslides could occur at CUPs 13-0045, 13-0046 and 13-0047.

CUPs 13-0045~~,~~ and 13-0046~~, and 13-0047~~

Construction

According to the Preliminary Geotechnical and GeoHazards Report prepared for the proposed Project, the hazard of landsliding is unlikely due to the relatively planar topography of the area. However, the eastern boundaries of three CUPs 13-0045~~,~~ and 13-0046 ~~and 13-0047~~ include areas located adjacent to the incised New River channel. The bluffs along the river channel range from 25 to 35 feet high and have potential for small to moderate-scale landslides (LandMark 2014a, p. 3). Therefore, a **potentially significant** impact related to landslides at CUPs 13-0045~~,~~ and 13-0046 ~~and 13-0047~~ could occur during Project construction."

Page 4.6-26, the discussion of Operation and Decommissioning have been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

"Operation

Potential issues related to landslides would be addressed during Project design and construction in compliance with the requirements of the 2013 CBC (MM 4.6.1) and recommendations of the Final Geotechnical and GeoHazards Report (MM 4.6.2a). Therefore, a **less than significant** impact related to potential for landslides at CUPs 13-0045~~,~~ and 13-0046 ~~and 13-0047~~ would occur during Project operations.

Decommissioning

Decommissioning would result in the dismantling and removal of all infrastructure constructed as part of the Solar Energy Center. No structures would remain to be potentially disturbed by landslides. Thus, following decommissioning, **no impacts** resulting from landslides would occur at CUPs 13-0045~~,~~ and 13-0046 ~~and 13-0047~~."

Pages 4.6-26 and 4.6-27, the discussion of the Full Build-Out Scenario and Mitigation Measure MM 4.6.4 have been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

"FULL BUILD-OUT SCENARIO

Construction, Operation and Decommissioning

With the exceptions of CUPs 13-0045~~,~~ and 13-0046 ~~and 13-0047~~", no other solar field site parcels or any portion of the Gen-Tie alignment was identified as having potential for landslides by the Preliminary Geotechnical and GeoHazards Report (LandMark 2014a, p. 4). Therefore, no additional impact with regard to potential for landslides would occur in association with the Full Build-out Scenario. However, because CUPs 13-0045~~,~~ and 13-0046 ~~and 13-0047~~are part of the

Full Build-out Scenario, a **potentially significant** impact would occur with regard to landslides during Project construction.

Mitigation Measure

MM 4.6.4 The proposed Project shall be designed in accordance with the engineering and design standards contained in the 2013 CBC, the Seismic Regulations, Special Publication 117A, the Landslide Guidelines and the County of Imperial building requirements. Prior to approval of final building plans, a registered civil engineer or certified engineering geologist, having at least five years of experience in the field of seismic hazard evaluation and mitigation, shall prepare a Final Geotechnical and GeoHazards Report containing site-specific evaluations of the landsliding hazards along the New River (CUPs 13-0045~~,~~ and 13-0046 ~~and 13-0047~~) and identify appropriate Project design measures pursuant to the established and proven methodologies set forth in the 2013 CBC, Special Publication 117A and the Landslide Guidelines and otherwise in compliance with the requirements of Special Publication 117A. All recommended Project design measures as set forth in the Final Geotechnical and GeoHazards Report shall be incorporated into and reflected on the final design and building plans. The Final Geotechnical and GeoHazards Report and project plans shall be submitted for review and approval by the Imperial County Department of Planning and Development Services prior to approval of the final building plans."

Page 4.6-27, the discussion of the Full Build-Out Scenario and mitigation measure MM 4.6.4 have been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

"**Significance After Mitigation**

Implementation of mitigation measure MM 4.6.4 would avoid substantial risk to life or property resulting from landslides through adherence to the appropriate codes and standards of care, as set forth in the 2013 CBC, Seismic Regulations, Special Publication 117A and Landslide Guidelines. Thus, potential landslide damage to Project structures developed within CUPs 13-0045~~,~~ and 13-0046 ~~and 13-0047~~ can be mitigated to a **less than significant** level."

Page 4.6-37, the text has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

"*Liquefaction/Ground Failure*

~~As discussed above, CUP 13-0047 is located in an area potentially subject to liquefaction and ground failure.~~ Mitigation measure MM 4.6.2a, which requires that all CUPs be designed in accordance with a Final Geologic and GeoHazards Report, would be implemented prior to and during the construction phase of the proposed Project. As such liquefaction impacts would be reduced to less than significant levels during the Project operations as a result of soil and foundation engineering. ~~Alternatively, MM 4.6.2b would avoid development of solar facilities within CUP 13-0047 thereby eliminating any potential for damage as a result of liquefaction and/or ground failure.~~ Geology and soils impacts are primarily considered potentially significant short-term, site-specific impacts under CEQA which are addressed on a project-by-project basis through engineering or avoidance. As such, operation-phase liquefaction and ground failure related impacts are not expected to combine with similar impacts of proposed, approved and reasonably foreseeable projects identified in Table 3.0-1 in Chapter 3.0, Introduction to the Environmental Analysis and Assumptions Used. Therefore, the proposed Project would have a

less than cumulatively considerable contribution to exposure to liquefiable soils and result in a **less than cumulatively considerable impact**.

Landslides

As discussed above, CUPs 13-0045~~,~~ and 13-0046 ~~and 13-0047~~ are located in areas adjacent to the incised New River channel that are susceptible to landslide. Mitigation Measure MM 4.6.4, which requires the Project be designed in accordance with the 2013 CBC, the Seismic Regulations, Special Publication 117A, the Landslide Guidelines and the County of Imperial building code, would be implemented during the construction phase of the Project, and ensures that anticipated landslide impacts will be less than significant during the during the construction phase of the proposed Project. Landslide impacts are anticipated to be less than significant during the operation-phase of the Project and geology and soils impacts are primarily considered potentially significant short-term, site-specific impacts under CEQA. As such, operation-phase landslide related impacts are not expected to combine with similar impacts of approved, proposed, and reasonably foreseeable projects identified in Table 3.0-1 in Chapter 3.0, Introduction to the Environmental Analysis and Assumptions Used. Therefore, the proposed Project would have a less than cumulatively considerable contribution to exposure to liquefiable soils and landslides and result in a **less than cumulatively considerable impact**."

SECTION 4.7, CULTURAL RESOURCES

Page 4.7-1, the second sentence of the third paragraph has been revised to reduce the number parcels to 29 and the number of CUPs to 16 to reflect withdrawal of CUP 13-0047 from the Project.

"The Cultural Resource Survey Area as defined by these technical studies includes the Full Build-out Scenario (~~32~~ 29 parcels/all ~~17~~ 16 CUPs), plus a one-mile radius around the perimeter of the "solar field site parcels."

Page 4.7-8, the text has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

~~"CUP 13-0047~~

~~No resources were discovered on CUP 13-0047.~~"

Page 4.7-12, the text has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

~~"CUP 13-0047~~

~~No archaeological resources were discovered on CUP 13-0047. Therefore, **no impact** would occur with regard to unevaluated archaeological sites in association with construction of CUP 13-0047."~~

Pages 4.7-16 and 4.7-17, the text of MM 4.7.2 of the Draft EIR has been modified at the request of the Applicant to provide for a Native American monitor when needed:

"FULL BUILD-OUT SCENARIO/PHASED CUP SCENARIO

MM 4.7.2 Per CEQA Guidelines Section 15126.4(b)(3)(A), preservation in place is the preferred method of mitigating impacts to archaeological sites. To the extent feasible, any discovered archaeological resources shall be preserved in place. However, if preservation in place is not feasible, each CUP owner shall retain a Registered Professional Archaeologist (RPA). Due to the extensive disturbance by farming in the agricultural fields and the limited depth of disturbance for the

proposed Project, archaeological monitoring is not required on the agricultural fields outside the three recorded historic period sites. Archeological monitoring shall be required during construction within 10 feet of the three recorded historic period sites. However, in the unlikely event that potential subsurface resources are discovered by construction workers, the RPA shall be called to the site to investigate and monitor subsurface excavations within 100 feet of the potential resource. Monitoring activities shall be supervised by an RPA, who shall have the authority to determine the duration, intensity and inspection timing (from full-time to as-needed). The RPA may also recommend a Native American monitor (following the Guidelines for Monitors/Consultants of Native American Cultural, Religious, and Burial Sites established by the Native American Heritage Commission [NAHC]) to attend such investigations and monitoring efforts. The RPA shall be empowered to temporarily halt or divert construction operations within a reasonable distance from a find or resource exposure in order to determine if significant cultural resources are present, and if such resource would be adversely affected by continuing construction operations. The RPA shall immediately notify the Imperial County Planning and Development Services Department of such decisions.

Work shall not continue at the discovery site until the RPA, in coordination with the Native American monitor and the Imperial County Planning and Development Services Department, conducts sufficient research and data collection to make a determination that the resource is either 1) not cultural in origin; or 2) not potentially significant or eligible for listing on the NRHP or CRHR. If a potentially-eligible resource is encountered, then the ~~archaeologist~~, the RPA, Native American monitor, ~~lead agency~~ the County, and ~~Project proponent~~ each CUP owner

shall arrange for either 1) total avoidance of the resource, if possible; or 2) test excavations to evaluate eligibility for the CRHR and, if eligible, data recovery as mitigation. The data recovery plan shall identify methods for recovering the scientifically consequential information from and about the historical resource, and recordation/deposition of data/materials with the local California Historical Resources Information Center (CHRIS). Any recovered artifacts would be curated with a local museum. This will enable the collection of information that may be important to the prehistory or history of the local area, California, or the nation."

Page 4.7-18, the text of mitigation measure MM 4.7.3 of the Draft EIR has been slightly revised as follows:

"**MM 4.7.3** In the event that evidence of human remains is discovered, construction activities within 200 feet of the discovery shall be halted or diverted and the Imperial County Coroner shall be notified (Section 7050.5 of the Health and Safety Code). If the Coroner determines that the remains are of a deceased Native American, the Coroner ~~shall~~ will notify the Native American Heritage Commission (NAHC) which shall in turn notify the ~~designate a~~ Most Likely Descendant (MLD) for the ~~discovery~~ deceased Native American (Section 5097.98 of the Public Resources Code). Upon notification by the NAHC, ~~T~~the designated MLD ~~shall have~~ then has 48 hours from the time access to the ~~solar field site~~

~~parcels~~ property is granted to make recommendations concerning treatment of the remains and associated grave goods (AB 2641). If the CUP owner ~~landowner~~ does not agree with the recommendations of the MLD, the NAHC can mediate (Section 5097.94 of the Public Resources Code). If no agreement is reached, the ~~landowner shall~~ CUP owner must inter ~~rebury~~ the remains with appropriate dignity where they will not be further disturbed (Section 5097.98 of the Public Resources Code). With regards to the new burial site, in order to protect it, the ~~landowner shall~~ CUP owner must either record the site with the NAHC or the appropriate California Historic~~al~~ Resources Information System Center; record an open space or conservation zoning designation or easement; or record a document with the county in which the property is located (AB 2641). If the remains are not Native American, then the coroner shall follow all applicable laws for removal and treatment of the remains."

SECTION 4.8, NOISE

No changes.

SECTION 4.9, AGRICULTURAL RESOURCES

Page 4.9-6, third sentence in the analysis of Objective 1.1 has been revised to reduce the number of CUPs to 16 to reflect withdrawal of CUP 13-0047 from the Project.

> "In complying with the zoning designations, the Applicant is seeking ~~17~~ 16 Conditional Use Permits (CUPs) for the Project."

Page 4.9-22, the discussion of Unique Farmland has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

> "*Unique Farmland*
>
> Unique farmland consists of lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated, but may Include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date (DOC 2010). The Full Build-out Scenario (refer to **Table 4.9-3**, below) and three CUPs (13-0045~~,~~ and 13-0046~~, and 13-0047~~ as identified in **Tables 4.9-13b thru 4.9-15b**) include areas designated as Unique Farmland (refer to **Table 4.9-3**, below)."

Page 4.9-23, the discussion of Existing Uses has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

> "The solar field site parcels consist of 2,793 acres of farmland that comprise the Full Build-out Scenario and all ~~17~~ 16 CUPs (13-0036 thru 13-0046 and 13-0048 thru 13-0052) proposed as part of the Phased CUP Scenario. The majority of these fields are currently in production."

Page 4.9-23, the discussion of Full Build-out Scenario has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

> **"Full Build-out Scenario**
>
> **Figure 4.9-1a** depicts the Important Farmlands Classifications on the Full Build-out Scenario. **Table 4.9-3** summarizes the important farmland acreage within the Full Build-out Scenario. As shown, the majority of the land within the Full Build-out Scenario is designated Farmland of Statewide Importance (~~2,188.7~~ 2,188.5 acres) and a large portion is designated as Prime

Farmland (~~394.8~~ 249.7 acres). The remainder of the Full Build-out Scenario is designated as either Unique Farmland (~~5.5~~ 2.2 acres) or Other Land (~~204.0~~ 119.7 acres).

TABLE 4.9-3
TOTAL IMPORTANT FARMLANDS – FULL BUILD-OUT SCENARIO

Agriculture Classification	Approximate Acreage on Project Site
Prime Farmland	~~394.8~~ 349.7
Farmland of Local Importance	0.0
Farmland of Statewide Importance	~~2,188.7~~ 2,188.5
Unique Farmland	~~5.5~~ 2.2
Subtotal Important Farmlands	~~2,589.0~~ 2,540.4
Other Land	~~204.0~~ 119.7
Total	**~~2,793.0~~ 2,660.1**

Source: AECOM 2014a."

Page 4.9-34, Table 4.9-15a and 4.9-15b have been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

"~~CUP 13-0047~~

~~The parcels on which CUP 13-0047 is proposed have historically been cultivated with various field crops. **Table 4.9-15a** summarizes the agricultural crop history for CUP 13-0047 for the period from 2008 to 2014.~~

~~TABLE 4.9-15A~~
~~AGRICULTURAL CROP HISTORY – CUP 13-0047~~

~~2008~~	~~2009~~	~~2010~~	~~2011~~	~~2012~~	~~2013~~	~~2014~~
~~Wheat~~	~~Wheat~~	~~N/A~~	~~Forage Hay, Wheat~~	~~Forage Hay~~	~~Forage Hay~~	~~N/A~~

~~Source: ICACO 2014.~~

~~**Figure 4.9-1b** depicts the Important Farmlands Classifications on CUP 13-0047. **Table 4.9-15b** summarizes the important farmland acreage within CUP 13-0047. As shown, the majority of the land within CUP 13-0047 is designated Other Land (84.3 acres). The remainder of CUP 13-0047 is designated as either Farmland of Statewide Importance (0.2 acres), Unique Farmland (2.3 acres) or Prime Farmland (45.1 acres).~~

~~TABLE 4.9-15B~~
~~IMPORTANT FARMLANDS ON CUP 13-0047~~

~~Agriculture Classification~~	~~Approximate Acreage on Project CUP~~
~~Prime Farmland~~	~~45.1~~
~~Farmland of Local Importance~~	~~0.0~~
~~Farmland of Statewide Importance~~	~~0.2~~
~~Unique Farmland~~	~~2.3~~
~~Subtotal Important Farmlands~~	~~47.6~~
~~Other Land~~	~~84.3~~
~~**Total**~~	~~**131.9**~~

~~Source: AECOM 2014a.~~"

Page 4.9-42, the discussion has been revised to reduce the number of CUPs to 16 to reflect the withdrawal of CUP 13-0047 from the Project:

> "Three CEQA significance criteria were originally scoped out as part of the Initial Study. However, Criterion "b" was subsequently determined to be relevant to the analysis based on the Project's request for ~~17~~ 16 CUPs, ~~17~~ 16 Variances and the presence of Williamson Act lands. This standard of significance is analyzed as Impact 4.9.2."

Page 4.9-43, the first sentence under the first paragraph in the discussion of "Construction and Operation" has been revised to reduce the number of CUPs to 16 to reflect the withdrawal of CUP 13-0047 from the Project:

> "Construction and operation of the proposed Full Build-out Scenario, and all ~~17~~ 16 CUPs, would result in the temporary direct conversion of approximately ~~2,793~~ 2,660 acres (~~394.8~~ 349.7 acres of Prime Farmland, ~~2,188~~ 2,187.8 acres of Farmland of Statewide Importance and ~~5.5~~ 3.2 acres of Unique Farmland and ~~204~~ 119.7 acres of Other land) (**Table 4.9-3**) of agricultural land currently in crop production to a non-agricultural use."

Page 4.9-46, the discussion has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

> **"~~CUP 13-0047~~**
>
> ~~CUP 13-0047 consists of three parcels totaling 131.89 acres. Approximately 47.6 acres of land within CUP 13-0045 is designated as Important Farmland. Of this total, approximately 45.1 acres of land is designated as Prime Farmland, 0.2 acres of land is designated as Farmland of Statewide Importance, and 2.3 acres of land is designated as Unique Farmland. Based on the LESA model for the Full Build-out Scenario (**Table 4.9-24**), CUP 13-0047 is also considered to have a **potentially significant impact** with regard to conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance (refer to **Table 4.9-15b** above for the acreage of each Important Farmland).~~"

Page 4.9-52, Impact 4.9.2 has been revised to reflect the reduction in the number of CUPs to 16 and eliminate references to CUP 13-0047 and V13-0012 to reflect withdrawal of CUP 13-0047 from the Project:

> **"Conflict with Zoning and Existing Williamson Act Contract**
>
> **Impact 4.9.2** The proposed Project is an allowed use within the existing A-2, A-2-R and A-3 zoning designations with approval of the ~~17~~ 16 Conditional Use Permits (CUPs) submitted to the County. The Project also requires approval of ~~17~~ 16 Variance applications associated with each parcel to allow Gen-Tie structures to exceed the 120-foot height limitation within these zones. In addition, one solar field site parcel is encumbered with a Williamson Act Contract. The Applicant has filed a petition for the cancellation of the Williamson Act Contract with the County. With approval of the of the ~~17~~ 16 CUPs (13-0036 thru 13-0046 and 13-0048 thru 13-0052), ~~17~~ 16 Variances (V13-0002 thru V13-0011 and V13-0013 thru V13-0018), and cancellation of Williamson Act Contract, the proposed Project would result in a **less than significant impact** with regard to conflicting with zoning and the existing Williamson Act Contract (Penberth 2013)."

Pages 4.9-52 and 4.9-53, the paragraph under Zoning/CUPs/Temporary Use has been revised to reflect the reduction in the number of CUPs to 16 and eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

> "**Zoning.** The private lands on which each of the ~~17~~ 16 CUPs (13-0036 thru 13-0046 and 13-0048 thru 13-0052) are proposed are zoned A-2 - General Agriculture, A-2-R - General Agriculture, Rural Zone, and A-3 - Heavy Agriculture. Per Title 9, Division 5: Zoning Areas Established, Chapter 8, Sections 90508.02 and 90509.02, "solar energy electrical generators, electrical power generating plants, substations, and facilities for the transmission of electrical energy" are allowed as conditional uses in agricultural zones. In keeping with the provisions of the zoning designations, the Applicant is seeking ~~17~~ 16 CUPs. By its nature, a CUP has a limited, defined timeframe."

Page 4.9-54, the last sentence of the paragraph under the heading "Variances" has been revised to reflect the reduction in the number of CUPs to 16 and eliminate reference to Variance V13-0012 to reflect withdrawal of CUP 13-0047 from the Project:

> "The proposed Project includes Gen-Tie line structures that could be as tall as 140. To address this height exceedance, the Applicant filed ~~17~~ 16 Variance requests (V 13-0002 thru V13-0011 and V13-0013 V-13-0018) to allow Gen-Tie structures to be up to 140 feet in height."

Pages 4.9-57 thru 4.9-59, the text and Table 4.9-25 under the heading "Cumulative Setting" has been revised to reflect the reduction in the number of CUPs to 16 and to reflect withdrawal of CUP 13-0047 from the Project:

> "The geographic scope for cumulative impacts to agricultural resources is the Imperial Valley located in Imperial County. The Imperial Valley consists of approximately 500,000 acres of more-or-less contiguous farm fields located in the Imperial Valley and surrounded by desert and mountain habitat. The Imperial Valley comprises approximately 17 percent of the ~~c~~County's 2,942,080 acres (Imperial County 1996b, p. 5). Based on the most current available information from the Department of Conservation, approximately 539,273 acres of the County are designated as farmland under the FMMP (DOC 2012b). County-wide approximately ~~24,244~~ 24,112 acres of projects are currently proposed, under construction, or have been completed. **Table 4.9-25** summarizes these projects and the acreage of agricultural land that would temporarily or permanently convert agricultural land associated with each project. Many of these are solar energy generation facilities.

TABLE 4.9-25
SUMMARY OF AGRICULTURAL ACREAGE TEMPORARILY OR PERMANENTLY CONVERTED

Project Name	Acres
Mosiac	201
Hallwood/Calexico Place 111 & Casino	61
Calexico Mega Park	146
Commons	18
County Center Expansion II	80
Rancho Los Logos	1,076
McCabe Ranch II	457
McCabe Ranch	80

TABLE 4.9-25
SUMMARY OF AGRICULTURAL ACREAGE TEMPORARILY OR PERMANENTLY CONVERTED

Project Name	Acres
Imperial Center	78
101 Ranch	1,897
Canergy	83
Chocolate Mountain	320
Imperial Valley Solar II	150
IV Solar Company	123
Energy Source Solar 1	960
Midway Solar Farm I	319
Midway Solar Farm II	803
Lindsey Solar Farm	148
Wilkinson Solar Farm	302
Calipat Solar Farm I	159
Alhambra Solar/Solar Gen 2	482
Arkansas Solar/Solar Gen 2	481
Sonora Solar/Solar Gen 2	488
Imperial Solar West (Westside Main)	1,130
Campo Verde	1,443
Imperial Solar South	947
Calexico I-A	720
Calexico I-B	610
Calexico II-A	940
Calexico II-B	732
Mount Signal Solar	1,431
Centinela Solar	2,067
Lyons Solar	138
Rockwood Solar	396
Ferrell Solar	367
Iris Solar Farm	520
Imperial Solar 1 (Heber)	80
Seville Solar (Allegretti)	1,222
Total Acres Without Proposed Project	**21,655**
Wistaria Ranch Solar	~~2,589~~ 2,457
Total Acres* With Proposed Project	**~~24,244~~ 24,112**

Source: ICPDSD 2014a. The total acres of conversion is less because not all the acres within these projects are agricultural lands."

Page 4.9-59, the acreages have been revised to reflect the reduction in the number of CUPs to 16 and to reflect withdrawal of CUP 13-0047 from the Project:

"Of the ~~2,793~~ 2,660 acres that comprise the solar field site parcels, approximately ~~2,589~~ 2,457 acres of agricultural land would be temporarily converted (i.e. agricultural fields within the Solar Energy Center site minus the acreage of roads and ditches currently on each parcel). Thus, the proposed Full Build-out Scenario and all CUPs (13-0036 thru 13-0046 and 13-0048 thru 13-0052) would incrementally add to the temporary conversion of agricultural land in Imperial County."

Page 4.9-60, the acreages in Table 4.9-26 paragraph beneath the table have been revised to reflect the reduction in the number of acres of farmland associated with withdrawal of CUP 13-0047 from the Project:

TABLE 4.9-26
PERCENTAGE CONVERSION OF FARMLAND BY THE PROPOSED PROJECT

Agriculture Classification	(A) Total Acreage in Imperial County	(B) Approximate Acreage Converted on Solar Field Site Parcels	(B÷A x 100) Project Percent of County Acreages
Prime Farmland	196,137	~~394.8~~ 349.7	~~0.20~~ 0.18
Farmland of Local Importance	35,774	0.0	0.00
Farmland of Statewide Importance	307,221	~~2,188.7~~ 2,187.8	0.71
Unique Farmland	2,141	~~5.5~~ 3.2	~~0.25~~ 0.15
Total	539,273	~~2,589~~ 2,540.7	~~0.48~~ 0.47

Source: Source: DOC 2012b, EGI 2014.

As shown in **Table 4.9-26**, the Important Farmland (Prime Farmland, Farmland of Local Importance, Farmland of Statewide Importance and Unique Farmland) within the solar farm complex site comprises approximately ~~0.48~~ 0.47 percent (~~2,589~~ 2,540.7 acres ÷ 539,273 acres x 100) of the total Important Farmland in the County. Thus, the proposed Project would temporarily convert a very small fraction of the total Important Farmlands in the County and have a minimal effect on agricultural land on a cumulative scale. Furthermore, the conversion would be temporary and last for the duration the Project's operational life stated in the CUP (i.e., 30 years)."

Pages 4.9-60 and 4.9-61, the acreages in the text in the fourth and fifth paragraphs beneath Table 4.9-26 have been revised to reflect the reduction in the number of acres of farmland associated with withdrawal of CUP 13-0047 from the Project:

"As illustrated in **Table 4.9-26** and discussed in Impact 4.9.1, above, construction of the proposed Project would temporarily convert ~~394.8~~ 349.7acres of Prime Farmland, ~~2,188.7~~ 2,187.8acres of Farmland of Statewide Importance, and ~~5.5~~ 3.2 acres of Unique Farmland to a non-agricultural use over the operational life of the Project. Mitigation measures are identified to minimize the Project's contribution to the cumulative impact to the temporary conversion of agricultural land. As discussed above, mitigation measure MM 4.9.1a provides for the Permittee and the County to enter into a binding Development Agreement which provides for certain mitigation fees and confirms the use of such fees to mitigate possible or perceived impacts. The proposed Project already reflects the Applicants changes to the initial site plan to avoid development on several parcels containing important farmland (Option 4). Mitigation measure MM 4.9.1b requires the Applicant to submit to Imperial County a Reclamation Plan with a financial security mechanism to return the solar farm complex site to its current agricultural condition/LESA Score at the end of the operational life of the Project. The implementation of the

Reclamation Plan would eventually return the solar field site parcels to farmland. Therefore, the incremental impact of the temporary conversion of ~~2,589~~ 2,540.7 acres of farmland during construction and operation of the Full Build-out Scenario and all CUPs (13-0036 thru 13-0052) would be mitigated to **less than cumulatively considerable** through implementation of mitigation measures MM 4.9.1a and MM 4.9.1b.

When the proposed Project is combined with the cumulative projects (identified in Table 3.0-1 and noted as part of the County-wide solar projects listed in **Table 4.9-25)**, the total agricultural land conversion is estimated to be ~~24,244~~ 24,112 acres (inclusive of all Important Farmland acreage) out of a total of 539,273 acres of farmland within the County (DOC 2012b, p. 79). During construction and operation, the Full Build-out Scenario and all CUPs (13-0036 thru 13-0046 and 13-0048 thru 13-0052) would contribute approximately ~~10.7~~ 10.5 percent (~~2,589~~ 2,540.7 acres ÷ ~~24,244~~ 24,112 acres x 100) of the total temporary agricultural land conversion associated with cumulative solar projects on a County-wide basis. The cumulative projects combined would contribute to the mostly temporary conversion of approximately ~~4.5~~ 4.47 percent (~~24,244~~ 24,112 acres ÷ 539,273 acres x 100) of the farmland in Imperial County. With the implementation of mitigation measure MM 4.9.1a Option 3 for Prime Farmland and Non-Prime Farmland and partial implementation of Option 4 for Prime Farmland, and mitigation measure MM 4.9.1b, which requires a reclamation plan, the Full Build-out Scenario and all CUP's (13-0036 thru 13-0046 and 13-0048 thru 13-0052) contribution to temporary conversion of agricultural land impacts would be **less than cumulatively considerable**. Likewise, each individual cumulative project would be required to provide mitigation for any impacts to agricultural resources."

SECTION 4.10, HAZARDS AND HAZARDOUS MATERIALS

Page 4.10-14, the second full paragraph has been revised to reduce the number of Variances to reflect the withdrawal of CUP 13-0047 from the Project:

"The Applicant submitted 17 Variance Applications to the ICPDSD. The Variance Applications were submitted to address Gen-Tie structures that may exceed the A-2, A-2-R, and A-3 zoning height limitation of 120 feet. The maximum height of the Gen-Tie line structures could be up to 140 feet. As such, the project was subject to review by the ALUC. Following the close of the public review period for the Draft EIR, the Applicant submitted a letter dated November 19, 2014 to the County of Imperial Planning and Development Services Department Director, Mr. Jim Minnick and the Project Planner, Mr. David Black withdrawing CUP 13-0047 and Variance 13-0012. This request resulted in a reduction in the number of CUPs to 16 (CUPs 13-0036 thru 13-0046 and 13-0048 thru 13-0052). Likewise, the number of Variances also was reduced to 16 (V13-0002 thru 13-0011 and V13-0013 thru V13-0018)."

SECTION 4.11, HYDROLOGY AND WATER QUALITY

Page 4.11-6, Table 4.11-1, the consistency analysis discussion regarding the Program for Objective 8.5 has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

"The majority of the proposed solar field site parcels are located in Flood Zone "X" (Refer to **Figures 4.11-2a thru 4.11-2d**). Zone "X" is defined by the FEMA as areas determined to be outside of the 0.2 percent annual chance floodplain. However, a portion of the solar field site parcels (CUP 13-0042 [APN052-170-014]; CUP 13-0045 [APN 052-350-020]; and CUP 13-0046 [052-350-001, -003, and -004])~~; and CUP 13-0047 [052-360-008, -009, and 052-410-006])~~ are

located in Flood zone "A," defined by FEMA as areas subject to inundation by the one percent annual chance flood event (Fuscoe 2014, p. 2). The Project would avoid placement of structures within Flood Zone "A." However, should the placement of structures within Flood Zone "A" be required, compliance with mitigation measure MM 4.11.1 would ensure the structures are located above 100-year flood levels. Therefore, the proposed Project would be consistent with this Program."

Page 4.11-10, Table 4.11-2, the text regarding the Program for Objective 8.5 has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

TABLE 4.11-2
IID FACILITIES OR NEW RIVER RECEIVING FLOW FROM PROPOSED CUPS

IID Facility Receiving Flow	CUP(s)	APN	Area (in acres)	County Storage (in AF)	100-Year Runoff (in AF)
New River	13-0044	052-440-006	409.9	102.5	38.6
	13-0045	052-350-020			
	13-0046	052-350-003 052-350-004			
	~~13-0047~~	~~052-360-008~~ ~~052-360-009~~ ~~052-410-006~~			

Page 4.11-13, Table 4.11-3, the text has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

TABLE 4.11-3
PROPOSED CUPS DRAINING TO THE NEW RIVER AND GREESON DRAIN

IID Facility Receiving Flow	CUP(s)	APN
New River[1]	13-0044	052-440-006
	13-0045	052-350-020
	13-0046	052-350-003 052-350-004
	~~13-0047~~	~~052-360-008~~ ~~052-360-009~~ ~~052-410-006~~

Page 4.11-14, the text has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

"Existing Flooding

The solar field site parcels are located on Flood Insurance Rate Map (FIRM) community-panel number 06025C2050C and 06025C2075C, dated effective September 26, 2008. The majority of the solar field site parcels are located within FEMA flood hazard Zone "X." However, portions of the solar field site parcels (CUP 13-0042 [APN 052-170-014]; CUP 13-0045 [APN 052-350-020];

and CUP 13-0046 [APNs 052-350-001, -003, and -004]~~; and CUP 13-0047 [APNs 052-360-008, 009, and 052-410-006]~~ bounded by the New River and Greeson Drain are within Zone "A" (see **Figures 4.11-2a thru 4.11-2d**). Flood Zone "X" is defined by FEMA as areas determined to be outside of the 0.2 percent annual chance of flooding. Zone "A" corresponds to areas subject to inundation by the one percent annual chance of flooding (Fuscoe 2014, p. 2)."

Page 4.11-19, the text has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

"*Salton Sea*

The Salton Sea is the major surface water feature in the Project vicinity, located approximately 25 miles northwest of the northernmost solar field site parcels boundary ~~(APNs 052-360-008, 052-360-009, 052-410-006; CUP 13-0047)~~, and excess surface water flows in the Project vicinity drain to the Salton Sea."

Page 4.11-35, the text in Impact 4.11.4 has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the Project:

"**Result in Substantial Flooding On- or Off-Site/Create or Contribute Runoff Exceeding Capacity**

Impact 4.11.4 Implementation of the proposed Project would generate on-site runoff throughout all ~~17~~ 16 CUP areas constructed as part of the Phased CUP Scenario. Alteration of the existing drainage pattern would not alter the course of a steam or river nor would the Project create additional sources of polluted runoff. Existing drainage patterns would be maintained and the surface of each CUP would remain pervious. Sufficient capacity to collect on-site runoff is available in receiving IID drains. However, potential flooding could occur at CUPs 13-0038, 13-0039, and 13-0049 Therefore, impacts associated with flooding or exceedance of existing drainage capacity are considered **potentially significant** for both the Full Build-out Scenario and the Phased CUP Scenario at CUPs 13-0038, 13-0039, and 13-0049."

Page 4.11-36, the text and Table 4.11-6 have been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

"*Potential for Infiltration of Runoff*

A full range of hydrologic soil groups is present on the solar field site parcels. In areas where the dominate soils belong to groups A or B (i.e., soils that have moderate to high percolation rates (0.15 inches/hour and above) and are therefore suitable for infiltration, infiltration of storm water runoff may be feasible. While infiltration testing has not been done on the solar field site parcels at this time, soil groups A and B are generally present mostly in the northern portion of the solar field site parcels (CUPS 13-0036, 13-0037, 13-0045, 13-0046, ~~13-0047,~~ 13-0050) (Fuscoe 2014, p. 13). **Table 4.11-6** identifies the location of the various soil groups by CUP.

TABLE 4.11-6
HYDROLOGIC SOIL GROUPS BY CUP

CUP#	Soil Group(s) Present	CUP#	Soil Group(s) Present
13-0036	B, C	13-0043	C
13-0037	B, C	13-0044	C
13-0038	C	13-0045	A, C, D

TABLE 4.11-6
HYDROLOGIC SOIL GROUPS BY CUP

CUP#	Soil Group(s) Present	CUP#	Soil Group(s) Present
13-0039	C	13-0046	B, C, D
13-0040	C	13-0047	A, B, C, D
13-0041	C	13-0048	C
13-0042	C, D	13-0049	C
		13-0050	B, C

Source: Fuscoe 2014, Haaland 2014a.
Soil Group A = 119, Indio Vint Complex
Soil Group B = 106, Glenbar Clay Loam; 117 Indio Loam; 118 Indio Loam, wet; 142, Vint very fine sand, wet; and 144, Vint and Indio, very fine sandy loams, wet
Soil Group C = 109, Holtville Silty Clay; 110, Holtville Silty clay; 112, Imperial Silty clay; 114, Imperial Silty clay, wet; 115, Imperial Silty clay loams, wet; 122 Meloland Loamy very fine sandy loam, wet; and 123 Meloland and Holtville Loams, wet
Soil Group D = 102, Badland; 104, Fluvaquents

At the time of final engineering, a Final Hydrology Study would be prepared and submitted to the Imperial County Department of Public Works. Infiltration tests would be required to confirm infiltration feasibility and calculate drawdown times at the proposed detention/ponding locations. At this preliminary stage, detention basins/ponding areas which are underlain by group A or B soils (CUPs 13-0036, 13-0037, 13-0045, 13-0046~~, 13-0047,~~ and 13-0050) are proposed to drain primarily through infiltration into the ground, although storm drain connection to the receiving IID Drain or New River may be necessary. A maximum drawdown time of 72 hours would be considered during final design in order to prevent the creation of vector control issues. Detention basins/ponding areas which are underlain by group C or D soils (all CUPs [13-0036 thru 13-0052]) would be provided with a storm drain connection to the IID drain system or the New River. These storm drain connections would take the place of existing connections, would be located at or near existing connections, and would be constructed in accordance with current standards. The Project proposes to match or reduce the number of existing connections to the IID Drain system and/or New River (Fuscoe 2014, p. 13)."

Page 4.11-37, the first sentence of the paragraph under the heading "Phasing" has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the Project:

"The Project may be constructed as ~~17~~ 16 individual CUPs or as multiple CUPs (i.e. the Phased CUP Scenario) rather than the Full Build-out Scenario being constructed at one time. Whether constructed as the Full Build-out Scenario or the Phased CUP Scenario, no substantial change to existing drainage patterns would be required through the Full Build-out Scenario. However, during final design and construction, drainage considerations would be required at CUPs 13-0038, 13-0039, and 13-0049. (Fuscoe 2014, p. 14)."

Page 4.11-37, the text in the second paragraph under the Operation discussion has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

"As shown in the FEMA Maps (refer to **Figures 4.11-2a thru 4.11-2d**) a portion of the solar field site parcels (CUP 13-0042 [APN052-170-014]; CUP 13-0045 [APN 052-350-020]; CUP 13-0046 [052-350-001, -003, and -004])~~ and CUP 13-0047 [052-360-008, -009, and 052-410-006]~~) is located in Flood Zone A which indicates areas subject to inundation by the 100-year storm event."

Page 4.11-39, Table 4.11-7 has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

TABLE 4.11-7
CUP/BASIN REFERENCE TABLE

CUP#	Basin ID	Storage Required (AF)	
		County Storage	100-Year Runoff
13-0036	G2-2	18.6	7.0
	G2-3	16.7	6.3
	G2-4	15.6	5.9
13-0037	G-1	18.4	6.9
	G-2	20.0	7.5
	W-1	19.1	7.2
13-0038	SP-2	20.2	7.6
	SP-3	20.6	7.7
13-0039	SP-1	20.4	7.7
	W5-10	20.6	7.8
13-0040	W5-1	18.9	7.1
	W5-2	18.5	7.0
13-0041	W5-3	19.1	7.4
	W5-4	19.4	7.2
13-0042	W5-5	18.9	7.1
	G-3	9.4	3.5
	G-4	9.6	3.6
	G-5	9.2	3.5
	G-6	9.7	3.6
13-0043	W5-6	7.8	2.9
	W5-7	11.0	4.1
	W5-8	19.0	7.2
13-0044	W7-4	19.6	7.5
13-0045	NR-6	6.4	2.4
	NR-7	12.8	4.8
13-0046	NR-8	13.3	5.0
	NR-9	38.2	14.4
~~13-0047~~	~~NR-10~~	~~31.8~~	~~12.0~~
13-0048	W7-1	18.1	6.8
	W7-5	21.8	8.2
13-0049	W7-2	20.2	7.6
	W7-3	19.9	7.7
13-0050	G2-1	21.3	8.0
	AA13-1	10.6	4.0
13-0051	G-8	30	11.3
	G-9	27.3	10.3
13-0052	G-7	26.4	9.9
	AA11-1	22.7	8.6

Source: Fuscoe 2014. AF = acre feet"

Pages 4.11-44 and 4.11-45, the discussion under Impact 4.11.5 have been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

"CUPs 13-0045, 13-0046, ~~13-0047,~~ 13-0036, 13-0037, 13-0042 13-0051 and 13-0052

Construction

As discussed above, the majority of the solar field site parcels are located in FEMA Flood Zone "X," which corresponds to areas that are located above (outside of) the flood level, with a one percent chance of occurrence (the 100-year event). Solar field site parcels bounded by the New River and Greeson Drain are located within FEMA Flood Zone "A," which corresponds to areas within the 100-year event (Fuscoe 2014, p. 35). CUPs bounded by the New River include CUP 13-0045~~,~~ and CUP 13-0046 ~~and CUP 13-0047.~~ CUPs bounded by the Greeson Drain include CUP 13-0036, CUP 13-0037, CUP 13-0042, CUP 13-0051, and CUP 13-0052.

At this time, improvements associated with the Project (including arrays, substations, O&M facilities, Gen-Tie, access roads, etc.) are not anticipated to be constructed within areas mapped as Flood Zone "A". However, should Project improvements within Flood Zone "A" ultimately be determined necessary, consideration of the 100-year storm would be required with respect to the design and construction of all improvements during Final Project Design (Fuscoe 2014, p. 14). Therefore, a **potentially significant impact** related to placement of structures within the 100-year flood zone at CUPs 13-0045~~,~~ and 13-0046~~, 13-0047,~~ 13-0036, 13-0037, 13-0042 13-0051 and 13-0052 would occur during the Project construction.

Operation

As discussed above, potential for placement of structures within the 100-year flood zone would be addressed during Project design and construction. However, Project operations and maintenance activities may require the presence of workers and equipment within the 100-year flood zone. Should access within Flood Zone "A" mapped areas be necessary, review of rain forecasts and scheduling of activities in a manner that considers potential for flooding would be implemented (Fuscoe 2014, p. 15). A **potentially significant impact** related to presence of workers within the 100-year flood zone at CUPs 13-0045, 13-0046, ~~13-0047,~~ 13-0036, 13-0037, 13-0042 13-0051 and 13-0052 would occur during the Project operation and maintenance.

Decommissioning

Project decommissioning would entail removal of all Project components, and restoration of each parcel to agricultural uses. Therefore, upon decommissioning, no structures would be located in the 100-year floodplain. People may be temporarily present in the 100-year floodplain in order to achieve decommissioning activities. However, it is anticipated decommissioning activities would be scheduled to avoid the presence of workers in the 100-year flood zone during potential flooding events. Nonetheless, a **potentially significant** impact related to flood zones would occur during decommissioning activities throughout at CUPs 13-0045, 13-0046, ~~13-0047,~~ 13-0036, 13-0037, 13-0042 13-0051 and 13-0052.

FULL BUILD-OUT SCENARIO

Construction

No construction activities beyond those identified above for CUPs 13-0045, 13-0046, ~~13-0047,~~ 13-0036, 13-0037, 13-0042 13-0051 and 13-0052 would occur within the 100-year flood zone within the Full Build-out Scenario. However, these CUPs are part of the Full Build-out Scenario. Therefore, a **potentially significant** impact regarding the placement of structures within the 100-year flood zone would occur during construction of the Full Build-out Scenario.

Operation

During the Project operation, no structures or activities beyond those identified above for CUPs 13-0045, 13-0046, ~~13-0047,~~ 13-0036, 13-0037, 13-0042 13-0051 and 13-0052 would occur within the 100-year flood zone within the Full Build-out Scenario. Operational activities would result in fewer workers on-site than would be present during construction activities. However, CUPs 13-0045, 13-0046, ~~13-0047,~~ 13-0036, 13-0037, 13-0042 13-0051 and 13-0052 are part of the Full Build-out Scenario. Therefore, a **potentially significant impact** regarding the presence of people within the 100-year flood zone would occur during the operation and maintenance phase of the Full Build-out Scenario."

Pages 4.11-45 and 4.11-46, the Mitigation Measures have been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

"Mitigation Measures

CUPs 13-0045, 13-0046, ~~13-0047,~~ 13-0036, 13-0037, 13-0042 13-0051 and 13-0052

MM 4.11.5a During final design of CUPs 13-0045, 13-0046, 13-0047, 13-0036, ~~13-0037,~~ 13-0042 13-0051 and 13-0052, the limits of FEMA FIRM Zone "A" shall be considered and structures shall be located beyond the limits of Zone "A." If the Project requires placement of structures within Flood Zone "A," site-specific analysis shall be performed during final engineering design to determine the depth of flooding in a 100-year event. The analysis shall specify the grading and construction work necessary to ensure structures are above the 100-year flood elevation. The results of the site-specific analysis shall be submitted for review and approval by the Imperial County Planning and Development Services Department and the Public Works Department during Final Project Design. All measures and design specifications identified in the site-specific analysis shall be incorporated into and reflected on the Project design and building plans.

MM 4.11.5b Should construction, operation, or decommissioning activities require presence of people within Flood Zone "A" at CUPs 13-0045, 13-0046, ~~13-0047,~~ 13-0036, 13-0037, 13-0042 13-0051 and 13-0052, CUP owners and/or contractor representatives shall conduct a review of rain forecasts, and construction activities shall be scheduled in a manner that considers potential for flooding. Any non-stationary equipment and personnel located within Flood Zone "A" shall be relocated outside of the flood zone until such time as the threat of flooding has passed. Each CUP owner shall prepare a plan identifying actions to be taken to avoid placement of people and equipment within the Flood Zone "A" during construction, operation, and decommissioning of the Full Build-out Scenario and each CUP. The plan shall be submitted to the County of Imperial Planning and Development Services Department, and reflected in the Project's conditions of approval.

Significance After Mitigation

CUPs 13-0045, 13-0046, ~~13-0047,~~ 13-0036, 13-0037, 13-0042 13-0051 and 13-0052

Implementation of mitigation measure MM 4.11.5a would ensure that any development within Flood Zone "A" would occur above the 100-year flood elevation, and would reduce potential impacts related to the presence of structures within the flood zone to a level of **less than significant**.

Implementation of MM 4.11.5b would reduce potential impacts related to the presence of workers within the flood zone to a level of **less than significant** through monitoring the weather and scheduling on-site activities accordingly to avoid exposure to potential flooding on CUPs 13-0045, 13-0046, ~~13-0047,~~ 13-0036, 13-0037, 13-0042 13-0051 and 13-0052."

SECTION 4.12, BIOLOGICAL RESOURCES

Page 4.12-1, the introductory text has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

"The "Biological Study Area" (BSA) was initially created based on preliminary Project design. Subsequent to the completion of surveys in 2012, the Project footprint changed in size due to design modifications for several of the Project components and to avoid impacts to sensitive biological resources. Therefore, for the purposes of this section, the BSA is defined as approximately 3,678 acres (1,488 hectares) including the Solar Energy Center footprint (all ~~32~~ 29 parcels/all ~~17~~ 16 CUP areas) within which all components of the Project (e.g., solar field arrays, Gen-Tie facilities, transmission lines, O&M building, substation, switchyard, and access roads) would be located (refer to **Figure 4.12-1**, *Biological Study Area*). The BSA also includes additional areas surveyed during 2012 that are located outside of the Project footprint generally described as follows: along the New River east of CUPs 13-0045~~,~~ and 13-0046 ~~and 13-0047~~; east of CUPs 13-0039, 13-0040 and 13-0043; between CUPs 13-0037 and 13-0038; along the Greeson Drain southeast of CUP 13-0042 and bisecting CUP 13-0037; and areas adjacent to CUPs 13-0036, 13-0050, 13-0051 and 13-0052. Biological studies were not conducted within portions of the Project area located within the Mount Signal Solar Farm Project Gen-Tie line corridor because this was previously analyzed under CEQA for solar project transmission lines in the Mount Signal Solar Farm Project EIR (SCH #2011071066) (AECOM 2014e)."

Page 4.12-4, the text under the heading "California Fish and Game Code" of the Draft EIR has been revised as follows:

"California Fish and Game Code

California Native Sections 3511, 4700, 5050, and 5515 of California Fish and Game Code (CFGC) outline protection for "fully protected" (i.e. Fully Protected species refer to all vertebrate ~~and invertebrate~~ taxa of concern to the Natural Diversity Data Base regardless of legal or protection status species of mammals, birds, reptiles, amphibians, and fish. These species may not be taken or possessed without a permit from the Fish and Game Commission and/or CDFW. Species that are fully protected by these sections may not be taken or possessed at any time. CDFW cannot issue permits or licenses that authorize the "take" of any fully protected species, except under certain circumstances such as scientific research and live capture and relocation of such species pursuant to a permit for the protection of livestock. Furthermore, it is the responsibility of the CDFW to maintain viable populations of all native species. To that end, the CDFW has designated certain vertebrate species as Species of Special Concern because declining population levels, limited ranges, and/or continuing threats have made them vulnerable to extinction."

Page 4.12-5, the fourth and fifth sentences in the paragraph with the heading "Lake and Streambed Alteration Program" of the Draft EIR have been revised as to correct the timeline for the Lake and Streambed Alteration Program application:

"Prior to commencement of any activity that would substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank (which may include associated riparian

resources) of a river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, the ~~project proponent~~ CUP owner shall submit a complete Lake or Streambed Alteration Program notification package and fee to the CDFW. The Lake and Streambed Alteration Program is a California law that requires that any person, state, local government agency, or public utility notify the CDFW prior to beginning of the activities listed above. Once an application is received, the CDFW has 30 days to review and deem the application complete or incomplete. If the CDFW determines the activity may have a significant impact on the resources, the applicant will be provided with a draft agreement within 60 days after the notification is complete. The performance measures for the Program and any permit are contained in Cal. Fish & Game Code Section 1602 and administered by the CDFW. ~~CDFW has 30 days to review the proposed actions and propose measures to protect affected fish and wildlife resources~~. The final proposal that is mutually agreed upon by CDFW and the ~~project proponent~~ CUP owner becomes the Lake or Streambed Alteration Agreement (SAA). The conditions of agreement and a CWA Section 404 permit often overlap."

Page 4.12-6, the analysis of objective 2.1 in Table 4.12-1 has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

"The solar field site parcels associated with CUPs 13-0037, 13-0038, 13-0039, 13-0040, 13-0042, 13-0043, 13-0046, ~~13-0047,~~ and 13-0051 include Federal and State jurisdictional waters and wetland areas (wetland, non-wetland waters, CDFW jurisdictional riparian). The proposed Project would impact these features during construction and would mitigate impacts to jurisdictional areas through mitigation measure MM 4.12.2. Therefore, the proposed Project is consistent with this objective."

Page 4.12-8, the second sentence of the first paragraph under the heading "Solar Energy Center" has been revised to reflect the reduction in the number of parcels and CUPs associated with withdrawal of CUP 13-0047 from the Project:

"The BSA includes all ~~32~~ 29 parcels / all ~~17~~ 16 CUP areas within which all components of the Project (e.g., solar field arrays, Gen-Tie facilities, O&M building, substation, switchyard, and access roads) would be located, plus additional areas outside of the Project footprint (see **Figure 4.12-1**) surveyed during 2012."

Page 4.12-12, the text under CUP 13-0046 has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

"CUP 13-0046

CUP 13-0046 is bounded by the New River on the north; the Wistaria Canal and Lyons Road on the south; an unnamed dirt farm road on the east and the New River to the northeast; and the Wistaria Canal and Rockwood Road on the west. Agricultural land borders most of the north and east and all of the west and south sides of the CUP area. ~~Four~~ Three CUPs are proposed adjacent to CUP 13-0046: ~~CUP 13-0047 is proposed to the north;~~ CUP 13-0048 is proposed to the west; and, CUPs 13-0043 and 13-0045 are proposed to the south. The Electric Collector Line Corridor is proposed to extend north-south along the western boundary of the CUP area as well as east-west along the southern boundary."

Page 4.12-13, the text has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

~~"**CUP 13-0047**~~

~~CUP 13-0047 is bounded by the New River on the north; Wahl Road on the south; New River on the east; and the Wistaria Canal on the west. Rockwood Road terminates at the southern border of the CUP. Agricultural land surrounds the CUP area on all sides. CUP 13-0046 is proposed to the south of CUP 13-0047. The Electric Collector Line Corridor is proposed to extend north-south from the southern portion of the CUP 13-0047 along Rockwood Road.~~

~~One primary and one secondary point of access is proposed to CUP 13-0047. Both are from the south, off of Wahl Road and require crossing over an existing crossing of IID's Wistaria Canal. The electric line associated with CUP 13-0047 would extend south along Rockwood Road and follow the corridor described in CUP 13-0046. Substation and O&M facilities may be located in the southwest corner of the CUP area (refer to **Figure 2.0-17** in Chapter 2.0, Project Description).~~"

Page 4.12-17, the text has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

"*Arrow Weed Scrub*

The dominant and indicator plants of this community within the BSA was arrow weed (*Pluchea sericea*), as well as honey mesquite (*Prosopis glandulosa*), tamarisk (*Tamarix ramosissima*), Californiattail (*Typha spp*.), and ravenna grass (*Saccharum ravennae*). Arrow weed scrub occurs in the eastern portion of the BSA near the New River and within the drainage in the southern portion of the BSA (CUPs~~ 13-0037 and~~ 13-0047).

Drains and Canals

Concrete canals and earthen drains are located throughout the BSA (CUPs 13-0037, 13-0038, 13-0039, 13-0040, 13-0042, 13-0046, ~~13-0047,~~ 13-0049). Concrete canals are used to convey water to the agricultural fields. While the earthen drains are used to convey water away from the agricultural fields. The drains and canals were mostly unvegetated due to high water velocity, depth, and mechanical vegetation clearing by farmers and/or IID maintenance crews. Some of the earthen canals with limited water flow had small stands of tamarisk, Californiattail, or ravenna grass."

Page 4.12-18, the text has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

"*Tamarisk Scrub*

This non-native vegetation community is a monoculture of tamarisk species. Areas of tamarisk scrub were mapped and are associated with the drainage and canals in the southern portion of the BSA and near the New River in the eastern portion of the BSA (CUPs 13-0037, 13-0045, 13-0046~~, 13-0047~~). Other common associates with this vegetation community included quail brush (*Atriplex lentiformis*) and arrow weed.

Upland Vegetation Communities

Badlands and/or Mudhills

Badlands and/or mudhills are characterized by upland habitat that is unvegetated, highly unstable, and erosive. Badlands and/or mudhills occurred in the northern portion of the BSA along the western bank of the New River (outside of Project footprint near CUPs 13-0045, 13-0046~~, 13-0047~~).

Desert Saltbush Scrub

Desert saltbush scrub is located in low areas with denser soils possibly affected by caliche, and occurs on the dry edges of arrow weed scrub, which is dominated by two saltbush species, quail brush and four-wing saltbush, along with alkali golden bush (*Isocoma acradenia var. eremophila*) as an occasional associate. Desert saltbush scrub occurs in fragmented segments in the northeastern portion of the BSA along the western bank of the New River (CUPs 13-0045, 13-0046~~, 13-0047~~).

Other Cover Types

Disturbed Habitat

The disturbed habitat was found along Greeson Wash and the western and northeastern portions of the BSA (CUPs 13-0036, 13-0037, 13-0047). This habitat consists of previously graded areas that are either devoid of vegetation or dominated by Saharan mustard (*Brassica tournefortii*)."

Pages 4.12-33 and 4.12-34, Table 4.12-4 has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

TABLE 4.12-4
SPECIAL-STATUS PLANT SPECIES POTENTIALLY OCCURRING WITHIN THE BSA AND/OR THE VICINITY

Common Name Scientific Name	Sensitivity Status[1]	Habitat Requirements	Findings	Potential for Occurrence within the BSA[2]	Potential for Occurrence within a 500-foot Buffer of the BSA[2]
Parish's Desert Thorn *Lycium parishii*	CRPR 2B.3	Sonoran desert scrub. sandy–rocky slopes and canyons; <3,281 feet (<1000 meters)	Not detected. Nearest known location is from 2010 surveys for 8minutenergy solar projects approximately 5 miles (8 kilometers) to the west in native desert habitat. Low potential to occur in ~~CUP 13-0047 and~~ portions of parcels along the New River due to the presence of sandy or rocky areas along the edge of the New River.	Low	Low
Chaparral Sand Verbena *Abronia villosa* var. *aurita*	CRPR 1B.1	Chaparral, coastal scrub, desert dunes.	Not detected. Nearest known location is a historical (1949) CNDDB point approximately 5 miles (8 kilometers) away in Calexico, California. Low potential to occur in ~~CUP 13-0047 and~~ portions of	Low	Low

			parcels along the New River due to the presence of sandy or rocky areas along the edge of the New River.		
Abram's Spurge *Chamaesyce abramsiana*	CRPR 2B.2	Mojavean desert scrub and Sonoran desert scrub within sandy areas. <656 feet (<200 meters)	Not detected. Nearest known location is a historical (1904) CNDDB point approximately 4 miles (6 kilometers) away in Heber, California. Low potential to occur in ~~CUP 13-0047 and~~ portions of parcels along the New River due to the presence of sandy or rocky areas along the edge of the New River.	Low	Low
Gravel Milk-Vetch *Astragalus sabulonum*	CRPR 2B.2	Desert dunes, Mojavean desert scrub, Sonoran desert scrub, usually sandy sometimes gravelly, flats, washes, and roadsides.	Not detected. Nearest known location is a historical (1902) CNDDB point approximately 5 miles (8 kilometers) away in Calexico, California. Low potential to occur in ~~CUP 13-0047 and~~ portions of parcels along the New River due to the presence of sandy or rocky areas along the edge of the New River.	Low	Low
Mud Nama *Nama stenocarpum*	CRPR 2B.2	Marshes and swamps; riparian, lake-margins, streambanks, edges.	Not detected. Nearest known location is a historical (1902) CNDDB point approximately 5 miles (8 kilometers) northwest of the BSA. Low potential to occur in ~~CUP 13-0047 and~~ portions of parcels along the New River due to the presence of sandy or rocky areas along the edge of the New River.	Low	Low
Hairy Stickleaf *Mentzelia hirsutissima*	CRPR 2B.3	Creosote bush scrub; washes, fans, and slopes; <1,969 feet (<600 meters).	Not detected. Nearest known location is a historical (1961) CNDDB point on the edge of the BSA at the intersection of Brockman Road and Preston Road. Low potential to occur in ~~CUP 13-0047 and~~ portions of parcels along the New River due to the presence of sandy or rocky areas along the edge of the New River.	Low	Low
Sand Food *Pholisma sonorae*	CRPR 1B.2	dunes;<656 feet (<200 meters)	Not detected. Nearest known location is a historical (1915) CNDDB point approximately 10 miles (16 kilometers) northeast of the BSA. Low potential to occur in ~~CUP 13-0047 and~~ portions of parcels along the New River due to the presence of sandy or rocky areas along the edge of the New River.	Low	Low

Page 4.12-35, the text has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

> "During field surveys within the BSA, excluding ~~CUP 13-0047 and~~ portions of parcels along the New River, one species, California satintail, was determined to have potential to occur within the BSA based on regional occurrence data and habitat analysis. This species was not detected during vegetation mapping of the BSA. Rare plant surveys were not conducted for this species because, if present, this conspicuous perennial, rhizomatous grass would have been observed during the rare plant habitat assessment and/or vegetation mapping (AECOM 2014e, p. 3-10).
>
> ~~CUP 13-0047 and p~~Portions of parcels along the New River were added to the BSA subsequent to the completion of the field rare plant assessment. Based on desktop analysis, Parish's desert thorn (*Lycium parishii*), chaparral sand verbena (*Abronia villosa* var. *aurita*), Abram's spurge (*Chamaesyce abramsiana*), gravel milk-vetch (*Astragalus sabulonum*), mud nama (*Nama stenocarpum*), hairy stickleaf (*Mentzelia hirsutissima*), sand food (*Pholisma sonorae*), and California satintail may have some potential to occur in these areas due to the presence of sandy or rocky areas along the edge of the New River. An on-site rare plant habitat assessment would be required to determine if focused rare plant surveys are necessary for these species (AECOM 2014e, p. 3-10)."

Pages 4.12-43 and 4.12-34, Table 4.12-5 has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

TABLE 4.12-5
SPECIAL-STATUS WILDLIFE SPECIES POTENTIALLY OCCURRING WITHIN THE BSA AND/OR THE VICINITY

Common Name Scientific Name	Sensitivity Status[1]	Habitat Requirements	Findings[2]	Potential for Occurrence within the BSA[2]	Potential for Occurrence within a 500-foot Buffer of the BSA[2]
Yuma Clapper Rail (*Rallus longirostris yumanensis*)	ESA: Endangered; CESA: Threatened, CDFW: Fully Protected	Found in freshwater marshes habitats dominated by emergent plants, including southern cattail, and bullwhip/California bulrush, three-square bulrush and sedges (Todd 1986) in the southwestern U.S. and northern Mexico. Also known to breed in willows, arrow weed, and salt cedar-dominated habitat.	Not detected. Marginal marsh habitat in CUPs ~~13-0047,~~ 13-0046 and 13-0045. Marginal marsh habitat also occurs in the New River in the buffer. The nearest known location is a 2007 CNDDB occurrence approximately 4.5 miles (7 kilometers) northwest of the BSA in Fig Lagoon along the New River. Significant populations are found in marshes at the south end of the Salton Sea in the Imperial Valley.	Moderate (breeding)	Moderate (breeding)

Page 4.12-48, the last sentence of the paragraph under the heading Habitat and Occurrence in the BSA and Vicinity has been revised to reflect the reduction in the number of parcels and CUPs associated with withdrawal of CUP 13-0047 from the Project:

> "Additionally, there is no evidence that the southwestern willow flycatcher has ever nested in the Imperial Valley. Suitable willow flycatcher migration stopover habitat, including drains and canals, arrow weed scrub and tamarisk scrub, occurs within some IID ROWS and along Greeson Wash and the New River throughout the ~~32~~ 29 Parcel/~~17~~ 16 CUP Solar Energy Center footprint (AECOM 2014e, p. 3-12)."

Page 4.12-51, the text has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

> **"Habitat and Occurrence in the BSA and Vicinity**
>
> This species was not detected during biological surveys; however, focused Yuma clapper rail surveys were not conducted for the Project. The only potentially suitable marsh habitat for Yuma clapper rail within the BSA occurs along the New River in the northeast corner (associated with CUP ~~13-0047,~~ 13-0046, and 13-0045). CUP-0047 was assessed via desktop analysis as it was added to the BSA after completion of focused biological surveys. There are no known locations of this species in the BSA and buffer. The nearest known location is a 2007 CNDDB occurrence approximately 4.5 miles (7 kilometers) northwest of the BSA in Fig Lagoon along the New River (AECOM 2014e, p. 3-21). Significant populations are found in marshes at the south end of the Salton Sea (AECOM 2014e, p. 3-21).
>
> Small stands of cattail within the irrigation drains and canals are not dense enough to support Yuma clapper rail. Additionally, irrigation drains and canals are not protected from frequent human disturbance. Some cattail marsh habitat is present within the arrow weed scrub and tamarisk scrub along the edge of the New River, but it forms a very narrow border to the open water of the New River and is of marginal suitability for Yuma clapper rail. This habitat is generally outside and immediately adjacent to the eastern side of the BSA. Portions of the New River occur in the northeast corner of the BSA and intersect with CUPs ~~13-0047,~~ 13-0046, and 13-0045. Given the connectivity to known occurrences in Fig Lagoon along the New River, it is considered to have a moderate potential to occur near mapped open water along the New River adjacent to the BSA and/or within the BSA."

Page 4.12-55, the text has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

> "As discussed above under "Methodology," no transect surveys were completed within CUP 13-0047 due to the area being added to the proposed Project after completion of surveys. A portion of CUP 13-00467 was scanned for BUOW using binoculars, but none were detected. This area has a high potential for BUOW due to the presence of canals, drains, and dirt roads that could contain burrows for nesting. Surveys would be required prior to the construction of facilities in this area (AECOM 2014e, p. 3-27)."

Page 4.12-61, the second paragraph describing the Methodology has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

> "The BSA was initially created based on preliminary solar development designs. Subsequent to the completion of surveys in 2012, the Project footprint changed in size due to design

modifications for several of the Project components and to avoid impacts to sensitive biological resources. Thus, the BSA is generally defined as the Project footprint within which all components of the Project (e.g., solar field arrays, Gen-Tie facilities, O&M building, substation, switchyard, and access roads) would be located. The BSA also includes additional areas surveyed during 2012 that are located outside of the Project footprint generally described as follows: along the New River east of CUPs 13-0045, 13-0046 ~~and 13-0047~~; east of CUPs 13-0039, 13-0040 and 13-0043; between CUPs 13-0037 and 13-0038; along the Greeson Drain southeast of CUP 13-0042 and bisecting CUP 13-0037; and areas adjacent to CUPs 13-0036, 13-0050, 13-0051 and 13-0052. The BSA is approximately 3,678 acres (1,488 hectares) (**Figure 4.12-1**)."

Page 4.12-62, the text has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

"~~Subsequent to the completion of vegetation mapping, rare plant assessments, and BUOW surveys in 2012, CUP area 13-0047 was added to the Project by the Applicant. As a result, AECOM added portions of parcels along the New River to the BSA. Vegetation and habitat assessments were completed via desktop analysis in these areas. A field jurisdictional waters and wetlands delineation was also conducted for CUP 13-0047 by RECON in 2013. No other field surveys have been conducted on these newly added areas (AECOM 2014e).~~"

Page 4.12-63, the text under the discussion of Vegetation Mapping has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

"Vegetation mapping was conducted within the BSA via driving surveys and desktop analysis. Driving surveys were conducted on April 25 and 26, 2012, by AECOM botanist Lance Woolley. ~~Vegetation mapping was completed for CUP area 13-0047 and portions of parcels along the New River via desktop analysis using aerial photographs and data sheets from RECON's (2013) jurisdictional waters and wetlands delineation. Vegetation communities were classified based on Holland (1986).~~ The CDFW (2010) vegetation classification system was also used to provide additional detail when needed, such as denoting special vegetation communities that are either known or believed to be of high priority for inventory in CNDDB due to significance or rarity. Botanists used 200-foot scale ortho-topo maps vegetation mapping in the field. The minimum mapping unit for vegetation mapping was one acre (0.40 hectare) for upland vegetation communities and 0.50 acre (0.20 hectare) for wetland and riparian vegetation communities. A smaller minimum mapping unit was used in riparian areas to accommodate the greater diversity of vegetation types that can occur per unit area as opposed to uplands (AECOM 2014e)."

Page 4.12-65, the text has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

~~"CUP area 13-0047 and portions of parcels along the New River were added to the BSA subsequent to the completion of the field rare plant assessment. The potential for these areas to support rare plant habitat was evaluated by reviewing data sheets from the RECON Jurisdictional Waters Delineation Report (AECOM 2014e, p. 2-6) and data collected in adjacent habitat. Prior to the onset of construction within CUP area 13-0047, a field rare plant habitat assessment would be conducted to assess the need for focused rare plant surveys within this CUP area.~~

General Habitat Assessment and Wildlife Surveys

A wildlife habitat assessment was conducted on April 4, 2012, by AECOM biologists Rocky Brown and Shelly Dayman. The BSA, ~~excluding CUP 13-0047,~~ was evaluated for the presence of habitat suitable for special-status wildlife species. When areas could not be accessed directly due to trespassing issues, these areas were evaluated with the use of binoculars or a spotting scope from adjacent areas. Any special-status species or sign observed during the wildlife habitat assessment was recorded and marked using a Global Positioning System (GPS). The purpose of the wildlife habitat assessment was to determine whether further surveys for special-status wildlife species identified during database research and literature reviews would be warranted. ~~CUP 13-0047 and portions of parcels along the New River were added to the BSA subsequent to the completion of the wildlife habitat assessment. These areas were evaluated by reviewing aerial photography and data collected in adjacent habitat (AECOM 2014e, p. 2-31).~~"

Page 4.12-66, the text has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

"As summarized in **Table 4.12-10**, transects were completed in all nesting habitat within the BSA between April 10 and June 28, 2012~~, with the exception of habitat within CUP 13-0047~~. Detailed weather conditions for each survey day are included as Appendix B to **Appendix J** of this EIR.

TABLE 4.12-10
WESTERN BURROWING OWL SURVEY SCHEDULE

Survey Number	Survey Dates		Personnel
	Start	End	
1 - Walking	4/10/2012	4/18/2012	Rocky Brown; Shelly Dayman; Rob Conohan; Brennan Mulrooney; Andrew Fisher
2 - Walking	5/07/2012	5/11/2012	Rocky Brown; Shelly Dayman; Rob Conohan; Robbie Sweet
3 - Walking	5/29/2012	6/2/2012	Michael Anguiano; Marie Barrett; Rocky Brown; Shelly Dayman; Andrew Fisher
4 - Walking and Driving	6/25/2012	6/28/2012	Michael Anguiano; Rocky Brown; Shelly Dayman; James McMorran

Source: AECOM 2014e, p. 2-32.

~~CUP 13-0047 and portions of parcels along the New River (not suitable BUOW nesting habitat) were added to the BSA subsequent to the completion of BUOW surveys in 2012. Potential for BUOW presence in this area was assessed via desktop analysis. Visual coverage scans using binoculars were completed within the 500-foot (150-meter) buffer of the BSA, which included a portion of CUP 13-0047, as opposed to transects due to the lack of landowner permission to access to these areas (see **Figure 4.12-4**). Four site visits were completed per the 2012 CDFW BUOW guidance with two minor exceptions. The first survey extended three days beyond the April 15 survey window and ended on April 18 due to delays caused by high wind conditions (i.e., excess of 12 miles per hour [19 kilometers per hour]). Additionally, during the second survey, ornithologists were unable to access two approximately 0.43-mile-long (700-meter-long) dirt roads with irrigation drains and canals. These two dirt roads were scanned using binoculars during the second survey; during the third survey the roads were visited twice (visits spaced three days apart) in order to ensure that this parcel received four full coverage surveys. Both of these protocol deviations were approved by CDFW prior to completion (AECOM 2014e).~~"

Pages 4.12-68 and 4.12-69, the discussion under Impact 4.12.1, text has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

> **"CUPs 13-0037, 13-0038, 13-0039, 13-0042, 13-0045, 13-0046, ~~13-0047~~ and 13-0049**
>
> ***Construction***
>
> *Direct Impacts*
>
> **Solar Energy Center**
>
> Nine vegetation communities were mapped within the BSA, with agriculture being the most common community. **Table 4.12-11** shows the breakdown of vegetation communities directly impacted by each individual CUP area. All potential jurisdictional waters, including arrow weed scrub, drains and canals, open water, and tamarisk scrub, are considered sensitive vegetation communities. In addition, mesquite bosque is considered sensitive by CNDDB. Agriculture fields and other upland habitat (i.e., salt bush scrub) are not considered sensitive (AECOM 2014e, p. 4-5).
>
> As shown in **Table 4.12-11** and **Figure 4.12-6**, construction-related activities within CUPs 13-0037, 13-0038, 13-0039, 13-0040, 13-0042, 13-0045, 13-0046, ~~13-0047~~ and 13-0049 would result in permanent removal of vegetation communities as a result of grading and installation of solar facilities. Construction impacts would be greatest to agriculture land cover, the most abundant land cover type mapped within the BSA (AECOM 2014e, p. 4-5). However, agricultural fields and other upland habitat within the BSA are not considered sensitive vegetation communities.
>
> Construction of CUP~~s~~ 13-0037 ~~and 13-0047~~ would result in direct impacts to arrow weed scrub; construction of CUPs 13-0037, 13-0038, 13-0039, 13-0040, 13-0042, 13-0046, ~~13-0047~~ and 13-0049 would result in direct impacts to drains and canals; ~~construction of CUP 13-0047 would result in direct impacts to open water~~; and CUPs 13-0037, 13-0045, 13-0046, and 13-0047 would result in direct impacts to tamarisk scrub. Therefore, **potentially significant** direct impacts to riparian sensitive vegetation communities would occur during construction of CUPs 13-0037, 13-0038, 13-0039, 13-0040, 13-0042, 13-0045, 13-0046, ~~13-0047~~ and 13-0049."

Page 4.12-73, the text has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

> "Construction-related activities within the BSA would result in permanent removal of vegetation communities. Solar facilities within each CUP area would result in varying levels of permanent impacts to each vegetation community (**Table 4.12-11** and **Figure 4.12-6**). Permanent removal of vegetation would result from grading and installation of the solar facility. Construction impacts would be greatest to agriculture land cover, the most abundant land cover type mapped within the BSA (AECOM 2014e, p. 4-5). However, agricultural fields and other upland habitat within the BSA are not considered sensitive vegetation communities. As discussed above, construction-related activities within CUPs 13-0037, 13-0038, 13-0039, 13-0042, 13-0045, 13-0046, ~~13-0047~~ and 13-0049 would directly impact sensitive riparian vegetation communities (**Table 4.12-11**). No other direct impact to sensitive vegetation communities would occur as a result of construction within the BSA. However, CUPs 13-0037, 13-0038, 13-0039, 13-0042, 13-0045, 13-0046, ~~13-0047~~ and 13-0049 are part of the Full Build-out Scenario. Therefore, the construction of both the Full Build-out Scenario and all CUPs (13-0036 thru 13-0052)

proposed as part of the Phased CUP Scenario would result in **potentially significant** direct impacts to vegetation communities."

Page 4.12-76, the text has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

"**Full Build-out Scenario/All CUPs (13-0036 thru 13-0052)**

Overall, CUPs 13-0037, 13-0038, 13-0039, 13-0040, 13-0042, 13-0045, 13-0046, ~~13-0047~~ and 13-0049 would directly impact sensitive vegetation communities and are part of the Full Build-out Scenario. Therefore, construction of both the Full Build-out Scenario and all CUPs (13-0036 thru 13-0052) proposed as part of the Phased CUP Scenario would result in **potentially significant** direct impacts to vegetation communities."

Page 4.12-84, the discussion of Significance After Mitigation has been to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

"Significance After Mitigation

Sensitive vegetation communities include potential jurisdictional waters, such as arrow weed scrub, drains and canals, open water, and tamarisk scrub at CUPs 13-0037, 13-0038, 13-0039, 13-0040, 13-0042, 13-0045, 13-0046~~, 13-0047~~ and 13-0049. Upon implementation of mitigation measures MM 4.12.1a, MM 4.12.1b, MM 4.12.1c, MM 4.12.1d and MM 4.11.1b (in Section 4.11, Hydrology and Water Quality), as well as Applicant proposed Measures/Project Design Features, potential construction-related direct and indirect impacts to sensitive riparian communities at CUPs 13-0037, 13-0038, 13-0039, 13-0040, 13-0042, 13-0045, 13-0046~~, 13-0047~~ and 13-0049 would be reduced to **less than significant** (AECOM 2014e, p. 4-11). Upon implementation of mitigation measures MM 4.12.1e and MM 4.11.1b (in Section 4.11, Hydrology and Water Quality), as well as Applicant proposed Measures/Project Design Features, potential operation-related indirect impacts to sensitive vegetation communities adjacent to CUPs 13-0037, 13-0038, 13-0039, 13-0040, 13-0042, 13-0045, 13-0046~~, 13-0047~~ and 13-0049 would be reduced to **less than significant** (AECOM 2014e, p. 4-63). Upon implementation of mitigation measure MM 4.12.1f, potential indirect decommissioning impacts to sensitive vegetation communities would be reduced to **less than significant** (AECOM 2014e, p. 4-69). Thus, impacts to sensitive vegetation communities would be reduced to less than significant for both the Full Build-out Scenario and all CUPs (13-0036 thru 13-0052) proposed as part of the Phased CUP Scenario."

Page 4.12-84, the discussion of Significance After Mitigation has been to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

"**Impact 4.12.2** Construction, operation and decommissioning of CUPs 13-0037, 13-0038, 13-0039, 13-0040, 13-0042, 13-0043, 13-0046~~, 13-0047,~~ and 13-0051 could result in direct and indirect impacts to potential State and Federal jurisdictional waters and wetlands. This is considered a **potentially significant impact.**

This impact discussion describes potential direct and indirect impacts to jurisdictional waters and wetlands mapped within the BSA. Direct impacts described in this discussion are applicable to CUP areas 13-0037, 13-0038, 13-0039, 13-0040, 13-0042, 13-0043, 13-0046~~, 13-0047,~~ and 13-0051. Indirect impact impacts described in this discussion are applicable to all CUP areas.

CUPS 13-0037, 13-0038, 13-0039, 13-0040, 13-0042, 13-0043, 13-0046~~, 13-0047,~~ and 13-0051

Construction

Direct Impacts

Construction associated with CUPs 13-0037, 13-0038, 13-0039, 13-0040, 13-0042, 13-0043, 13-0046~~, 13-0047,~~ and 13-0051 would result in varying levels of permanent impacts to potential jurisdictional WUS and WS under the purview of USACE, RWQCB, and CDFW (see **Table 4.12-14** and **Figure 4.12-7 through Figure 4.12-7k**). Construction associated with CUPs 13-0037, 13-0038, 13-0039, 13-0040, 13-0042, 13-0043, 13-0046~~, 13-0047,~~ and 13-0051 would also result in varying levels of permanent impacts to potential jurisdictional waters exclusively under the purview of the CDFW. Permanent impacts to jurisdictional waters and wetlands would result from upgrading vehicular crossings to adequate size to accommodate equipment access. Permanent impacts would also result from installation of new crossings over jurisdictional features (AECOM 2014e, p. 4-11)."

Pages 4.12-85 and 4.12-86, the text has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

"As shown in **Table 4.12-14**, construction of CUPs 13-0037, 13-0039, 13-0039, 13-0042, 13-0043, 13-0046~~, 13-0047~~ and 13-0051 would result in direct impacts to 27.779 acres of jurisdictional waters and wetlands of the U.S. and State, and well as 19.829 acres of CDFW jurisdictional riparian areas. Therefore, a **potentially significant** direct impact to jurisdictional waters at CUPs 13-0037, 13-0039, 13-0039, 13-0042, 13-0043, 13-0046, 13-0047 and 13-0051 would occur as a result of construction-related activities.

Indirect Impacts

Construction associated with CUPs 13-0037, 13-0038, 13-0039, 13-0040, 13-0042, 13-0043, 13-0046~~, 13-0047~~ and 13-0051 would result in potential indirect impacts to jurisdiction waters and wetlands in relation to off-site erosion and sedimentation resulting from grading activities, airborne dust from construction vehicle travel on dirt access roads, grading, trenching, and other ground-disturbing activities (AECOM 2014e, p. 4-12). Therefore, a **potentially significant** indirect impact to jurisdictional waters at CUPs 13-0037, 13-0039, 13-0039, 13-0042, 13-0043, 13-0046~~, 13-0047~~ and 13-0051 would occur as a result of construction-related activities.

Operation

Direct Impacts

Operation of all CUPs (13-0036 thru 13-0052) is not expected to include activities occurring within potential jurisdictional waters and wetlands (AECOM 2014e, p. 4-11). Therefore, **no direct impacts** to jurisdictional waters and wetlands are expected to occur during operation of CUPs 13-0037, 13-0039, 13-0039, 13-0042, 13-0043, 13-0046~~, 13-0047~~ and 13-0051.

Indirect Impacts

Potential indirect impacts to jurisdictional waters and wetlands associated with operation of all CUPs (13-0036 thru 13-0052) include increased human use and the potential for long-term unauthorized trespass, operation-generated fugitive dust, erosion, sedimentation, and storm water contaminant runoff, as well as the potential introduction and proliferation of invasive nonnative plant species. Herbicide used during control of non-native plant species has potential

to inadvertently enter jurisdictional waters and wetlands. However, herbicides are regularly used during agriculture activities and herbicide use within each CUP area would decrease when agriculture activities cease (AECOM 2014e, p. 4-12). Therefore, **potentially significant** indirect impacts to jurisdictional waters would occur during operation of CUPs 13-0037, 13-0039, 13-0039, 13-0042, 13-0043, 13-0046~~, 13-0047~~ and 13-0051.

Electric Collector Line Corridor

No jurisdictional waters are located within the area proposed for Project improvements within the Electric Collector Line Corridor. Therefore, **no impact** to jurisdictional waters would occur during operation of CUPs 13-0037, 13-0038, 13-0039, 13-0040, 13-0042, 13-0043, 13-0046~~, 13-0047~~ and 13-0051.

Mount Signal Solar Farm Project Gen-Tie

No jurisdictional waters are located within the area proposed for Project improvements within the Mount Signal Solar Farm Project Gen-Tie corridor. Therefore, **no impact** to jurisdictional waters would occur during operation of CUPs 13-0037, 13-0038, 13-0039, 13-0040, 13-0042, 13-0043, 13-0046~~, 13-0047~~ and 13-0051.

Decommissioning

Solar Energy Center

Decommissioning activities would result in indirect impacts to jurisdictional waters and wetlands similar to those described in association with Project construction at CUPs 13-0037, 13-0038, 13-0039, 13-0040, 13-0042, 13-0043, 13-0046~~, 13-0047,~~ and 13-0051. Direct impacts to jurisdictional waters and wetlands are not anticipated to occur during decommissioning of CUPs 13-0037, 13-0038, 13-0039, 13-0040, 13-0042, 13-0043, 13-0046~~, 13-0047,~~ and 13-0051. Indirect impacts to jurisdictional waters and wetlands at CUPs 13-0037, 13-0038, 13-0039, 13-0040, 13-0042, 13-0043, 13-0046~~, 13-0047~~ and 13-0051 would be temporary because the solar field site parcels would be restored to pre-Project soil conditions at the completion of decommissioning (AECOM 2014e, p. 69). Therefore, indirect impacts to jurisdictional waters and wetlands during decommissioning activities adjacent to CUPs 13-0037, 13-0038, 13-0039, 13-0040, 13-0042, 13-0043, 13-0046~~, 13-0047~~ and 13-0051 would be considered **potentially significant**."

Pages 4.12-85 and 4.12-86, the text has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

"FULL BUILD-OUT SCENARIO/ALL CUPs (13-0036 THRU 13-0052)

Construction

Direct Impacts

Solar Energy Center

As discussed above, construction associated with CUPs 13-0037, 13-0038, 13-0039, 13-0040, 13-0042, 13-0043, 13-0046~~, 13-0047,~~ and 13-0051 would result in varying levels of permanent impacts to potential jurisdictional WUS and WS regulated by USACE, RWQCB, and/or CDFW (see **Table 4.12-14** and **Figure 4.12-7** thru **Figure 4.12-7k**). No other construction impacts to potential jurisdictional WUS and WS are anticipated to occur. However, CUPs 13-0037, 13-0039, 13-0039, 13-0042, 13-0043, 13-0046~~, 13-0047~~ and 13-0051 are part of both the Full Build-out Scenario and all CUPs (13-0036 thru 13-0052) proposed as part of the Phase CUP Scenario (AECOM 2014e, p. 4-11). Therefore, construction of the Solar Energy Center would result in a **potentially**

significant direct impact to jurisdictional waters and wetlands of the U.S. and state for both the Full Build-out Scenario and all CUPs (13-0036 thru 13-0052) proposed as part of the Phased CUP Scenario.

Full Build-out Scenario/All CUPs (13-0036 thru 13-0052)

Overall, because CUPs 13-0037, 13-0038, 13-0039, 13-0042, 13-0043, 13-0046~~, 13-0047~~ and 13-0051 are part of both the Full Build-out Scenario and Phased CUP Scenario, construction would result in a **potentially significant** direct impact to jurisdictional waters and wetlands of the U.S. and state. No other direct impacts to jurisdictional waters or wetlands would occur as a result of construction both the Full Build-out Scenario and all CUPs (13-0036 thru 13-0052) proposed as part of the Phased CUP Scenario (AECOM 2014e, p. 4-11)."

Page 4.12-87, the first sentence of the second paragraph under the heading Solar Energy Center has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the Project:

"Extending the duration of construction activities to develop the ~~17~~ 16 individual CUPs over a 10-year period as opposed to at one time (i.e. the Phased CUP Scenario) are assumed to have a similar level of indirect impact as would occur if the Full Build-out Scenario were implemented, given that impacts (e.g., dust, non-native species introduction) would be extended over a greater period of time."

Pages 4.12-89, the text has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

"Significance After Mitigation

The permanent removal of, and adverse indirect impacts to, federal protected wetlands or to any state-protected jurisdictional wetlands or waters not subject to federal regulation through direct removal, filling, hydrological interruption, or other means would be considered a significant impact. Upon implementation of mitigation measures MM 4.12.1a, MM 4.12.1b, MM 4.12.1c, MM 4.12.1d, MM 4.12.2, MM 4.11.1a and MM 4.11.1b (in Section 4.11, Hydrology and Water Quality), as well as Applicant proposed Measures/Project Design Features, potential construction-related direct and indirect impacts to jurisdictional waters and wetlands at CUPs 13-0037, 13-0038, 13-0039, 13-0042, 13-0043, 13-0046~~, 13-0047~~ and 13-0051 and potential construction-related indirect impacts associated with both the Full Build-out Scenario and each individual CUP (13-0036 thru 13-0052) proposed as part of the Phased CUP Scenario would be reduced to **less than significant** (AECOM 2014e, p. 4-12). Upon implementation of mitigation measures MM 4.12.1e, MM 4.12.2 and MM 4.11.1b (in Section 4.11, Hydrology and Water Quality), as well as Applicant proposed Measures/Project Design Features, potential indirect operational impacts to jurisdictional waters and wetlands throughout both the Full Build-out Scenario and each individual CUP (13-0036 thru 13-0052) proposed as part of the Phased CUP Scenario would be reduced to **less than significant** (AECOM 2014e, p. 4-12 and 4-69). Upon implementation of mitigation measures MM 4.12.1f, as well as Applicant proposed Measures/Project Design Features, potential"

Page 4.12-71, Table 4.12-11 has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

TABLE 4.12-11
ANTICIPATED PERMANENT DIRECT IMPACTS TO VEGETATION COMMUNITIES AND COVER FOR PROJECT SOLAR FACILITIES (ACRES)[1,2]

Vegetation Community	CUP Area																	Full Build-out
	13-0036	13-0037	13-0038	13-0039	13-0040	13-0041	13-0042	13-0043	13-0044	13-0045	13-0046	~~13-0047~~	13-0048	13-0049	13-0050	13-0051	13-0052	
~~Riparian and Wetlands~~																		
Arrow Weed Scrub	-	2.97	-	-	-	-	-	-	-	-	-	~~7.72~~	-	-	-	-	-	~~10.69~~ 2.97
Drains and Canals	-	0.46	0.03	0.01	0.01	-	0.62	-	-	-	0.75	~~0.15~~	-	0.02	-	-	-	~~2.06~~ 1.91
Open Water	-	-	-	-	-	-	-	-	-	-	-	~~1.26~~	-	-	-	-	-	~~1.26~~ 0
Tamarisk Scrub	-	0.03	-	-	-	-	-	-	-	0.15	2.9	~~42.13~~	-	-	-	-	-	~~45.21~~ 3.08
Subtotal Riparian and Wetlands	**-**	**3.45**	**0.03**	**0.01**	**0.01**	**-**	**0.62**	**-**	**-**	**0.15**	**3.65**	**~~51.26~~**	**-**	**0.02**	**-**	**0.00**	**-**	**~~59.19~~ 7.93**
Uplands																		
Badlands/ Mudhills	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Mesquite Bosque	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Salt Bush Scrub	-	-	-	-	-	-	-	-	-	0.44	0.21	~~7.58~~	-	-	-	-	-	~~8.23~~ 0.65
Subtotal Uplands	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**0.44**	**0.21**	**~~7.58~~**	**-**	**-**	**-**	**-**	**-**	**~~8.23~~** 0.65
Other Cover Types																		
Agriculture	177.24	160.87	145.27	148.2	127.95	136.97	189.75	133.47	76.13	43.01	171.93	~~36.87~~	146.9	136.85	114.84	202.78	171.79	~~2,318.31~~ 2,281.44
Developed	7.84	8.78	11.15	6.13	4.32	3.79	14.42	8.31	2.51	4.92	9.75	~~21.42~~	8.58	4.85	9.7	17.67	11.30	~~155.43~~ 134.01
Disturbed Habitat	0.51	12.26	-	-	-	-	-	-	-	-	-	~~7.73~~	-	-	-	-	-	~~22.91~~ 15.18
Subtotal Other Cover Types	**185.59**	**181.92**	**156.42**	**154.33**	**132.27**	**140.76**	**206.56**	**141.78**	**76.13**	**47.93**	**181.68**	**~~66.02~~**	**155.48**	**141.69**	**124.54**	**220.45**	**183.09**	**~~2,496.64~~ 2,439.20**
TOTALS	**185.59**	**185.37**	**156.46**	**154.34**	**132.28**	**140.76**	**207.19**	**141.78**	**76.13**	**48.51**	**185.54**	**~~124.86~~**	**155.48**	**141.71**	**124.54**	**220.45**	**183.09**	**~~2,564.06~~**

Source: AECOM 2014e, p. 4-7

[1] Values may not sum due to rounding after summation.

[2] No temporary impact would occur within the CUP areas.

[3] Sum of all CUP areas.

Page 4.12-75, Table 4.12-12 has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

TABLE 4.12-12
ANTICIPATED PERMANENT AND TEMPORARY DIRECT IMPACTS TO AGRICULTURE FIELDS FOR THE PROJECT ELECTRIC COLLECTOR LINE CORRIDOR

	CUP Area																Full Build-out
	13-0036	13-0037	13-0038	13-0039	13-0040	13-0041	13-0042	13-0043	13-0044	13-0045	13-0046	~~13-0047~~	13-0048	13-0049	13-0050	13-0051	
Linear Feet of Electric Lines Outside of CUP area	2,709	10,488	10,646	13,406	16,043	18,862	15,816	18,010	17,530	18,707	23,948	~~21,444~~	23,999	2,584	5,230	9,261	5,400
Number of Pole Structures[3]	9	35	35	45	53	63	53	60	58	62	80	~~71~~	80	9	17	31	18
Permanent Impacts (acres)	0.02	0.06	0.06	0.08	0.09	0.11	0.09	0.11	0.10	0.11	0.14	~~0.13~~	0.14	0.02	0.03	0.06	0.03
Temporary Impacts (acres)	2.07	8.05	8.05	10.35	12.19	14.49	12.19	13.80	13.34	14.26	18.40	~~16.33~~	18.40	2.07	3.91	7.13	4.14

Source: AECOM 2014e, p. 4-8, Table 14.

[1] Electric Collector Line Corridor impacts for each CUP area assume only that CUP area would be developed as a worst-case scenario. As additional CUP areas are developed, electric collector line pole structures would be within the given CUP's impact footprint.

[2] At full build-out, all but 18 pole structures would be within the impact footprint of the ~~17~~ 16 CUPs quantified in Table 13. The 18 pole structures outside of the CUP areas would be within off-site easements.

[3] Approximately one pole structure would be required every 300 feet.

Page 4.12-91, Table 4.12-14 has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project:

TABLE 4.12-14
ANTICIPATED PERMANENT DIRECT IMPACTS TO POTENTIAL JURISDICTIONAL WATERS OF THE U.S. AND STATE FOR THE SOLAR ENERGY CENTER BY CUP AREA (ACRES)[1]

Type of Jurisdictional Waters	CUP Area																	Full Build-out
	13-0036	13-0037	13-0038	13-0039	13-0040	13-0041	13-0042	13-0043	13-0044	13-0045	13-0046	~~13-0047~~	13-0048	13-0049	13-0050	13-0051	13-0052	
Jurisdictional Waters of the U.S. and State																		
Wetland	-	0.024	0.039	0.014	0.009	-	<0.001	-	-	-	-	~~27.640~~	-	-	-	-	-	~~27.725~~ 0.085
Non-wetland Waters	-	-	0.014	<0.001	-	-	0.010	0.014	-	-	0.006	~~0.008~~	-	-	-	0.001	-	~~0.054~~ 0.046
Subtotal Jurisdictional Waters of the U.S. and State	**-**	**0.024**	**0.053**	**0.014**	**0.009**	**-**	**0.010**	**0.014**	**-**	**-**	**0.006**	~~**27.648**~~	**-**	**-**	**-**	**0.001**	**-**	~~**27.779**~~ 0.131
Jurisdictional Waters Exclusively CDFW																		
Riparian	-	0.046	-	-	0.011	-	-	-	-	-	-	~~19.772~~	-	-	-	-	-	~~19.829~~ 0.057
Other Waters	-	-	-	-	-	-	-	-	-	-	-	~~-~~	-	-	-	-	-	~~-~~
Subtotal Jurisdictional Waters of the State	**-**	**0.046**	**-**	**-**	**0.011**	**-**	**-**	**-**	**-**	**-**	**-**	~~**19.772**~~	**-**	**-**	**-**	**-**	**-**	~~**19.829**~~ 0.057
TOTAL JURISDICTIONAL WATERS	**-**	**0.070**	**0.053**	**0.014**	**0.020**	**-**	**0.010**	**0.014**	**-**	**-**	**0.006**	~~**47.420**~~	**-**	**-**	**-**	**0.001**	**-**	~~**47.608**~~ 0.188

Source: AECOM 2014e, p. 4-13.
[1]Values may not sum due to rounding after summation.

Pages 4.12-103 and 4.12-104, the text and discussion associated with Impact 4.12.3 has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project.

"**Impacts to Special Status Plant Species**

Impact 4.12.3 ~~Construction of CUP 13-0047 could directly affect special-status plant species during clearing and grading.~~ Construction, operation and decommissioning of the Solar Energy Center developed on each individual CUP (13-0036 through 13-0052) could also result in indirect impacts to non-listed special-status plant species due to long-term unauthorized trespass, operation-generated fugitive dust, erosion, sedimentation, storm water contaminant runoff, and the potential introduction and proliferation of invasive non-native plant species. Therefore, a **potentially significant impact** to non-listed special-status plant species could occur throughout the Solar Energy Center at each individual CUP (13-0036 through 13-0052)**.**

~~**CUP 13-0047**~~

~~CUP 13-0047 was added to the Project subsequent to the completion of the field rare plant habitat assessment. Based on desktop analysis, non-listed special-status plant species may have some potential to occur within the boundaries of CUP 13-0047 due to the presence of sandy or rocky areas along the edge of the New River.~~

Construction

~~*Federally and State-listed Plant Species*~~

~~**Solar Energy Center**~~

~~CUP 13-0047 was added to the Project subsequent to the completion of the AECOM's field rare plant assessment. A desktop analysis revealed that no federally or state-listed plant species have potential to occur within CUP 13-0047 due to the lack suitable habitat, geography, and known species' ranges based on reference populations and historical surveys conducted in the region. Thus, no direct or indirect impacts are expected within CUP 13-0047 (AECOM 2014e, p. 4-12). Therefore, overall, **no impact** to federally listed or state-listed plants would occur as a result of construction of CUP 13-0047.~~

~~*Non-listed Special-Status Plant Species*~~

~~**Solar Energy Center**~~

~~Potential construction related direct impacts in the form of permanent removal during grading and clearing would occur if non-listed special-status plant species were present in CUP 13-0047. Potential temporary indirect impacts to non-listed special-status plant species at CUP 13-0047 would arise from runoff and sedimentation, erosion, fugitive dust, and unauthorized access outside of the CUP 13-0047 footprint. Herbicide used during control of non-native plant species has potential to be inadvertently applied to adjacent non-listed special-status plants; however, herbicides are regularly used during existing agriculture activities on the solar field site parcels and herbicide use within each CUP 13-0047 would decrease when agriculture activities cease. Therefore, construction of CUP 13-0047 would result in **potentially significant** direct and indirect impacts to non-listed special-status plant species (AECOM 2014e, p. 4-39).~~

Operation

~~*Direct Impacts*~~

~~**Solar Energy Center**~~

~~All operation activities associated with CUP 13-0047 would occur within areas permanently cleared of vegetation during Project construction. Therefore, **no direct impact** to special-status plant species would result from operation of CUP 13-0047 (AECOM 2014e, p. 4-63).~~

Indirect Impacts

~~**Solar Energy Center**~~

~~CUP 13-0047 was added to the Project subsequent to the completion of the field rare plant habitat assessment. Based on desktop analysis, non-listed special-status plant species may have some potential to occur in areas adjacent to the Project footprint due to the presence of sandy or rocky areas along the edge of the New River. Potential indirect impacts to special-status plants associated with operation include trampling of plants due to long-term unauthorized trespass, operation-generated fugitive dust, erosion, sedimentation, storm water contaminant runoff, and the potential introduction and proliferation of invasive nonnative plant species. Herbicide used during control of non-native plant species of the solar field site parcels has potential to be inadvertently applied to adjacent non-listed special-status plants; however, herbicides are regularly used during agriculture activities and herbicide use within CUP 13-0047 would decrease when agriculture activities cease. These indirect impacts have the potential to result in off-site habitat degradation that may adversely affect the ability of special-status plants to thrive and reproduce (AECOM 2014e, p. 4-64). Therefore, a **potentially significant** indirect impact to non-listed special-status plant species would result from operation of CUP 13-0047 (AECOM 2014e, p. 4-64).~~

~~Decommissioning~~

~~**Solar Energy Center**~~

~~Decommissioning activities at CUP 13-0047 would result in indirect impacts to non-listed special-status plant species similar to those described in association with construction. Impacts would be indirect because biological resources would likely only remain within areas adjacent areas (i.e., off-site) to CUP 13-0047. Indirect impacts at CUP 13-0047 to non-listed special-status plant species would be temporary because the site would be restored to pre-Project soil conditions following completion of decommissioning. Decommissioning is generally considered beneficial to biological resources. However, potential indirect impacts to non-listed special-status plant species at CUP 13-0047 would be considered **potentially significant** (AECOM 2014e, p. 4-69) during decommissioning activities.~~

Pages 4.12-105, the text has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project.

"Non-listed Special-Status Plant Specie

Solar Energy Center

No non-listed special-status plants were detected within the Solar Energy Center at all CUPs. ~~However, as discussed above, a potentially significant direct impact to non-listed plant species could occur at CUP 13-0047 as a result of direct removal during grading and clearing activities~~. Further, potentially significant indirect impacts to non-listed, special-status plans species could occur as a result of trampling of plants due to long-term unauthorized trespass, operation-

generated fugitive dust, erosion, sedimentation, storm water contaminant runoff, the potential introduction and proliferation of invasive non-native plant species, and herbicide used during control of non-native plant species throughout the Solar Energy Center and at each individual CUP (13-0036 thru 13-0052).

Extending the duration of construction activities to develop the ~~17~~ 16 individual CUPs over a 10-year period (i.e. the Phased CUP Scenario) as opposed to build-out of all ~~17~~ 16 CUPs at one time (i.e. the Full Build-out Scenario) are assumed to have a similar level of indirect impacts given that impacts (e.g., noise, lighting) would be extended over a greater period of time."

Page 4.12-106, the text has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project."

"Full Build-out Scenario/All CUPs (13-0036 thru 13-0052)

~~Overall, a potentially significant direct impact to non-listed species was identified at CUP 13-0047.~~ No ~~other~~ direct impact to non-listed special-status species within the Full Build-out Scenario/Phased CUP Scenario was identified. ~~However, CUP 13-0047 is part of the Full Build-out Scenario. Further,~~ pPotentially significant indirect impacts to non-listed, special-status plans species could occur throughout the Solar Energy Center at each CUP (13-0036 thru 13-0052). Therefore, a **potentially significant** impact to non-listed special-status plant species would result from construction of both the Full Build-out Scenario and all CUPs (13-0036 thru 13-0052) proposed as part of the Phased CUP Scenario (AECOM 2014e, p. 4-39).

Operation

Direct Impacts

No federal or state non-listed special-status plants were detected within the BSA. ~~Potentially significant impacts to non-listed plant species were identified during construction of CUP 13-0047. However, all operation activities associated with CUP 13-0047 would occur within areas permanently cleared of vegetation during Project construction.~~ Therefore, **no direct impact** to non-listed federal or state special-status plant species would result from operation (AECOM 2014e, p. 4-64) for both the Full Build-out Scenario and all CUPs (13-0036 thru 13-0052) proposed as part of the Phased CUP Scenario."

Page 4.12-107, the mitigation measure MM 4.12.3 has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project."

"Mitigation Measures

~~**MM 4.12.3** Prior to the on-set of construction within CUP 13-0047, a rare plant habitat field assessment shall be conducted to assess the need for focused rare plant surveys within this CUP area. If rare plants have potential to occur in CUP 13-0047, then surveys shall be required during appropriate conditions. If focused rare plant surveys detect special-status species, the Applicant shall prepare a salvage and relocation plan in coordination with CDFW.~~

~~*Timing/Implementation: Prior to construction of CUP 13-0047.*~~
~~*Enforcement/Monitoring: Imperial County Planning and Development Services Department.*~~

~~In addition, c~~Compliance with mitigation measures MM 4.12.1a, MM 4.12.2b, MM 4.12.1c, MM 4.12.1d, MM 4.12.1e and MM 4.12.1f would serve to mitigate impacts to special status plant species."

Page 4.12-107, Impact 4.12.4 has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project.

"**Construction Impacts to Special Status Animal Species – Southwestern Willow Flycatcher**

Impact 4.12.4 Construction of CUPs 13-0037, 13-0038, 13-0039, 13-0040, 13-0042, 13-0045, 13-0046, ~~13-0047,~~ and 13-0049 would result in permanent direct impacts to southwestern willow flycatcher migration stopover habitat, including drains and canals, arrow weed scrub, and tamarisk scrub through habitat removal. Construction, operation and decommissioning of ~~the~~ both the Full Build-out Scenario and each individual CUP (13-0036 thru 13-0052) proposed as part of the Phased CUP Scenario may also result in direct and indirect impacts to southwestern willow flycatcher as a result of collisions with overhead lines and PV panels and disruption of habitat and foraging/migration behavior. Therefore, impacts to southwestern willow flycatcher are considered **potentially significant**."

Page 4.12-108, the text and discussion under Impact 4.12.4 has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project.

"CUPs 13-0037, 13-0038, 13-0039, 13-0040, 13-0042, 13-0045, 13-0046, ~~13-0047,~~ and 13-0049

Construction

Direct Impacts

Solar Energy Center

Permanent direct impacts to suitable willow flycatcher migration stopover habitat (including drains and canals, arrow weed scrub, and tamarisk scrub) would occur within CUPs 13-0037, 13-0038, 13-0039, 13-0040, 13-0042, 13-0045, 13-0046, ~~13-0047,~~ and 13-0049. ~~Permanent direct impacts to suitable willow flycatcher migration habitat would be greatest in CUP area 13-0047 and would occur as a result of grading and installing the solar facility, which would result in the permanent removal of vegetation along the New River (**Table 4.12-11**)~~. Potential impacts to migrating willow flycatchers (including potential southwestern willow flycatchers) resulting from construction-related activities within CUPs 13-0037, 13-0038, 13-0039, 13-0040, 13-0042, 13-0045, 13-0046, ~~13-0047,~~ and 13-0049 may include collisions with equipment or vehicles. However, such effects are expected to be minimal because migrating individuals would likely avoid or pass over areas under construction because these areas would not contain riparian habitat. Because willow flycatchers do not breed in the Imperial Valley, impacts during the vegetation clearing stage of construction to nesting birds and their young are not expected (AECOM 2014e, p. 4-40). Therefore, construction of CUPs 13-0037, 13-0038, 13-0039, 13-0040, 13-0042, 13-0045, 13-0046, ~~13-0047,~~ and 13-0049 would result in **potentially significant** direct impacts to suitable willow flycatcher migration habitat with the greatest impacts occurring at CUP 13-0047.

Indirect Impacts

Solar Energy Center

Potential indirect construction impacts at CUPs 13-0037, 13-0038, 13-0039, 13-0040, 13-0042, 13-0045, 13-0046, ~~13-0047,~~ and 13-0049 may occur to migrating willow flycatchers that may stop over in riparian scrub within IID drains and canals or along areas of the New River as a

result of increased noise levels, nighttime lighting, dust, sedimentation, and erosion. These indirect impacts have the potential to degrade willow flycatcher migration stopover habitat and alter foraging and migration behavior at CUPs 13-0037, 13-0038, 13-0039, 13-0040, 13-0042, 13-0045, 13-0046, ~~13-0047,~~ and 13-0049 (AECOM 2014e, p. 41). Therefore, a **potentially significant** indirect impact to willow flycatcher migration stopover habitat and foraging/migration behavior would occur at CUPs 13-0037, 13-0038, 13-0039, 13-0040, 13-0042, 13-0045, 13-0046, ~~13-0047,~~ and 13-0049."

Page 4.12-109, the text has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project.

"FULL BUILD-OUT SCENARIO/ALL CUPs (13-0036 THRU 13-0052)

Construction

Direct Impacts

~~**Solar Energy Center**~~

~~Potential direct impacts to the willow flycatcher (including potential southwestern willow flycatchers) resulting from construction of Solar Energy Center at all CUPs (13-0036 thru 13-0052) are expected to be minimal with the exception of CUP areas 13-0047, 13-0046, and 13-0045. Within the majority of the Solar Energy Center, permanent direct impacts related to bridge crossings through suitable willow flycatcher migration stopover habitat (including arrow weed scrub and tamarisk scrub) would be limited these to these habitats (**Table 4.12-11**). Potential direct impacts to migrating willow flycatchers also include impacts resulting from collisions with PV panels prior to the initiation of O&M activities. Polarized light pollution caused by solar PV panels may affect foraging behaviors, navigation, and orientation in birds, leading to potential collisions with panels. Waterbirds have composed the majority of avian mortalities at the Desert Sunlight PV facility. The potential effect of polarized light pollution on migrating willow flycatchers is not known (AECOM 2014e, p. 4-40). Further, construction of CUP 13-0047 may result in direct impacts to southwestern willow flycatcher habitat through habitat removal. Because CUP 13-0047 is part of the Solar Energy Center, a **potentially significant** impact to southwestern willow flycatcher habitat would occur during construction of both the Full Build-out Scenario and all CUPs (13-0036 thru 13-0052) proposed as part of the Phased CUP Scenario.~~"

Pages 4.12-109 and 4.12-110, the text has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project.

"Full Build-Out Scenario/All Cups (13-0036 thru 13-0052)

Overall, direct impacts to southwestern willow flycatchers could occur throughout both the Full Build-out Scenario and the Phased CUP Scenario in association with collisions with equipment, transmission line infrastructure, and/or PV panels. ~~In addition, construction of CUP 13-0047 would result in direct impacts to southwestern willow flycatcher migration habitat.~~ Therefore, **potentially significant** direct impacts to southwestern willow flycatcher would occur during construction of both the Full Build-out Scenario and all CUPs (13-0036 thru 13-0052) proposed as part of the Phased CUP Scenario."

Page 4.12-110, the first sentence of the second paragraph under the heading Full Build-Out Scenario/All Cups (13-0036 thru 13-0052) has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the Project.

"Construction activities to develop the ~~17~~ 16 individual CUPs over a 10-year period (i.e. the Phased CUP Scenario) as opposed to build-out of all ~~17~~ 16 CUPs at one time (i.e. the Full Build-Out Scenario) is assumed to have a similar level of indirect impacts given that impacts (e.g., noise, lighting) would be extended over a greater period of time."

Page 4.12-110, the text has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project.

"Significance After Mitigation

Potential construction-related direct and indirect impacts to migrating willow flycatchers and southwestern willow flycatchers would be considered significant because these species are listed under CESA and ESA, respectively. Upon compliance with mitigation measures MM 4.12.1a, MM 4.12.1b, MM 4.12.1c, MM 4.12.1d, MM 4.12.1e, MM 4.12.1f, MM 4.12.14a and MM 4.12.14b, potential impacts to southwestern willow flycatcher ~~at CUP 13-0047~~, under both the Full Build-out Scenario and all CUPs (13-0036 thru 13-0052) proposed as part of the Phased CUP Scenario, would be reduced to **less than significant**."

Page 4.12-111, the text and discussion of Impact 4.12.5 has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project.

"Construction Impacts to Special Status Animal Species with Potential to Occur in the BSA – Yuma Clapper Rail

Impact 4.12.5 ~~Construction of CUP 13-0047 would result in permanent, direct impacts to potential Yuma clapper rail habitat through habitat removal.~~ Construction, operation and decommissioning of the Full Build-out Scenario and each individual CUP (13-0036 thru 13-0052) proposed as part of the Phased CUP Scenario may also result in direct and indirect impacts to Yuma clapper rail as a result of collisions with overhead lines and PV panels and disruption of habitat and foraging/migration behavior. Therefore, impacts to Yuma clapper rail are considered **potentially significant**.

FULL BUILD-OUT SCENARIO/ALL CUPS (13-0036 THRU 13-0052)

Construction

Direct Impacts

Solar Energy Center

~~Construction within CUP 13-0047 would result in permanent removal of open water bordered with areas of potential Yuma clapper rail habitat (i.e. cattail habitat within the open water) adjacent to the New River.~~ Tamarisk scrub removed within CUPs 13-0046 and 13-0045 is not suitable Yuma clapper rail habitat. No other CUP areas would impact potential Yuma clapper rail habitat. However, construction of solar facilities within each CUP area may result in impacts to individuals (e.g., collision with equipment vehicles). Such impacts are expected to be limited to construction of the Solar Energy Center within CUPs ~~13-0047,~~ 13-0046, and 13-0045 that are directly adjacent to the New River where the species is most likely to occur within the project area. However, the probability of impacts within CUPs 13-0046 and 13-0045 are expected to be low because construction would occur on a bluff approximately 30 feet (9 meters) above the New River and construction would not occur within wetland vegetation (AECOM 4-42). A

potentially significant direct impact to Yuma clapper rail would occur during construction of the Solar Energy Center for both the Full Build-out Scenario and all CUPs (13-0036 thru 13-0052) proposed as part of the Phased CUP Scenario~~, especially with regard to permanent removal of open water bordered with areas of potential Yuma clapper rail habitat at CUP 13-0047~~."

Pages 4.12-112 and 4.12-113, the text and mitigation measure MM 4.12.5 has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project.

"*Indirect Impacts*

Full Build-out Scenario/All CUPs (13-0036 thru 13-0052)

Potential indirect impacts to Yuma clapper rail are expected to be limited to construction of the solar facilities within CUPs ~~13-0047,~~ 13-0046, and 13-0045 that are directly adjacent to the New River. Potential temporary indirect construction impacts to Yuma clapper rail and its habitats include habitat fragmentation, increased human presence, increased noise levels, nighttime lighting, dust, sedimentation, and erosion. These indirect impacts have the potential to degrade Yuma clapper rail habitat and alter foraging behavior. Extending the duration of construction activities to develop the ~~17~~ 16 individual CUPs over a 10-year period (i.e. the Phased CUP Scenario) as opposed to construction all 16 ~~17~~ CUPs at one time (i.e. Full Build-out Scenario) are assumed to have a similar level of indirect impacts given that impacts (e.g., noise, lighting) would be extended over a greater period of time. However, if the Full Build-out Scenario were implemented, the impacts would be more intense but shorter in duration compared to the Phased CUP Scenario. Therefore, **potentially significant** indirect impacts to Yuma clapper rail would occur during construction of both the Full Build-out Scenario and all CUPs (13-0036 thru 13-0052) proposed as part of the Phased CUP Scenario.

Mitigation Measures

MM 4.12.5 ~~Prior to the on set of construction within CUP 13-0047, a Yuma clapper rail field habitat assessment shall be conducted within CUP 13-0047 plus a 500 foot (150 meter) buffer (CUP 13-0047 Study Area) to determine whether potentially suitable habitat is present. If potentially suitable Yuma clapper rail habitat occurs within the CUP 13-0047 Study Area, focused surveys shall be conducted using methods outlined the USFWS National Marsh Bird Survey Protocol. At least three breeding surveys will be conducted between March 15 and April 30. A focused survey shall be conducted by ornithologists with marsh bird experience. If focused Yuma clapper rail surveys detect this species, the Applicant shall consult with USFWS.~~

Prior to the onset of construction within CUP areas 13-0046 and 13-0045 a Yuma clapper rail field habitat assessment shall be conducted within CUPs 13-0046 and 13-0045 plus a 250 foot (75 meter buffer) (CUP 13-0046/13-0045 Study Area) to determine if potentially suitable habitat is present.

- The Project Applicant shall not remove any identified potentially suitable Yuma clapper rail habitat within CUP areas 13-0046 or 13-0045.
- Project-related construction, clearing and ground disturbing activities are prohibited within 250-feet of identified potentially suitable Yuma clapper rail habitat during the breeding season (February 15 through June 30).

Timing/Implementation: *Prior to the onset of construction within CUP areas ~~13-0047,~~ 13-0046, and 13-0045.*

Enforcement/Monitoring: *Imperial County Planning and Development Services Department.*

Compliance with mitigation measures MM 4.12.1a, MM 4.12.1b, MM 4.12.1c, MM 4.12.1d. MM 4.12.1e MM 4.12.1f, MM 4.12.14a, and MM 4.12.14b (below).

Significance After Mitigation

Potential construction-related direct and indirect impacts to Yuma clapper rails would be considered significant since the species is listed under CESA and ESA. Upon compliance with mitigation measures MM 4.12.1a, MM 4.12.1b, MM 4.12.1c, MM 4.12.1d, MM 4.12.1e, MM 4.12.1f, MM 4.12.14a, MM 4.12.14b and MM 4.12.14c, potential impacts to Yuma clapper rail ~~at CUP 13-0047~~ would be reduced to **less than significant** for both the Full Build-out Scenario and all CUPs (13-0036 thru 13-0052) proposed as part of the Phased CUP Scenario."

Page 4.12-113, the text has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project.

"FULL BUILD-OUT SCENARIO/ALL CUPs (13-0036 THRU 13-0052)

Construction

Direct Impacts

Solar Energy Center

Construction within the Solar Energy Center at each individual CUP (13-0036 thru 13-0052 ~~13-0047~~) would result in permanent removal of agriculture fields which are greater sandhill crane winter foraging habitat (**Table 4.12-11**). Potential impacts to cranes resulting from construction activities within the Project Area may include collisions with equipment or vehicles. However, such effects are expected to be minimal because the only individuals expected in the Project Area are adults or sub-adults that would easily avoid or pass over areas under construction. Only adults and sub-adults would potentially be effected because greater sandhill crane does not breed in Imperial Valley."

Page 4.12-114 and 4.12-115, the text has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project.

"*Indirect Impacts*

Full Build-out Scenario/All CUPs (13-0036 thru 13-0052)

Potential indirect impacts to greater sandhill crane are expected to be similar for construction of the Solar Energy Center at each individual CUP (13-0036 thru 13-0052 ~~13-0047~~), the Electrical Collector Line Corridor improvements, and the Mount Signal Solar Farm Project Gen-Tie line upgrades. Potential temporary indirect construction impacts to greater sandhill crane and its habitats include increased noise levels, nighttime lighting, dust, sedimentation, and erosion. These indirect impacts have the potential to degrade greater sandhill crane habitat and alter foraging behavior (AECOM 2014e, p. 4-44).

Construction activities to develop the ~~17~~ 16 individual CUPs over a 10-year period (i.e. the Phased CUP Scenario) as opposed to build-out of all ~~17~~ 16 CUPs at one time (i.e. the Full Build-out Scenario) are assumed to have a similar level of indirect impacts given that impacts (e.g., noise, lighting) would be extended over a greater period of time."

Page 4.12-116, Table 4.12-15 has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project.

TABLE 4.12-15
ANTICIPATED PERMANENT DIRECT IMPACTS TO OCCUPIED BURROWS FOR THE PROJECT

CUP Area	Number of Occupied Burrows[1]	CUP Area	Number of Occupied Burrows[1]
CUP 13-0036	0	CUP 13-0045	0
CUP 13-0037	2	CUP 13-0046	1
CUP 13-0038	0	~~CUP 13-0047~~	~~0~~
CUP 13-0039	0	CUP 13-0048	5
CUP 13-0040	0	CUP 13-0049	0
CUP 13-0041	0	CUP 13-0050	1
CUP 13-0042	2	CUP 13-0051	1
CUP 13-0043	10	CUP 13-0052	0
CUP 13-0044	0	**Full Build-out**	**22**

Source: AECOM 2014e, p. 4-46.

~~BUOW transects required by protocol breeding surveys were not completed for CUP area 13-0047; however, portions of this CUP were surveyed during visual coverage scans using binoculars within the 500-foot (150-meter) buffer of the BSA.~~

Page 4.12-117, Table 4.12-16 has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project.

TABLE 4.12-16
ANTICIPATED PERMANENT DIRECT IMPACTS TO CORE BURROWING OWL FORAGING HABITAT

CUP Area	Core Foraging Habitat(acres)
CUP 13-0036	123.7
CUP 13-0037	6.9
CUP 13-0038	0.0
CUP 13-0039	7.8
CUP 13-0040	37.9
CUP 13-0041	0.0
CUP 13-0042	0.0
CUP 13-0043	133.2
CUP 13-0044	0.0
CUP 13-0045	28.6
CUP 13-0046	14.7
~~CUP 13-0047~~	~~0.4~~
CUP 13-0048	9.1
CUP 13-0049	1.9
CUP 13-0050	99.6
CUP 13-0051	150.2
CUP 13-0052	0.0
Total	~~**613.6**~~ **613.2**

Page 4.12-119, the text of the first sentence of the second paragraph has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the Project.

> "Construction activities to develop the ~~17~~ 16 individual CUPs over a 10-year period (i.e. the Phased CUP Scenario) as opposed to constructing all ~~17~~ 16 CUPs at one time (i.e. the Full Build-out Scenario) are assumed to have a similar level of indirect impacts, given that impacts (e.g., noise, lighting) would be extended over a greater period of time."

Pages 4.12-121 thru 4.12-125, mitigation measure MM 4.12.7 has been revised as shown below to make it clear that the CUP owners may elect to purchase conservation easements as an alternative to participating in the Burrowing Owl Habitat Mitigation Plan; and would be required to do so if the Plan is not approved as compensatory mitigation for this project and if in-lieu fees are not available at the time the CUP owner is required to proffer compensatory mitigation:

"BURROWING OWL CONSTRUCTION MEASURES – ALL CUPS 13-0036 THRU 13-0052

MM 4.12.7 The following measures shall apply to construction activities at the Full Build-out Scenario and each individual CUP (13-0036 thru 13-0052):

- A qualified biologist shall be on-site during all ground-disturbing construction activities in potential BUOW habitat. The qualified biologist shall be responsible for implementing and overseeing BUOW avoidance and minimization measures. The qualified biologist shall have the authority to stop construction if activities are in violation of avoidance and minimization measures.
- The qualified biologist shall function as a monitor hired by the County at the expense of the applicant. A qualified biologist possesses a bachelor's degree in wildlife biology or a related field and has demonstrated field experience in the identification and life history of BUOW.
- Per CDFW guidance, a take avoidance survey (i.e., pre-construction clearance survey) will be conducted by a qualified biologist to determine presence or absence of BUOW no less than 14 days and no more than 30 days prior to initiating construction activities in any CUP. Surveys shall include areas within that CUP footprint and a surrounding 500-foot (150-meter) buffer. The survey shall consist of walking parallel transects and noting any fresh BUOW sign or presence. The results of the take avoidance survey shall be provided directly to CDFW by the biologist. If more than 30 days pass between the take avoidance survey and initiation of CUP construction, additional take avoidance surveys may be required, depending on what actions have been implemented to deter BUOW from moving into the CUP footprint and buffer area. A final take avoidance survey shall be conducted within the CUP footprint within 24 hours prior to initiation of construction activities. Given the total duration of construction and the size of the overall Project, it is expected that take avoidance surveys will be conducted in phases within each CUP and as each CUP commences, in order to stay within the required survey windows associated with construction activities.

- If occupied burrows are found during take avoidance surveys, appropriate construction buffers or setback distances shall be determined by the qualified biologist on a case-by-case basis, depending on the season in which disturbance will occur, the type of disturbance, and other factors that could influence susceptibility to disturbance (e.g., topography, vegetation, existing disturbance levels, etc.). To the extent feasible, buffers of 246 feet (75 meters) will be used during the breeding season (February 1 through August 31) and 164 feet (50 meters) will be used during nonbreeding season (September 1 through January 31). "Shelter in place" techniques shall be used if necessary to create a visual and auditory barrier between construction activities and the occupied burrow. Techniques shall include placing hay bales, fencing, or another physical barrier between the occupied burrow and construction activities. The qualified biologist shall determine if and/or when shelter in place is necessary and feasible for implementation. When construction activities commence adjacent to the buffer area, a qualified biologist shall be present on-site full time to monitor the behavior of BUOW for at least 3 days. The qualified biologist shall have the authority to increase the setback distance if there are signs of disturbance, such as changes in behavior as a result of construction or other indications of distress by BUOW.
- If BUOW activity is detected at a burrow within the CUP footprint during the non-breeding season (September 1 through January 31), BUOW shall be excluded from active burrows and encouraged to passively relocate to suitable, unoccupied habitat outside of the exclusion area. BUOW shall be excluded by installing one-way doors in burrow entrances. Although passive relocation does not result in control of the recipient area for BUOW, the qualified biologists shall verify that there is an acceptable "recipient" area within a reasonable distance that provides the necessary subsidies to support BUOW with the goal to minimize the stress of relocation. Subsidies to be considered include suitable burrows (primary and satellite) and habitat quality (e.g., vegetation cover, diversity) that is equal to or greater than that from which they were relocated. If, during pre-construction surveys, BUOW activity is detected at a burrow within the Project footprint during the breeding season (February 1 through August 31), then an appropriate construction buffer or setback distance shall be determined by the qualified biologist on a case-by-case basis. This buffer shall be flagged and all Project-related activity shall remain outside of the flagged area until a qualified biologist determines the burrow is no longer occupied (e.g., juveniles are foraging independently and are capable of independent survival).
- In the event that BUOW will be excluded from the Project footprint and occupied burrows will be impacted, a mitigation site with suitable burrows and habitat shall be secured by the ~~project proponent~~ CUP owner and a Burrowing Owl Exclusion Plan shall be developed and approved by CDFW prior to excluding BUOW from burrows. Specific

objectives for BUOW protection addressed by this Burrowing Owl Exclusion Plan shall describe exclusion methodology, burrow excavation procedures, on-site and post-relocation monitoring of occupied burrows, and reporting.

- ~~A Burrowing Owl Habitat Mitigation strategy shall be developed and approved by CDFW. BUOW occupancy analysis and modeling determined that the Project would impact 614 acres (248 hectares) of core BUOW foraging habitat. A mitigation program has been developed that compensates for impacts to core foraging habitat through a list of mitigation options including:~~

- Occupied BUOW burrows directly impacted shall be replaced by installing artificial burrows on mitigation sites (i.e., conservation easements, in-lieu fee lands, Farm Contract land), or other land as agreed to by CDFW, at a ratio of 1:1. If the mitigation sites identified for the Project have at least two suitable BUOW burrows for each occupied burrow directly impacted, then artificial burrows shall not be installed. Suitable burrows are defined as burrows greater than approximately 4 inches (10 centimeters) in diameter (height and width) and greater than approximately 60 inches (150 centimeters) in depth. Burrows shall be scoped to ensure they are of proper depth for BUOW.

- A security in an amount equal to the fair market value of the cost of a perpetual conservation easement and long-term endowment for the number of acres of burrowing owl habitat mitigation obligation for each CUP Phase (one or more CUPs for which a security is posted) prior to commencement of construction shall be posted to fulfill the mitigation obligations for lost burrowing owl habitat.

- A CUP owner shall proffer compensatory mitigation when a total of four CUP Phases have posted security and proffered compensatory mitigation or 18 months from the date of posting security on the first CUP Phase, whichever is longer. Security shall be returned to the CUP owner upon proffer of compensatory mitigation. CDFW may extend the 18-month period fi the CUP owner is making a good-faith effort to proffer mitigation and demonstrating progress in securing mitigation. If the 18-month period elapses and the CUP owner cannot proffer mitigation or demonstrate a good faith effort to secure mitigation, CDFW may cash in the security to secure mitigation itself.

- The CUP owner shall proffer mitigation for lost burrowing owl core foraging habitat, as identified in the BUOW occupancy analysis and model (Table 4.12-16, Appendix J), by (1) securing a CUP owner purchased conservation easement or similar instrument that protects the agricultural use of the land in perpetuity at a ratio of 1:1; (2) participating in the Burrowing Owl Mitigation Plan administered by the Imperial Community Foundation-Burrowing Owl Stewardship and Education Fund (IVCG-BOSEF) (or similar qualified non-profit organization approved by CDFW), if available; and/or (3) using a CDFW-

approved in-lieu fee program, if one is available at the time the compensatory mitigation is proffered. To be available as compensatory mitigation for this Project, the Burrowing Owl Habitat Mitigation Plan shall be developed for approval by CDFW and the IVCF-BOSEF Board of Directors (or the Board of Directors of similar qualified non-profit organization) before the time compensatory mitigation is proffered.

- The Burrowing Owl Habitat Mitigation Plan would be developed to compensate for impacts to core foraging habitat, and include the following components:

  - Avoiding higher quality habitat to the extent practicable. [Note: The Project Applicant has already implemented this measure by removing portions of the Project based on the occupancy model.]

  - ~~The Applicant shall collaborate with Imperial Valley Community Foundation-Burrowing Owl Stewardship and Education Fund (IVCF-BOSEF) or another nonprofit group~~ A strategy and methods to enroll farmers in a program to grow and retain Burrowing Owl Friendly Crops (BOFC) identified by the occupancy model (i.e., wheat and alfalfa). Core BUOW foraging habitat shall be mitigated at a 1:1 ratio by entering farm land into short-term (~~e.g., 1 to 5~~ minimum 3 years) farm agreements to predominantly grow BOFC (**Table 4.12-17**).

  - ~~The Applicant shall collaborate with IVCF-BOSEF or another nonprofit group to enroll farmers in a Burrowing Owl Safe Farm Program (BOSFP) that~~ A strategy and method for integrating~~es~~ owl-friendly farm practices to reduce mortality of owls. For farm land enrolled in BOFC agreements that include requirements to implement BUOW safe farm practices, impacts to core BUOW foraging habitat shall be mitigated at a reduced ratio of ~~0.65:1~~ 0.7:1, which reflects the combined benefit of farming BOFC using BOSFP through short-term (~~e.g., 1 to 5 years~~ minimum of 3 years) farm agreements (**Table 4.12-17**).

  - ~~The Applicant shall collaborate with IVCF-BOSEF or another nonprofit group to develop a~~ A long-term financing plan and a defined program ~~shall fund an endowment account~~ sufficient to fund the BOFC/BOSFP agreement program through the end of the Project's operational life (anticipated to be approximately 30 years) (e.g. endowment account).

TABLE 4.12-17
COMPENSATION FOR CORE BURROWING OWL FORAGING HABITAT UNDER THE BURROWING OWL FARM CONTRACT PLAN[1] (ACRES)

CUP Area	Core Foraging Habitat (acres)	Base BUOW Friendly Crops/ Consistency (1:1)	BUOW Friendly Crops/ Consistency + BOSFP (0.7:1)[2]
CUP 13-0036	123.7	123.7	86.6
CUP 13-0037	6.9	6.9	4.8
CUP 13-0038	0.0	0.0	0.0
CUP 13-0039	7.8	7.8	5.5
CUP 13-0040	37.9	37.9	26.6
CUP 13-0041	0.0	0.0	0.0
CUP 13-0042	0.0	0.0	0.0
CUP 13-0043	133.2	133.2	93.2
CUP 13-0044	0.0	0.0	0.0
CUP 13-0045	28.6	28.6	20.0
CUP 13-0046	14.7	14.7	10.3
~~CUP 13-0047~~	~~0.4~~	~~0.4~~	~~0.3~~
CUP 13-0048	9.1	9.1	6.4
CUP 13-0049	1.9	1.9	1.3
CUP 13-0050	99.6	99.6	69.7
CUP 13-0051	150.2	150.2	105.2
CUP 13-0052	0.0	0.0	0.0
Total	**~~614.0~~ 613.6**	**~~614.0~~ 613.6**	**~~430.0~~ 429.7**

Source: AECOM 2014e, pp. 5-11-5-12.

[1] The mitigation ratios proposed in this table would also be used for Plan administrator-secured perpetual conservation easements. CUP owner secured perpetual conservation easements would reflect a 1:1 mitigation ratio.

[2] Reduced ratios reflect added conservation value of implementing BOSFP through (short-term) Farm Contracts and perpetual conservation easements. Ratios shown are proposed and will be finalized in Burrowing Owl Habitat Mitigation Plan.

- ~~Establish a~~ A Farm Contract incentive plan, including compensation for farmers entering into and successfully executing Farm Contracts and eligibility requirements.
- ~~Identify~~ Identification of minimum duration of Farm Contracts and other Farm Contract management practices.
- A set of on-farm practices in consultation with IVCF-BOSEF, the local farming community, and other stakeholders.
- ~~Establish an~~ An accounting mechanism for tracking acreage enrolled in Farm Contracts.

- ~~Identify options~~ Specific actions to ensure enrolled acreage for Farm Contracts satisfy the established compensatory mitigation acreage requirement
- ~~Establish a~~ A monitoring and reporting program.
- ~~Describe use of~~ An adaptive management strategy for ~~in~~ the implementation of the Burrowing Owl Habitat Mitigation ~~Farm Contract~~ Plan, such as changes to BOSFPs and Farm Contract duration.
- ~~Allow for~~ Ability to purchase ~~of~~ conservation easements and include a mechanism to provide long-term funding to enroll lands in agricultural conservation easements with a requirement to implement BOSFP, under the discretion of the implementing entity. The Burrowing Owl Habitat Mitigation ~~Farm Contract~~ Plan will finalize a reduced mitigation ratio to reflect the added conservation value of restricting land under an agricultural easement to implement BOSFP, the proposed mitigation ratio is 0.7:1 (**Table 4.12-17**). Conservation easements secured by the Burrowing Owl Habitat Mitigation Plan administrator (IVCF-BOSEF) without requirements to implement BOSFP would be mitigated at a 1:1 ratio.
- The total number of acres encumbered at any one time (as Farm Contracts would be short-term agreements) shall depend on Project impacts to core BUOW foraging habitat, the portfolio of Farm Contracts (i.e., whether a property is implementing burrowing owl-friendly crops only or also implementing BOSFP), and the quantity of acres in conservation easements. ~~[Note: A complete description of each mitigation option can be found in the LOA and CSP report (Appendix H included in **Appendix J** of this EIR).]~~

- ~~In the event that BUOW will be excluded from the Project footprint and occupied burrows will be impacted, a mitigation site with suitable burrows and habitat must be secured. A BUOW Exclusion Plan must be developed and approved by CDFW prior to excluding BUOW from burrows. Specific objectives for BUOW protection addressed by this Plan are to describe exclusion methodology, burrow excavation procedures, identification of artificial burrow sites, and post-relocation monitoring and reporting.~~
- ~~Occupied BUOW burrows directly impacted shall be replaced by installing artificial burrows on mitigation sites (i.e., conservation easements, in-lieu fee lands, Farm Contract land), or other land as agreed to by CDFW, at a ratio of 1:1. If the mitigation sites identified for the Project have at least two suitable BUOW burrows for each occupied burrow directly impacted, then artificial burrows shall not be installed. Suitable burrows are defined as burrows greater than approximately 4 inches (10 centimeters) in diameter (height and width) and greater than approximately 60 inches (150 centimeters) in depth. Burrows shall be scopes to ensure they are of proper depth for BUOW.~~"

Page 4.12-127, the first sentence of the second paragraph under the heading "Indirect Impacts" has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the Project.

> "Construction activities to develop the ~~17~~ 16 individual CUPs over a 10-year period (i.e. the Phased CUP Scenario) as opposed to construction of all ~~17~~ 16 CUP at one time (i.e. Full Build-out Scenario) is assumed to result in a similar level of indirect impacts, given that impacts (e.g., noise, lighting) would be extended over a greater period of time."

Page 4.12-131, the first sentence of the second paragraph under the heading "Indirect Impacts" has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the Project.

> "Construction activities to develop the ~~17~~ 16 individual CUPs over a 10-year period (i.e. the Phased CUP Scenario) as opposed to constructing all ~~17~~ 16 CUPs at one time (i.e. the Full Build-out Scenario) are assumed to have a similar level of indirect impacts, given that impacts (e.g., noise, lighting) would be extended over a greater period of time."

Page 4.12-135, the first sentence of the second paragraph under the heading "Indirect Impacts" has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the Project.

> "Construction activities to develop the ~~17~~ 16 individual CUPs over a 10-year period (i.e. the Phased CUP Scenario) as opposed to constructing all ~~17~~ 16 CUPs at one time (i.e. the Full Build-out Scenario) are assumed to have a similar level of indirect impacts, given that impacts (e.g., noise, lighting) would be extended over a greater period of time."

Page 4.12-139, the first sentence of the first paragraph under the heading "Indirect Impacts" has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the Project.

> "Potential indirect impacts to mountain plover are expected to be similar for construction of the Solar Energy Center at all ~~17~~ 16 CUPs, the Electrical Collector Line Corridor improvements, and Mount Signal Solar Farm Project Gen-Tie line upgrades."

Page 4.12-139, the first sentence of the second paragraph under the heading "Indirect Impacts" has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the Project.

> "Construction activities to develop the ~~17~~ 16 individual CUPs over a 10-year period (i.e. the Phased CUP Scenario) as opposed to constructing all ~~17~~ 16 CUPs at one time (i.e. the Full Build-out Scenario) are assumed to have a similar level of indirect impacts, given that impacts (e.g., noise, lighting) would be extended over a greater period of time.

Page 4.12-143, the first sentence of the second paragraph under the heading "Indirect Impacts" has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the Project.

> "Construction activities to develop the ~~17~~ 16 individual CUPs over a 10-year period (i.e. the Phased CUP Scenario) as opposed to constructing all ~~17~~ 16 CUPS at one time (i.e. the Full Build-out Scenario) are assumed to have a similar level of indirect impacts, given that impacts (e.g., noise, lighting) would be extended over a greater period of time."

Page 4.12-146, Impact 4.12.13 has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project.

> **"Impacts to Non-listed Special-Status Animal Species – American Badger**
>
> **Impact 4.12.13** ~~Project construction may result in direct impacts to American badger burrowing/denning habitat through direct removal of habitat at CUP 13-0047.~~ Construction, operation, and decommissioning of the Solar Energy Center, each

CUP (13-0036 thru 13-0052), and the Electric Collector Line Corridor improvements could result in direct impacts to American badger due to collisions with equipment. Construction, operation and decommissioning activities could also result in indirect impacts to American badger foraging habitat in areas on the edge of agricultural fields and in drains and canals at the Solar Energy Center at all CUPs (13-0036 thru 13-0052) and the Electric Collector Line Corridor. Therefore, impacts to American badgers are considered **potentially significant.**

~~A burrow exhibiting signs of predation by an American badger was observed within the 500-foot buffer of the BSA adjacent to the New River. Therefore, although American badger was not directly observed during biological surveys, it is considered present within the 500-foot buffer of the BSA (AECOM 2014e, p. 4-57).~~

~~**CUP 13-0047**~~

~~***Construction***~~

~~*Solar Energy Center (CUP 13-0047)*~~

~~Potential construction-related direct impacts in the form of permanent removal of American badger burrowing and/or denning habitat would occur at CUP 13-0047 within the undisturbed areas along the New River. This would be considered a **potentially significant** impact (AECOM 2014e, p. 4-57).~~

~~**Operation**~~

~~**Solar Energy Center (CUP 13-0047)**~~

~~See discussion below under "Full Build-out Scenario/All CUPs (13-0036 thru 13-0052)."~~

~~**Decommissioning**~~

~~**Solar Energy Center (CUP 13-0047)**~~

~~See discussion below under "Full Build-out Scenario/All CUPs (13-0036 thru 13-0052)."~~

Page 4.12-147, the text has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project.

"Full Build-out Scenario

Overall, implementation of the Full Build-out Scenario would result in direct impacts to American badgers and American badger foraging habitat during construction of the Solar Energy Center/all CUPs (13-0036 thru 13-0052) and the Electric Collector Line Corridor. ~~Further, construction of CUP 13-0047 would impact burrowing and/or denning habitat within the undisturbed areas along the New River. CUP 13-0047 is a part of both the Full Build-out Scenario and Phased CUP Scenario~~. Therefore, a **potentially significant** direct impact to American badger foraging habitat and burrowing/denning habitat would occur for both the Full Build-out Scenario and all CUPs (13-0036 thru 13-0052) proposed as part of the Phased CUP Scenario."

Page 4.12-147, the fourth sentence of the paragraph under the heading "Indirect Impacts" has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the Project.

Construction activities to develop the ~~17~~ 16 individual CUPs over a 10-year period (i.e. Phased CUP Scenario) as opposed to constructing all ~~17~~ 16 CUPs at one time (i.e. Full Build-out Scenario)

are assumed to have a similar level of indirect impacts, given that impacts (e.g., noise, lighting) would be extended over a greater period of time.

Page 4.12-152, the first sentence of the second paragraph has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the Project.

Construction activities to develop the ~~17~~ 16 individual CUPs over a 10-year period (i.e. the Phased CUP Scenario) as opposed to constructing all ~~17~~ 16 CUPs at one time (i.e. Full Build-out Scenario) are assumed to have a similar level of indirect impacts, given that impacts (e.g., noise, lighting) would be extended over a greater period of time.

Pages 4.12-154 and 4.12-155, mitigation measure MM 4.12.14 of the Draft EIR has been revised as follows:

MM 4.12.14a A ~~voluntary~~ Bird and Bat Conservation Strategy (BBCS) will be developed by the Project Applicant in coordination with the County of Imperial, USFWS, and CDFW.

The BBCS will include the following components:

- A description and assessment of the existing habitat and avian and bat species;
- An avian and bat risk assessment and specific measures to avoid, minimize, reduce, or eliminate avian and bat injury or mortality during all phases of the ~~p~~Project.
- A post-construction monitoring plan that will be implemented to assess impacts on avian and bat species resulting from the Project. The post-construction monitoring plan will include a description of standardized carcass searches, scavenger rate (i.e., carcass removal) trials, searcher efficiency trials, and reporting.
- Statistical methods will be used to estimate Project avian and bat ~~fatalities if sufficient data is collected to support statistical analysis.~~ species, including special status species, annual mortality by taxa and season. Analysis will also determine collision rates during diurnal and nocturnal periods; species mortality composition; and assess the spatial distribution mortalities. Sufficient data (i.e., sample sizes) will dictate the extent that fatality models can be used to generate fatality estimates within the various categories. Fatality estimates will be generated using the most appropriate fatality estimator given the data set.
- An injured bird response plan that delineates care and curation of any and all injured birds.
- A nesting bird management strategy to outline actions to be taken for avian nests detected within the impact footprint during operation of the Project.
- A conceptual adaptive management and decision-making framework for reviewing, characterizing, and responding to monitoring results.
- Monitoring studies following commencement of commercial operation of each CUP area. Monitoring results will be reviewed annually by the

Applicant and the County of Imperial, in consultation with CDFW and USFWS, to inform adaptive management responses.

- During Project construction, incidental avian carcasses or injured birds found during construction shall be documented. Should a carcass be found by Project personnel, the carcass shall be photographed, the location shall be marked, the carcass shall not be moved, and a qualified biologist shall be contacted to examine the carcass. When a carcass is detected, the following data shall be recorded (to the extent possible): observer, date/time, species or most precise species group possible, sex, age, estimated time since death, potential cause of death or other pertinent information, distance and bearing to nearest structure (if any) that may have been associated with the mortality, location (recorded with a Global Positioning System [GPS]), and condition of carcass.
- If any federal listed, state listed or fully protected avian carcasses or injured birds are found during construction or post-construction monitoring, the Project Applicant shall notify USFWS and CDFW within 24 hours via email or phone and work with the resource agencies to determine the appropriate course of action for these species. For such listed species, the CUP owner shall obtain or retain a biologist with the appropriate USFWS Special Purpose Utility Permit(s) and CDFW Scientific Collecting Permit(s) to collect and salvage all dead and injured birds, and store/curate them in freezers for later disposition and analysis.
- Although take is not anticipated, it is possible. Should mortality of a federally listed species be documented, the take will be addressed by applying for an incidental take permit through the development of a Habitat Conservation Plan (HCP) that satisfies the permit issuance criteria stipulated under Section 10(a)(l)(B) of the Endangered Species Act or through consultation under Section 7 of the federal Endangered Species Act. If mortality of a State-listed species is documented, the CUP owner shall apply for a 2081(b) incidental take permit from CDFW. Alternatively, if available, the CUP owner may elect to obtain incidental take authorization through participation in the Desert Renewable Energy Conservation Plan.
- Utility lines constructed above-ground shall conform to Avian Power Line Interaction Committee (APLIC) standards.
- Post-construction monitoring studies shall be conducted by a third-party independent contractor for at least 2 years following commencement of commercial operation of each CUP area. Monitoring results shall be reviewed annually by the Applicant and the County of Imperial, in consultation with CDFW and USFWS, to determine if and to what extent post-construction monitoring studies shall be continued in future years."

Page 4.12-157, the text has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project.

"Impacts to Wildlife Movement

Impact 4.12.15 The proposed Project would be developed on disturbed agricultural land surrounded by agricultural and solar energy facility uses. No impact to wildlife movement through corridors is anticipated to occur. However, Project construction could impact migratory bird movement through the Solar Energy Center at each individual CUP (13-0036 thru 13-0046 and 13-0048 thru 13-0052 ~~13-0047~~). Therefore, the proposed Project would result in a **potentially significant** impact to avian migratory wildlife movement."

Page 4.12-157, the first sentence of the second paragraph under the heading Indirect Impacts has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project.

"Potential direct impacts to wildlife movement resulting from construction are expected to be similar for the Solar Energy Center at each CUP (13-0036 thru 13-0046 and 13-0048 thru 13-0052). Construction activities to develop the ~~17~~ 16 individual CUPs over a 10-year period (i.e. the Phased CUP Scenario) as opposed to construction all ~~17~~ 16 CUP at one time (i.e. the Full Build-out Scenario) would have a greater potential for direct impacts."

Page 4.12-158, the first sentence of the second paragraph under the heading "Indirect Impacts" has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the Project.

"Construction activities to develop the ~~17~~ 16 individual CUPs over a 10-year period (i.e. the Phased CUP Scenario) as opposed to construction all ~~17~~ 16 CUP at one time (i.e. the Full Build-out Scenario) are assumed to have a similar level of indirect impacts, given that impacts (e.g., noise, lighting) would be extended over a greater period of time."

SECTION 4.13, PUBLIC SERVICES AND UTILITIES

Page 4.13-1, the last sentence of the first paragraph has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the Project.

"Each service is described with regard to existing resources available and potential impacts on each service or utility providers' ability to adequately respond to and serve the proposed Full Build-out Scenario, as well each of the ~~17~~ 16 individual CUPs, and whether such service would require an expansion of public facilities that would generate a new significant environmental impact."

Page 4.13-2, the second sentence of the analysis for Goal 1 in Table 4.13-1 has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the Project.

"The Applicant has applied for ~~17~~ 16 CUPs for the ~~32~~ 29 solar field site parcels to be developed as a solar energy center."

Page 4.13-5, the first sentence of the paragraph under the title "Construction" has been revised to reduce the number of CUPs, parcels and overall Project acreage to reflect withdrawal of CUP 13-0047 from the Project.

"The proposed Project involves construction of up to ~~17~~ 16 individual CUPs on ~~32~~ 29 parcels totaling approximately ~~2,793~~ 2,660 acres."

Page 4.13-6, the last sentence of the third full paragraph has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the Project.

> "Therefore, for construction, operations, and maintenance, the impacts associated with increased demand for ICFD services are considered **less than significant** when considering the Full Build-out Scenario as well as each of the ~~17~~ 16 individual CUPs."

Page 4.13-6, the last sentence of the third paragraph under the heading "Decommissioning" has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the Project.

> "Thus, during decommissioning of the Project, impacts to ICFD Services would be anticipated to be **less than significant** when considering the Full Build-out Scenario as well as each of the ~~17~~ 16 individual CUPs."

Page 4.13-7, the first sentence of the first paragraph under the heading "Construction/Operation" has been revised to reduce the number of CUPs, parcels and overall Project acreage to reflect withdrawal of CUP 13-0047 from the Project.

> "The proposed Project involves construction of up to ~~17~~ 16 individual CUPs developed as solar projects on ~~32~~ 29 parcels totaling approximately ~~2,793~~ 2,660 acres."

Page 4.13-7, the last paragraph under the heading "Construction/Operation" has been revised to reduce the number of CUPs, parcels and overall Project acreage to reflect withdrawal of CUP 13-0047 from the Project.

> "The Project proposes access points at each of the ~~17~~ 16 individual CUPs as follows:"

Page 4.13-8, the text has been revised to eliminate references to CUP 13-0047 to reflect withdrawal of CUP 13-0047 from the Project.

> "~~*CUP 13-0047*~~
>
> ~~One primary and one secondary point of access are proposed to CUP 13-0047. Both would be from the south off of Wahl Road. Therefore, impacts to ICFD access to CUP 13-0047 are considered **less than significant.**~~**"**

Page 4.13-10, the last sentence of the second paragraph under the heading "Construction, Operation and Decommissioning" has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the Project.

> "Likewise, because individual projects are required to meet federal, state and local requirements, as applicable, cumulative project impacts to fire protection and emergency response would be **less than cumulatively considerable** when considering both the Full Build-out Scenario as well as each of the ~~17~~ 16 CUPs (i.e. the Phased CUP Scenario)."

Page 4.13-13, the last sentence of the paragraph under the heading "Decommissioning" has been revised to reduce the number of CUPs, parcels and overall Project acreage to reflect withdrawal of CUP 13-0047 from the Project.

> The proposed Project involves construction of up to ~~17~~ 16 individual CUPs developed as solar generation facilities on ~~32~~ 29 parcels totaling approximately ~~2,793~~ 2,660 acres.

Page 4.13-20, the first sentence of the first paragraph under the heading "Construction" has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the Project.

"Therefore, **no impact** would occur with regard to water treatment for both the Full Build-out Scenario as well as each of the ~~17~~ 16 individual CUPs proposed as part of the Phased CUP Scenario."

Page 4.13-21, the last sentence of the second paragraph under the heading "Construction" has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the Project.

"Therefore, impacts to water supply during construction, when taking into account the Full Build-out Scenario as well as each of the ~~17~~ 16 individual CUPs, is considered **less than significant**."

Page 4.13-22, the last sentence of the first paragraph has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the Project.

"Therefore, impacts to water supply during operations and maintenance, when taking into account the Full Build-out Scenario as well as each of the ~~17~~ 16 individual CUPs, are considered **less than significant**."

Page 4.13-22, the last sentence of the paragraph under the heading "Decommissioning" has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the Project.

"Therefore, impacts associated with water supply during decommissioning are anticipated to be **less than significant** when considering the Full Build-out Scenario as well as each of the ~~17~~ 16 individual CUPs."

Page 4.13-24, the last sentence of the second paragraph under the heading "Construction, Operation and Maintenance and Decommissioning" has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the Project.

"Therefore, both the Full Build-out Scenario as well as each of the ~~17~~ 16 individual CUPs proposed in association with the Phased CUP Scenario would have a **less than cumulatively considerable impac**t on water entitlements and would not require new water supply entitlements."

Page 4.13-28, the last sentence of the first paragraph has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the Project.

"Therefore, impacts to wastewater treatment and infrastructure are considered **potentially significant** for both the Full Build-out Scenario and each of the ~~17~~ 16 CUPs proposed as part of the Phased CUP Scenario."

Page 4.13-28, the last sentence of the paragraph under the heading "Decommissioning" has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the Project.

"Thus, impacts to wastewater treatment and infrastructure would be **less than significant for** both the Full Build-out Scenario and each of the ~~17~~ 16 CUPs proposed as part of the Phased CUP Scenario."

Page 4.13-28, the last sentence of the paragraph under the heading "Significance After Mitigation" has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the Project.

"Following implementation of MM 4.6.3, impacts to wastewater treatment and infrastructure implementation would be reduced to **less than significant** for the Full Build-out Scenario as well as each of the ~~17~~ 16 individual CUPs."

Page 4.13-29, the last sentence of the paragraph under the heading "Operation" has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the Project.

> "Therefore, cumulative impacts to wastewater service are **less than cumulatively considerable** for both the Full Build-out Scenario as well as each of the ~~17~~ 16 individual CUPs proposed in association with the Phased CUP Scenario."

Page 4.13-29, the last sentence of the paragraph under the heading "Decommissioning" has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the Project.

> "Thus, impacts to wastewater treatment and infrastructure would be **less than cumulatively considerable** when considering the Full Build-out Scenario as well as each of the ~~17~~ 16 individual CUPs."

Page 4.13-32, the last sentence of the first paragraph has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the Project.

> "Therefore, impacts to solid waste service and landfill capacity when taking into account the Full Build-out Scenario as well as each of the ~~17~~ 16 individual CUPs proposed as part of the Phased CUP Scenario would be considered **less than significant**."

Page 4.13-32, the last sentence of the paragraph under the heading "Decommissioning" has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the Project.

> "Therefore, during decommissioning of the Project, impacts to solid waste service and landfill capacity would be anticipated to be **less than significant** when considering the Full Build-out Scenario as well as each of the ~~17~~ 16 individual CUPs proposed as part of the Phased CUP Scenario."

Page 4.13-33, the last sentence of the second full paragraph has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the Project.

> "Therefore, cumulative construction impacts to solid waste service and landfill capacity when taking into account the Full Build-out Scenario as well as each of the ~~17~~ 16 individual CUPs proposed as part of the Phased CUP Scenario are **less than cumulatively considerable**."

Page 4.13-33, the last sentence of the third paragraph under the heading "Operation" has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the Project.

> "Likewise, cumulative operational impacts to solid waste service and landfill capacity when taking into account the Full Build-out Scenario as well as each of the ~~17~~ 16 individual CUPs proposed as part of the Phased CUP Scenario are considered **less than cumulatively considerable**."

Page 4.13-33, the last sentence of the paragraph under the heading "Decommissioning" has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the Project.

> "Therefore, during Project decommissioning, cumulative impacts to solid waste service and landfill capacity would be anticipated to be **less than cumulatively considerable** when considering the Full Build-out Scenario as well as each of the ~~17~~ 16 individual CUPs."

Page 4.13-34, the second and third sentences of the analysis for Objective 8.8 in Table 4.13-5 has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the Project.

"The Applicant has applied for ~~17~~ 16 CUPs to develop the proposed solar facilities. In addition, the Project has requested one variance for each of the ~~17~~ 16 CUP applications because the proposed Gen-Tie structures would reach over 120 feet in height."

CHAPTER 5.0, CUMULATIVE IMPACTS SUMMARY

No changes.

CHAPTER 6.0, ALTERNATIVES

Page 6.0-4, the text for subsection 6.3.2 has been revised to reflect that Alternative 2 has been selected as the proposed Project.

"6.3.2 ALTERNATIVE 2 – REDUCED SIZE SOLAR GENERATION FACILITY ALTERNATIVE

This Reduced Size Solar Generation Alternative, which is the environmentally superior alternative, would exclude CUP 13-0047, a 130-acre site (**Figure 6.0-2**), which is proximate to the New River. Development of CUP 13-0047 would result in a potentially significant impact to biological resources and solar facilities within its eastern boundary within the incised New River flood channel and floodplain. Facilities placed in these areas may be subject to minor damage due to liquefaction settlement and ground fissures during a strong seismic event. Biological impacts would be reduced to below a level of significance through implementation of all applicable biological resources mitigation measure that apply to CUP 13-0047 (including mitigation measure MM 4.12.3) while liquefaction impacts are mitigated through implementation of mitigation measures MM 4.6.2a and MM 4.6.2b. Implementation of the Reduced Size Solar Generation Facility Alternative would result in reducing the initial potential for significant impacts to biological resources. Whereas the proposed Project would result in the removal of sensitive vegetation communities including 10.69 acres of Arrow Weed Scrub, 2.06 acres of drains and canals, 1.26 acres of open water, and 45.21 acres of tamarisk scrub, the Reduced Size Solar Generation Facility Alternative would impact fewer acres of sensitive vegetation communities including 7.72 acres of Arrow Weed Scrub, 0.15 acres of drains and canals, 1.26 acres of open water, and 42.13 acres of tamarisk scrub. In addition, the Reduced Size Solar Generation Facility Alternative would avoid potentially significant impacts to 27.63 acres of waters of the U.S. (WUS) and State (WS), 0.008 acres of non-waters of the U.S. and State, and 19.77 acres of riparian area jurisdiction to the California Department of Fish and Wildlife compared to the proposed Project.

Following the close of the public review period for the Draft EIR, the Applicant submitted a letter dated November 19, 2014 to the County of Imperial Planning and Development Services Department Director, Mr. Jim Minnick and the Project Planner, Mr. David Black withdrawing CUP 13-0047 and Variance 13-0012 and recommending that the County approve Alternative 2."

CHAPTER 7.0, OTHER CEQA CONSIDERATIONS

Page 7.0-1, the second sentence of the third paragraph has been revised to reduce the number of parcels and CUPs to reflect withdrawal of CUP 13-0047 from the proposed Project.

"The proposed Project consists of ~~32~~ 29 parcels divided into ~~17~~ 16 CUPs of approximately 20 megawatts (MW) each which may be constructed individually or as a consolidated Project generating approximately 250 MW of renewable energy."

Page 7.0-3, the heading Full Build-Out Scenario/All 17 Cups (13-0036 thru 13-0052) has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the proposed Project.

> **"FULL BUILD-OUT SCENARIO/ALL ~~17~~ 16 CUPS (13-0036 THRU 13-0046 AND 13-0048 THRU 13-0052)"**

Page 7.0-7, the second sentence of the paragraph under the heading "Construction" has been revised to reduce the acreage and CUPs to reflect withdrawal of CUP 13-0047 from the proposed Project.

> "Based on the size of the Project (~~2,793~~ 2,660 acres), the limited duration of construction (18 months for the Full Build-out Scenario or an approximately 10-year period with each of the ~~17~~ 16 individual CUPs taking approximately seven months), and the availability of diesel fuel and gasoline, the Project would not have a significant impact on local and regional energy supplies."

Page 7.0-13, the second sentence of the paragraph under the heading "Construction" has been revised to reduce the acreage and CUPs to reflect withdrawal of CUP 13-0047 from the proposed Project.

> "However, the Project will have a less than significant effect on energy resources based its size (~~2,793~~ 2,660 acres), the limited duration of construction (18 months for the Full Build-out Scenario or an approximately 10-year period with each of the ~~17~~ 16 individual CUPs taking approximately seven months), and the availability of diesel fuel and gasoline."

Page 7.0-20, the first sentence and the first bullet under the heading A. Growth Inducement Potential has been revised to reduce the number of CUPs and parcels to reflect withdrawal of CUP 13-0047 from the proposed Project.

> "As described in Chapter 2.0, Project Description, the Wistaria Ranch Solar Energy Center proposes to build, operate, and maintain a renewable energy project employing photovoltaic (PV) or concentrated photovoltaic (CPV) technology. The proposed Project consists of ~~17~~ 16 CUPs of approximately 20 megawatts (MW) each which may be constructed individually or as a consolidated Project generating approximately 250 MW. The proposed Project includes the construction and operation of the following:
>
> - Up to ~~17~~ 16 individual solar projects on ~~32~~ 29 parcels built at one time (i.e the Full Build-out Scenario); alternatively, the Project could be built out in groups of multiple CUPs (i.e. the Phased CUP Scenario);"

Page 7.0-21, the first full paragraph has been revised to reduce the number of CUPs and Variances to reflect withdrawal of CUP 13-0047 from the proposed Project.

> "In keeping with zoning requirements, the Project requires ~~17~~ 16 CUP applications (CUP 13-0036 thru 13-0046 and 13-0048 thru CUP 13-0052) for the proposed Wistaria Ranch Solar Energy Center. In addition, the Project requires ~~17~~ 16 variance requests (V13-0002 thru V13-0011 and V13-0013 thru V-13-0018) to allow Gen-Tie structures to be up to 140 feet high."

Page 7.0-21, the last paragraph under the heading Existing and Proposed Land Uses has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the proposed Project.

> "Further, at the end of the useful life of the Wistaria Ranch Solar Energy Center Project, each of the ~~17~~ 16 CUPs (13-0036 thru 13-0046 and 13-0048 thru 13-0052) would be reclaimed for use as active agricultural land, similar to the existing conditions at the solar field site parcels."

Page 7.0-22, the fourth sentence of the paragraph under the heading Roadways and Other Systems has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the proposed Project.

"Implementation of the proposed Project, whether implemented as the Full Build-out Scenario or as ~~17~~ 16 CUPs (13-0036 thru 13-0046 and 13-0048 thru 13-0052) proposed as part of the Phased CUP Scenario, would not result in new or improved roadways that would induce growth in other regions."

Page 7.0-23, the last sentence of the first paragraph has been revised to reduce the number of CUPs to reflect withdrawal of CUP 13-0047 from the proposed Project.

"At the end of the Project's operational lifespan, each of the ~~17~~ 16 CUPs (13-0036 thru 13-0046 and 13-0048 thru 13-0052) would be reclaimed for agricultural use, similar to the existing condition."

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