Comment Set D5 – Mark Carrington: Attachment 3

D5-50



Desert Center
Area Plan

Revised: September 28, 2021

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Desert Center **Area Plan**

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General Plan Amendments adopted since 12/31/2009

- GPA No. 1075, BOS RSLN 2011-156, 10/18/11;
- GPA No. 960, BOS RSLN 2015-260; 12/08/15;
- GPA No. 190006, BOS RSLN 2021-183; 09/28/21
- GPA No. 1120, BOS RSLN 2014-222, 11/24/14;
- GPA No. 1122, BOS RSLN 2016-234, 12/06/16;

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Vision Summary

The County of Riverside General Plan and Area Plans have been steered by the RCIP Vision. Following is a summary of the Vision Statement that includes many of the salient points brought forth by the residents of The Desert Center Area as well as the rest of the County of Riverside. The RCIP Vision reflects the County of Riverside in the year 2020. So, fast forward yourself to 2020 and here is what it will be like.

"Riverside County is a family of special communities in a remarkable environmental setting."

It is now the year 2020. This year (incidentally, also a common reference to clear vision), is an appropriate time to check our community vision. Twenty years have passed since we took an entirely new look at how the County of Riverside was evolving. Based on what we saw, we set bold new directions for the future. As we now look around and move through the County of Riverside, the results are notable. They could happen only in response to universal values strongly held by the people. Some of those values are:

- Real dedication to a sense of community;
- Appreciation for the diversity of our people and places within this expansive landscape;
- Belief in the value of participation by our people in shaping their communities;
- Confidence in the future and faith that our long term commitments will pay off;
- Willingness to innovate and learn from our experience;
- Dedication to the preservation of the environmental features that frame our communities;
- Respect for our differences and willingness to work toward their resolution;
- Commitment to quality development in partnership with those who help build our communities; and
- The value of collaboration by our elected officials in conducting public business.

Those values and the plans they inspired have brought us a long way. True, much remains to be done. But our energies and resources are being invested in a unified direction, based on the common ground we have affirmed many times during the last 20 years. Perhaps our achievements will help you understand why we believe we are on the right path.

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Desert Center Area Plan

Population Growth

The almost doubling of our population in only 20 years has been a challenge, but we have met it by focusing that growth in areas that are well served by public facilities and services or where they can readily be provided. Major transportation corridors serve our communities and nearby open space preserves help define them. Our growth focus is on quality, not quantity. That allows the numbers to work for us and not against us. We enjoy an unprecedented clarity regarding what areas must not be developed and which ones should be developed. The resulting pattern of growth concentrates development in key areas rather than spreading it uniformly throughout Riverside County. Land is used more efficiently, communities operate at more of a human scale, and transit systems to supplement the automobile are more feasible. The customized Oasis transit system now operates quite successfully in several cities and communities.

Our Communities and Neighborhoods

Our choice in the kind of community and neighborhood we prefer is almost unlimited here. From sophisticated urban villages to quality suburban neighborhoods to spacious rural enclaves, we have them all. If you are like most of us, you appreciate the quality schools and their programs that are the centerpiece of many of our neighborhoods. Not only have our older communities matured gracefully, but we boast several new communities as well. They prove that quality of life comes in many different forms.

Housing

We challenge you to seek a form of housing or a range in price that does not exist here. Our housing choices, from rural retreat to suburban neighborhood to exclusive custom estate are as broad as the demand for housing requires. Choices include entry level housing for first time buyers, apartments serving those not now in the buying market, senior housing, and world class golf communities. You will also find smart housing with the latest in built-in technology as well as refurbished historic units. The County of Riverside continues to draw people who are looking for a blend of quality and value.

Transportation

It is no secret that the distances in the vast County of Riverside can be a bit daunting. Yet, our transportation system has kept pace amazingly well with the growth in population, employment and tourism and their demands for mobility. We are perhaps proudest of the new and expanded transportation corridors that connect growth centers throughout the County of Riverside. They do more than provide a way for people and goods to get where they need to be. Several major corridors have built-in expansion capability to accommodate varied forms of transit. These same corridors are designed with a high regard for the environment in mind, including providing for critical wildlife crossings so that our open spaces can sustain their habitat value.

Conservation and Open Space Resources

The often-impassioned conflicts regarding what lands to permanently preserve as open space are virtually resolved. The effort to consider our environmental resources, recreation needs, habitat systems, and visual heritage as one comprehensive, multi-purpose open space system has resulted in an unprecedented commitment to their preservation. In addition, these spaces help to form distinctive edges to many of our communities or clusters of communities. What is equally satisfying is that they were acquired in a variety of creative and equitable ways.

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Desert Center Area Plan

Air Quality

It may be hard to believe, but our air quality has actually improved slightly despite the phenomenal growth that has occurred in the region. Most of that growth, of course, has been in adjacent counties and we continue to import their pollutants. We are on the verge of a breakthrough in technical advances to reduce smog from cars and trucks. Not only that, but our expanded supply of jobs reduces the need for people here to commute as far as in the past.

Jobs and Economy

In proportion to population, our job growth is spectacular. Not only is our supply of jobs beyond any previously projected level, it has become quite diversified. Clusters of new industries have brought with them an array of jobs that attract skilled labor and executives alike. We are particularly enthusiastic about the linkages between our diversified business community and our educational system. Extensive vocational training programs, coordinated with businesses, are a constant source of opportunities for youth and those in our labor force who seek further improvement.

Agricultural Lands

Long a major foundation of our economy and our culture, agriculture remains a thriving part of the County of Riverside. While we have lost some agriculture to other forms of development, other lands have been brought into agricultural production. We are still a major agricultural force in California and compete successfully in the global agricultural market.

Educational System

Quality education, from pre-school through graduate programs, marks the County of Riverside as a place where educational priorities are firmly established. A myriad of partnerships involving private enterprise and cooperative programs between local governments and school districts are in place, making the educational system an integral part of our communities.

Plan Integration

The coordinated planning for multi-purpose open space systems, community based land use patterns, and a diversified transportation system has paid off handsomely. Integration of these major components of community building has resulted in a degree of certainty and clarity of direction not commonly achieved in the face of such dynamic change.

Financial Realities

From the very beginning, our vision included the practical consideration of how we would pay for the qualities our expectations demanded. Creative, yet practical financing programs provide the necessary leverage to achieve a high percentage of our aspirations expressed in the updated RCIP.

Intergovernmental Cooperation

As a result of the necessary coordination between the County of Riverside, the cities and other governmental agencies brought about through the RCIP, a high degree of intergovernmental cooperation and even partnership is

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now commonplace. This way of doing public business has become a tradition and the County of Riverside is renowned for its many model intergovernmental programs.

Introduction

Throughout the Area Plan, special features have been included to enhance the readability and practicality of the information provided. Look for these elements:



Quotes: quotations from the RCIP Vision or individuals involved or concerned with Riverside County.



Factoids: interesting information about Riverside County that is related to the element



References: contacts and resources that can be consulted for additional information



Definitions: clarification of terms and vocabulary used in certain policies or text.

The desert is a complex living environment which, under certain circumstances, can also be converted to a highly productive area beyond its natural environmental value. Occasionally, because we need to transport ourselves through it, we need to carve out focal points within its vastness. That is what Desert Center is.

In certain respects, Desert Center is a sort of gateway into the entire region along this major artery spanning the nation. It triggers a change in the prevailing pattern of the landscape whether leaving the urbanizing portions of the region or approaching them from the east. At a very minimum, it is for many a welcome oasis as they cross the desert. For a much smaller number of residents and business operators, it is a small world of tranquil reality, with clean air, and little traffic and noise, that sets it apart from every other part of Riverside County. The Desert Center Area Plan contains policies that guide the physical development and land uses in this oasis in the unincorporated portion of eastern Riverside County.

The Desert Center Area Plan doesn't just provide a description of the location, physical characteristics, and special features of the unincorporated area. It contains a Land Use Plan, statistical summaries, policies, and accompanying exhibits that allow anyone interested in the future of this unique area to understand the physical, environmental, and regulatory characteristics that make this such a unique area. Background information also provides insights that help in understanding the issues that require special focus here and the reasons for the more localized policy direction contained in this document.

Each section of the area plan addresses critical issues facing Desert Center. Perhaps a description of these sections will help in understanding the organization of the area plan as well as appreciating the comprehensive nature of the planning process that led to it. The Location section explains where the area plan fits with what is around it. Physical features are described in a section that highlights the planning area's communities, surrounding environment and natural resources. This leads naturally to the Land Use Plan section, which describes the land use system guiding development at both the countywide and area plan levels.

While a number of these designations reflect unique features found only in the Desert Center Area Plan, a number of special policies are still necessary to address unique portions of the plan. The Policy Areas section presents these policies. Land use issues are addressed in the Land Use section. The Circulation section addresses the routes and modes of travel envisioned to serve this area, given its relatively isolated location and the limited functions the transportation system has to perform. The key to understanding the valued open space network is described in the

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Desert Center Area Plan

Multipurpose Open Space section. There are natural and man -made hazards to consider, and they are spelled out in the Hazards section.

A Special Note on Implementing the Vision

The preface to this area plan is a summary version of the Riverside County Vision. That summary is, in turn, simply an overview of a much more extensive and detailed Vision of Riverside County two decades or more into the future.

This area plan, as part of the Riverside County General Plan, is one of the major devices for making the Vision a reality.

No two area plans are the same. Each represents a unique portion of the incredibly diverse place known as Riverside County. While many share certain common features, each of the plans reflects the special characteristics that define its area's unique identity. These features include not only physical qualities, but also the particular boundaries used to define them, the stage of development they have reached, the dynamics of change expected to affect them, and the numerous decisions that shape development and conservation in each locale. That is why the Vision cannot and should not be reflected uniformly.



Unincorporated land is all land within the County that is not within an incorporated city or an Indian Nation. Generally, it is subject to policy direction and under the land use authority of the Board of Supervisors. However, it may also contain state and federal properties that lie outside of Board authority.

Policies at the General Plan and area plan levels implement the Riverside County Vision in a range of subject areas as diverse as the scope of the Vision itself. The land use pattern contained in this area plan is a further expression of the Vision as it is shaped to fit the terrain and the conditions in the Desert Center area.

The vast majority of the planning area, as well as the majority of eastern Riverside County, remains in its natural state. For the planning horizon, little new development is envisioned, with the exception of infill and/or revitalization of the Eagle Mountain Townsite and contiguous expansion of the Desert Center and Lake Tamarisk communities.

To illustrate how the Vision has shaped this area plan, the following highlights reflect certain strategies that link the Vision to the land. This is not a comprehensive enumeration; rather, it emphasizes a few of the most powerful and physically tangible examples:

- Land use designations on severely constrained lands and lands subject to natural hazards reflect their limited development potential;
- Community development designations are focused on areas adjacent to existing development, while Open Space designations are predominant; and
- Agricultural production areas are maintained with the Agriculture land use designation.

Data in this area plan is current as of March 23, 2010. Any General Plan amendments approved subsequent to that date are not reflected in this area plan and must be supported by their own environmental documentation. A process for incorporating any applicable portion of these amendments into this area plan is part of the General Plan Implementation Program.

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Desert Center **Area Plan**

Location

As the name implies, the Desert Center Area Plan is located in the middle of the Colorado Desert in eastern Riverside County (see Figure 1), far removed from urbanized areas. It lies approximately 55 miles east of the City of Coachella and 55 miles west of the City of Blythe. Joshua Tree National Park lies to the northwest, the Coachella Valley lies to the west and the Palo Verde Valley lies to the east. Because of its remote location, Desert Center is not impacted by any city. In fact, it is separated even from the nearest area plans and therefore shares boundaries with none of them.

Features

This section describes the functions, setting, and features that are unique to Desert Center. The physical features are shown on Figure 2, Physical Features.

Setting

Much of eastern Riverside County lies within the vast Colorado Desert, characterized by undisturbed wilderness, distinctive flora such as the Joshua tree, sand dunes, mountainous terrain with large rock outcroppings, and high summertime temperatures. Urban and suburban development, common in western Riverside County and the Coachella Valley, is noticeably absent. Lacking significant demand for such development, there is also a general lack of infrastructure. Much of the land is managed by the Bureau of Land Management and is primarily retained as open space.

The Desert Center Area Plan encompasses a major portion of the Chuckwalla Valley, which is surrounded by the Eagle, Coxcomb, and Chuckwalla Mountains and Joshua Tree National Park. Four unique features, distinctive from the rest of the desert region, are located within the Chuckwalla Valley and are largely responsible for the need for an area plan in this remote area. The first is the former Eagle Mountain iron ore mining facility operated by Kaiser Steel Corporation, along with an adjacent community that provided housing and services for Kaiser employees and their families. (More recently, a portion of this area was utilized as a privately-managed return to custody facility.) The second feature, and the only one visible to the thousands of motorists traversing the area along Interstate 10, is the aggregation of commercial and industrial uses clustered around the Desert Center-Rice Road interchange serving the needs of these highway travelers. The third feature is the Lake Tamarisk community which includes housing, a lake, and a golf course and is served by a long established County Service Area. The fourth feature is the Metropolitan Water District of Southern California's Colorado River Aqueduct, which traverses in a northeast to southwest direction along the majority of the Area Plan, and which is generally located between the Eagle Mountain Landfill site and Desert Center-Rice Road and north of Interstate 10.

Unique Features

Chuckwalla Valley

As is clear from the previous descriptions, most of the land in the Desert Center Area Plan remains undeveloped and in its natural state. The rolling sand dunes are punctuated by the stark Eagle, Coxcomb and Chuckwalla mountains. Elevation ranges from about 500 to 4,000 feet above sea level, but is relatively flat where the unique communities described below are located. Dominant environmental features resemble the Sonoran Desert scrub

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found throughout eastern Riverside County. The scrub is characterized by widely spaced shrubs such as the creosote bush, providing an accommodating habitat for desert fauna. Limited agricultural lands dedicated to jojoba production also exist in the area. Two agricultural preserves are located here.

The Colorado River Aqueduct

The Colorado River Aqueduct was built from 1933-1941 and is owned and operated by the Metropolitan Water District of Southern California. Colorado River water imported via the Aqueduct provides supplemental water to nearly 17 million people in Riverside County and Southern California's coastal plain.

Unique Communities

Eagle Mountain Landfill and Townsite

This truly remote community area is located in the northwestern corner of Desert Center adjacent to, and surrounded on three sides by, the Joshua Tree National Park. The 5,500-acre former Kaiser iron ore mining facility will require some changes in order to fulfill its proposed transition into a functioning Class III nonhazardous solid waste landfill operation. Considerable rehabilitation and new development would be needed to restore this area as a fully functioning community. The plan for the revitalized new townsite, however, accommodates the necessities for community life: schools, community centers, recreational facilities, retail commercial centers, and housing. A portion of this townsite was utilized as a return to custody facility.

★

Between 1948 and 1983, Kaiser Steel Corporation recovered over 940 million tons of materials from four pits, consisting of 228 million tons of crude ore and 712 million tons of waste rock at Eagle Mountain.

Desert Center

This area is bisected by Interstate 10 along Desert Center Rice Road and Kaiser Road. In the public's mind, this small oasis represents what is meant by the Desert Center area. It is a very focused specialty center primarily serving the commercial needs of the highway traveler. A variety of other uses including two mobile home parks, industrial/storage facilities, an airport, and a Caltrans equipment yard are also located here.

Lake Tamarisk

The community of Lake Tamarisk is located a few miles north of Interstate 10, easterly of Kaiser Road. This retirement community features single family homes, duplexes and mobilehomes, situated around the lake and includes a 9-hole golf course. Community residents must go to Desert Center for commercial services such as convenience stores and to the Coachella Valley or the Palo Verde Valley for more specialized needs such as health care.

Comment Set D5 – Mark Carrington: Attachment 3 (continued)

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Land Use Plan

The Land Use Plan focuses on preserving the unique features found only in the Desert Center area and guiding the evolution of very limited and highly specialized development areas. To accomplish this, more detailed land use designations are applied than for the countywide General Plan.

> *"We value the unusually rich and diverse natural environment with which we are blessed and are committed to maintaining sufficient areas of natural open space to afford the human experience of natural environments as well as sustaining the permanent viability of the unique landforms and ecosystems that define this environment."*
>
> *- RCIP Vision*

The Desert Center Land Use Plan, Figure 3, depicts the geographic distribution of land uses within this area. The Plan is organized around 19 Area Plan land use designations. These land uses derive from, and provide more detailed direction than, the five General Plan Foundation Component land uses: Open Space, Agriculture, Rural, Rural Community and Community Development. Table 1, Land Use Designations Summary, outlines the development intensity, density, typical allowable land uses, and general characteristics for each of the area plan land use designations within each Foundation Component. The General Plan Land Use Element contains more detailed descriptions and policies for the Foundation Components and each of the area plan land use designations.

Many factors led to the designation of land use patterns. Among the most influential were the Riverside County Vision and Planning Principles, both of which focused, in part, on preferred patterns of development within the County of Riverside; established patterns of existing uses and parcel configurations; current zoning, and the oral and written testimony of Riverside County residents, property owners, and representatives of organizations at the many Planning Commission and Board of Supervisors hearings. The result of these considerations is shown in Figure 3, Land Use Plan, which portrays the location and extent of proposed land uses. Table 2, Statistical Summary of the Desert Center Area Plan, provides a summary of the projected development capacity of the plan if all uses are built as proposed. This table includes dwelling unit, population, and employment capacities.



Please refer to the **General Plan Land Use Element** for a description of the Foundation Components

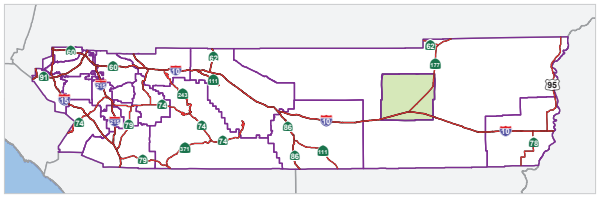
Land Use Concept

The Desert Center Land Use Plan generally reflects the very limited development potential here. The vast majority of acreage within the area plan is designated Open Space-Rural. These lands are generally remote, inaccessible, subject to natural hazards, or unable to support more intense development due to the lack of public facilities and services. The uninhabited and natural character of the open space lands is expected to continue throughout the life of the plan. Agricultural production areas are identified with the Agriculture land use designation.

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Highways

Area Plan Boundary

Figure 1

December 8, 2015

0 1.5 3 Miles

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DESERT CENTER AREA PLAN LOCATION

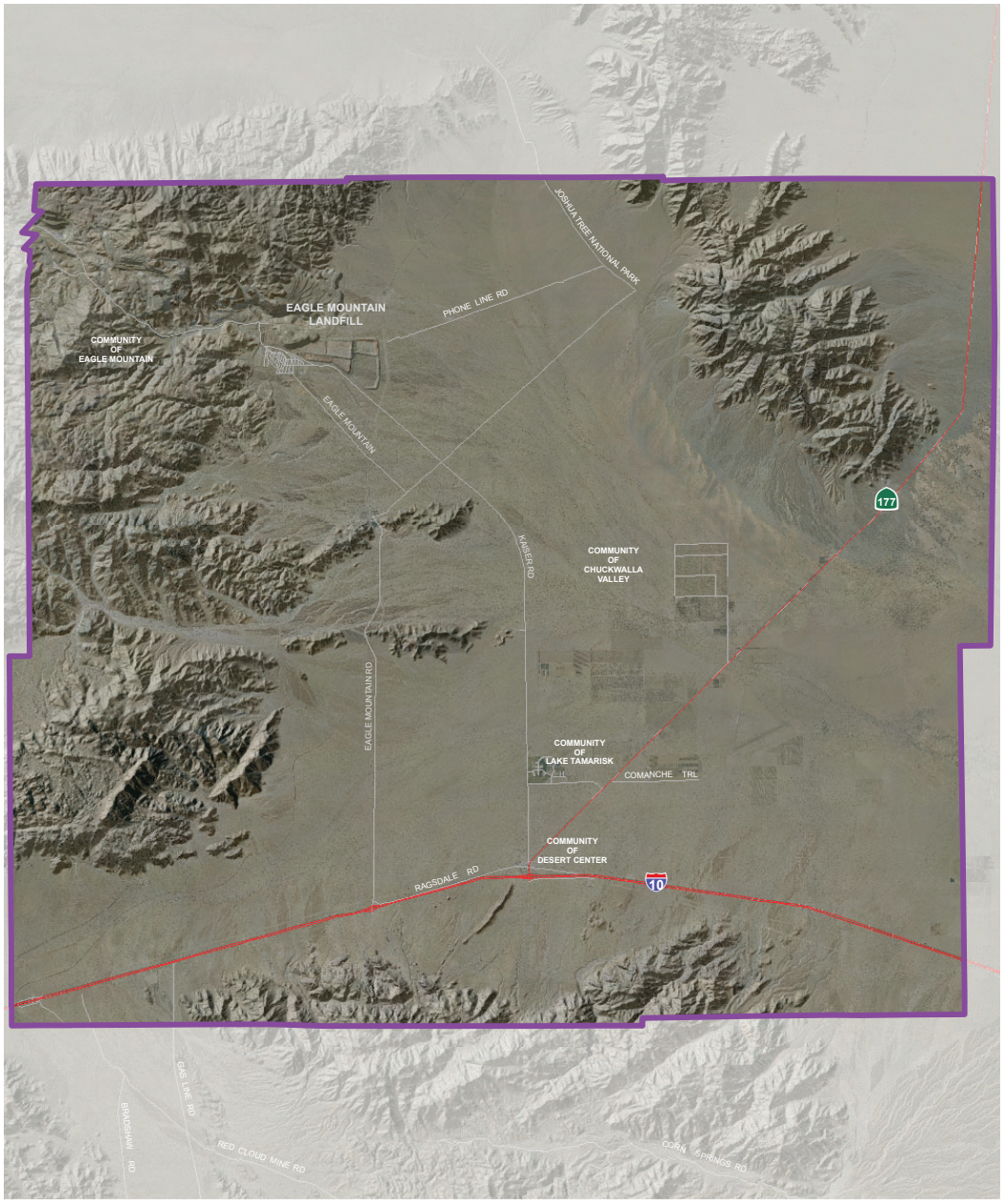
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Data Source: Riverside County

Highways

Area Plan Boundary

Figure 2

December 8, 2015

0 1.5 3 Miles

Disclaimer: Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

DESERT CENTER AREA PLAN PHYSICAL FEATURES

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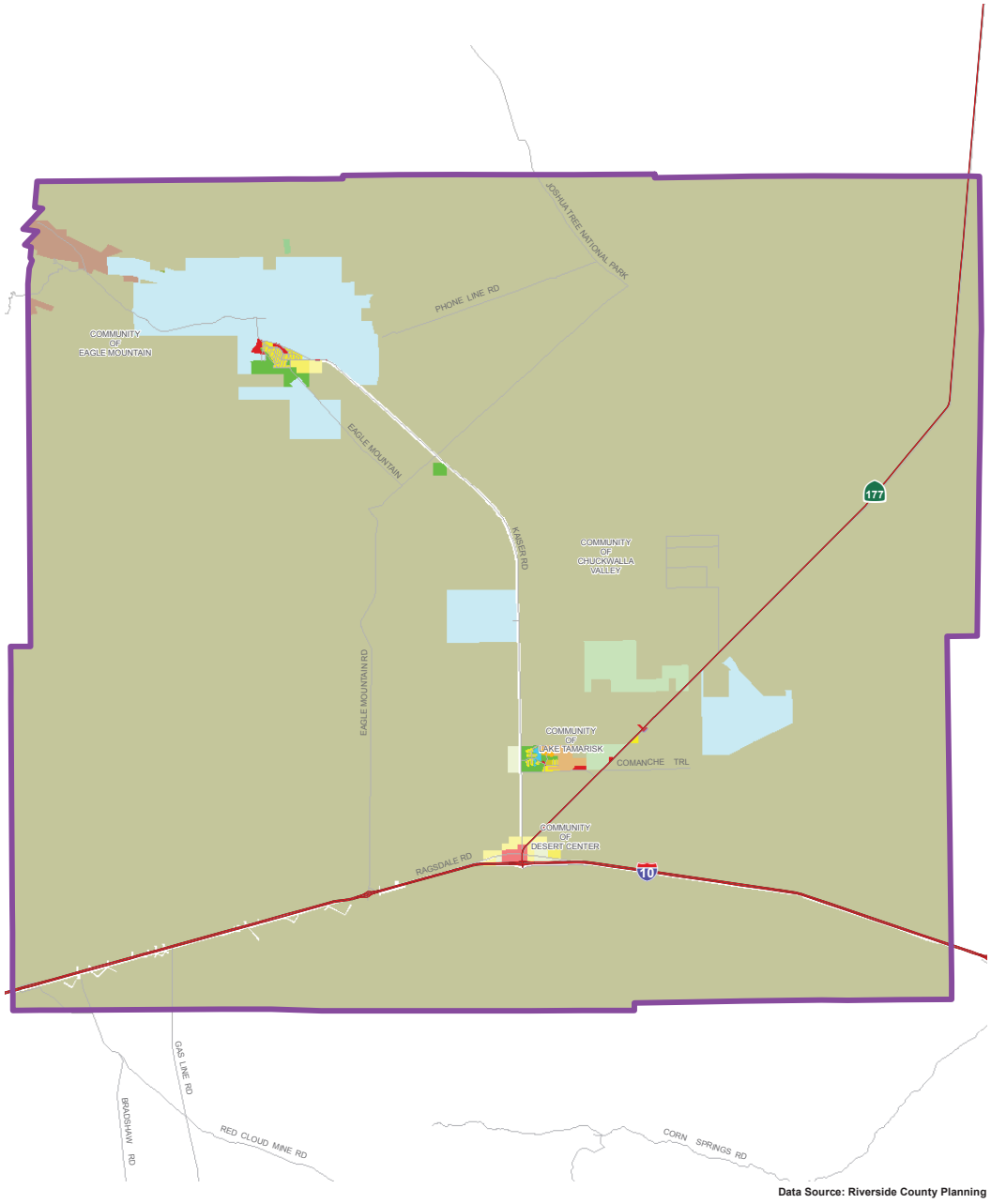


Figure 3

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Desert Center Area Plan

Land uses within the Community Development Foundation Component comprise only a small percentage of the total acreage within the planning area. Future development should be focused on infill and contiguous expansion of the existing communities at Desert Center and Lake Tamarisk. The Eagle Mountain landfill and townsite are designated in accordance with the adopted Specific Plans to accommodate the proposed Class III non-hazardous waste landfill and nearby housing and services for its workers and their families.

Table 1: Land Use Designations Summary

Foundation Component	Area Plan Land Use Designation	Building Intensity Range (du/ac or FAR)[1, 2,3,4]	Notes
Agriculture	Agriculture (AG)	10 ac min.	• Agricultural land including row crops, groves, nurseries, dairies, poultry farms, processing plants, and other related uses. • One single-family residence allowed per 10 acres except as otherwise specified by a policy or an overlay.
Rural	Rural Residential (RR)	5 ac min.	• Single-family residences with a minimum lot size of 5 acres. • Allows limited animal keeping and agricultural uses, recreational uses, compatible resource development (not including the commercial extraction of mineral resources) and associated uses and governmental uses.
	Rural Mountainous (RM)	10 ac min.	• Single-family residential uses with a minimum lot size of 10 acres. • Areas of at least 10 acres where a minimum of 70% of the area has slopes of 25% or greater. • Allows limited animal keeping, agriculture, recreational uses, compatible resource development (which may include the commercial extraction of mineral resources with approval of a SMP) and associated uses and governmental uses.
	Rural Desert (RD)	10 ac min.	• Single-family residential uses with a minimum lot size of 10 acres. • Allows limited animal keeping, agriculture, recreational, renewable energy uses including solar, geothermal and wind energy uses, as well as associated uses required to develop and operate these renewable energy sources, compatible resource development (which may include the commercial extraction of mineral resources with approval of SMP), and governmental and utility uses.
Rural Community	Estate Density Residential (RC-EDR)	2 ac min.	• Single-family detached residences on large parcels of 2 to 5 acres. • Limited agriculture, intensive equestrian and animal keeping uses are expected and encouraged.
	Very Low Density Residential (RC-VLDR)	1 ac min.	• Single-family detached residences on large parcels of 1 to 2 acres. • Limited agriculture, intensive equestrian and animal keeping uses are expected and encouraged.
	Low Density Residential (RC-LDR)	0.5 ac min.	• Single-family detached residences on large parcels of 0.5 to 1 acre. • Limited agriculture, intensive equestrian and animal keeping uses are expected and encouraged.
Open Space	Conservation (C)	N/A	• The protection of open space for natural hazard protection, cultural preservation, and natural and scenic resource preservation. Existing agriculture is permitted.
	Conservation Habitat (CH)	N/A	• Applies to public and private lands conserved and managed in accordance with adopted Multiple Species Habitat and other Conservation Plans and in accordance with related Riverside County policies.
	Water (W)	N/A	• Includes bodies of water and natural or artificial drainage corridors. • Extraction of mineral resources subject to SMP may be permissible provided that flooding hazards are addressed and long term habitat and riparian values are maintained.
	Recreation (R)	N/A	• Recreational uses including parks, trails, athletic fields, and golf courses. • Neighborhood parks are permitted within residential land uses.
	Rural (RUR)	20 ac min.	• One single-family residence allowed per 20 acres. • Extraction of mineral resources subject to SMP may be permissible provided that scenic resources and views are protected.
	Mineral Resources (MR)	N/A	• Mineral extraction and processing facilities. • Areas held in reserve for future mineral extraction and processing.

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Table 1, continued

Foundation Component	Area Plan Land Use Designation	Building Intensity Range (du/ac or FAR)[1, 2,3,4]	Notes
Community Development	Estate Density Residential (EDR)	2 ac min.	• Single-family detached residences on large parcels of 2 to 5 acres. • Limited agriculture and animal keeping is permitted, however, intensive animal keeping is discouraged.
	Very Low Density Residential (VLDR)	1 ac min.	• Single-family detached residences on large parcels of 1 to 2 acres. • Limited agriculture and animal keeping is permitted, however, intensive animal keeping is discouraged.
	Low Density Residential (LDR)	0.5 ac min.	• Single-family detached residences on large parcels of 0.5 to 1 acre. • Limited agriculture and animal keeping is permitted, however, intensive animal keeping is discouraged.
	Medium Density Residential (MDR)	2 - 5 du/ac	• Single-family detached and attached residences with a density range of 2 to 5 dwelling units per acre. • Limited agriculture and animal keeping is permitted, however, intensive animal keeping is discouraged. • Lot sizes range from 5,500 to 20,000 sq. ft., typical 7,200 sq. ft. lots allowed.
	Medium High Density Residential (MHDR)	5 - 8 du/ac	• Single-family attached and detached residences with a density range of 5 to 8 dwelling units per acre. • Lot sizes range from 4,000 to 6,500 sq. ft.
	High Density Residential (HDR)	8 - 14 du/ac	• Single-family attached and detached residences, including townhouses, stacked flats, courtyard homes, patio homes, townhouses, and zero lot line homes.
	Very High Density Residential (VHDR)	14 - 20 du/ac	• Single-family attached residences and multi-family dwellings.
	Highest Density Residential (HHDR)	14 - 40 du/ac	• Multi-family dwellings, includes apartments and condominium. • Multi-storied (3+) structures are allowed.
	Commercial Retail (CR)	0.20 - 0.35 FAR	• Local and regional serving retail and service uses. The amount of land designated for Commercial Retail exceeds that amount anticipated to be necessary to serve Riverside County's population at build out. Once build out of Commercial Retail reaches the 40% level within any Area Plan, additional studies will be required before CR development beyond the 40 % will be permitted.
	Commercial Tourist (CT)	0.20 - 0.35 FAR	• Tourist related commercial including hotels, golf courses, and recreation/amusement activities.
	Commercial Office (CO)	0.35 - 1.0 FAR	• Variety of office related uses including financial, legal, insurance and other office services.
	Light Industrial (LI)	0.25 - 0.60 FAR	• Industrial and related uses including warehousing/distribution, assembly and light manufacturing, repair facilities, and supporting retail uses .
	Heavy Industrial (HI)	0.15 - 0.50 FAR	• More intense industrial activities that generate greater effects such as excessive noise, dust, and other nuisances.
	Business Park (BP)	0.25 - 0.60 FAR	• Employee intensive uses, including research and development, technology centers, corporate offices, clean industry and supporting retail uses.
	Public Facilities (PF)	≤ 0.60 FAR	• Civic uses such as County of Riverside administrative buildings and schools.
	Community Center (CC)	5 - 40 du/ac 0.10 - 0.3 FAR	• Includes combination of small-lot single family residences, multi-family residences, commercial retail, office, business park uses, civic uses, transit facilities, and recreational open space within a unified planned development area. This also includes Community Centers in adopted specific plans.
	Mixed-Use Area		• This designation is applied to areas outside of Community Centers. The intent of the designation is not to identify a particular mixture or intensity of land uses, but to designate areas where a mixture of residential, commercial, office, entertainment, educational, and/or recreational uses, or other uses is planned.

Comment Set D5 – Mark Carrington: Attachment 3 (continued)

D5-50 (cont'd)

Desert Center **Area Plan**

Table 1, continued

Overlays and Policy Areas Overlays and Policy Areas are not considered a Foundation Component. Overlays and Policy Areas address local conditions and can be applied in any Foundation Component. The specific details and development characteristics of each Policy Area and Overlay are contained in the appropriate Area Plan.	
Community Development Overlay (CDO)	• Allows Community Development land use designations to be applied through General Plan Amendments within specified areas within Rural, Rural Community, Agriculture, or Open Space Foundation Component areas. Specific policies related to each Community Development Overlay are contained in the appropriate Area Plan.
Community Center Overlay (CCO)	• Allows for either a Community Center or the underlying designated land use to be developed.
Rural Village Overlay (RVO) and Rural Village Overlay Study Area (RVOSA)	• The Rural Village Overlay allows a concentration of residential and local-serving commercial uses within areas of rural character. • The Rural Village Overlay allows the uses and maximum densities/intensities of the Medium Density Residential and Medium High Density Residential and Commercial Retail land use designations. • In some rural village areas, identified as Rural Village Overlay Study Areas, the final boundaries will be determined at a later date during the consistency zoning program. (The consistency zoning program is the process of bringing current zoning into consistency with the adopted general plan.)
Historic District Overlay (HDO)	• This overlay allows for specific protections, land uses, the application of the Historic Building Code, and consideration for contributing elements to the District.
Specific Community Development Designation Overlay	• Permits flexibility in land uses designations to account for local conditions. Consult the applicable Area Plan text for details.
Policy Areas	• Policy Areas are specific geographic districts that contain unique characteristics that merit detailed attention and focused policies. These policies may impact the underlying land use designations. At the Area Plan level, Policy Areas accommodate several locally specific designations, such as the Cherry Valley Policy Area (The Pass Area Plan), or the Highway 79 Policy Area (Sun City/Menifee Valley Area Plan). Consult the applicable Area Plan text for details.

NOTES:
1 FAR = Floor Area Ratio, which is the measurement of the amount of non-residential building square footage in relation to the size of the lot. Du/ac dwelling units per acre, which is the measurement of the amount of residential units in a given acre.
2 The building intensity range noted is exclusive, that is the range noted provides a minimum and maximum building intensity.
3 Clustering is encouraged in all residential designations. The allowable density of a particular land use designation may be clustered in one portion of the site in smaller lots, as long as the ratio of dwelling units/area remains within the allowable density range associated with the designation. The rest of the site would then be preserved as open space or a use compatible with open space (e.g., agriculture, pasture or wildlife habitat). Within the Rural Foundation Component and Rural Designation of the Open Space Foundation Component, the allowable density may be clustered as long as no lot is smaller than 0.5 acre. This 0.5 acre minimum lot size also applies to the Rural Community Development Foundation Component. However, for sites adjacent to Community Development Foundation Component areas, 10,000 square foot minimum lots are allowed. The clustered areas would be a mix of 10,000 and 0.5 acre lots. In such cases, larger lots or open space would be required near the project boundary with Rural Community and Rural Foundation Component areas.
4 The minimum lot size required for each permanent structure with plumbing fixtures utilizing an onsite wastewater treatment system to handle its wastewater is ½ acre per structure.
HHDR was updated to 14 - 40 du/ac to be consistent with Housing Element 2021-2029 (09/28/21).

Comment Set D5 – Mark Carrington: Attachment 3 (continued)

D5-50 (cont'd)

Table 2: Statistical Summary of the Desert Center Area Plan

LAND USE	AREA	STATISTICAL CALCULATIONS[1]		
	ACREAGE[7]	D.U.	POP.	EMPLOY.
LAND USE ASSUMPTIONS AND CALCULATIONS[9]				
LAND USE DESIGNATIONS BY FOUNDATION COMPONENTS				
AGRICULTURE FOUNDATION COMPONENT				
Agriculture (AG)	865	43	148	43
Agriculture Foundation Sub-Total:	*865*	*43*	*148*	*43*
RURAL FOUNDATION COMPONENT				
Rural Residential (RR)	62	9	32	*NA*
Rural Mountainous (RM)	21	1	4	*NA*
Rural Desert (RD)	0	0	0	*NA*
Rural Foundation Sub-Total:	*83*	*10*	*36*	*0*
RURAL COMMUNITY FOUNDATION COMPONENT				
Estate Density Residential (RC-EDR)	0	0	0	*NA*
Very Low Density Residential (RC-VLDR)	0	0	0	*NA*
Low Density Residential (RC-LDR)	0	0	0	*NA*
Rural Community Foundation Sub-Total:	*0*	*0*	*0*	*0*
OPEN SPACE FOUNDATION COMPONENT				
Open Space-Conservation (OS-C)	2	*NA*	*NA*	*NA*
Open Space-Conservation Habitat (OS-CH)	0	*NA*	*NA*	*NA*
Open Space-Water (OS-W)	0	*NA*	*NA*	*NA*
Open Space-Recreation (OS-R)	213	*NA*	*NA*	32
Open Space-Rural (OS-RUR)	173,530	4,338	14,878	*NA*
Open Space-Mineral Resources (OS-MIN)	613	*NA*	*NA*	18
Open Space Foundation Sub-Total:	*174,358*	*4,338*	*14,878*	*50*
COMMUNITY DEVELOPMENT FOUNDATION COMPONENT				
Estate Density Residential (EDR)	0	0	0	*NA*
Very Low Density Residential (VLDR)	266	199	683	*NA*
Low Density Residential (LDR)	113	169	579	*NA*
Medium Density Residential (MDR)	295	1,033	3,543	*NA*
Medium-High Density Residential (MHDR)	228	1,482	5,082	*NA*
High Density Residential (HDR)	79	871	2,986	*NA*
Very High Density Residential (VHDR)	21	352	1,208	*NA*
Highest Density Residential (HHDR)	7	207	710	*NA*
Commercial Retail[2] (CR)	46	*NA*	*NA*	688
Commercial Tourist (CT)	133	*NA*	*NA*	2,004
Commercial Office (CO)	0	*NA*	*NA*	0
Light Industrial (LI)	166	*NA*	*NA*	2,131
Heavy Industrial (HI)	9	*NA*	*NA*	78
Business Park (BP)	1,254	*NA*	*NA*	20,477
Public Facilities (PF)	7,800	*NA*	*NA*	7,800
Community Center (CC)[3]	0	0	0	0
Mixed-Use Area (MUA)	0	0	0	0
Community Development Foundation Sub-Total:	*10,417*	*4,313*	*14,791*	*33,178*
SUB-TOTAL FOR ALL FOUNDATION COMPONENTS:	**185,720**	**8,705**	**29,853**	**33,271**

Comment Set D5 – Mark Carrington: Attachment 3 (continued)

D5-50 (cont'd)

Desert Center Area Plan

Table 2, continued

NON-COUNTY JURISDICTION LAND USES				
OTHER LANDS NOT UNDER PRIMARY COUNTY JURISDICTION				
Cities	0	---	---	---
Indian Lands	0	---	---	---
Freeways	1,121	---	---	---
Other Lands Sub-Total:	*1,121*			
TOTAL FOR ALL LANDS:	**186,841**	**8,705**	**29,853**	**33,270**
SUPPLEMENTAL LAND USE PLANNING AREAS				
These SUPPLEMENTAL LAND USES are overlays, policy areas and other supplemental items that apply OVER and IN ADDITION to the base land use designations listed above. The acreage and statistical data below represent possible ALTERNATE land use or buildout scenarios.				
OVERLAYS AND POLICY AREAS				
OVERLAYS[4, 5]				
Community Development Overlay	691	2,878	9,869	3,829
Total Area Subject to Overlays:[4, 5]	*691*	*2,878*	*9,869*	*3,829*
POLICY AREAS[6]				
Eagle Mountain Landfill and Townsite	12,230	---	---	---
Desert Center	1,276	---	---	---
Desert Center Airport Influence Area	2,859			
Total Area Within Policy Areas:[6]	*16,365*			
TOTAL AREA WITHIN SUPPLEMENTALS:[7]	**17,056**			

FOOTNOTES:
1 Statistical calculations are based on the midpoint for the theoretical range of buildout projections. Reference Appendix E-1 of the General Plan for assumptions and methodology used.
2 For calculation purposes, it is assumed that CR designated lands will build out at 40% CR and 60% MDR.
3 Note that "Community Center" is used both to describe a land use designation *and* a type of overlay. These two terms are separate and distinct; are calculated separately; and, are *not* interchangeable terms.
4 Overlays provide alternate land uses that may be developed *instead of* the underlaying base use designations.
5 Policy Areas indicate where additional policies or criteria apply, *in addition* to the underlaying base use designations. As Policy Areas are supplemental, it is possible for a given parcel of land to fall within one or more Policy Areas. It is also possible for a given Policy Area to span more than one Area Plan.
6 Overlay data represent the additional dwelling units, population and employment permissible under the alternate land uses.
7 A given parcel of land can fall within more than one Policy Area or Overlay. Thus, this total is *not* additive.
8 Desert Center Area Plan Person Per Household (PPH) 3.61
9 Statistical calculation of the land use designations in the table represents addition of Overlays and Policy Areas.
* Table was updated to change the Mixed-Use Planning Area to Mixed-Use Area, to be consistent with GPA No. 1122 Land Use Element

Policy Areas

A Policy Area is a portion of an Area Plan that contains special or unique characteristics that merit detailed attention and focused policies. Policy Area locations and boundaries are shown on Figure 4, Overlays and Policy Areas, and are described in detail below.

Policy Areas

Eagle Mountain Landfill and Townsite

The 5,500-acre former Kaiser iron ore mining facility has been permitted to transition into a Class III nonhazardous solid waste landfill. Waste transported by rail will be shipped in containers along the Southern Pacific mainline to a rail junction at Ferrum, from which it will be transported along the private 52-mile Eagle Mountain rail line to the

Comment Set D5 – Mark Carrington: Attachment 3 (continued)

D5-50 (cont'd)

project. The adjacent 428-acre townsite, which once provided housing and services for Kaiser employees and their families, will serve the same purpose for the landfill employees. These policies augment other General Plan policies in guiding that transition.

Policies:

DCAP 1.1 Development and operations within this area shall be in accordance with Specific Plans #305 and 306 (see Table 3).

DCAP 1.2 Development and operations of the landfill shall minimize adverse effects from animals, odor, noise, air quality and traffic on adjacent land uses, habitats, and Joshua Tree National Park.

Desert Center Policy Area

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DCAP = Desert Center Area Plan Policy

The Desert Center Policy Area encompasses the area generally located between the existing Desert Center and Lake Tamarisk communities. This area has been identified as having the potential to accommodate limited future expansion of the communities identified, provided that all potential environmental and community services and land use compatibility issues are satisfactorily addressed. Residential, commercial, recreational, tourist-oriented, and other types of land uses may be appropriate here. A general plan amendment will be required prior to any development in this area. Any general plan amendment application filed pursuant to the Desert Center Area Plan policy shall be exempt from the eight-year general plan amendment cycle and other procedural requirements applicable to Foundation Component amendments associated with the General Plan Certainty System. Such amendments shall be deemed Entitlement/Policy amendments and be subject to the procedural requirements applicable to that category of amendments.

Policies:

DCAP 2.1 Any general plan amendment application filed within the Desert Center Policy Area shall be exempt from the eight-year general plan amendment cycle and other procedural requirements applicable to Foundation Component amendments associated with the General Plan Certainty System. Such amendments shall be deemed Entitlement/Policy amendments and be subject to the procedural requirements applicable to that category of amendments.

DCAP 2.2 Provide for a balance of housing, services and employment uses such that Desert Center and Lake Tamarisk residents and/or employees can access necessary services or facilities such as health care, housing, employment, food, recreational, and entertainment facilities.

DCAP 2.3 Assure that the design of new land uses subject to discretionary review visually enhances, and does not degrade, the character of the Desert Center region.

Comment Set D5 – Mark Carrington: Attachment 3 (continued)

D5-50 (cont'd)

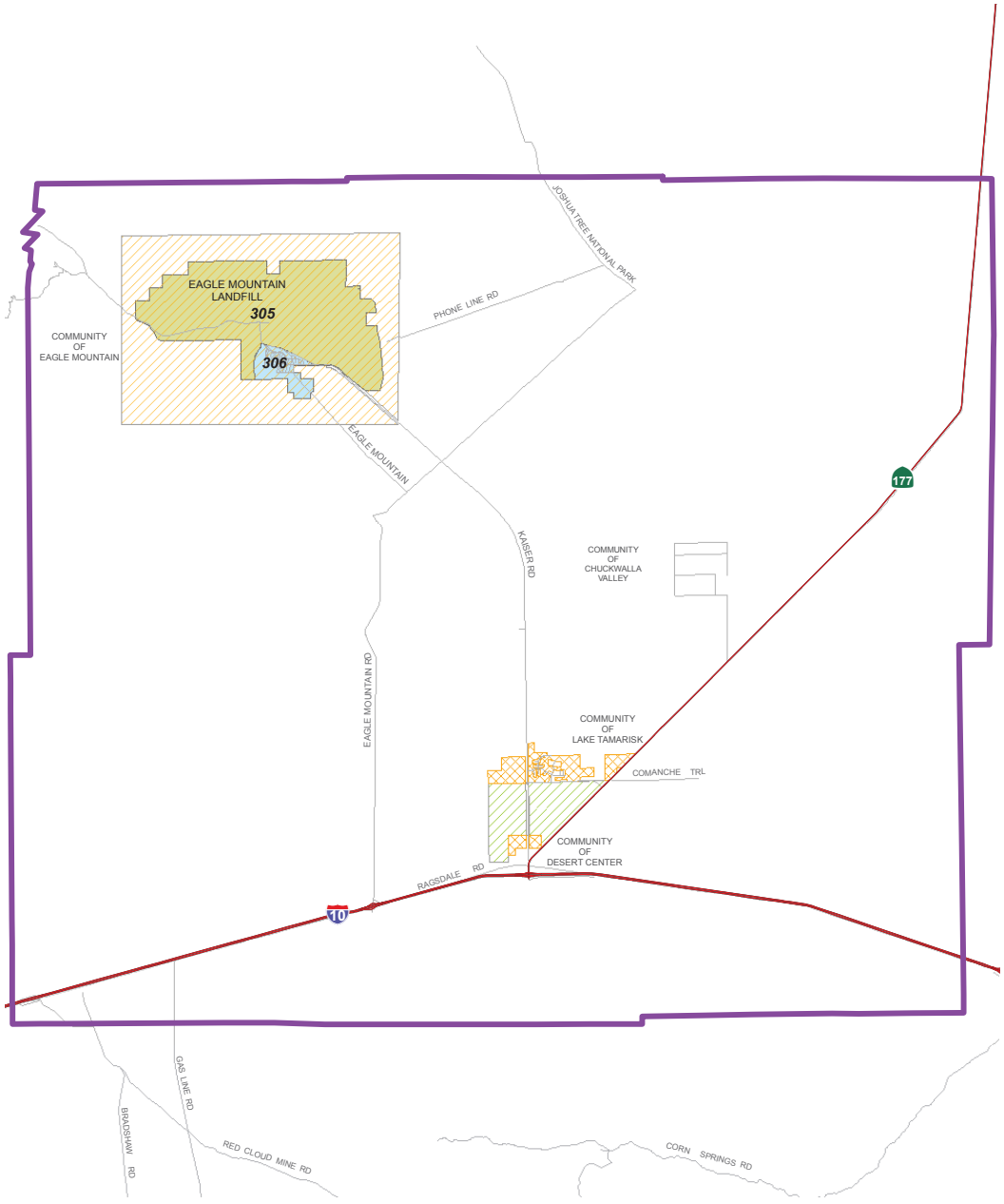


Figure 4

Comment Set D5 – Mark Carrington: Attachment 3 (continued)

D5-50 (cont'd)

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Comment Set D5 – Mark Carrington: Attachment 3 (continued)

D5-50 (cont'd)

Desert Center Area Plan

Specific Plans

Specific plans are highly customized policy or regulatory tools that provide a bridge between the General Plan and individual projects, in a more area-specific manner than is possible with community-wide zoning ordinances. The specific plan is a tool that provides land use and development standards that are tailored to respond to special conditions and aspirations unique to the area proposed for development. These tools are a means of addressing detailed concerns that conventional zoning cannot accomplish.



The authority for preparation of Specific Plans is found in the California Government Code, Sections 65450 through 65457.

Specific Plans are identified in this section as Policy Areas because detailed study and development direction is provided in each plan. Policies related to any listed specific plan can be reviewed at the Riverside County Planning Department. The two specific plans located in the Desert Center planning area are listed in Table 3, Adopted Specific Plans in Desert Center Area Plan. Specific Plan No. 306 (Eagle Mountain Townsite) is determined to be a Community Development Specific Plan.

Specific Plan No. 305 (Eagle Mountain Landfill) presents a special situation. As an approved landfill site, the property is designated Public Facilities, which is within the Community Development foundation component. However, this site is within the Community Development foundation component solely to recognize the public facility use. Any alternative land use on this site, other than for public facilities, shall be uses within an Open Space foundation component designation.

Table 3: Adopted Specific Plans in Desert Center Area Plan

Specific Plan	Specific Plan #
Eagle Mountain Landfill	305
Eagle Mountain Townsite	306

Source: County of Riverside Planning Department.

Land Use

While the General Plan Land Use Element and Area Plan Land Use Map guide future development patterns in Desert Center, additional policy guidance is necessary to address local land use issues that are unique to the area or that require special policies that go above and beyond those identified in the General Plan. These policies may reinforce Riverside County regulatory provisions, preserve special lands or historic structures, require or encourage particular design features or guidelines, or restrict certain activities, among others. The intent is to enhance and/or preserve the identity, character and features of this unique area. The Local Land Use Policies section provides policies to address those land use issues relating specifically to the Desert Center area.

Local Land Use Policies

Agricultural Preservation

Agriculture, in particular jojoba farming, continues to be a component of life in Desert Center. The local commitment to preservation of agricultural lands in Desert Center is evidenced by the fact that some agricultural properties in the area are subject to Williamson Act contracts.

Comment Set D5 – Mark Carrington: Attachment 3 (continued)

D5-50 (cont'd)

Policy:

DCAP 3.1 Protect farmland and agricultural resources in Desert Center through adherence to the Agricultural Resources section of the General Plan Multipurpose Open Space Element and the Agriculture section of the General Plan Land Use Element, as well as the provisions of the agriculture land use designation.

Light Pollution

One of the attractions for residents in less developed areas of the County of Riverside is the brilliance of the nighttime sky on clear nights, unencumbered by lighting scattered over a large urban area. Wildlife habitat areas can also be negatively impacted by artificial lighting. As development continues to encroach into rural and open space areas, the effect of nighttime lighting on star-gazing and open space areas will become more pronounced. The following policy is intended to limit light leakage and spillage that may obstruct or hinder the night sky view.

Policy:

DCAP 4.1 When outdoor lighting is used, require the use of fixtures that would minimize effects on the nighttime sky and wildlife habitat areas, except as necessary for security reasons.

Circulation

> *"Innovative designs allow for increased density in key locations, such as near transit stations, with associated benefits. In these and other neighborhoods as well, walking, bicycling, and transit systems are attractive alternatives to driving for many residents."*
>
> *- RCIP Vision*

The circulation system is vital to the prosperity of a community. It provides for the movement of goods and people within and outside of the community and includes motorized and non-motorized travel modes such as bicycles, trains, aircraft, and automobiles and trucks. In Riverside County, the circulation system is also intended to accommodate a pattern of concentrated growth, providing both a regional and local linkage system between unique communities. This system is multi-modal, which means that it provides numerous alternatives to the automobile, such as transit, pedestrian systems, and bicycle facilities so that Riverside County citizens and visitors can access the region by a number of transportation options.

As stated in the Vision and the Land Use Element, the County of Riverside is moving away from a growth pattern of random sprawl toward a pattern of concentrated growth and increased job creation. The intent of the new growth patterns and the new mobility systems is to accommodate the transportation demands created by future growth and to provide mobility options that help reduce the need to utilize the automobile. The circulation system is designed to fit into the fabric of the land use patterns and accommodate the open space systems.

While the following section describes the circulation system as it relates to Desert Center, it is important to note that the programs and policies are supplemental to, and coordinated with, the policies of the General Plan Circulation Element. In other words, the circulation system of this area plan is tied to the countywide system and its long range direction. As such, successful implementation of the policies in the Desert Center Area Plan will help to create an interconnected and efficient circulation system for the entire County of Riverside.

Comment Set D5 – Mark Carrington: Attachment 3 (continued)

D5-50 (cont'd)

Desert Center Area Plan

The fundamental purpose of the circulation system in Desert Center is to support the mobility needs of the residents, visitors, and businesses in this area while accommodating travelers on Interstate 10.

Local Circulation Policies

Vehicular Circulation System

The vehicular circulation system that supports the Land Use Plan for Desert Center is shown on Figure 5, Circulation. Circulation facilities within this planning area are limited due to remoteness and paucity of community development land uses. Interstate 10, which traverses the entire United States, passes through the southern portion of the plan area. State Route 177 (Desert Center Rice Road) and Kaiser Road extend north from Interstate 10. They, in turn, provide access to local street systems serving Eagle Mountain, Lake Tamarisk, and the Desert Center Airport.

Policies:

DCAP 5.1 Design and develop the vehicular roadway system per Figure 5, Circulation, and in accordance with the functional classifications and standards specified in the General Plan Circulation Element.

DCAP 5.2 Maintain Riverside County's roadway Level of Service standards as described in the Level of Service section of the General Plan Circulation Element.

Rail Transit

The Eagle Mountain railroad line runs southwest to north through the Area Plan and terminates at the Eagle Mountain Landfill and townsite. This line is intended in the future to accommodate transport of nonhazardous solid waste to the approved landfill.

Policy:

DCAP 6.1 Coordinate with rail operators to maintain and enhance existing railroad facilities in accordance with the Goods Movement/Designated Truck Routes section of the General Plan Circulation Element.

Trails

The trail shown on Figure 6, Trails and Bikeway System, is a conceptual representation of a non-County trail within this area plan.

Policies:

DCAP 7.1 Implement the Trails and Bikeway System as discussed in the Non-motorized Transportation section of the General Plan Circulation Element.

DCAP 7.2 Continue to explore opportunities for developing additional trails to serve the Desert Center area.

Comment Set D5 – Mark Carrington: Attachment 3 (continued)

D5-50 (cont'd)

Scenic Highways

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The purpose of the California Scenic Highways program, which was established in 1963, is to "Preserve and protect scenic highway corridors from change which would diminish the aesthetic value of lands adjacent to highways."

Scenic highways provide the motorist with a view of distinctive natural characteristics that are not typical of other areas in the County of Riverside. The intent of these policies is to conserve significant scenic resources along scenic highways for future generations and to manage development along scenic highways and corridors so that it will not detract from the area's natural characteristics.

As shown on Figure 7, Scenic Highways, Interstate 10, from its junction with State Route 62 to the Colorado River, is identified as a candidate route that should be included in the California State Scenic Highway Program, but has yet to be designated as an eligible or official scenic highway. The reason for its eligibility is obvious: this multi-lane Interstate provides a panoramic view of the immense Colorado Desert. Regardless of its designation, it is consistent with the Riverside County Vision to protect the scenic value of this route.

Policies

DCAP 8.1 Protect the scenic highways within the Desert Center Area Plan from change that would diminish the aesthetic value of adjacent properties through adherence to the policies found in the Scenic Corridors sections of the General Plan Land Use, Multipurpose Open Space, and Circulation Elements.

DCAP 8.2 Support the designation of Interstate 10 as an eligible, and subsequently, official, scenic highway in accordance with the California State Scenic Highway Program.

Multipurpose Open Space

As described in earlier sections, Desert Center contains a variety of open space and natural features. These include the Eagle, Chuckwalla, and Coxcomb Mountains, and the Colorado Desert habitat, characterized by sandy desert, low-lying, widely spaced shrubs, and high temperatures.

This Multipurpose Open Space section is a critical component in maintaining the character of the unincorporated areas of Riverside County and Desert Center. In addition to providing a scenic background and preserving the natural character of the area, these open spaces help define the character and edges of Desert Center communities.

Local Open Space Policies

Wildlife Habitat

Much of the southern portion of the Desert Center area south of Interstate 10 and west of Kaiser Road has been identified as Desert Tortoise Critical Habitat by the U.S. Fish and Wildlife Service. This area is depicted on Figure 8, Desert Tortoise Reserve. Moreover, because the remainder of the desert environment is particularly sensitive to intrusion and damage, it is also worthy of preservation attention. The policy orientation here is, therefore, to continue the pattern of clustered development that already exists.

Comment Set D5 – Mark Carrington: Attachment 3 (continued)

D5-50 (cont'd)

Policies:

DCAP 9.1	Encourage clustering of development for the preservation of contiguous open space.
DCAP 9.2	Work to limit off-road vehicle use within the Desert Center Area Plan.
DCAP 9.3	Require new development to conform with Desert Tortoise Critical Habitat designation requirements.

Hazards

Portions of Desert Center may be subject to seismic occurrences, and, despite the general dispersion of vegetation, wildland fire. The numerous ridgelines and varying terrain, while providing a scenic backdrop for the region, require special development standards or avoidance to prevent erosion and landslides. Fortunately, these areas are generally outside community development designations and existing development areas for other reasons. The following policies provide additional direction for relevant hazard issues specific to Desert Center.

Local Hazard Policies

Wildland Fire

Areas of very high and high wildland fire susceptibility within the Desert Center Area Plan correspond with the areas of steep slope. Methods to address this hazard include techniques such as avoidance of building in high risk areas, creating setbacks that buffer development from hazard areas, maintaining brush clearance to reduce potential fuel, installing low fuel landscaping, and utilizing fire resistant building techniques. In still other cases, safety-oriented organizations such as the Fire Safe Council can provide assistance in educating the public and promoting practices that contribute to improved public safety. Refer to Figure 9, Fire Hazard Severity Zone, to see the locations of the wildfire zones within this area plan.

Policy:

DCAP 10.1	All proposed development located within High or Very High Fire Hazard Severity Zones shall protect life and property from wildfire hazards through adherence to policies identified in the Fire Hazards (Building Code and Performance Standards), Wind-Related Hazards and General and Long-Range Fire Safety Planning sections of the General Plan Safety Element.

Seismic

Seismic hazards pose significant threats to life and property in the area. The most significant fault within the plan area runs northerly of and parallel to Interstate 10 through the Desert Center community. Threats from seismic events include ground shaking, fault rupture, and landslides. Liquefaction is a moderate threat within much of the area. The use of special building techniques, the enforcement of setbacks, and practical avoidance measures will help to mitigate these potentially dangerous circumstances. Refer to Figure 10, Seismic Hazards, for a depiction of these hazards within this area.

Comment Set D5 – Mark Carrington: Attachment 3 (continued)

D5-50 (cont'd)

Policy:

DCAP 11.1 Protect life and property from seismic-related incidents through adherence to the policies in the Seismic Hazards and Geologic Hazards section of the General Plan Safety Element.

Slope

The Chuckwalla, Eagle, and Coxcomb Mountains play an integral part in establishing the character and atmosphere of Desert Center. While densities are limited in the Open Space-Rural land use designation, development that does occur must prevent or minimize the potential for erosion and landslides, preserve significant views, and minimize grading and scarring. The following policies are intended to protect life and property while maintaining the natural character of this area. Figure 11, Steep Slope, depicts areas of steep slopes in this Area Plan. Also refer to Figure 12, Slope Instability, for areas of possible landslide.

Policy:

DCAP 12.1 Protect life and property, and maintain the character of Desert Center, through adherence to the Hillside Development and Slope section of the General Plan Land Use Element, the Rural Mountainous and Open Space land use designations within the General Plan Land Use Element, and the Slope and Soil Instability Hazards section of the General Plan Safety Element.

Comment Set D5 – Mark Carrington: Attachment 3 (continued)

D5-50 (cont'd)

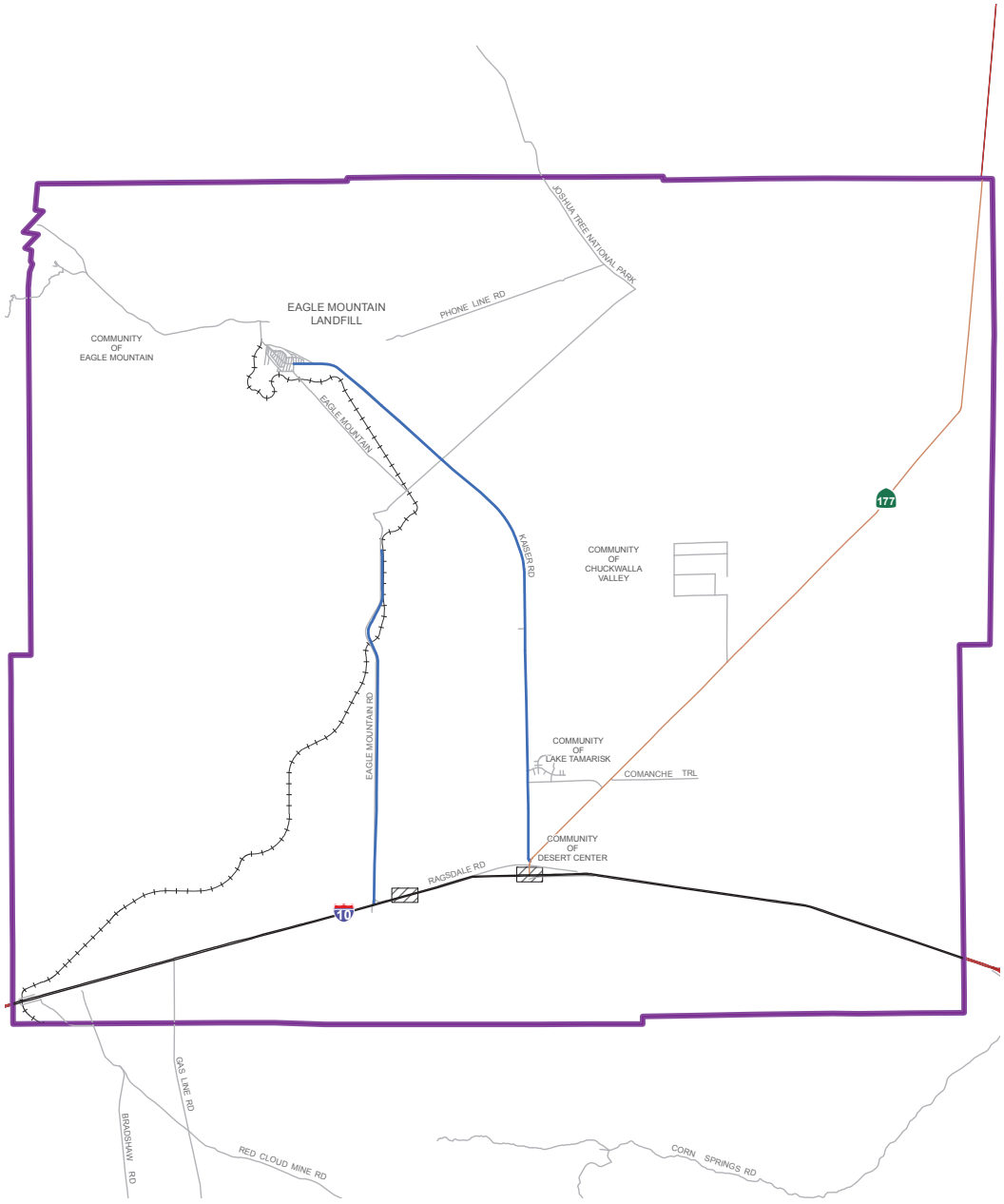


Figure 5

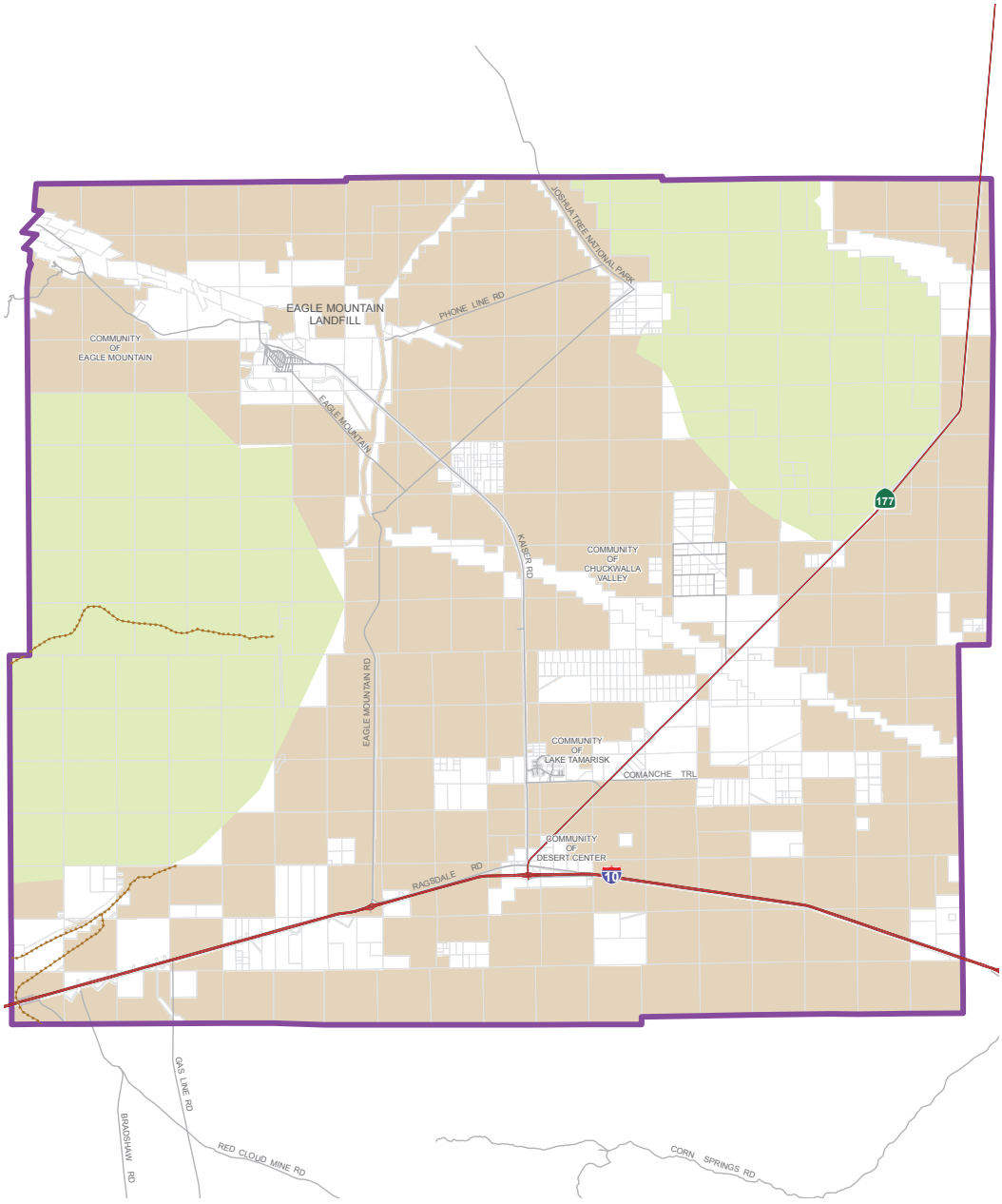
Comment Set D5 – Mark Carrington: Attachment 3 (continued)

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Comment Set D5 – Mark Carrington: Attachment 3 (continued)

D5-50 (cont'd)



Data Source: Riverside County Parks

Non-CountyTrail (Public and Quasi-Public Lands)

Bureau of Land Management (BLM) Lands

Miscellaneous Public Lands

Highways

Area Plan Boundary

Note: Trails shown in non-county jurisdictions for informational/coordination purposes only.

Data Source: Primarily Riverside County Regional Park and Open Space District, with assistance from Riverside County TLMA/Transportation and Planning Departments, Riverside County Economic Development Agency, and other local, state, and federal recreational services agencies.

Note: Trails and bikeway maps are a graphic representation identifying the general location and classification of existing and proposed trails and bikeways in the unincorporated area of the County. All questions regarding precise alignment or improvement standards should be referred to the Riverside County Regional Park and Open Space District.

Note: Except for major regional facilities, trails and bikeways systems located within cities are generally not shown. Where trails and bikeways exist or are planned in the unincorporated area in such a manner that there are opportunities for connections with existing or planned trails and bikeways within adjacent cities, an arrow symbol is used to show the approximate location of the intended connection opportunity. The reader should contact the appropriate city for all information about that city's existing or planned trails and bikeways systems.

Figure 6

December 8, 2015

0 1.5 3 Miles

Disclaimer: Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

DESERT CENTER AREA PLAN TRAILS AND BIKEWAY SYSTEM

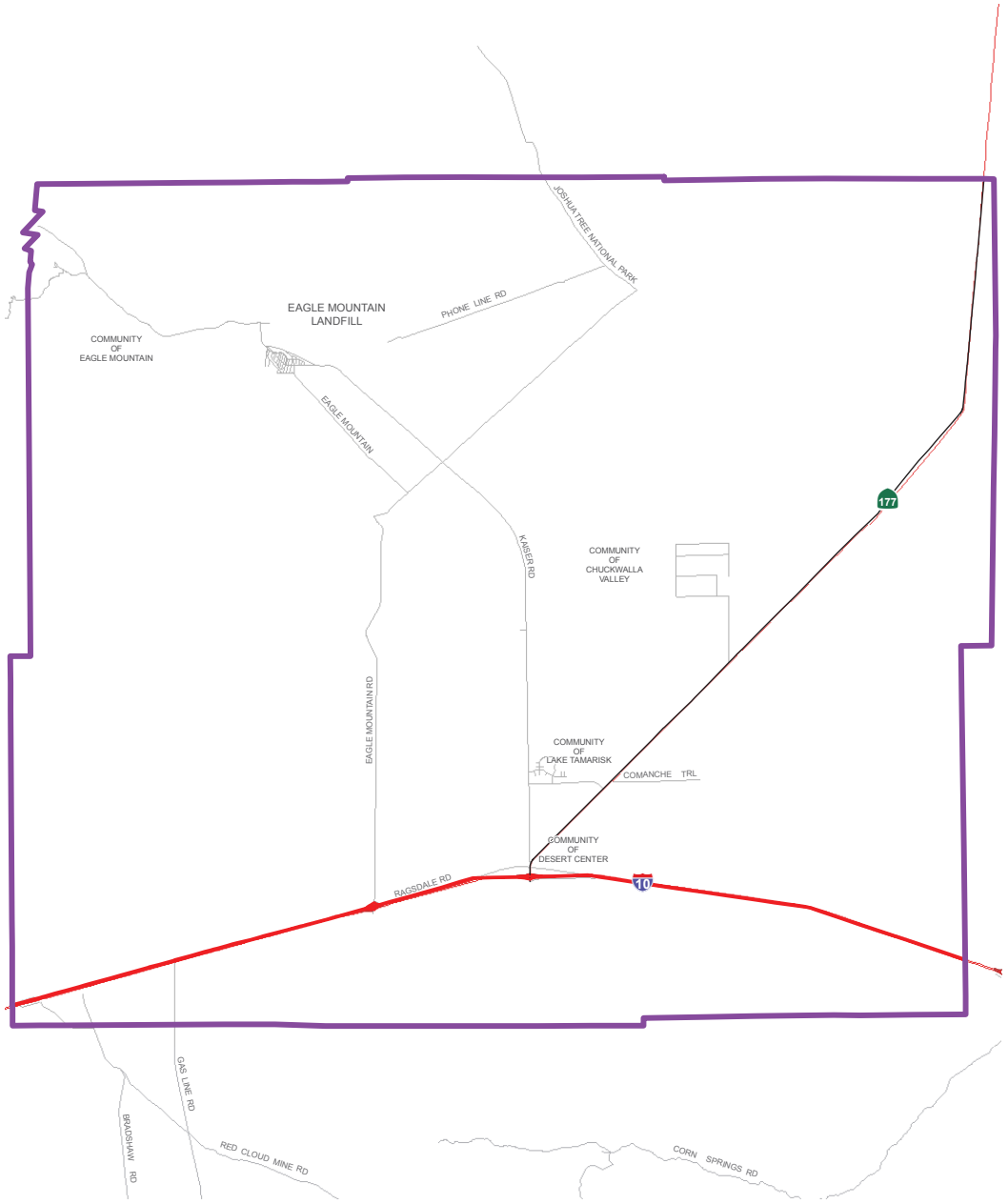
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Comment Set D5 – Mark Carrington: Attachment 3 (continued)

D5-50 (cont'd)



Data Source: Riverside County (2013)/Cal Trans (2013)

County Eligible
Not Designated
Highways
Area Plan Boundary

Figure 7

December 8, 2015

0 1.5 3 Miles

Disclaimer: Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

DESERT CENTER AREA PLAN
SCENIC HIGHWAYS

Comment Set D5 – Mark Carrington: Attachment 3 (continued)

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Comment Set D5 – Mark Carrington: Attachment 3 (continued)

D5-50 (cont'd)



Figure 8

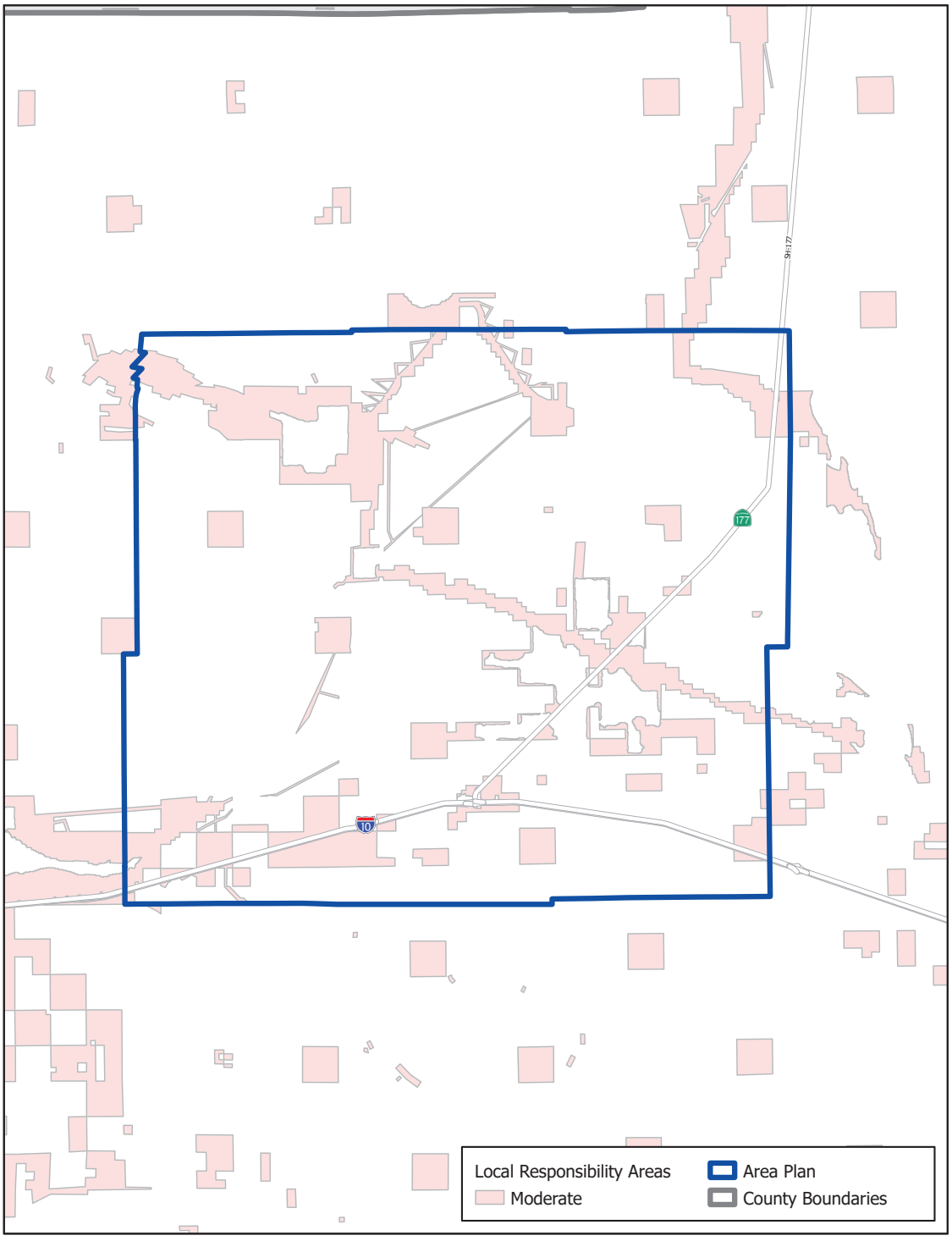
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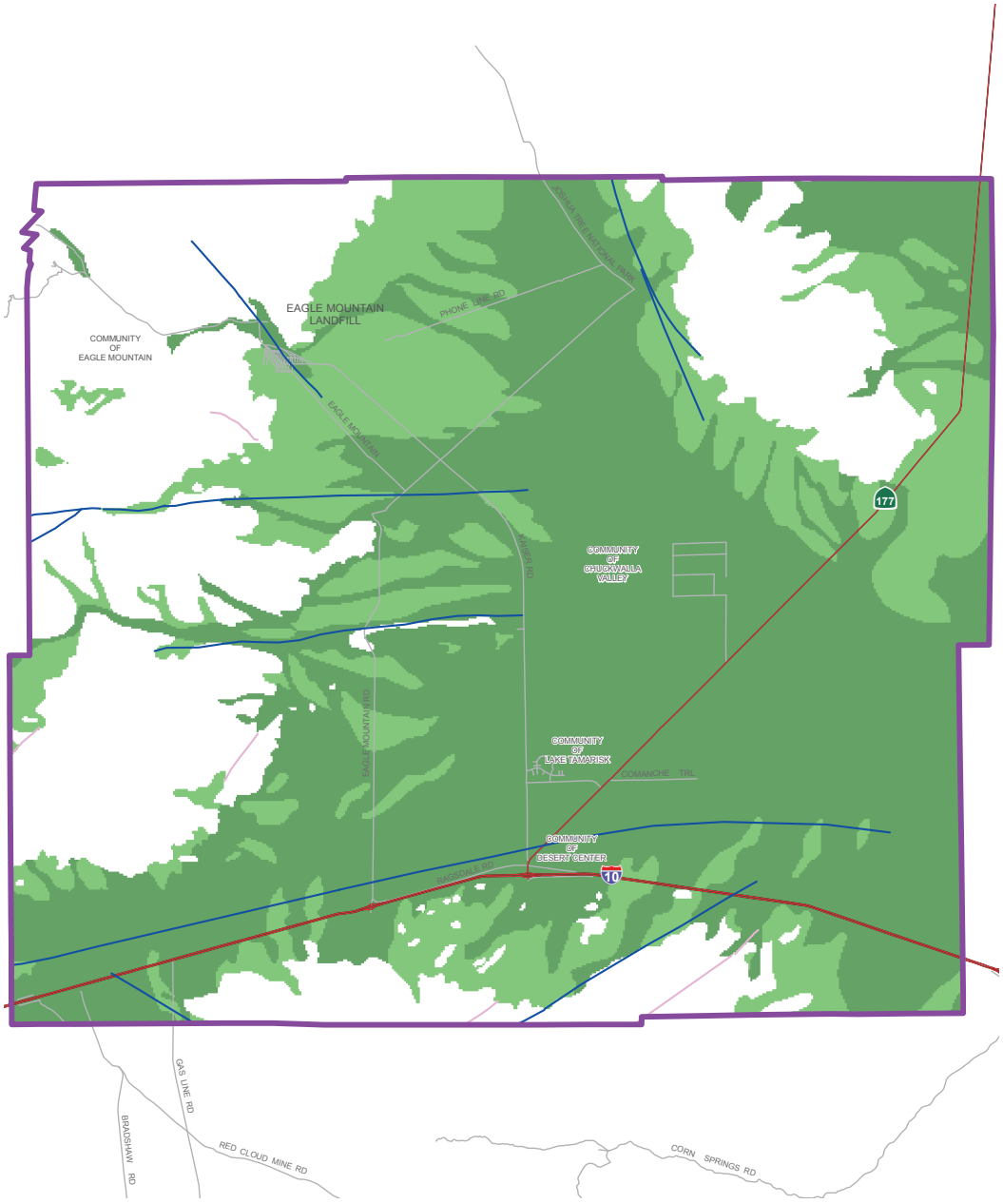
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Comment Set D5 – Mark Carrington: Attachment 3 (continued)

D5-50 (cont'd)



Data Source: Riverside County Geology (2013)/ California Geological Survey (2008)

Faults Activity
- Quaternary
- Pre-Quaternary

Liquefaction Susceptibility
- No Groundwater Data
- Susceptible Sediments
  - Moderate
  - Low

- Highways
- Area Plan Boundary

Figure 10

December 8, 2015

0 1.5 3 Miles

Disclaimer: Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

DESERT CENTER AREA PLAN SEISMIC HAZARDS

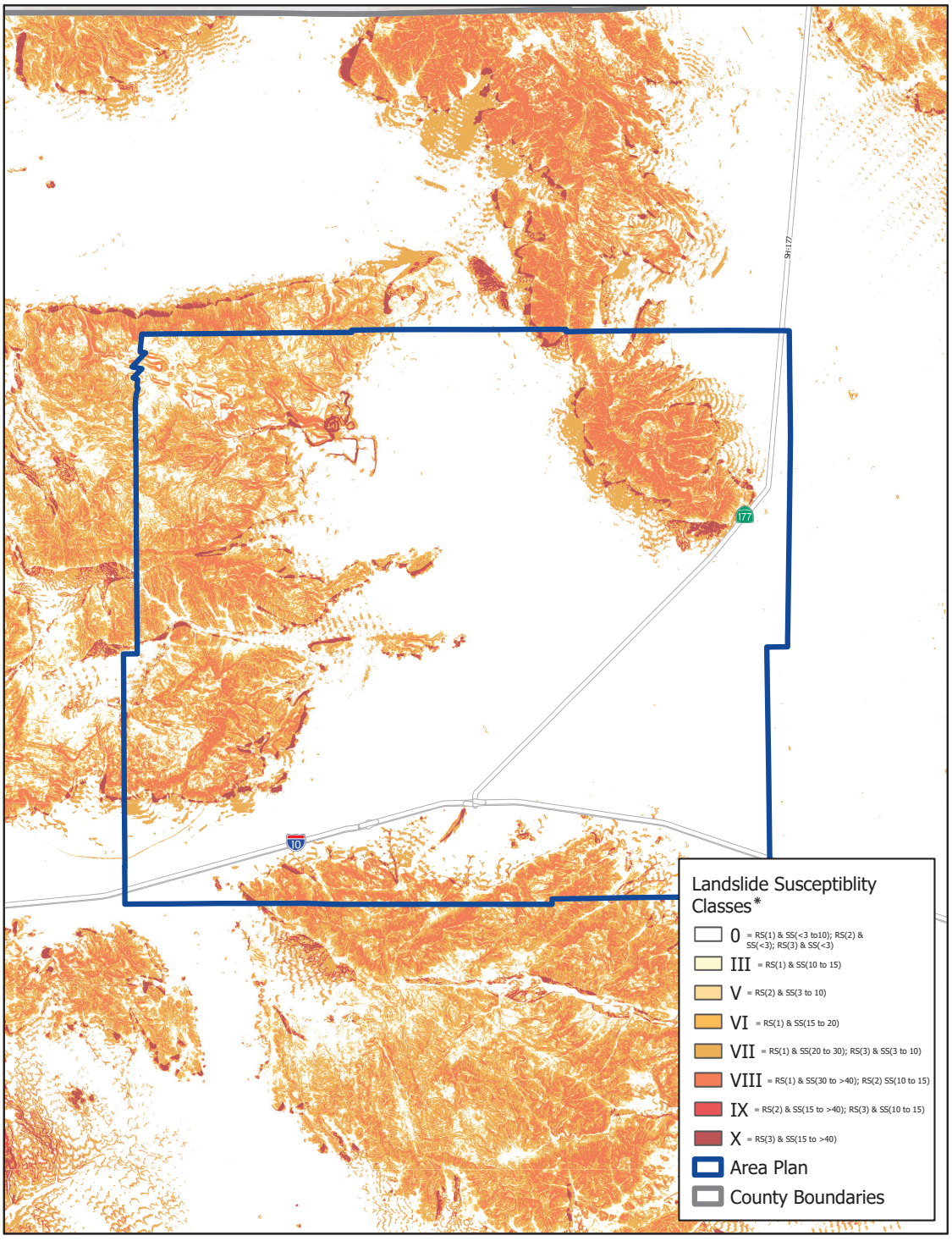
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Comment Set D5 – Mark Carrington: Attachment 3 (continued)

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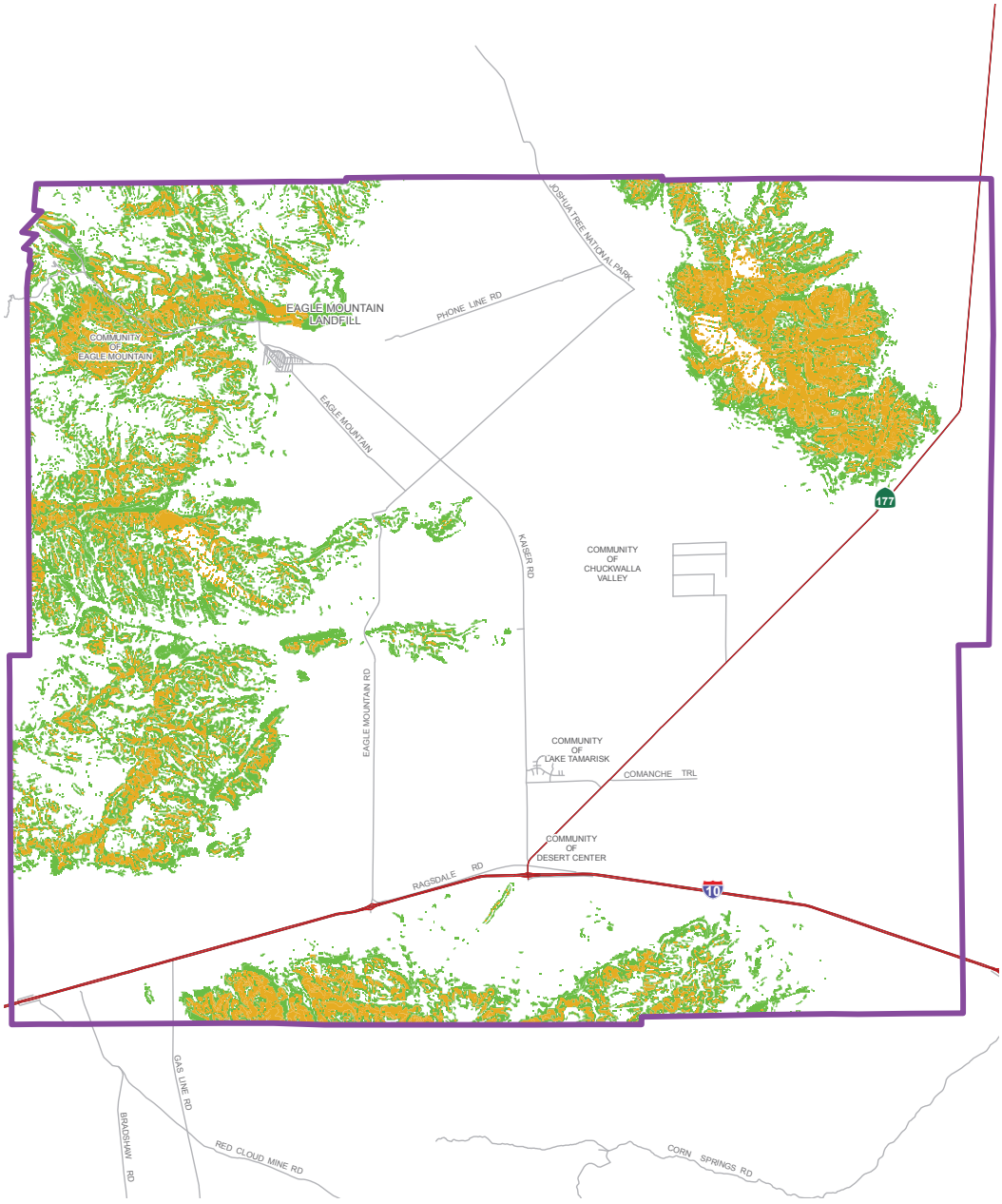
Comment Set D5 – Mark Carrington: Attachment 3 (continued)

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Comment Set D5 – Mark Carrington: Attachment 3 (continued)

D5-50 (cont'd)



Data Source: California Geological Survey (2008)

Slope Instability

- High susceptibility to seismically induced landslides and rockfalls.
- Low to locally moderate susceptibility to seismically induced landslides and rockfalls.
- Highways
- Area Plan Boundary

Figure 12

December 8, 2015

Miles
0 1.5 3

Disclaimer: Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

DESERT CENTER AREA PLAN SLOPE INSTABILITY

Comment Set D5 – Mark Carrington: Attachment 3 (continued)

D5-50 (cont'd)

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Comment Set D5 – Mark Carrington: Attachment 4

Dust Management Plan

An aggressive fugitive dust management plan must be implemented to protect the health of the residents of a community in such close proximity. This is especially important due to the demography of the community. Seniors and children represent more than 1/2 of the population in the community of Lake Tamarisk. **D5-51**

-Site Preparation

Multiple air quality monitors mounted just outside the perimeter on all four sides of the project construction area will allow both up and downwind readings to be recorded. This will eliminate confusion as to the origin of any toxic fugitive dust. Representatives of the Lake Tamarisk Community will have remote access to the monitors. The monitoring will continue throughout construction.

Site preparation should follow the specific guidelines indicated in the attached EPA letter. **D5-52**
https://www.dropbox.com/scl/fi/yrwd8nz3rflhufr65kcu8/2023-10-23_EPA-NOI-Comments_Easley-Solar-Project.pdf?rlkey=r7yaays7s1n9p2huyhho9bxcs&dl=0

This guideline was followed successfully by Crimson Solar and is therefore both technically and economically feasible.
https://eplanning.blm.gov/public_projects/88925/200202547/20039043/250045238/Crimson%20Solar%20Project%20ROD_508.pdf

Scarifying and rolling are not necessary for most of the project footprint and are environmentally destructive. **D5-53**

In addition to following the above procedures, all disturbed Soils will require soil stabilizers approved by the BLM and Riverside County. The BLM currently has approved 4 soil stabilizers, and Riverside County has approved an additional two for previously disturbed private lands. **D5-54**

Mulches maybe used effectively on previously disturbed agricultural lands as an option.

Berms will also require soil stabilization and Hydro-seeding with native vegetation.

All disturbed soils are to be stabilized as the disturbances occur.

Once disturbed soils are stabilized construction may begin.

-Construction **D5-55**

In order to minimize further disturbances vehicles will use follow-on single-track access between piling rows and perimeter routes.

Comment Set D5 – Mark Carrington: Attachment 4

Spot reapplication of soil stabilizers may be required where further disturbance occurs.

Since approved methods exist to control 100% of fugitive dust emissions, lengthy work stoppage or equivalent fines must be automatically levied for fugitive dust emissions beyond the project boundaries in order to incentivize better management.

D5-55 (cont'd)

Comment Set D5 – Mark Carrington: Attachment 5

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

October 23, 2023

Tamara Faust
Project Manager
Bureau of Land Management
Palm Springs – South Coast Field Office
1201 Bird Center Drive
Palm Springs, California 92262

Subject: Scoping Comments for the Easley Renewable Energy Project, Riverside County, California

Dear Tamara Faust:

D5-56

The U.S. Environmental Protection Agency has reviewed the Bureau of Land Management's notice of intent to prepare an environmental assessment for the proposed Easley Renewable Energy Project. The EPA's comments are provided pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508) and our NEPA review authority under Section 309 of the Clean Air Act.

The EPA is a cooperating agency under NEPA for this project. We appreciate the opportunity to coordinate early with the BLM and other agencies to improve the environmental outcomes for this project. The BLM is evaluating permitting solar energy facilities including a photovoltaic electrical generating and storage facility and associated infrastructure. The proposed project application area is located on approximately 3,735 acres of private (990 acres) and BLM (2,745 acres)-administered land, in Riverside County north of Desert Center, California. The public lands within the project solar application area are lands designated as a Development Focus Area (DFA) by the Desert Renewable Energy Conservation Plan (DRECP).

The EPA supports renewable energy resource development consistent with Executive Orders 13990 and 14008 and the Energy Act of 2020. Using renewable energy resources, such as solar power, can help the nation meet its energy requirements while reducing greenhouse gas emissions. The EPA encourages the BLM to work with the project proponent to utilize alternative (non-traditional) construction methods that can significantly reduce intensive project impacts. Replacing harmful site preparation techniques like 'grading' and 'disk and roll' with less intrusive measures such as 'overland travel' within solar panel array areas can reduce adverse ecosystem effects without significantly impeding project development or impacting worker safety.

To minimize such impacts and maximize opportunities for vegetation recovery, we recommend that the BLM consider the design elements that were adopted in the Record of Decision for the Crimson Solar

Comment Set D5 – Mark Carrington: Attachment 5 (continued)

D5-56 (cont'd)

Project[1] located in the Riverside East Solar Energy Zone. Additionally, the BLM Southern Nevada District is developing best management practices that should be considered for all BLM projects going forward, including the Easley Renewable Energy Project. These BMPs, if utilized, can reduce significant project impacts by preserving soil structure, seed banks, and a set percentage of vegetation (including cacti and yucca), maintaining hydrologic flow patterns on site, and conserving wildlife habitat. Using construction techniques that have less impact will also result in the retention of biological soil crusts, and reduce air quality impacts from dust, potential exposure to Valley Fever and water use during construction.

Additionally, the DRECP was adopted 8 years ago and well over 10,000 acres of solar have been either built or are under construction in the area. As this could be the third project subject to the DRECP's requirements, the EPA recommends incorporating best practices and mitigation measures from other BLM approved projects and utilizing the latest environmental guidances and policies to inform impact analyses and decision makers and to ensure project resilience over the expected 35 to 50 year project life.

We are particularly concerned about potential cumulative impacts to the western side of the Riverside East Solar Energy Zone. We note recent reports of insufficient groundwater availability. In addition to concerns regarding water supply, we recommend that the Draft EA include up to date figures for the acreages already impacted from the multitude of projects constructed, under construction and proposed as compared to the thresholds for development codified in the DRECP (e.g. total desert tortoise critical habitat acreage expected to be impacted within the DRECP planning area). Such figures can help determine whether impacts have been exceeded and help clarify potential thresholds for development in the Riverside East Solar Energy Zone.

We support a project fully compliant with DRECP Conservation Management Actions, including on private lands for consistency and resource protection, and we would like to recommend that such a proposal is carried forward in the analysis.

We appreciate the opportunity to provide comments on this scoping notice and have included the enclosed detailed comments for your consideration. We look forward to continued participation in the NEPA process. If you have any questions, please contact me at (415) 972-3238 or plenys.thomas@epa.gov.

Sincerely,

THOMAS PLENYS

Digitally signed by THOMAS PLENYS
Date: 2023.10.23 13:03:23 -07'00'

Tom Plenys
Environmental Review Branch

Enclosure: EPA's Detailed Scoping Comments

[1] Crimson Solar Project, Draft Environmental Impact Statement and Environmental Impact Report and Draft Land Use Plan Amendment to the California Desert Conservation Area Plan, DOI-BLM-CA-D060-2017-0029-EIS, November 1, 2019.

Comment Set D5 – Mark Carrington: Attachment 5 (continued)

U.S. EPA DETAILED COMMENTS ON THE SCOPING NOTICE FOR THE EASLEY RENEWABLE ENERGY PROJECT, RIVERSIDE COUNTY, CALIFORNIA – SEPTEMBER 23, 2023 D5-57

Purpose and Need

In the Draft Environmental Assessment, clearly identify the underlying *purpose* and *need* for the proposed project (40 CFR 1502.13). When formulating the *need*, identify and describe the underlying problem, deficiency, or opportunity that the action is meant to address. Describe the criteria used to determine the minimum project size that would be considered feasible to achieve the underlying need. Discuss the proposed project in the context of the larger energy market that this project would serve and discuss how the project would assist California in meeting renewable energy portfolio standards and goals, address anticipated electric demand, and improve reliability and resilience of the Western electric grid.

Alternatives Analysis D5-58

A reasonable range of alternatives will include options for avoiding significant environmental impacts. Reasonable alternatives could include, but are not necessarily limited to, alternative configurations and mountings, alternative capacities, alternative site preparation techniques, alternative energy storage options, and gen-tie interconnection options. In the alternatives analysis, describe the approach used to identify environmentally sensitive areas and the process used to designate them in terms of sensitivity.

Present the environmental impacts of the proposed action and alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public (40 CFR 1502.14). Quantify the potential environmental impacts of each alternative to the greatest extent possible (e.g., acres of habitat impacted). Consider both short- and longer-term effects, beneficial and adverse effects, as well as effects on public health and safety.

As part of the development of alternatives, we recommend that the BLM consider the latest science that was used to develop the Desert Renewable Energy Conservation Plan (DRECP), as well as any recent applicable studies, and evaluate an action alternative that would fully comply with the DRECP Conservation Management Actions (CMAs). For consistency and resource protection, we recommend CMA compliance on the private land acreage as well. We recommend that the Draft EA include a 'crosswalk' table highlighting how each alternative would meet or not meet the criteria for each CMA. Additionally, a reduced size alternative would allow the applicant greater flexibility to avoid any environmentally sensitive areas and should be considered, if necessary. The Draft EA should provide a discussion of the reasons for the elimination of alternatives which are not evaluated in detail.

Potential Alternatives to the Proposed Action D5-59

The EPA supports an alternative that minimizes environmental impacts on site and preserves function and habitat at a landscape level to the greatest extent feasible across solar project development areas within the Riverside East Solar Energy Zone. To minimize such impacts and maximize opportunities for vegetation recovery, we support the design elements that have been adopted in the Record of Decision at the Crimson Solar Project[2] located in the Riverside East SEZ. We also support the use of 'less impact' construction techniques, which are being developed in the BLM Southern Nevada District

[2] Crimson Solar Project, Draft Environmental Impact Statement and Environmental Impact Report and Draft Land Use Plan Amendment to the California Desert Conservation Area Plan, DOI-BLM-CA-D060-2017-0029-EIS, November 1, 2019.

Comment Set D5 – Mark Carrington: Attachment 5 (continued)

Office, where topsoil and vegetation are preserved as much as possible. Site preparation techniques like 'grading' and 'disk and roll' should be minimized and replaced with less intrusive measures such as 'overland travel.' Keeping vegetation in place provides a more hospitable habitat for native species and pollinators, stabilizes soil, preserves soil structure, reduces erosion, dust and potential exposure to Valley Fever, and reduces the need for restoration. We support maintaining desert washes and buffers across solar arrays, thus preserving their value as wildlife passageways and as potential conduits supporting other sensitive resources such as microphyll woodlands.

D5-59 (cont'd)

Construction methods that lower disturbance levels are described in greater detail in the BLM Southern Nevada District Office's Restoration Plan Template (2022-23) and will likely be incorporated under the 'Resource Integration Alternative' in upcoming BLM Environmental Impact Statements (e.g., Rough Hat Solar Project) dealing with utility-scale solar energy projects in southern Nevada. In the Draft EA, discuss the applicability of the SNDO approach, including: Establishing restoration levels and including restoration and revegetation requirements to meet site success standards and discussing and setting a grading limit. Such methods have been utilized successfully at the Gemini Solar Project in Nevada. We encourage the project proponent to work closely with BLM to consider the feasibility for incorporating these techniques in the Plan of Development and Draft EA.

D5-60

Cumulative Impacts Analysis

Cumulative impacts are identified in 40 CFR 1508.1(g)(3) as "effects on the environment that result from the incremental effects of the action when added to the effects of other past, present, and reasonably foreseeable actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions over a period of time." Cumulative impact analyses describe the threat to resources as a whole, presented from the perspective of the resource instead of from the individual project. Discussions of cumulative impacts are usually more effective when included in the larger discussions of environmental impacts from the action (the environmental consequences chapter), as opposed to discussing cumulative impact analyses in a separate chapter.

D5-61

In the cumulative impacts analysis, identify how resources, ecosystems, and communities in the vicinity of the project (e.g. Desert Center) have already been, or will be, affected by past, present, or future activities in the project area. Characterize these resources in terms of their response to change and capacity to withstand stresses. We recommend focusing on resources of concern or resources that are "at risk" and/or are significantly impacted by the project before mitigation. This analysis provides an opportunity to identify potential large, landscape-level regional impacts, as well as potential large-scale mitigation measures.

As noted in our cover letter, we are particularly concerned about cumulative impacts on the western side of the Riverside East SEZ, including reports of insufficient ground water availability[3]. Include up to date figures for the acreages already impacted from the multitude of projects constructed, under construction and proposed as compared to the thresholds for development codified in the DRECP. It is important to note that most of the projects constructed to date, or nearing construction, in the Riverside East SEZ were not subject to the DRECP CMAs and that impacts occurred to resources that were likely greater than what the DRECP would have prescribed. Easley Renewable Energy Project

[3] "Solar is Booming in the California Desert, if Water Issues Do Not Get in the Way", Inside Climate News, June 26, 2023 at: https://insideclimatenews.org/news/26062023/solar-water-desert-center-california/

Comment Set D5 – Mark Carrington: Attachment 5 (continued)

would be the third project undergoing environmental analysis subject to its requirements. Describe in the Draft EA the thresholds for development identified in the DRECP for various resources and discuss and quantify impacts from projects that were 'grandfathered' in. Include a discussion in the Draft EA whether the DRECP conclusions and recommendations account for these changed conditions in the local area – impacts that occurred before the recent projects subject to the DRECP's requirements.

D5-61 (cont'd)

The CEQ Regulations also require analysis of "reasonably foreseeable environmental trends and planned actions in the area(s)" (40 CFR 1502.15). In the Draft EA, discuss the influx of proposed solar projects in Desert Center vicinity. Discuss thresholds for development in context of the DRECP's requirements as well as current conditions based on maintaining local air quality, groundwater availability, sensitive resources, and critical habitat. Such thresholds can help ensure that areas where significant solar energy production is under development do not become so developed as to compromise critical habitat, migration corridors, or intact ecosystem functioning.

The EPA recommends that the Draft EA identify which resources will be analyzed, which ones are not, and why. For each resource analyzed, we recommend including the following information:

- Identify the current condition of the resource as a measure of past impacts.
- Identify the trend in the condition of the resource as a measure of present impacts. For example, the health of the resource is improving, declining, or in stasis.
- Identify all on-going, planned, and reasonably foreseeable projects in the study areas which may contribute to cumulative impacts.
- Identify the future condition of the resource based on an analysis of impacts from reasonably foreseeable projects or actions added to existing conditions and current trends.
- Identify mitigation measures or conservation management actions that can be consistently and transparently applied to future projects.

Water Resources

Water Supply and Water Quality

The Draft EA should estimate the quantity of water the project will require during the construction phase and during operations (e.g., cleaning the PV panels during routine maintenance). Describe the source of this water and potential effects on other water users. If groundwater will be used, identify the potentially affected groundwater basin(s), and discuss whether the basin is over-appropriated or has been classified as a 'designated groundwater basin.' Discuss water availability given the influx of renewable energy projects in the general area. Evaluate impacts to groundwater recharge, springs or other surface water bodies, groundwater dependent natural resources, biological resources, and the potential for subsidence. If water will be supplied from an off-site source, analyze environmental impacts associated with the transport and storage of such an alternative water supply. Identify available technologies to minimize or recycle water.

D5-62

Clean Water Act Section 404 Applicability

In the Draft EA, describe all waters of the U.S. that could be affected by the project alternatives and include maps that clearly identify all waters within the project area. Avoidance of any wetlands/waters of the U.S is strongly recommended. If avoidance is not possible, we recommend early consultation with the U.S. Army Corps of Engineers (Corps) to determine if the proposed project would require a Section 404 permit under the Clean Water Act. If so, it is advisable to ensure that the NEPA alternatives

Comment Set D5 – Mark Carrington: Attachment 5 (continued)

are consistent with the alternatives analysis required under the CWA Section 404 (b)(1) Guidelines. In comparing alternatives, specify the acreages and channel lengths, habitat types, values, and functions of the waters that would be affected. We recommend including a verified jurisdictional determination from the Corps in the Draft EA if waters cannot be avoided.

D5-62 (cont'd)

Avoidance of Desert Washes

In addition to avoiding wetlands and waters of the U.S., we recommend careful micro-siting of project components to avoid and protect ephemeral drainages or desert washes and dry wash woodlands. These waters are being impacted by the numerous large-scale solar projects in the Riverside East SEZ. Desert washes perform a diversity of hydrologic, biochemical, and geochemical functions that directly affect the integrity and functional condition of higher-order waters downstream. Healthy ephemeral waters with characteristic plant communities control rates of sediment deposition and dissipate the energy associated with flood flows. Ephemeral washes also provide habitat for breeding, shelter, foraging, and movement of wildlife. Many plant populations are dependent on these aquatic ecosystems and adapted to their unique conditions. These values are present regardless of whether the washes are deemed jurisdictional waters of the U.S. under Section 404 of the Clean Water Act.

D5-63

We were encouraged to learn that the project proponents has refined their site plan to avoid washes and adhere to buffer sizes as prescribed by the DRECP CMAs to further protect these resources. Discuss in the Draft EA whether such protections would ensure the sustained health and hydrological flows to the desert washes.

Placement of Panels to Minimize Erosion and Impacts to Site Hydrology

Placement of PV panels within washes could result in erosion, migration of channels, and local scour. To minimize potential impacts associated with erosion, we recommend: 1) avoiding placement of support structures in washes; 2) committing to the use of natural washes in their present location and natural form; 3) utilizing existing natural drainage channels on site in lieu of concrete-lined channels; 4) avoiding microphyll woodlands; 5) including adequate natural buffers for flood control; 6) minimizing the number of road crossings over washes; 7) designing necessary crossings to provide adequate flow-through during storm events; 8) limiting grading; 9) maintaining micro-level topography to the greatest extent possible; and 10) mounting PV panels at sufficient height above ground to maintain natural vegetation.

Incorporating Buffers

We recommend larger desert washes be given wide buffers so that channels may adjust to new hydraulic conditions without the need for major human-made structures. Within the Yellow Pine Solar Project site in Nevada, for instance, 500-feet buffers were included on both sides of the three main washes to allow for an approximated 1,000-feet corridor over existing washes between subareas. In addition, project facilities at Yellow Pine were offset along Tecopa Road and SR 160 to provide a minimum buffer of 400 feet from both roads. The 400-foot offset was incorporated to provide a safe distance for vehicular traffic, prevent damage of the site from beyond the security fence, and reduce visibility of the site from public use areas. We recommend that the BLM consider and discuss whether similar buffers at the Easley Renewable Energy Project in the Draft EA would be appropriate.

Comment Set D5 – Mark Carrington: Attachment 5 (continued)

Flood Control and Sizing Stormwater Infrastructure

D5-64

Consider in the Draft EA the impacts of changing precipitation patterns on the project, as part of its analysis of impacts to water resources. Discuss the anticipated extent and depth of overland flows through the development areas given a 500-year flood event, as compared to a 100-year event. Identify design considerations needed to accommodate future anticipated effects (e.g. increased intensity and severity of storms) such as upsizing the stormwater management system. Describe whether the DRECP CMA prescribed 200-ft buffers around desert wash woodlands/scrub would protect against a 100-year as well as a 500-year storm event.

Clean Water Act Section 303(d)

The CWA requires States to develop a list of impaired waters that do not meet water quality standards, establish priority rankings, and develop action plans called Total Maximum Daily Loads (TMDLs) to improve water quality. The Draft EA should provide information on any CWA Section 303(d) impaired waters in the project area, describe whether the project could contribute to this impairment, and include any mitigation measures that will be implemented to avoid further degradation of impaired waters.

Site Preparation and Minimizing Impacts to Soils and Vegetation

D5-65

The EPA encourages BLM and the project proponent to work together to ensure that the amount of surface disturbance is minimized to the greatest extent practicable. The EPA strongly supports implementation of design features that would minimize grading, soil disturbance, and vegetation removal during construction. When soil is disturbed and vegetation is removed – especially in desert environments – soil erosion increases, as well as dust. Removing vegetation also negatively impacts animal species who rely on it for food and habitat. Grading, the most invasive technique, can also change the site topography and disrupt natural hydrology and drainage.

Replacing harmful site preparation techniques with less intrusive measures – as have been adopted by the Crimson Solar Project and others being utilized at the Gemini Solar Project Site in Nevada – can reduce adverse ecosystem effects without significantly impeding project development or impacting worker safety. Techniques that have been shown to be effective at reducing impacts to soil and vegetation during construction on site include:

- Utilize 'Overland Travel' as much as possible instead of high-impact methods like disk and roll or grading.
- Assemble as much of the racking material as possible in laydown areas, which minimizes travel along panel rows. Designate primary travel routes between panel arrays – every 3rd row – to minimize disturbance in other rows. Keep disturbance to one primary travel path to avoid zigzagging, which in the long run reduces other impacts.
- Ensure that there are well-trained construction monitors on site focused on ensuring that construction/vehicle trips impacts are minimized.
- Limit grading to specific areas – roads, substation, O&M facilities, laydown areas, some equipment pads, and in discrete areas within the arrays due to structural design limitations.
- Utilize smaller rubber-wheeled vehicles, lightweight skid steers, small cranes, tractors, and rubber-tired forklifts to minimize soil disturbance.

Comment Set D5 – Mark Carrington: Attachment 5 (continued)

- Keep soils out of drainages, preserve protective buffers alongside washes, and maintain hydrologic flow patterns within the site.
- Mount batteries, transformers, and inverters on elevated platforms to allow soils underneath to remain pervious.

D5-65. (cont'd)

- Bend and pin tortoise fencing instead of trenching it in, to minimize disturbance along the fence line.
- Incorporate propagule islands, patches of intact vegetation and soils that provide seeds and soil microbial propagules, to facilitate revegetation or recolonization of adjacent disturbed areas.
- Construct the project in phases, which reduces dust and allows areas to begin recovery sooner.
- Monitor vegetation recovery on site after construction by developing a Restoration Plan. Use benchmarks and required restoration measures (if much disturbance has taken place) to ensure adherence to appropriate Biological Opinion and to ensure sufficient plant growth after construction.

D5-66

Air Quality

D5-67

In the Draft EA, provide a detailed discussion of ambient air conditions (baseline or existing conditions), National Ambient Air Quality Standards, criteria pollutant nonattainment areas, and potential air quality impacts of the project, including cumulative and indirect impacts, for each fully evaluated alternative. Emissions of all air pollutants, including greenhouse gases, should be estimated for construction and operations. Specify emission sources by pollutant from mobile sources, stationary sources, and ground disturbance. Analyze reasonable, practicable mitigation measures to reduce project-related emissions. Typical mitigation measures include design changes to reduce construction and operations emissions, fugitive dust control measures, mobile and stationary source controls, and administrative controls.

Installation of Dust Monitoring Equipment

Given the number of solar projects proposed near Desert Center and the proximity of Joshua Tree National Park, consider installation of real-time PM_{10} dust monitoring equipment to monitor dust during both the construction and operational phases of the project. It is also critical to monitor dust during off-hours and non-workdays, as wind events can result in undocumented emission events and potentially hazardous exposures. With a network of monitors across multiple project sites, data can be used to provide a feedback mechanism to develop more effective strategies to further reduce direct and cumulative fugitive dust emissions in the Riverside East SEZ. Further recommendations include:

- Ensure that real-time PM_{10} data is accessible.
- Present data within a helpful context (e.g., compared to public health standards).
- Standardize ways to summarize data and identify who will be responsible for that task.
- Identify funding mechanism during project development or consider this as an operational cost.
- Monitors should remain in operation for the lifetime of the project.

Valley Fever

D5-68

The proposed projec may include areas[4] that contain *Coccidioides immitis*, a fungus causing Valley Fever in humans. Ground disturbing activities associated with the proposed project may result in

[4] https://www.cdc.gov/fungal/diseases/coccidioidomycosis/images/valley-fever-map-2017.jpg

Comment Set D5 – Mark Carrington: Attachment 5 (continued)

dispersal of *Coccidioides* spores. Include, in the Draft EA, a discussion of this potential health and safety impact, as well as measures that can prevent or reduce the risk of exposure to workers and residents. **D5-68 (cont'd)**

Night Skies **D5-69**

In the Draft EA, consider the value of night skies, particularly in close vicinity to the Joshua Tree National Park, which offer dark skies and opportunities for stargazing. We recommend that BLM promote natural dark skies and minimize artificial lighting to preserve these night skies. Light pollution should be reduced as much as possible to minimize disruptions to nocturnal wildlife, impacts to cultural resources, and viewsheds. Use sustainable outdoor lighting principles to the greatest extent possible: Light only *if* you need it; Light only *when* you need it; Light only *where* you need it; Use appropriate color spectra; Use the minimum of light necessary.

Effective techniques for reducing light pollution on the site include:

- Prepare a 'Lighting' or 'Lighting Mitigation Plan' that addresses construction and operational phases of development.
- Commit to full darkness and the use of motion-controlled sensors.
- Use LED warm-colored bulbs (i.e., yellow or amber versus blue or white).
- Make sure bulbs are recessed, fully shielded, full cutoff, and direct all light downward.
- Utilize motion sensors, timers, and dimmers, which can reduce brightness when not in use.
- Identify if reflective tape or other reflective surfaces could serve the same purpose as another light source.

Biological Resources and Habitat Protection **D5-70**

The EPA recommends coordination with the U.S. Fish and Wildlife Service on matters pertaining to species and habitat protection. We offer the following general recommendations based on our experience with multiple solar projects:

Protected Species and Habitat

In the Draft EA, identify all petitioned and listed threatened and endangered species and critical habitat that might occur within the project area. The EPA recommends that BLM coordinate with the Service to determine whether consultation under Section 7 of the Endangered Species Act would be required. We recommend that the Draft EA include a description of the progress or outcome of ESA consultation with the Service. We recommend that BLM coordinate with the Service and California Department of Fish and Wildlife to ensure that current and consistent surveying, monitoring, and reporting protocols are applied in all species protection and mitigation efforts. The Draft EA should indicate what measures will be taken to protect important wildlife habitat areas from potential adverse effects of proposed activities.

Analysis of impacts and mitigation for listed species should include: 1) baseline conditions of habitats and populations of the covered species: 2) a clear description of how avoidance, mitigation, and conservation measures will protect and encourage the recovery of the covered species and their habitats within the project area; 3) monitoring, reporting and adaptive management efforts to ensure species and habitat conservation effectiveness; and 4) identification of nearby migration corridors and potential for habitat fragmentation.

Comment Set D5 – Mark Carrington: Attachment 5 (continued)

Impacts to Birds

In the Draft EA, discuss whether there is increased fatality risk to birds, particularly waterfowl, associated with solar PV arrays. Birds may mistake the PV panels for water – the so-called lake effect – resulting in unexpected deaths of birds from collisions with the solar panels. Discuss the issue of avian mortality and describe measures to minimize potential impacts. We recommend that the Bird and Bat Conservation Strategies include avian mortality monitoring and adaptive management measures. Include in the Draft EA, fatality data collected from nearby utility-scale solar facilities to provide context for the scale of impacts and which taxonomic groups are most impacted. **D5-71**

In the Draft EA, verify that the design of the proposed transmission line would comply with current standards and practices that reduce the potential for raptor fatalities and injuries. The commonly referenced source of such design practices is found within the Avian Power Line Interaction Committee documents: *Suggested Practices for Avian Protection on Power Lines: State of the Art in 2006* manual and *Reducing Avian Collisions with Power Lines: The State of the Art in 2012*.

Increasing Site Permeability

Increasing site permeability and maintaining vegetation on site can provide short-term and long-term benefits for wildlife. Prohibiting fencing over major washes, minimizing fencing between project boundaries, utilizing shared roads between projects, incorporating wildlife access holes within fences, and raising fences after construction are all options that should be considered to allow for greater permeability across project boundaries and reduce the overall impacts to wildlife across the combined solar project development area. Preserving desert washes and microphyll woodlands serves a double benefit by protecting valuable resources and preserving built-in wildlife passageways. Discuss whether increased permeability at the project site could have benefits to species and whether it may be appropriate. **D5-72**

Avoiding Cryptobiotic Soil Crusts

The EPA recommends avoiding disturbance of any desert pavement/cryptobiotic soil crusts present in the project application area and adopting methods and installation techniques that will minimize impacts to soil crusts to the maximum extent possible. **D5-73**

Invasive Species

Executive Order (E.O.) 13112, *Invasive Species* (February 3, 1999), mandates that federal agencies, whose actions may affect the status of invasive species, use their relevant authorities to prevent their introduction, provide for their control, and minimize the economic, ecological, and human health impacts that invasive species cause. The Draft EA should describe how the project will meet the requirements of E.O. 13112. We recommend including an invasive plant management plan for the monitoring and control of noxious weeds. **D5-74**

Climate Change

Executive Order 13990 on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis (January 20, 2021) asserts that the Administration should bolster resilience to climate change. In the Draft EIS, discuss how the effects of climate change could impact the project and project area and how the project would be designed to address potential climate change-related impacts. For example, describe how the proposed project would be affected by foreseeable trends – a scenario of continued decreasing precipitation, changing frequency of intense storms and related flood **D5-75**

Comment Set D5 – Mark Carrington: Attachment 5 (continued)

events, increased occurrence of wildfires, and persistent drought. We also recommend discussing how climate change may affect the covered species and the habitats on which they depend.

D5-75 (cont'd)

Consultation with Tribal Governments

D5-76

It is important that formal government-to-government consultation take place early in the scoping phase of the project to ensure that all issues are adequately addressed in the Draft EA. The principles for interactions with tribal governments are outlined in the presidential "Memorandum on Government-to Government Relations with Native American Tribal Governments" (April 29, 1994) and Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments" (November 6, 2000). On November 2009, the Presidential Memorandum on Tribal Consultation was issued and required each agency to prepare and periodically update a detailed plan of action to implement the directive of EO 13175. On January 26, 2021, the Biden Administration committed to strengthening the relationship between the Federal Government and Tribal Nations and to advancing equity for Native Americans.[5] As a resource, we also recommend the document *Tribal Consultation: Best Practices in Historic Preservation,*[6] published by the National Association of Tribal Historic Preservation Officers.

In the Draft EA, summarize the results of tribal consultation and identify the main concerns expressed by tribes, how those concerns were addressed, and what additional or continuing consultations may be warranted. We also recommend identifying any protection, mitigation, and enhancement measures identified by tribes. Identify resources with cultural and religious significance to each Tribal community and ensure that treaty rights and privileges are addressed appropriately.

On November 15, 2021, a Presidential Memorandum[7] on Indigenous Traditional Ecological Knowledge and Federal Decision Making, directed federal agencies to develop robust plans for ensuring meaningful Tribal consultation on agency work that may affect Tribal Nations and the people they represent. To the extent appropriate, solicit and elevate Indigenous Traditional Ecological Knowledge into the Tribal consultation process to better inform decision-making.

National Historic Preservation Act

Consultation for tribal cultural resources is required under Section 106 of the National Historic Preservation Act. Historic properties under NHPA are properties that are included in the National Register of Historic Places or that meet the criteria for NRHP. Section 106 of NHPA requires a federal agency, upon determining that activities under its control could affect historic properties, to consult with the appropriate State Historic Preservation Office/Tribal Historic Preservation Office. Under NEPA, any impacts to tribal, cultural, or other treaty resources must be disclosed in the Draft EA. Section 106 of NHPA requires that federal agencies consider the effects of their actions on cultural resources, following the regulation at 36 CFR 800.

In the Draft EA, discuss how the BLM would avoid or minimize adverse effects on the physical integrity, accessibility, or use of cultural resources or archaeological sites, including traditional cultural properties, throughout the project area. Clearly discuss mitigation measures for archaeological sites

[5] https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/26/memorandum-on-tribal-consultation-and-strengthening-nation-to-nation-relationships/

[6] National Association of Tribal Historic Preservation Officers. May 2005. Tribal Consultation: Best Practices in Historic Preservation. Available at http://www.nathpo.org/PDF/Tribal_Consultation.pdf.

[7] https://www.whitehouse.gov/wp-content/uploads/2021/11/111521-OSTP-CEQ-ITEK-Memo.pdf

Comment Set D5 – Mark Carrington: Attachment 5 (continued)

and TCPs. We encourage BLM to append any Memoranda of Agreements to the Draft EA, after redacting specific information about these sites that is sensitive and protected under Section 304 of NHPA. We also recommend providing a summary of all coordination with tribes and with the SHPO/THPOs, including identification of NRHP eligible sites and development of a Cultural Resource Management Plan.

D5-76 (cont'd)

Environmental Justice and Public Participation

In the Draft EA, assess impacts to local communities consistent with Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (February 11, 1994). Discuss in the Draft EIS the potential for disproportionate adverse impacts to minority and low-income populations and the approaches used to foster public participation by these populations. We recommend using the EPA's Environmental Justice Screening and Mapping Tool, EJSCREEN[8] to help identify potential communities with environmental justice concerns that may be impacted by the project. Assessment of project impacts on minority and low-income populations should reflect coordination with those affected populations. For more information on effective public participation in the NEPA process, please also consult the following resources:

D5-77

- *Promising Practices for EJ Methodologies in NEPA Reviews;*[9]
- *The Citizen's Guide to the National Environmental Policy Act;*[10] and
- *Community Guide to Environmental Justice and NEPA Methods.*[11]

Monitoring and Adaptive Management

The proposed project will impact a variety of resources for an extended period. As a result, we recommend that the project be designed to include an environmental inspection and monitoring program to ensure compliance with all mitigation measures and assess their effectiveness. In the Draft EA, describe the monitoring program and how it will be used as an effective feedback mechanism (i.e., adaptive management) so that any needed adjustments can be made to the project to meet environmental objectives throughout the life of the project. We also recommend that the Draft EA describe a mechanism to consider and implement additional mitigation measures.

D5-78

Hazardous Waste and Pesticides

The Draft EA should discuss the potential impacts of waste generation, including hazardous waste, from construction and operation activities, as well as the proposed battery storage facilities. The document should identify projected waste types and volumes and describe their expected storage, disposal, and management. The Draft EA should explain how the generation of hazardous waste would be minimized and identify applicable federal hazardous waste requirements. If PV panel trackers will utilize hazardous materials such as refrigerants, discuss and evaluate potential impacts from accidental or unexpected releases. The Draft EA should discuss whether any pesticides, including herbicides or rodenticides, would be used at the project site.

D5-79

Recycling of PV Components

Small quantities of potentially hazardous materials – including cadmium and other heavy metals – may

D5-80

[8] https://www.epa.gov/ejscreen
[9] https://www.epa.gov/sites/production/files/2016-08/documents/nepa_promising_practices_document_2016.pdf
[10] https://ceq.doe.gov/docs/get-involved/citizens-guide-to-nepa-2021.pdf
[11] https://www.energy.gov/sites/prod/files/2019/05/f63/NEPA%20Community%20Guide%202019.pdf

Comment Set D5 – Mark Carrington: Attachment 5 (continued)

be contained within solar panels, batteries, battery storage systems, transformers, semiconductors, and inverters and could be released from broken or cracked modules through leaching. The Draft EA should discuss who would be responsible for recycling/managing products at end-of-life and safely disposing of them. Solar companies can facilitate collection and recycling through buy-back programs or collection and recycling guarantees. The EPA has published recommendations on recycling/re-use of utility scale solar panels.[12] We recommend that the Draft EA evaluate existing state and federal solar recycling programs that address methodologies for the management of end-of-life solar PV modules.

D5-80 (cont'd)

Battery Storage

Include an analysis of the potential energy needs of the proposed battery energy storage systems (e.g., for HVAC), discuss to what extent such needs can be met by energy generated on site by the solar facility, and include air emission estimates, as needed.

D5-81

Other Considerations for NEPA Review – Access to Technical Reports

The EPA recommends that all technical reports that lead to conclusions regarding environmental consequences be included as appendices to the Draft EA available at the BLM National NEPA Register website. Providing technical documents in the appendices as well as requisite summary information helps to ensure a comprehensive report with data easily accessible to reviewers, the public, and the decision maker.

D5-82

[12] https://www.epa.gov/hw/solar-panel-recycling

Comment Set D5 – Mark Carrington: Attachment 6

D5-83

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

RECORD OF DECISION
Crimson Solar Project
BLM Case File No. CACA-51967
DOI-BLM-CA-CA-D060-2017-0029-EIS
Palm Springs-South Coast Field Office
Palm Springs, California

Decision to Amend the California Desert Conservation Area Plan and Authorize Right-of-Way

Lead Agency:

Department of the Interior Bureau of Land Management
Palm Springs-South Coast Field Office
1201 Bird Center Drive, Palm Springs, CA 92262

Cooperating Agencies:

United States Fish and Wildlife Service
United States Environmental Protection Agency

May 2021

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D5-83 (cont'd)

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Appendix A: Mitigation Measures

Appendix B: Biological Opinion and Subsequent Letters from BLM and USFWS

Comment Set D5 – Mark Carrington: Attachment 6 (continued)

D5-83 (cont'd)

INTRODUCTION

It is the decision of the United States Department of the Interior (DOI) Bureau of Land Management (BLM) to approve Sonoran West Solar Holdings, LLC's (Applicant) request to authorize one or more rights-of-way (ROW) for the Crimson Solar Project (project). This Record of Decision (ROD) documents the BLM's selection of the Federal Agency Preferred Alternative (Selected Alternative) identified in the Final Environmental Impact Statement and Proposed Plan Amendment (Final EIS and Proposed PA) as a combination of design elements DE-1 and DE-3 under Alternative B and the facility sizes, locations, and separation by unit under Alternative C. This decision authorizes issuance of a Federal Land Policy and Management Act (FLPMA) ROW to construct, operate, maintain, and decommission a 350-megawatt (MW) photovoltaic (PV) solar energy generating facility and related infrastructure on up to approximately 2,000 acres of public lands administered by the BLM. The project will cost about $550 million to build and create about 650 jobs during construction. Capable of producing more than 1.1 billion kilowatt-hours (kWh) of electrical energy per year, the project could produce enough energy to power about 87,500 average California homes. The project is designed to avoid and minimize impacts to sensitive natural and cultural resources.

The California Desert Conservation Area Plan of 1980, as amended (CDCA Plan) requires newly proposed utility sites not previously identified in the plan and proposed transmission lines outside designated utility corridors to be considered through a Plan Amendment. This decision therefore amends the CDCA Plan to identify the Crimson Solar Project site as suitable for solar energy generation and to recognize the development of a high-voltage transmission line outside a designated corridor. The Final EIS and Proposed PA analyzed the project as required under the National Environmental Policy Act (NEPA) and FLPMA with comprehensive public and Native American Tribal involvement, and the BLM's process and decision are consistent with applicable law and policy.

This ROD contains the BLM's decision and rationale, a summary of alternatives considered, public involvement, required findings, and other supporting information. This ROD includes the following appendices: Approved Mitigation Measures (Appendix A), U.S. Fish and Wildlife Service (USFWS) Biological Opinion (Appendix B).

Sonoran West Solar Holdings, LLC, a wholly owned subsidiary of Recurrent Energy, applied for a ROW from the BLM to construct, operate, maintain, and decommission the Crimson Solar Project. The project would be constructed on BLM-administered public lands in the eastern portion of the Chuckwalla Valley near the City of Blythe, within unincorporated Riverside County, California. The project would generate solar power and deliver it to the California electrical grid through 22-kV gen-tie lines to interconnect with the Colorado River Substation (CRS), owned by Southern California Edison (SCE). As part of its review of the application, the BLM considered an amendment to the CDCA Plan that would be necessary to authorize the project. A joint EIS/EIR/PA was prepared in compliance with NEPA, California Environmental Quality Act (CEQA), and FLPMA. The California Department of Fish and Wildlife (CDFW) is the lead agency under CEQA. The Draft EIS/EIR/PA was published on November 1, 2019, which initiated a 90-day comment period. The Final EIS and Proposed PA was published on February 12, 2021, which initiated a 30-day protest period and 60-day Governor's consistency review period. The Final EIS and Proposed PA did not include a Final EIR, which will be issued by CDFW at the conclusion of its CEQA analysis process.

Comment Set D5 – Mark Carrington: Attachment 6 (continued)

D5-83 (cont'd)

DECISION

The BLM selects the Federal Agency Preferred Alternative (Selected Alternative) and mitigation measures as described in the Final EIS and Proposed PA and below. The BLM bases its decision on comprehensive analysis, review of alternatives, and relevant management considerations. The BLM fully analyzed the Selected Alternative in the project's Final EIS and Proposed PA which published in the Federal Register on February 12, 2021 and is on the BLM's ePlanning website: https://go.usa.gov/xACdN

Project Design

This ROD approves the Federal Agency Preferred Alternative, as described in the Final EIS and Proposed PA, as well as the inclusion of the paved access road from Power Line Road as described in the Final EIS and Proposed PA, as the Selected Alternative. The Selected Alternative consists of a combination of design elements DE-1 and DE-3 under Alternative B, the facility sizes, locations, and separation by unit under Alternative C, and the paved access road from Power Line Road.

DE-1 and DE-3 are described as follows:

DE-1: Minimizing grading during site preparation and maintaining more on-site vegetation by not mass mowing and rolling vegetation, as applicable, to facilitate post-construction residual habitat value and post-operations/site reclamation success

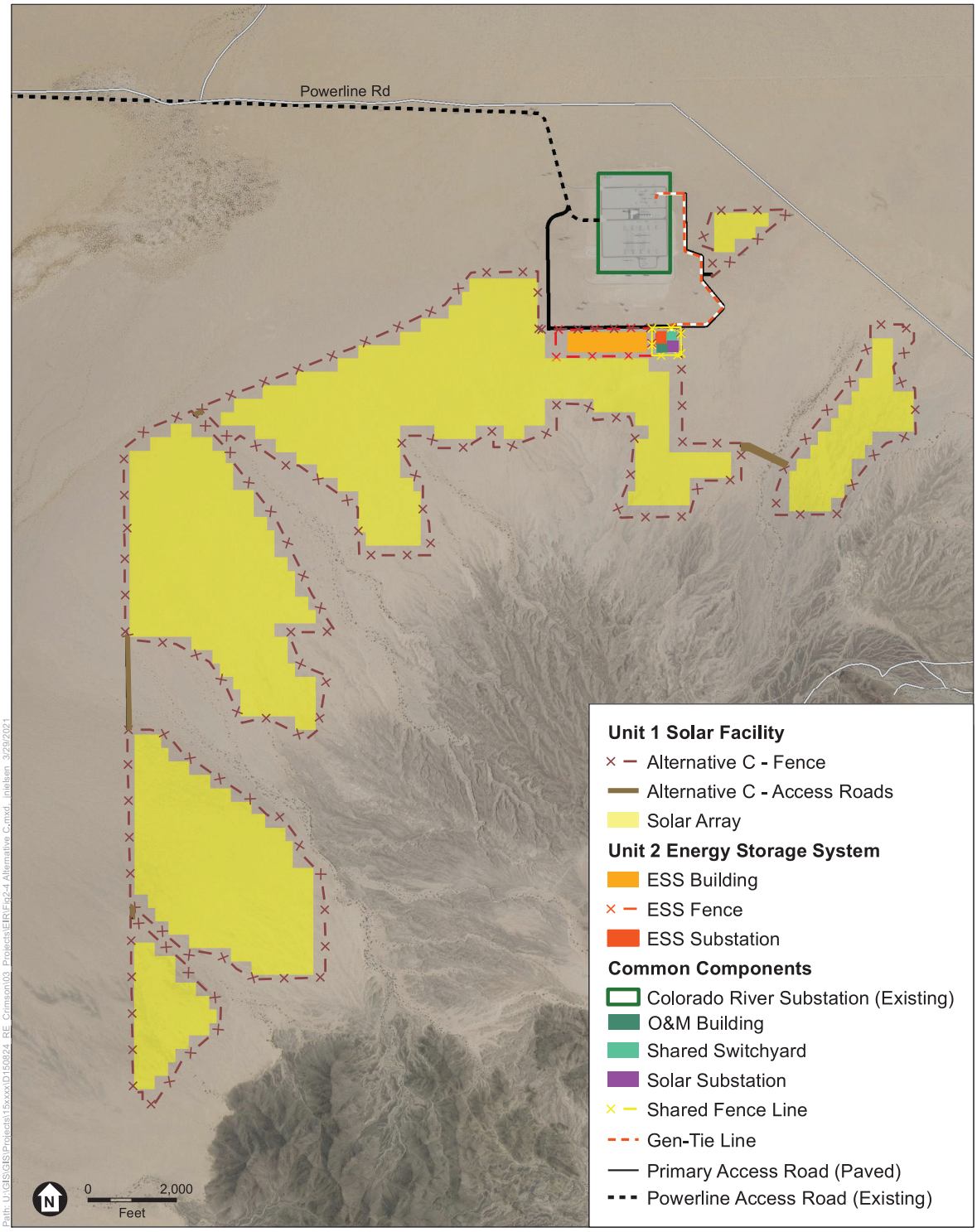
DE-3: Slightly reduce grading in the vicinity of each array transformer, inverter, and energy storage systems on elevated support structures

The BLM's decision authorizes issuance of a 30-year ROW for construction, operation, maintenance, and decommissioning of the facility and related infrastructure identified as the Selected Alternative on 2,049 acres of BLM-administered land. If the project is developed in distinct phases, the BLM may issue a separate ROW for separate phases.

Figure 1 shows the site layout for the Selected Alternative.

Comment Set D5 – Mark Carrington: Attachment 6 (continued)

D5-83 (cont'd)



SOURCE: ESRI, 2018; ESA, 2018.

Crimson Solar Project

Figure 1
Selected Alternative Site Layout

ESA

Comment Set D5 – Mark Carrington: Attachment 6 (continued)

D5-83 (cont'd)

Land Use Plan Amendment

The CDCA Plan provides guidance regarding the management and use of BLM lands in the California Desert while balancing other public needs and protecting resources, including guidelines for solar development (see CDCA Plan at p. 15). The CDCA Plan, as it was in effect at the time of application for this project, classified the project area as Multiple-Use Class M, or "Moderate Use" (MUC-M). Energy and utility development are allowed in this area, but the CDCA Plan did not identify this specific site as suitable for solar development. While the project is located entirely on public lands and within a DRECP-designated Development Focus Area for energy and transmission, the DRECP's land use decisions do not apply to the project because the Crimson Solar Project was a "pending" project when the Desert Renewable Energy Conservation Plan (DRECP) was adopted. Therefore, the amendment process applicable to the CDCA Plan Multiple-Use classes is applicable and the BLM must amend the CDCA Plan to identify the site of the Crimson Solar Project within the CDCA on MUC-M lands.

This ROD amends the CDCA Plan to identify the Crimson Solar Project site as suitable for solar energy generation and to allow construction of a high-voltage transmission line outside of a designated utility corridor.

Right-Of-Way Grant

This ROD approves the ROW application with stipulations, including the mitigation measures identified in Appendix A of this ROD. The ROW grant(s) offered will be within the boundaries of the Selected Alternative as described above. The ROW will terminate in not more than 30 years from issuance and may be relinquished, abandoned, or terminated beforehand. The grant(s) may be assigned to another party pursuant to 43 CFR 2807.21. The grant(s) may be renewed provided the public lands are used for the purposes specified in the grant(s), and Sonoran West Solar Holdings, LLC, or its successors in interest, adhere to the terms and conditions of the grant(s).

This ROD and the ROW grant(s) incorporate by reference stipulations, such as mitigation measures and monitoring programs contained in Appendix A (Mitigation Measures) and Appendix B (Biological Opinion) to this ROD; the requirement to secure all other necessary local, state, and Federal approvals, authorizations, permits; and Sonoran West Solar Holdings, LLC's compliance with other applicable Federal rules and regulations. Stipulations are designed to protect public health and safety and prevent unnecessary or undue degradation of the public lands.

Appendix A contains mitigation measures that are required by applicable law, by land use plans, or by the BLM under its authority as NEPA Lead Agency. The BLM has determined that mitigation measures and the monitoring report represent all practical means to avoid or minimize environmental harm from the Selected Alternative.

What is Not Being Approved

The BLM is not approving any activities that are outside the scope of the Final EIS and Proposed PA or that are inconsistent with applicable BLM land use plans or applicable law. Other sites, technologies, and

Comment Set D5 – Mark Carrington: Attachment 6 (continued)

D5-83 (cont'd)

methods were considered but eliminated from detailed analysis during previous project analyses. The Selected Alternative consists of a combination of two of the design elements described under Alternative B (DE-1 and DE-3), the facility sizes, locations, and separation by unit under Alternative C, and the paved access road from Power Line Road. Any alternative or element not included in the Selected Alternative is not approved.

Alternatives

Alternatives Analyzed in Detail in the Final EIS and Proposed PA

The BLM considered several alternatives as described fully in Chapter 2 of the Final EIS and Proposed PA and summarized here:

Alternative A: Proposed Action

This alternative would occupy 2,500 acres of BLM-administered land and would generate a maximum combined solar facility capacity of 350 MW. This alternative also would include collector lines, substations and switchyard, an operation and maintenance building, Supervisory Control and Data Acquisition (SCADA) systems, and energy storage system, and would require a CDCA Plan Amendment, one or more BLM-issued ROW grant(s), and CDFW approval of an Incidental Take Permit (ITP) and a Lake and Streambed Alteration Agreement (LSAA).

Alternative B: Alternative Design

Similar to Alternative A, this alternative would also consist of 2,500 acres of BLM-administered land and would generate a maximum combined solar facility capacity of 350 MW. Unlike Alternative A, Alternative B would include all three of the following design elements:

DE-1: Minimizing grading during site preparation and maintaining more on-site vegetation to facilitate post-construction residual habitat value and post-operations/site reclamation success

DE-2: Avoiding or limiting trenching by placing electrical wiring aboveground

DE-3: Placing transformer, inverter, and energy storage systems on elevated support structures in lieu of solid cement or steel foundations

This alternative would also require a CDCA Plan Amendment, a ROW, and CDFW approval of an ITP and a LSAA.

Alternative C: Reduced Acreage Alternative

Alternative C, the Reduced Acreage Alternative, would be the same as Alternative A, but would consist of a smaller project footprint that would reduce ground disturbance within key areas containing sensitive vegetation, sand dune habitat, and cultural resources. This alternative would be approximately 2,049 acres in size. Similar to Alternative A, Alternative C would interconnect to the regional electrical grid at the existing SCE CRS; however, the gen-tie line would be east of the CRS and would be up to 5,000 feet long, a 1,000-

Comment Set D5 – Mark Carrington: Attachment 6 (continued)

D5-83 (cont'd)

foot reduction compared to Alternative A. The substations, SCADA systems, O&M building, and energy storage system would be constructed in generally the same manner and of the same sizes as described under Alternative A; however, the locations of these facilities under Alternative C would be modified within the development footprint from the locations of Alternative A. This alternative would require a CDCA Plan Amendment, ROW, and CDFW approval of an ITP and a LSAA.

Alternative D: No Plan Amendment/No Action/No Project

Under Alternative D, the BLM would not authorize a ROW grant for the project or amend the CDCA Plan, and CDFW would not approve the ITP and LSAA. Because the project would not be approved, no new structures or facilities would be constructed, operated, maintained, or decommissioned on the site, and no related ground disturbance or other project impacts would occur.

Federal Lead Agency Preferred Alternative

In Section 2.8 of the Final EIS and Proposed PA, the BLM identified the federal lead agency preferred alternative as a combination of design elements DE-1 and DE-3 under Alternative B and the facility sizes, locations, and separation by unit under Alternative C as the preferred alternative. This alternative would require a CDCA Plan Amendment, ROW, and CDFW approval of an ITP and a LSAA.

Alternatives Considered but not Analyzed in Detail

Alternatives considered by the BLM along with those suggested by the public during the scoping process and which met NEPA criteria but were eliminated from detailed analysis include:

- Private Lands Alternative: Private lands were considered for siting the proposed solar energy facility.
- Alternative BLM-Administered Land: The potential for siting solar facilities on other BLM-administered land in the area.
- Other Types of Renewable Energy Projects: Other types of renewable energy projects, including wind, geothermal, and other solar technologies.
- Conservation and Demand-Side Management: As an alternative to the proposed solar energy facility, a variety of approaches to reduce electricity use, including energy efficiency and conservation, building and appliance standards, and load management and fuel substitution.
- Distributed Generation and/or Distributed Storage: As an alternative to the proposed solar energy facility, the installation of distributed generation and/or distributed storage, including but not limited to residential and commercial rooftop solar panels and other renewable distributed energy sources and storage options.

A discussion of why the alternatives were not carried forward for further analysis is included in the Final EIS and Proposed PA and earlier environmental documents.

Comment Set D5 – Mark Carrington: Attachment 6 (continued)

D5-83 (cont'd)

Environmentally Preferable Alternative

Council on Environmental Quality regulations (40 CFR § 1505.2(b)) require the ROD to specify "the alternative or alternatives which were considered to be environmentally preferable." The BLM determines that BLM's Selected Alternative is the environmentally preferable alternative. The Selected Alternative consists of a combination of design elements DE-1 and DE-3 under Alternative B and the facility sizes, locations, and separation by unit under Alternative C. The Selected Alternative would minimize potential impacts of avian-powerline interaction associated with the additional overhead collector lines that would have resulted from implementation DE-2 under Alternative B and would require the smallest solar plant site to produce the same amount of renewable electricity as the other alternatives (350 MW), resulting in the smallest amount of water use during construction and the smallest amount of ground disturbance and vegetation removal. While the No Action Alternative would involve no ground disturbance, it would produce 0 MW of renewable electricity, which would have no environmental benefits in terms of reducing greenhouse gas emissions or promoting renewable energy development. As a result, BLM has identified the Selected Alternative as the environmentally preferable alternative because it provides the best balance of meeting the BLM's purpose and need, allowing the development of renewable energy, and avoiding impacts to sensitive natural and cultural resources.

Adoption of Means to Avoid or Minimize Environmental Harm

All practical means of avoiding or minimizing environmental harm of the selected alternative are adopted. This ROD and the ROW incorporate by reference stipulations, such as mitigation measures and monitoring programs contained in Appendix A (Mitigation Measures) and Appendix B (Biological Opinion) to this ROD. In addition, two design elements from Alternative B are incorporated to further avoid and minimize environmental harm. These are:

DE-1: Minimizing grading during site preparation and maintaining more on-site vegetation to facilitate post-construction residual habitat value and post-operations/site reclamation success

DE-3: Placing transformer, inverter, and energy storage systems on elevated support structures in lieu of solid cement or steel foundations

Rationale

As required by the FLPMA, public lands must be managed for multiple uses in a manner that accounts for a combination of balanced and diverse resource uses that consider the long-term needs of future generations for renewable and non-renewables resources. The BLM's decision considers relevant factors and information and is based on sound environmental analysis and public involvement. Factors considered in this decision include the BLM's purpose and need, the highest and best use of public lands, public comments and stakeholder interests, economic and technical information, and applicable law and policy.

The BLM has identified a combination of design elements DE-1 and DE-3 under Alternative B, the facility sizes, locations, and separation by unit under Alternative C, and the paved access road from Power Line Road as the Selected Alternative. This is partly based on BLM's preference for trenching to bury electrical connector lines internal to the solar plant site instead of placing electrical wiring aboveground, as described

Comment Set D5 – Mark Carrington: Attachment 6 (continued)

D5-83 (cont'd)

under DE-2 of Alternative B. Ground disturbance impacts associated with trenching, which would take place within the overall area of disturbance for constructing the solar plant, are preferable to the potential impacts of avian-powerline interaction associated with additional overhead collector lines that would be installed under DE-2. Additionally, the facility sizes, locations, and separation by unit described under Alternative C would require the smallest solar plant site to produce the same amount of electricity as the other alternatives, would use the least water during construction, and would minimize ground disturbance and vegetation removal to the greatest degree. The paved access road from Power Line Road was always intended to be part of any Project design, and was analyzed and its impacts disclosed in both the Draft EIS/EIR/PA and Final EIS and Proposed PA (see Draft EIS/EIR/PA Figures 2-1 and 2-4 and Final EIS and Proposed PA Figure 2-1 and Table 2-4). On the basis of the analysis in the Final EIS and Proposed PA, the Selected Alternative would minimize impacts to air quality, biological resources, surface waters, and groundwater. The Selected Alternative reflects the BLM's careful balancing of many competing public interests in managing public lands in accordance with the multiple use and sustained yield mandate and other obligations in FLPMA.

The decision fulfills legal requirements for managing public lands, as described in the Other Requirements section, below. The project will contribute to the public interest by facilitating infrastructure investments that will create jobs and economic activity, contribute to a sustained and reliable supply of electricity, and protect sensitive natural and cultural resources, and recreational resources.

The Final EIS and Proposed PA describes the BLM's purpose and need for the project. By approving the project, the BLM will implement the following management objectives, among others:

- Executive Order 13990 (January 20, 2021) directs Federal agencies to "improve public health and protect our environment," to "bolster resilience to the impacts of climate change," and to "prioritize both environmental justice and the creation of the well-paying union jobs necessary to deliver on these goals."

- Executive Order 14008 (January 27, 2021) and Secretary's Order 3399 (April 16, 2021) established policy to build a clean energy future that creates good-paying jobs and powers our Nation.

The Project would contribute to the Biden Administration's goals of accelerating responsible development of renewable energy on public lands, the rapid deployment of clean energy solutions, and creating family-supporting and union jobs (https://www.doi.gov/ourpriorities). The project will cost about $550 million to build and create about 650 jobs during construction. The project could produce enough energy to power about 87,500 average California homes.

PUBLIC INVOLVEMENT

Public involvement was a crucial component in this planning effort. The BLM thanks all those who took the time and effort to participate in or provide comments on the project. The Final EIS and Proposed PA describes public comment and participation processes and actions.

Scoping

The BLM published a Notice of Intent (NOI) to prepare a joint EIS/EIR/PA for the Crimson Solar Project in the *Federal Register* on March 9, 2018 (Vol. 83, No. 47, Page 10516). Publication of the NOI

Comment Set D5 – Mark Carrington: Attachment 6 (continued)

D5-83 (cont'd)

initiated a public scoping period that lasted 49 days, ending on April 27, 2018. The BLM issued a press release regarding the NOI on March 9, 2018. A public notice was sent to a general distribution list consisting of identified interested individuals and/or property owners adjacent to the project. In total, there were 96 public notices sent to stakeholders, including 46 to federal, state, and local agency and organization recipients; 20 to the owners/administrators of properties within a 1-mile radius of the project site; and 30 to Native American tribal groups.

The BLM held three public scoping meetings. Sixteen people attended the first scoping meeting in Palm Springs on April 3, 2018; 11 attended the Palm Desert scoping meeting on April 11, 2018; and 32 attended the final scoping meeting in the City of Blythe on April 12, 2018.

In total, 31 letters were received: 8 from federal, state, and local agencies; 5 from tribes; and 18 from individuals and organizations. These comments are incorporated into the NEPA project record and in the public Scoping Report. The Scoping Report is available by contacting the Palm Springs-South Coast Field Office of the BLM and at the project website on ePlanning: https://go.usa.gov/xACdN

Public Comments and Concerns

The Environmental Protection Agency (EPA) published a Notice of Availability (NOA) for the Draft EIS/EIR/PA in the Federal Register on November 1, 2019 (Vol. 84, No. 212, pages 58738-58739). The NOA initiated a 90-day comment period. On October 31, 2019, the BLM posted a press release, which provided a project summary and link to the Draft EIS/EIR/PA files. The press release also announced two public meetings, which were held during the public comment period during the first week of December 2019; one took place in Palm Desert, California and the second took place in Blythe, California. The BLM received 21 written comment submissions. Appendix V of the Final EIS and Proposed PA provides the comments received on the Draft EIS/EIR/PA. Appendix W of the Final EIS and Proposed PA provides the BLM's responses. The Final EIS and Proposed PA was edited to reflect comments and to make other agency-initiated clarifications. Stakeholder concerns included, but were not limited to:

1. Air pollutant and greenhouse gas emissions
2. Biological resources including impacts to desert tortoise, Mohave fringe-toed lizard, American badger, desert kit fox, migratory and special-status birds, and other sensitive plant and wildlife species
3. Cultural and historic resources including impacts to intaglios, trails, and other archaeological resources
4. Recreational resources including impacts to trails
5. Groundwater resources
6. Visual resources
7. Interconnection congestion

Comment Set D5 – Mark Carrington: Attachment 6 (continued)

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8. Energy storage issues

9. Hydrology, erosion, and sedimentation

10. Impacts to Areas of Critical Environmental Concern (ACECs) and to Lands with Wilderness Characteristics (LWCs)

Public Availability of the Final EIS and Proposed PA

The EPA published an NOA of the Final EIS and Proposed PA on February 12, 2021, (Vol. 86, No. 28, Pages 9335-9336). The NOA initiated a 30-day protest period on the Proposed Land Use Plan Amendment. The protest period closed on March 15, 2021. Three protests submissions on the proposed land use plan decision were timely filed pursuant to 43 CFR 1610.5-2. One of these letters was dismissed either because the commenter did not have standing or because the letter did not contain valid protests. The remaining two protest letters were valid and contained protest issues that required a response from the BLM. These protest issues were analyzed and responded to as part of the protest resolution process. However, the Secretary of the Interior dismissed certain protest comments in these remaining two letters because they were related to the issuance of the right-of-way, which is an implementation decision.

The Secretary of the Interior concluded that the agency followed all applicable laws, regulations, and policies and considered all relevant resource information and public input in developing the FEIS/Proposed PA. Protests were resolved without making significant changes to the FEIS/Proposed RMPA. The Secretary's decisions on public protests are summarized in the Protest Resolution Report for the FEIS/Proposed PA, which is available on the BLM Protest Resolution Reports website:

: https://www.blm.gov/programs/planning-and-nepa/public-participation/protest-resolution-reports

In addition, the BLM is adding clarification language to mitigation measure CUL-5: Monitoring and Discovery Plan summarized below to the Adopted Mitigation Measures (Appendix A). These additions do not change the decision.

- As agreed to by the applicant, during construction, reasonable opportunities shall be provided for monitoring by a tribal monitor for all ground disturbing activities, including grading, disc and roll, and pile or stake driving, mechanical excavation, drilling, digging, trenching, blasting, or using high pressure water to cut into the ground. In addition, to confirm that vandalism of the Mule Tank Petroglyph Site and the Mule Canyon Intaglio Site is not occurring as a result of the Project, the applicant shall provide opportunities for quarterly tribal monitoring of these sites beginning with the commencement of construction until the end of the first year of Project operation. The results of such monitoring shall be reported to BLM and procedures to address unanticipated effects to these sites will be developed as needed in consultation with interested tribes.
- As agreed to by the applicant, the right-of-way holder shall develop a Tribal Participation Plan acceptable to the Authorized Officer. The TPP shall include employment opportunities for tribal members, access to any necessary job training programs to ensure performance and experience requirements can be met, and an opportunity for tribal enterprises to bid on sourcing construction materials.

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D5-83 (cont'd)

- Materials that are archaeological resources under ARPA, NAGPRA materials, or historic properties under the NHPA are subject to the processes and procedures set forth in the applicable laws and regulations. In accordance with 43 C.F.R. 7.33, the BLM land manager may determine that certain materials are not or are no longer of archaeological interest and therefore not considered archaeological resources. For those materials that are determined to not be archaeological resources under 43 C.F.R 7.33, the BLM land manager may determine appropriate conservation measures, including, but not limited to, avoidance, leaving materials in situ or relocated nearest the discovery locale as practicable, reburial, curation, or any other measure as the BLM land manager deems appropriate under applicable laws, regulations, and BLM policies related to such activity. are "not or no longer of archaeological interest" under that regulation.

Governor's Consistency Review

Publication of the NOA of the Final EIS and Proposed PA was followed by a February 18, 2021 letter from the BLM to the California Governor's Office of Planning and Research that initiated the 60-day governor's consistency review period required for Proposed Land Use Plan Amendments. This ROD follows the governor's consistency review requirements of 43 CFR 1610.3-2(e). On April 21, the BLM received a response from the State of California Governor's Office response letter encouraging the BLM to continue consulting with the Tribes on resolution on treatment of isolate cultural resources and wildlife important to the tribes. The BLM will be continuing government-to-government consultation throughout the life of the project as required by the regulations.

Native American Government-to-Government Consultation

As described in Final EIS and Proposed PA Section 4.2.2, the BLM conducted or offered to conduct government-to-government consultation with 16 Federally recognized Tribal governments in accordance with NEPA, National Historic Preservation Act (NHPA) Section 106, American Indian Religious Freedom Act (AIRFA), Executive Order 13175, and Executive Order 13007, among others. The BLM timely notified Tribes and requested government-to-government consultation throughout the NEPA and Section 106 review processes. Key junctures included an invitation to engage in government-to-government consultation regarding the proposed Project by letter in July 2016 regarding the proposed Area of Potential Effect (APE) and scope of identification efforts; a preapplication meeting on March 15, 2016 and a field visit on March 16, 2016; transmittal of the draft cultural resources work plan, research design, and Class I inventory in October 2016; a letter to Tribes regarding a notice to issue an Archaeological Resources Protection Act (ARPA) permit for site evaluations involving subsurface testing in July 2018; letters in August 2018 and July 2019 regarding further notice to issue a ARPA permits; a notice of release of the Draft EIS/EIR/PA and offer to consult in early November 2019; a letter in late November 2019 and again in February 2020 regarding the proposed APE and proposed determinations of National Register eligibility and findings of effect; and a July 2020 letter regarding updated proposed determinations and findings as well as response to each tribe's earlier written comments if any were provided.

After the BLM presented its proposed Section 106 determinations and findings for the proposed Project in late November 2019, the BLM held an informational meeting and site visit for consulting parties in

Comment Set D5 – Mark Carrington: Attachment 6 (continued)

D5-83 (cont'd)

Blythe, CA in December 2019. Following the November 2019 letters and December 2019 meeting, the BLM received written comments from five tribes, including the Agua Caliente Band of Cahuilla Indians, Chemehuevi Indian Tribe, Colorado River Indian Tribes, Fort Mojave Indian Tribe, and Fort Yuma Quechan Tribe. The BLM held face-to-face meetings with the Agua Caliente Band of Cahuilla Indians, Fort Yuma Quechan Tribe, and Soboba Band of Luiseno Indians. A meeting with Fort Mojave Indian Tribe was requested by the BLM and was delayed until September 2020 due to the COVID-19 pandemic. The meeting was held via teleconference.

After the BLM sent its updated proposed determinations of National Register eligibility and findings of effect to tribal consulting parties in July 2020 (as well as a response to each tribe's earlier written comments, if any were provided), BLM professional staff followed up with telephone call(s) to each tribe in late August 2020 to verify receipt of the letter by the appropriate tribal staff and to answer any questions. The BLM did not receive any written comments from tribal consulting parties regarding its July 2020 letter.

Major comments from the tribes raised issues related to data sharing, artifact treatment, and cultural landscapes. Some of the tribes indicated that they could not fully comment until they had additional information, including in some cases confidential cultural resources data, regarding the proposed Project. Some of the tribes have also commented that they would like to see prehistoric artifacts subject to grading and other disturbance during Project construction relocated to other nearby BLM-administered lands for long-term protection. The BLM provided tribes with non-confidential versions of cultural resource study reports for the proposed Project. The BLM requested that the tribes enter into a formal data sharing agreement for the proposed Project prior to the BLM releasing the confidential data. Data sharing agreements have so far been executed with three tribes. The BLM has taken tribal concerns about prehistoric artifact treatment into consideration and has notified the tribes it will require an archaeological monitoring and discovery plan, should the Project move to the construction phase. The BLM will develop this plan in consultation with all parties including the tribes.

Generally, the tribes have commented that the proposed Project area and surroundings are part of a much larger landscape of great importance to tribal culture and identity. Also, the tribes have questioned the consistency of the BLM's National Register eligibility determinations for prehistoric resources within the direct APE. They expressed concern that some prehistoric resources are proposed as eligible while others proposed as not eligible seemingly have the same or similar types of artifacts. The BLM respectfully stands by its identification of cultural resources within the APE and its National Register eligibility determinations.

One tribe commented that the Mule Mountains are important to their religious beliefs and practices, and that the proposed Project, if constructed, would interfere with these beliefs and practices. The BLM had a consultation meeting with the tribe to discuss their comments. During the meeting, the tribe told the BLM that while they are not against renewable energy, they are opposed to the location of the proposed Project (and other solar projects on BLM-administered lands in the Chuckwalla Valley/Palo Verde Mesa area) because they believe that the entirety of undeveloped desert lands within their ancestral territory, including the cultural and natural resources found here, are of great importance to tribal culture and identity.

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D5-83 (cont'd)

The BLM acknowledges the importance of BLM-administered lands within the APE (and larger landscape of the lower Colorado River) to the tribes' history and contemporary culture and identity. The BLM did not receive information from the tribes that changed its assessment of Project effects to identified historic properties within the APE, or that led to the identification of previously unknown historic properties in this area, pursuant to the Section 106 regulations. The BLM continues to consult with the tribes to understand the impacts of the proposed Project under NEPA and potentially other authorities such as the AIRFA and Executive Order 13007. The BLM has told the tribes that the current public (including tribal) access to BLM-administered lands in the Mule Mountains would not be affected by the proposed Project. Further, there would be no direct construction-related impacts within the Mule Mountains ACEC which the BLM designated, in part, to highlight and protect Native American values. The BLM's responses to these comments can be found in Appendix W to the Final EIS and Proposed PA as well as in government-to-government response letters to the tribes.

OTHER REQUIREMENTS

After consideration of the discussions in Final EIS and Proposed PA Chapter 3, *Environmental Analysis,* the BLM has determined the Selected Alternative is consistent with all other applicable laws and regulations that require specific actions be completed prior to issuance of a ROD and project approval.

Federal Land Policy and Management Act Plan Consistency

The Federal Land Policy and Management Act of 1976 (43 USC § 1701 et. seq.) requires BLM actions to be consistent with its land use plans, including the CDCA Plan, as amended. This proposed ROW and Plan Amendment for the Selected Alternative are for use of BLM-managed Public Land included in the CDCA Plan. As described below, the Applicant's proposed ROW is not consistent with the CDCA Plan designation as it existed at the time of application and is exempt from the DRECP. Thus, BLM must amend the CDCA Plan to allow the Applicant's applied-for use and does so with this ROD.

California Desert Conservation Area Plan 1980 as amended

The BLM manages public lands in the CDCA, including the site of the Selected Alternative, consistent with the CDCA Plan and its amendments. The Selected Alternative's site includes 2,040 acres of BLM-managed public land wholly within the CDCA. The CDCA Plan provides overall regional guidance for BLM-administered lands in the CDCA and establishes long-term goals for their protection and use. The CDCA Plan ROD (1980) contemplated wind, solar, geothermal, and power plants in the CDCA. A CDCA Plan goal is to "[i]dentify potential sites for geothermal development, wind energy parks, and power plants" (CDCA Plan p. 93, 1980). The CDCA Plan also provides for "[s]ites associated with power generation or transmission not identified in the Plan [to] be considered through Plan Amendment process" (CDCA Plan p. 95, 1980). The Final EIS and Proposed PA discusses plan conformance in Sections 1.3.2, *CDCA Plan*; 1.3.4*, Desert Renewable Energy Conservation Plan*; 2.3, *Proposed Land Use Plan Amendment Decisions*; and Appendix G, *CDCA Plan Consistency.* The CDCA Plan classified the Selected Alternative site as MUC-M. These lands are managed in a controlled balance between higher-intensity use and protection. A wide variety of uses such as mining, livestock grazing, recreation, energy, and utility development are allowed. Based on CDCA Plan Table 1, Multiple-Use Class Guidelines, and CDCA Plan Chapter 3, Energy Production and Utility Corridors Element, solar uses are conditionally allowed in the MUC-M designation, contingent on the

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CDCA Plan amendment process and NEPA requirements being met for the proposed use. The BLM's decision to implement the Selected Alternative is consistent with the CDCA Plan as amended, after approval of the Plan Amendment identified in this ROD.

National Environmental Policy Act

The BLM finds that the environmental analysis and public involvement process throughout the preparation of the Final EIS and Proposed PA complies with the requirements set forth by the Council for Environmental Quality for implementing NEPA (40 CFR §§ 1500-1508). The BLM's decision is based on the best science and information available and is made with careful consideration of all other applicable laws, regulations, and policies. The BLM is the lead agency under NEPA, and it took a "hard look" by analyzing the project in full compliance with NEPA Section 102(c) (42 USC § 4321), and Council on Environmental Quality and DOI implementing regulations (40 CFR Parts 1500–1508 and 43 CFR Part 46).

Endangered Species Act

The Final EIS and Proposed PA discusses the Endangered Species Act (16 USC § 1531 et seq.) and coordination with the USFWS. Under Section 7 of the Endangered Species Act, a Federal agency that authorizes, funds, or carries out a project that "may affect" a listed species or its critical habitat must consult with the USFWS. The BLM prepared a Biological Assessment for the USFWS in accordance with Section 7 of the Act. The USFWS issued a Biological Opinion (BO) that concluded that the preliminary preferred alternative identified in the Draft EIS/EIR/PA "is not likely to jeopardize the continued existence of desert tortoise or destroy or adversely modify, as a whole, designated critical habitat." Following publication of the Final EIS and Proposed PA, the BLM issued a letter to USFWS describing the changes in the federal lead agency preferred alternative compared to the alternative analyzed in the BO and indicating that it would result in reduced direct effects on desert habitat for desert tortoise and federally listed avian species (2,083.5 acres) compared to the alternative analyzed in the BO (2,201 acres), and other direct and indirect effects described in the BO would not change. The BLM's position was that these changes would not trigger the Section 7 reinitiation criteria. In a letter dated March 24, 2021, the USFWS concurred with this position. Copies of the BO and subsequent letters are provided in Appendix B of this ROD. The Applicant will be required to comply with the BO as a condition of the ROW grant.

Executive Order 13186 – Migratory Bird Treaty Act (2001)

Final EIS and Proposed PA Sections 3.3.2, *Regional and Local Environmental Setting*, and 3.3.4, *Direct and Indirect Effects*, provide a Migratory Bird Treaty Act project analysis. Section 3.3.4 concludes that the project is likely to contribute to increased avian mortality through collision with project facilities and an incremental loss of habitat, but that implementation of project-specific mitigation measures would minimize direct impacts to migratory birds, which would provide consistency with the Migratory Bird Treaty Act.

National Historic Preservation Act

Pursuant to NHPA Section 106 (16 USC § 470f) and its implementing regulations (36 CFR Part 800) the BLM consulted with the California State Historic Preservation Officer (SHPO) and consulting parties (including federally recognized Indian tribes) in considering the effects of the project on those resources

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D5-83 (cont'd)

listed or eligible for the National Register of Historic Places. Final EIS and Proposed PA Section 4.2.2 describes the Section 106 process and efforts to consult with the SHPO and Indian tribes. The BLM reached a finding that the Selected Alternative will have no adverse effect on historic properties. The SHPO concurs with the BLM's NRHP eligibility determinations and findings of effect. The BLM notified the Indian tribes who are consulting parties about its determinations and findings. The potential for discovery of unknown archaeological deposits exists during project construction and decommissioning within the direct APE. The BLM will require archaeological monitoring, post-review discovery, and unanticipated effects plans as identified in the mitigation measures in Appendix A of this ROD.

Environmental Justice (Executive Order 12898)

The Final EIS and Proposed PA discusses environmental justice in Section 3.13. Neither scoping nor the analysis identified potentially adverse effects to minority or low-income populations. The BLM concludes that implementation of the Selected Alternative would not have a disproportionate effect on minority or low-income populations and does not pose any significant socio-economic risks that would disproportionately affect minority or low-income populations.

Clean Air Act

Final EIS and Proposed PA Section 3.2, *Air Resources*, provides a Clean Air Act analysis. The BLM finds the Selected Alternative fully complies with the Clean Air Act. Impacts associated with operation and maintenance of the Selected Alternative are expected to meet the requirements of the Clean Air Act. The project is located in the Mojave Desert Air Basin (MDAB). There are no federal nonattainment or maintenance designations in the project area. Therefore, federal agency actions in the MDAB are not subject to federal conformity review regulations, which presume conformity with state plans where project emissions are below applicable thresholds (the "de minimis thresholds," 40 CFR Part 93.153(b)).

Clean Water Act

Final EIS and Proposed PA Section 3.18, *Water Resources,* provides a Clean Water Act analysis. The project site does not contain or connect to waters of the U.S. as defined by 40 CFR Section 230.3(s), as there is no perennial connectivity between waters of the U.S. and the project site. Therefore, surface water resources at the project site are not regulated by the U.S. Army Corps of Engineers. An Approved Jurisdictional Determination was issued for the project in October 2018 by the U.S. Army Corps of Engineers.

IMPLEMENTATION

As per the requirements of 40 CFR Section 1506.10, this decision has been signed at least 30 days after the Federal Register Notice of Availability for the Final EIS and Proposed PA, published February 12, 2021. Project implementation may begin after signature by both parties of the ROW grant(s) and after any appeal period, if applicable, has concluded.

CONTACT

For additional information, contact Project Manager Miriam Liberatore at 541-618-2200.

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APPEALS

This decision constitutes the final Decision of the Department of the Interior and is not subject to appeal under departmental regulations at 43 CFR Part 4. Any challenge to this decision must be brought in the Federal District Court.

APPROVAL

Based on the foregoing, it is my decision to approve the amendment to the California Desert Conservation Area Plan to identify the Crimson Solar Project site as suitable for solar energy generation, and to allow construction of a high-voltage transmission line outside of a designated utility corridor, and to authorize issuance of one or more ROW grant(s) to Sonoran West Solar Holdings, LLC for the Selected Alternative.

LAURA DANIEL-DAVIS Digitally signed by LAURA DANIEL-DAVIS Date: 2021.05.03 18:37:34 -04'00'

Laura Daniel-Davis
Principal Deputy Assistant Secretary,
Land and Minerals Management
Department of the Interior

Date

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APPENDIX A
Mitigation Measures

BLM has developed mitigation measures to avoid or reduce potential adverse environmental effects associated with the Selected Alternative. The full text of the mitigation measures is provided in this appendix. These measures would be implemented during all appropriate phases of the Project, from initial ground breaking and construction, to operation and maintenance, and through closure and decommissioning. For purposes of implementation of these measures, the Project Owner (or "Applicant") is defined as Sonoran West Solar Holdings, LLC, its successors and assigns, and/or its contractors.

For several of the mitigation measures presented here, the Project Owner has submitted, and BLM has reviewed, draft resource- or process-specific mitigation plans; in each such case, the draft plan is appended to the Final EIS and Proposed PA. Where the BLM has determined that the draft plans submitted by the Project Owner may not adequately avoid, minimize, or mitigate impacts, additional details to be incorporated into final mitigation plans are provided in mitigation measures. Based on the review process described in specific mitigation measures, the Project Owner would revise draft plans as needed and submit them to the specified agencies for review, comment, and/or approval.

Six mitigation measures require compensatory mitigation: BIO-18, BIO-19, BIO-20, BIO-26, BIO-28, and BIO-29. The CDCA Plan, as amended by the NECO Plan, identifies compensatory mitigation requirements for impacts to the Mojave desert tortoise and Mojave fringe-toed lizard. Additionally, the Biological Opinion prepared by USFWS identifies required compensatory mitigation to address impacts to the Mojave desert tortoise under the Endangered Species Act (see Appendix B). The remaining measures have been considered and incorporated by BLM as part of California state laws, plans, and programs that require compensatory mitigation, in accordance with BLM Instruction Memorandum 2019-018.

Air Resources

AQ-1: **Dust Control Plan.** In the event that the Project Owner secures the necessary approvals for the Project and selects a construction contractor, the specific logistics for construction and operation of the Project can then be finalized, and it would at that time be practicable and feasible to develop a detailed Dust Control Plan for the Project. The Project Owner shall develop and implement a Dust Control Plan that describes the fugitive dust control measures that shall be implemented and monitored at all locations of proposed facility construction activities and during operation and maintenance. The Project Owner shall submit the plan to BLM and MDAQMD for review and approval no less than 60 days prior to the start of construction. The Project Owner shall incorporate the plan into all contracts and contract specifications for construction work. The plan shall outline the steps to be taken to minimize fugitive dust generated by construction and operation activities to such a degree that Project-generated visible fugitive dust plumes are prevented from leaving the Project site. The plan shall:

- Describe each active construction activity or operation-period activity that may result in the generation of fugitive dust;
- Identify activities likely to be sources of fugitive dust, e.g., earth moving, storage piles, and vehicular traffic;
- Describe the control measures the Project Owner will apply to each of the sources identified. The descriptions shall be sufficiently detailed to demonstrate that the Project Owner is using the best available control measures required by the air quality districts and the County of Riverside; and

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D5-83 (cont'd)

- Describe the role of the mitigation monitor who will monitor implementation of the Dust Control Plan and initiate corrective action, if needed.

A designated representative of the Project Owner shall submit documentation to BLM's Authorized Officer in Monthly Compliance Reports to demonstrate that visible fugitive dust plumes are prevented from leaving the Project site and to show that the Project Owner is adhering to all applicable rules, including, but not limited to, the following control measures:

a. Visible speed limit signs shall be posted at the site entrance(s).

b. No vehicle shall exceed 25 miles per hour (mph) on paved roads or 15 mph on unpaved roads. Speeds shall be reduced if visible dust emissions occur.

c. Street sweeping and trackout devices shall be used at the construction site. If visible soil material is carried into adjacent public streets, sweep streets daily or wash trucks and equipment before entering public streets.

d. Excavation, spoils, access roads, storage piles, and other sources of fugitive dust (parking areas, staging areas, other) shall be frequently watered or stabilized if construction activity causes persistent visible emissions of fugitive dust beyond the work area.

e. Apply water or chemical soil stabilizers to form and maintain a crust on inactive construction areas (disturbed lands that are unused for four consecutive days).

f. Cover stockpiles and suspend construction work when winds exceed 25 mph.

g. Stockpiles not in active use shall be covered at all times regardless of ambient wind speed.

h. Pre-water soils prior to clearing and trenching.

i. Pre-moisten dirt, sand, and loose materials prior to transport, import, and export.

j. Cover loads in haul trucks or maintain at least six inches of free-board when traveling on public roads.

k. Dedicate a water truck or high-capacity hose to every soil screening operation.

l. Minimize drop height of material through screening equipment.

m. Reduce the amount of disturbed area where possible.

n. Plant vegetative ground cover in disturbed areas as soon as possible following construction activities.

o. The Project Owner shall in general avoid disturbing desert pavement surfaces during construction. Where the BLM agrees that disturbance of the pavement is unavoidable, the Project Owner shall ensure that all areas where desert pavement has been temporarily disturbed during construction of the Project shall be applied with a BLM-approved soil stabilizer where appropriate for stabilization based on soil characteristics prior to Project operation. The Project Owner shall develop, for review and approval by the BLM, a plan that outlines the frequency of non-toxic soil stabilizer applications based on the specifications of the selected soil stabilizer. The Plan shall be developed in coordination with scientists engaged by the BLM to find the most efficient methods for stabilizing soil surfaces using diverse methods in addition to chemical stabilizers: e.g., development of soil biotic crusts, revegetation, construction of small netted fences, and other methods. The Plan shall be submitted to the BLM for approval prior to the start of ground disturbance.

p. Installing the following signage, which shall be erected not later than the commencement of construction: A minimum 48 inch high by 96 inch wide sign containing the following shall be located within 50 feet of each project site entrance, meeting the specified minimum text height, black text on white background, on one inch A/C laminated plywood board, with the lower edge

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D5-83 (cont'd)

between six and seven feet above grade, with the contact name of a responsible official for the site and a local or toll-free number that is accessible 24 hours per day:

"[Site Name] {four inch text}
[Project Name/Project Number] {four inch text}
IF YOU SEE DUST COMING FROM {four inch text}
THIS PROJECT CALL: {four inch text}
[Contact Name], PHONE NUMBER XXX-XXXX {six inch text}
If you do not receive a response, Please Call {three inch text}
The MDAQMD at 1-800-635-4617 {three inch text}"

q. If visible dust plumes that have been transported off the project site and within 400 feet upwind of any regularly occupied structures not owned by the Project Owner or 200 feet beyond the centerline of the construction of linear facilities are observed by the mitigation monitor for the Dust Control Plan or reported to MDAQMD, the mitigation monitor shall implement corrective actions including:

   i. Confirm that all applicable Dust Control Plan measures are in active use, particularly with respect to restrictions on activity during winds exceeding 25 mph;

   ii. Direct intensive application of watering and/or soil stabilization measures, street sweeping, and vehicle washing as listed in the Dust Control Plan within 15 minutes of identifying visible plumes; and

   iii. Direct a temporary shutdown of the activity causing the emissions if steps q.i and q.ii fail to result in effective mitigation within one hour of the original determination. The activity shall not restart until the mitigation monitor is satisfied that appropriate additional mitigation or other site conditions have changed so that visual dust plumes will not result upon restarting the shutdown source. The Project Owner may appeal to the BLM Authorized Officer any directive from the mitigation monitor to shut down an activity.

r. During operation, permanent unpaved roads shall be treated to minimize dust (e.g., surfaced with gravel, compacted native soil, or a dust palliative such as ChlorTex Road Binder, Eccotext Soil Binder, or PlasTex Soil Stabilizer or similar product [not lime treatment])**.** Any dust palliative would require approval from the BLM Authorized Officer prior to application. This treatment shall be maintained as needed throughout the life of the Project to maintain the effectiveness of dust suppression.

The Project Owner or its designated representative shall obtain approval from the MDAQMD prior to any deviations from fugitive dust control measures specified in the approved Dust Control Plan. A justification statement used to explain the technical and safety reason(s) that preclude the use of required fugitive dust control measures shall be submitted to the appropriate agency for review. The provisions of the Dust Control Plan shall also apply to project decommissioning activities.

AQ-2: **Diesel Engine Standards.** The construction contractor shall use off-road construction diesel engines that meet the Tier 4 Final California Emissions Standards, unless it is infeasible for all off-road equipment to have Tier 4-compliant engines because such an engine is not available for a particular type of off-road equipment. In such circumstances, the BLM AO will allow the use of Tier 4 Interim or Tier 3 engines on a case-by-case basis when the contractor has documented that no Tier 4 Final equipment, or emissions equivalent retrofit equipment, is available for a particular equipment type that must be used to complete construction. Documentation shall consist of signed written statements from at least two local construction equipment rental firms. In addition, all on-highway vehicles used for construction of the Project that are under direct control of the Project Owner or construction contractor shall meet or exceed the USEPA and California Air Resource Board exhaust emissions standards for model year 2014, including the use of newer heavy-duty highway compression-ignition engines (e.g., long-haul trucks, refuse haulers, shuttle buses, etc., that are over 19,500 pounds).

Comment Set D5 – Mark Carrington: Attachment 6 (continued)

D5-83 (cont'd)

AQ-3: **Idling Policy.** In order to ensure that idling time for on road vehicles with a gross vehicular weight rating of 10,000 pounds or greater does not exceed the 5-minute limit established in Title 13 CCR Section 2485, and that idling time for off-road engines does not exceed the 5-minute limit established in Title 13 CCR Section 2449(d)(3), the Project Owner and/or its construction contractor(s) shall prepare and implement a written idling policy and distribute it to all equipment operators. The idling policy for the 5-minute idling limit shall cover all on road vehicles (regardless of gross vehicular weight rating) and shall further require that for all diesel-powered off-road engines, the idling limit is reduced to 2 minutes, while maintaining the exceptions specified in Title 13 CCR Section 2449(d)(3). Clear signage of these requirements shall be posted for workers at the entrances to the Project Site.

AQ-4: **Construction Equipment Maintenance.** The construction contractor shall maintain construction equipment in proper working condition according to manufacturer's specifications. The equipment must be checked by a certified mechanic and determined to be running in proper condition before it is operated.

AQ-5: Thirty days prior to commencement of construction, the Project Owner or construction contractor shall notify the MDAQMD of the expected construction phases of the Project, so it can consider the multiple projects that may be undergoing construction at the same time.

Biological Resources

General Measures

BIO-1: **Designated Biologist(s).** Prior to issuance of the Notice to Proceed, the Project proponent shall designate at least one Designated Biologist (DB) for the Project.

***DB Approval*:** The DB shall be approved by the BLM's Authorized Officer (AO) and CDFW and in consultation with USFWS. The Project proponent shall submit the resume of the proposed DB(s) with at least three references and their contact information. If the DB is not also a USFWS and CDFW Authorized Biologist (AB) for desert tortoise, a separate AB shall be designated and be present onsite for measures associated with the federal- and state- listed desert tortoise; AB qualifications and responsibilities are detailed in BIO-21.

***DB Responsibilities*:** The Project proponent shall ensure that the DB(s) performs the activities described below during all pre-construction site mobilization activities, construction-related ground-disturbance, grading, boring, trenching, commissioning, or other activities that may impact biological resources. The DB may be assisted by the approved Biological Monitor(s) (BM(s)) but shall remain the contact for the Project proponent and the Resource Agencies.

a) The DB shall be responsible for overseeing monitoring and compliance with protective measures for the biological resources. Approval from the CDFW and the USFWS would be necessary for the monitoring or handling of federally and state listed wildlife species.

b) The DB shall maintain communications with the appropriate personnel (project manager, resident engineer) to ensure that issues relating to biological resources are appropriately and lawfully managed. The DB shall also be present to verify compliance with all conservation measures.

c) The DB shall submit reports that document compliance with biological resources mitigation, minimization, and avoidance measures as described under Mitigation Measure BIO-3 (BRMMRP).

d) The DB shall be onsite during all vegetation clearing and grubbing during Project construction habitat to be impacted.

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e) The DB may present the Worker Environmental Awareness Training (WEAP) described under BIO-17.

f) The DB shall ensure proper implementation of protective measures developed in coordination with USFWS and CDFW to avoid all impacts to all encountered sensitive species as well as other nesting birds.

g) The DB shall immediately notify the resident engineer to halt work, if necessary, and coordinate with the BLM, USFWS, and CDFW to ensure the proper implementation of species and habitat protection measures.

h) The DB shall report any breach of the conservation measures within 24 hours of its occurrence to the BLM, USFWS, and CDFW.

BIO-2: **Biological Monitors.** The Project Owner shall employ BMs to support Project compliance activities as needed under the supervision of the DB and ABs.

***BM Approval*:** The Project proponent or DB shall submit the resumes, at least three references, and contact information for each of the proposed BMs to the BLM, USFWS, and CDFW for approval. The resumes shall demonstrate, to the satisfaction of the BLM, USFWS, and CDFW, the appropriate education and experience to accomplish the assigned biological resource tasks.

***BM Responsibilities*:** BMs shall assist in conducting surveys and in monitoring of site mobilization activities and all vegetation and ground-disturbing activities, including pre-construction phase activities.

***Desert Tortoise Assistance*:** For all work with desert tortoise, BMs must be approved based on desert tortoise qualifications (see requirements for approval and responsibilities in BIO-21).

BIO-3: **Biological Resources Mitigation, Monitoring, and Reporting Plan (BRMMRP).** Prior to the issuance of the Notice to Proceed, the Project Owner shall develop a BRMMRP for review and approval by the BLM and CDFW and part of the issuance of the ROW Grant. The BRMMRP shall provide a matrix to document implementation and monitor effectiveness of all biological mitigation measures, including adopted BLM and CDFW mitigation measures, measures included in resource management plans, and all permit-required mitigation. The BRMMRP shall ensure that all measures intended to avoid or reduce impacts are appropriately implemented, documented, and reported to the applicable agencies.

During pre-construction and construction activities, the Project Owner and DB shall provide quarterly and final compliance reports to the BLM, CDFW, and USFWS, documenting the effectiveness of mitigation measures, level of take of endangered or threatened federal or endangered, threatened, or candidate state species associated with the Project and practicality of the protection measures that are in place and making recommendations for modifying the measures to enhance species protection, as needed. The report shall also provide information on the overall biological resources-related activities conducted, including the worker awareness training, clearance/pre-activity surveys, monitoring activities, and any observed desert tortoises, including injuries and fatalities. Biological issues also shall be covered in the ongoing compliance reporting required by the BLM.

BIO-4: **Delineation of Work Areas.** Prior to initiation of construction, the DB shall ensure that the anticipated impact zones, including staging areas, equipment access, and disposal or temporary placement of spoils, are delineated with stakes and flagging to avoid natural resources. No construction-related activities shall occur outside of the designated impact area (i.e., Project site). Staging, stockpiling, and materials storage areas shall be delineated as described under BIO-5.

BIO-5: **Staging, Stockpiling, and Materials Storage.** During construction, the Project proponent shall ensure that all construction materials, staging, employee parking, storage, dispensing, fueling, and

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maintenance activities are located in upland areas outside of microphyll woodland and ephemeral washes, and that measures, as specified in the Drainage, Erosion, and Sediment Control Plan (Mitigation Measure BIO-14) are taken to prevent any potential runoff from entering waters of the State. Staging areas shall be located within permanent impact areas or previously disturbed sites within the Project site. Spoils shall be stockpiled only in areas subject to grading and disturbance and shall be placed to minimize impacts to native vegetation.

BIO-6: **Vehicle Access and Speed Limits.** During construction, personnel shall only access the site via Powerline Road and shall maintain a speed limit of 15 mph. Speed limits on roads or anywhere within the Project site shall not exceed 15 mph.

Cross-country vehicle and equipment use outside of the designated Project site (including the gen-tie line) and access roads shall be prohibited. All vehicles passing or turning around shall do so within the designated Project site and access roads.

During operations, all vehicles and site access shall remain on designated Project roads. No off-road travel shall occur. To minimize the likelihood for vehicle strikes of wildlife species a speed limit of 15 miles per hour shall be established for travel along Powerline Road. Speed limits shall be clearly marked by the proponent, and workers shall be made aware of these limits and the penalties authorized for exceeding them.

BIO-7: **Equipment Parking and Storage.** During construction, parking and storage of Project-related equipment and vehicles shall occur within the desert tortoise-exclusion fencing. Anytime a vehicle or construction equipment is parked in areas where desert tortoises may be present (e.g., unfenced areas of the site, even where ground has been cleared), the ground under the vehicle shall be inspected for the presence of desert tortoise before the vehicle is moved. This inspection shall involve both the front and rear tires, in front of each tire, and behind each tire. If a desert tortoise is observed, it shall be left to move on its own. If it does not move within 15 minutes, the AB, or BM under the direct supervision of an AB, shall remove and relocate the desert tortoise to a safe location.

BIO-8: **Hazardous Spills.** During construction and operations, all vehicles and equipment shall be in proper working condition to ensure that there is no potential for releases or spills of motor oil, antifreeze, hydraulic fluid, grease, or other hazardous materials. The DB shall be informed of any hazardous spills within 24 hours. Hazardous spills shall be immediately cleaned up according to the specifications established by the BLM California Hazardous Materials Specialist and the contaminated soil shall be properly disposed of at a hazardous waste facility permitted by the California Department of Toxic Substance Control. Servicing of construction equipment shall only take place in designated areas or offsite. Service/maintenance vehicles shall carry a bucket and pads to absorb leaks or spills.

Fueling and servicing of construction equipment shall take place only in a specifically designated area with proper secondary containment and not within 50 feet of washes or native desert habitats. Contractor equipment shall be checked for leaks prior to operation and repaired as necessary before equipment use may resume.

BIO-9: **Prevent Ponding.** During construction, a DB, AB, or BM shall patrol construction watering areas to ensure that water does not puddle for extended periods of time (generally several hours) and thereby attract desert tortoise, Couch's spadefoot, common ravens, and other wildlife to the site. The Project Owner will avoid diverting water to soils of soil series that the NRCS has determined are frequent ponding sites, as specified in the preliminary NRCS Riverside East soil survey information provided by the NRCS Victorville Soil Survey Office for the project site. Should extended puddling be observed, the DB, AB, or BM shall instruct the construction crew to cease watering within that location until the area has dried and implement re-grading or other measure to prevent extended puddling from recurring.

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BIO-10: **Debris and Trash Disposal.** During construction and operations, all non-hazardous spoils, trash, and debris shall be removed by the construction contractor offsite as-needed to a solid waste disposal facility permitted by the California Department of Resources Recycling and Recovery (CalRecycle). Non-hazardous spoils and debris (not including food items) shall be stored within the Project site until removal and protected from dispersal by wind and water erosion. Trash and food items shall be contained in closed containers at all times and removed daily to reduce the attractiveness to opportunistic predators such as common ravens, coyotes, desert kit foxes, and other predators that may prey on sensitive species.

BIO-11: **Pets and Firearms.** During construction and operations, workers shall be prohibited from bringing pets (except service dogs) and firearms (except those in possession of authorized security personnel or local, state, or federal law enforcement officials) to the site.

BIO-12: **Wildlife Entrapment Avoidance.** During construction and operations, the following shall be implemented:

a. ***Backfill Trenches.*** At the end of each workday, the DB or BM shall ensure that all potential wildlife pitfalls (trenches, bores, and other excavations), both outside and within the area fenced with desert tortoise exclusion fencing, have been backfilled. If backfilling is not feasible, all trenches, bores, and other excavations shall be sloped at a 3:1 ratio at the ends to provide wildlife escape ramps, or covered completely to prevent wildlife access, or fully enclosed with desert tortoise-exclusion fencing. All trenches, bores, and other excavations outside the areas permanently fenced with desert tortoise exclusion fencing shall be inspected periodically throughout the day, at the end of each workday and at the beginning of each day by the DB or a BM. Should a tortoise or other wildlife become trapped, an AB shall remove and relocate the individual as described in the Desert Tortoise Relocation/Translocation Plan. Any wildlife encountered during the course of construction shall be allowed to leave the construction area unharmed.

b. ***Avoid Entrapment of Desert Tortoise and/or Burrowing Owl.*** All construction pipes, culverts, or similar structures with a diameter greater than 3 inches, stored less than 8 inches aboveground for one or more nights, shall be inspected for any wildlife before the material is moved, buried or capped. As an alternative, all such structures may be capped before being stored outside the fenced area, or placed on pipe racks. Similarly, no open pipes with a diameter greater than 3 inches will be stored or buried in a vertical orientation unless capped to prevent entrapment of birds and other wildlife.

BIO-13: **Lighting.** During construction, if construction activities occur at night, all Project lighting (e.g., staging areas, equipment storage sites, roadway) shall be directed downward onto the roadway or construction site and away from sensitive habitat. Light glare shields shall also be used to reduce the extent of illumination into adjoining areas and above into night skies.

During operations, the Project's lighting system shall provide the minimum illumination required to meet safety and security objectives and shall be oriented to minimize additional illumination in areas not pertinent to the facility. Project design shall include the following specific lighting features:

1) No permanent lights shall be installed within sensitive habitat.
2) Any lighting adjacent to sensitive habitat shall be directed or shielded away from the habitat, and motion-sensitive lighting shall be utilized adjacent to sensitive habitat so that there is not a constant source of light illuminating the surrounding habitat.
3) Light glare shields shall be used to reduce the extent of illumination into adjoining areas and above into night skies.
4) Full cut-off luminaires will be used to minimize uplighting.

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5) Lights will be directed downward or toward the area to be illuminated.

6) Light fixtures will not spill light beyond the Project boundary.

7) Lights in highly illuminated areas that are not occupied on a continuous basis will have switches, timer switches, or motion detectors so that the lights operate only when the area is occupied.

8) Where practicable, vehicle mounted lights will be used for night maintenance activities.

9) Where practicable, consistent with safety and security, lighting will be kept off when not in use.

Operational lighting requirements pursuant to this measure shall be incorporated into the lighting plan required by Mitigation Measure VIS-1.

BIO-14: **Storm Water Management Plan and Drainage, Erosion, and Sediment Control Plan (DESCP).** Prior to issuance of the Notice to Proceed, the Project proponent shall prepare an Agency-approved Storm Water Management Plan and a DESCP to comply with BLM, USFWS, CDFW, and RWQCB requirements. The Project shall employ a comprehensive system of management controls, including site-specific BMPs, to minimize erosion and storm water contact with contaminants and thereby reduce exposure of wildlife and plants to pollutants in the storm water. The Plan shall include an adaptive management plan to monitor system performance and make adjustments to the design and BMPs if the BLM AO determines through monitoring that the system is inadequate.

BIO-15: **Wildfire Prevention.** During construction, wildfire risk reduction measures shall be implemented, consistent with the Fire Prevention Plan requirements outlined in Mitigation Measure FIRE-1. Vehicles shall not drive or park drive or where catalytic converters could ignite dry vegetation. In times of high fire hazard (e.g., red flag warnings, PAL E designations), vehicles and equipment shall carry firefighting equipment or high fire risk construction activities shall be halted, consistent with Mitigation Measure FIRE-1. The use of shields, protective mats, or other fire prevention equipment shall be used during grinding, welding, or other spark-generating activities to prevent or minimize the potential for ignitions. Smoking shall be prohibited within vegetated areas.

BIO-16: **Weed Management.** Prior to construction, the Project Owner shall prepare a Weed Management Plan for BLM and CDFW approval. The Weed Management Plan shall include measures to reduce the potential for introducing non-native plant species to the site and to treat non-native plants, if introduced to the Project site or vicinity, including but not limited to the following: During construction and operations, the introduction of non-native plant species shall be avoided and controlled wherever possible, and may be achieved through physical or chemical removal (i.e., herbicides) and prevention. The Weed Management Plan shall provide sufficient information about the herbicides proposed to be used on the site to support the BLM's issuance of a Pesticide Use Proposal (PUP) to the Project Owner without additional analysis. Acceptable physical and/or chemical methods are described in the BLM's Programmatic Environmental Impact Statement for vegetation treatments using herbicides in 17 western states (2007). Preventing non-native plants and weeds from entering the site via vehicular sources shall include measures such as the use of rumble strips (e.g., Trackclean) or other method(s) of vehicle cleaning for vehicles coming and going from the site. Earth-moving equipment shall be cleaned of debris and plant propagules prior to transport to the Project site. Weed-free rice straw or other certified weed-free straw shall be used for erosion control. Weed populations introduced into the site during construction shall be eliminated by chemical and/or mechanical means approved by the BLM consistent with their Programmatic Environmental Impact Statement for vegetation treatments using herbicides in 17 western states and by CDFW and in accordance with applicable federal, state, and local regulations.

BIO-17: **Worker Environmental Awareness Program (WEAP).** Prior to construction, the Project proponent shall develop a WEAP to be approved by the BLM, CDFW, and USFWS. The WEAP shall contain information on all special-status species, vegetation communities, non-native invasive weed species (and how to reduce/limit their spread), and all general biological mitigation measures

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as well as all specific protection measures for special-status species. The WEAP shall be administered to all Project personnel prior to their work during site preconstruction, construction, operation, and decommissioning and shall include documentation of training with training acknowledgements signed by each worker. The WEAP shall:

1. Be developed by or in consultation with the DB, AB, or BM and consist of an onsite or training center presentation in which supporting written material and electronic media, including photographs of protected species, is made available to all participants;
2. Discuss the locations and types of sensitive biological resources on the Project site and adjacent areas, and explain the reasons for protecting these resources; provide information to participants that no snakes, reptiles, or other wildlife shall be fed, harmed, or harassed and that no plants shall be collected;
3. Place special emphasis on desert tortoise and desert kit fox, including information on physical characteristics, distribution, behavior, ecology, sensitivity to human activities, legal protection, penalties for violations, reporting requirements, and protection measures;
4. Include a discussion of fire prevention measures to be implemented by workers during Project activities (e.g., protective measures when grinding or welding; provisioning vehicles with water and shovels or fire extinguishers during period of high fire risk; smoking in designated areas and proper disposal of cigarettes and cigars, etc.);
5. Describe the temporary and permanent habitat protection measures to be implemented at the Project site;
6. Identify events that require notification of the DB, AB, or BM, including but not limited to (1) desert tortoise observations; (2) special-status species observations in the work area; (3) observations of dead or injured wildlife within or near the work area; (4) accidental impacts outside of the designated work area, and (5) accidental spills of contaminants (within 24 hours);
7. Provide contact information and describe the chain of communication for biological resources-related issues.
8. Identify who to contact if there are further comments and questions about the material discussed in the program; and
9. Include a training acknowledgment form to be signed by each worker indicating that they received training and agree to abide by the guidelines.

The WEAP can be administered by a competent individual(s) or by media acceptable to CDFW the DB and the BLM AO. Any prerecorded presentation shall be accompanied by a formal process that allows submission of questions to the AB or BM that shall be read and answered within 24 hours of submission.

Resource-Specific Measures

As part of these resource-specific measures, this document incorporates by reference the mitigation measures within the following biological resource management plans that have been prepared for the Project and are included in Appendix I in the Final EIS and Proposed PA:

- Desert Tortoise Translocation Plan (BIO-23)
- Raven Management Plan (BIO-25)
- Couch's Spadefoot Management Plan (BIO-27)
- Burrowing Owl Management Plan (BIO-29)
- American Badger and Desert Kit Fox Monitoring and Management Plan (BIO-30)

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- Nesting Bird Management Plan (BIO-31)
- Bird and Bat Conservation Strategy (BIO-32)
- Decommissioning Plan (BIO-34)

Vegetation Communities

BIO-18: **Vegetation Communities Restoration and Compensation.**

***Restoration Plan*:** Prior to issuance of the Notice to Proceed, the Project Owner shall prepare and obtain approval from the BLM and CDFW of a plan to restore areas subject to temporary impacts during the construction period. While all impacts will be mitigated as permanent due to the long re-establishment time required for desert vegetation, certain portions of the project site may only be impacted during construction, including, but not limited to portions of the gen-tie line and, if Alternative B is selected, disturbance areas that would be avoided by DE-2 and DE-3. The Project Owner shall be responsible for preparing an accurate map of temporarily disturbed areas upon completion of construction. Only native plant species and native microbial organisms which would naturally occur within the disturbed habitats shall be used for restoration. Seed tags shall be submitted to the BLM and CDFW at least 14 days before the date of proposed seeding for acceptance. Restoration activities shall be implemented within 30 days of construction completion or during the soonest appropriate planting season.

For all temporarily disturbed areas, the Restoration Plan shall include a description of proposed methods for topsoil salvage (as applicable) and replacement, plant/seed salvage including salvage of succulents, seeding techniques, inoculation of native microbial organisms for plant mycorrhizae and for biotic soil crust formation, methods to stabilize and shape soil surface to reduce soil erosivity, and techniques to increase soil fertility and water holding capacity. Plant salvage measures shall follow applicable state and federal regulations and policies for salvage and transplant of cactus, yucca, other succulents, and BLM Sensitive plants.

A monitoring and reporting protocol shall be a requisite part of the Plan, and the following performance standards shall be met by the end of monitoring year 2:

1. at least 80 percent of the species observed within the temporarily disturbed areas shall be native species that naturally occur in desert scrub habitats; and
2. relative cover and density of plant species within the temporarily disturbed areas shall be equal to or greater than 60 percent of native background density.

If these standards are not met, remedial restoration measures shall be prepared and submitted to the BLM and CDFW for approval prior to implementation.

***Sensitive Vegetation Community Restoration or Compensation*:** Permanent impacts on Creosote Bush–White Bursage/Big Galleta Grass Association (estimated at 289.4 acres) shall be compensated through a combination of compensation and restoration at a minimum 1:1 ratio. Habitat compensation shall be accomplished through BLM- and CDFW-approved land preservation or mitigation fee payment for the purpose of habitat compensation of lands supporting comparable habitats to those lands impacted by the Project. Restoration may be appropriate as mitigation for permanent impacts provided that restoration is demonstrated to be feasible and the restoration effort is implemented pursuant to the restoration plan described above. Compensatory mitigation shall be subject to BLM and CDFW approval and include preservation, enhancement, restoration, and/or creation on lands protected by acquisition, easement, or other legal mechanism and shall provide in-kind or higher value habitat. If lands are acquired, the terms and conditions of this acquisition shall be as described in Mitigation Measure BIO-26, Part 3, Compensation Lands Acquisition Requirements. So long as security is posted in accordance with Provision 3 below (Security for Implementation of Mitigation), the Project Owner

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shall acquire, in fee or in easement, the land, no more than 18 months after the start of Project ground-disturbing activities. If all or any portion of the acquired Mojave desert tortoise or other required compensation lands acquired under Mitigation Measures BIO-19, 20, 26, 28, or 29 meet the criteria above for sensitive vegetation community compensation lands that meets any of the criteria above may be used to fulfill that portion of the obligation for sensitive vegetation community mitigation.

BIO-19: **Riparian Habitat.** The Project Owner shall implement the following measures to avoid, minimize and mitigate for direct and indirect impacts to riparian vegetation (microphyll woodlands) and ephemeral washes and riparian habitat:

1. Prior to construction, the BM shall verify that demarcation of boundary fencing avoids microphyll woodlands by an approximate buffer of 200 feet, with the exception of crossing locations where two access road crossings occur within microphyll woodlands (the northeast access road and the middle-western access road). At these locations, crossing widths shall be microsited to avoid mature trees and constructed with the minimum width necessary to minimize direct impacts to the drainage. When the Project Owner or Contractor to Project Owner follows these BMPs, mitigation to replace lost woodlands would be avoided. If mature trees cannot be avoided at wash crossings and impacts to microphyll woodlands exceed 0.01 acre, compensatory mitigation shall be provided as described below.
2. *Compensatory Mitigation*: If the Project results in direct impacts to state-jurisdictional streams and riparian habitat, the Project Owner shall provide BLM and CDFW-approved compensatory mitigation at a ratio of 3:1 for any impacts greater than 0.01 acre to microphyll woodlands and 1:1 for all other directly impacted unvegetated ephemeral washes. Based on anticipated project impacts of up to 1.2 acres of microphyll woodlands and 90.6 acres of unvegetated ephemeral washes, resulting mitigation requirements would total up to 3.6 acres for microphyll woodlands and 90.6 acres for unvegetated ephemeral washes. Compensatory mitigation shall be subject to BLM and CDFW approval and include preservation, enhancement, restoration, and/or creation on lands protected by acquisition, easement, or other legal mechanism and shall provide in-kind or higher value habitat. If lands are acquired, the terms and conditions of this acquisition shall be as described in Mitigation Measure BIO-26, Part 3, Compensation Lands Acquisition Requirements. Mitigation for impacts to state waters shall occur within the same watershed where the Project occurs and/or surrounding watersheds, as close to the Project site as possible. So long as security is posted in accordance with Provision 3 below (Security for Implementation of Mitigation), the Project Owner shall acquire, in fee or in easement, the land, no more than 18 months after the start of Project ground-disturbing activities. If all or any portion of the acquired Mojave desert tortoise or other required compensation lands acquired under BIO-18, 20, 26, 28, or 29 meet the criteria above for riparian vegetation (microphyll woodlands) and ephemeral washes and riparian habitat, the portion of the other species' or habitat compensation lands that meets any of the criteria above may be used to fulfill that portion of the obligation for riparian vegetation (microphyll woodlands) and ephemeral washes and riparian habitat mitigation.
3. *Security for Implementation of Mitigation*: Prior to issuance of the Notice to Proceed, the Project Owner shall provide financial assurances to the BLM and CDFW to guarantee that an adequate level of funding is available to provide compensatory mitigation, as described in this condition. These funds shall be used solely for implementation of the measures associated with the Project. Financial assurance can be provided to the BLM and CDFW in the form of an irrevocable letter of credit, a pledged savings account or Security prior to initiating ground-disturbing Project activities. Prior to submittal, the Security shall be approved by the BLM and CDFW to ensure funding is adequate. (See Mitigation Measure BIO-26, Part 3, Compensation Lands Acquisition Requirements, for a discussion of the assumptions used in calculating the Security.) The Security amounts may change based on land costs or the estimated costs of enhancement and endowment. The final amount due shall be determined by the PAR or PAR-like analysis conducted pursuant

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to BIO-26, Part 3, Compensation Lands Acquisition Requirements, and approved by the BLM and CDFW. The final mitigation acreage is also subject to CDFW concurrence with Project impacts to waters of the state and riparian areas that were developed by the Project Owner.

4. *Preparation of Long Term Management Plan (LTMP)*: The Project Owner shall submit to the BLM and CDFW a draft LTMP for approval that reflects site-specific enhancements for the jurisdictional areas on the acquired compensation lands. The objective of the Management Plan shall be to enhance the wildlife value of the jurisdictional areas, and may include enhancement actions such as weed control, fencing to exclude livestock, or erosion control.
5. *Code of Regulations*: Prior to construction, the Project Owner shall provide a copy of the BRMMP and CDFW permits to all contractors, subcontractors, and the Project Owner's Project supervisors. Copies shall be readily available at work sites at all times during periods of active work and must be presented to any CDFW personnel upon demand. The BLM AO reserves the right to issue a stop work order or allow CDFW to issue a stop work order after giving notice to the Project Owner if the BLM AO in consultation with CDFW, determines that the Project Owner has breached any of the terms or conditions or for other reasons, including but not limited to the following:
    a. The information provided by the Project Owner regarding streambed alteration is incomplete or inaccurate;
    b. New information becomes available that was not known to it in preparing the terms and conditions; or
    c. The Project or Project activities as described in the Final EIS or Final EIR have changed.
6. *Best Management Practices*: The Project Owner shall also comply with the following conditions to protect drainages near the Project Disturbance Area:
    a. The Project Owner shall not allow water containing mud, silt, or other pollutants from grading, aggregate washing, or other activities to enter ephemeral drainages or be placed in locations that may be subjected to high storm flows and ponding.
    b. The Project Owner shall comply with all litter and pollution laws. All contractors, subcontractors, and employees shall also obey these laws, and it shall be the responsibility of the Project Owner to ensure compliance.
    c. Spoil sites shall be located within the Project site and at least 30 feet from the boundaries and drainages or in locations that may be subjected to high storm flows, where spoils might be washed back into drainages.
    d. Raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be hazardous to vegetation or wildlife resources, resulting from Project-related activities, shall be prevented from contaminating the soil and/or entering waters of the state. The Project Owner or any party working under contract or with the permission of the Project Owner shall immediately remove any such materials placed within a drainage or where the materials may enter a drainage.
    e. The Project Owner shall prevent any broken concrete, debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete or washings thereof, oil or petroleum products or other organic or earthen material from any construction or associated activity of whatever nature from entering into, or being placed where rainfall or runoff may wash the materials into waters of the state.
    f. When operations are completed, any excess materials or debris shall be removed from the work area as soon as possible and shall not remain for longer than 5 days following

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completion of operations. No rubbish shall be deposited, even temporarily, within 150 feet of the high water mark of any drainage.

g. No equipment maintenance shall occur within 150 feet of any ephemeral drainage where petroleum products or other pollutants from the equipment may enter these areas under any flow.

Special-Status Plants

BIO-20: **Special-Status Plant Avoidance, Minimization, and Compensation.**

***Avoidance and Minimization*:** Prior to and during construction, the Project proponent shall identify and implement site design modifications to minimize impacts on special-status plants along Project access roads and the gen-tie line including:

1. Limit the extent of work areas;
2. Microsite roads and linear features to avoid known and newly discovered occurrences; and
3. Where blading for access roads is not required, drive and crush vegetation as an alternative to blading of roads to preserve the seed bank.

***Environmentally Sensitive Areas (ESAs)*:** Prior to the start of vegetation or ground-disturbing activities, a qualified botanist shall designate environmentally sensitive areas (ESAs) around special-status plants outside of the Project site within 100 feet of the limits of disturbance. This includes areas identified to have special-status plant species during prior surveys. The locations of ESAs shall be clearly marked on construction drawings and shall be flagged in the field. The boundaries of the ESAs shall be marked on drawings and/or flagged in the field a minimum of 20 feet from the occurrence. Where this is not possible due to construction constraints, other protection measures, such as silt fencing and sediment controls, may be employed to protect the occurrences. Equipment and vehicle maintenance and wash areas shall be located 100 feet from the upgradient side of any ESAs. ESAs shall be clearly delineated in the field with temporary construction fencing and signs prohibiting movement of the fencing or sediment controls. Violations of the ESA boundaries could result in work stoppages and/or compensation for damages to the resource being protected.

***Vegetation Trimming*:** During O&M, staff shall be trained to identify rare plant species known to occur on site as part of the WEAP (BIO-17), and vegetation trimming shall be conducted to allow special-status species to set seed prior to trimming.

***Compensation*:** For unavoidable impacts to Harwood's eriastrum, the Project Owner shall provide compensatory mitigation at a 1:1 ratio through one of the following options: (1) Acquisition and protection of habitat supporting the species, (2) restoration/enhancement of habitat occupied by the species on protected public lands, (3) or in-lieu fee payment to support these activities. Compensation shall be initiated or completed within 12 months from the time the resource impact occurs, unless a 6-month extension is approved by the Authorizing Officer. The Project Owner shall provide funding for the acquisition and/or restoration/ enhancement, initial improvement, and long-term maintenance and management of the acquired or restored lands. The actual costs to comply with this condition will vary depending on the Project disturbance area, the actual costs of acquiring compensation habitat, the actual costs of initially improving the habitat, the actual costs of long-term management as determined by a Property Analysis Record (PAR) or similar methodology, and other transactional costs related to the use of compensatory mitigation. The Project Owner shall comply with other related requirements of this measure, as follows:

1. *Compensatory Mitigation by Acquisition.* The requirements for the acquisition initial protection and habitat improvement, and long-term maintenance and management of compensation lands for state and Federally protected plant species include all of the following:

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1.1. *Selection Criteria for Acquisition Lands*. The compensation lands selected for acquisition may include any of the following three categories:

1.1.1. *Occupied Habitat, No Habitat Threats*. The compensation lands selected for acquisition shall be occupied by the species and shall be characterized by site integrity and habitat quality that are required to support the species, and shall be of equal or better habitat quality than that of the affected occurrence. The occurrence of the species on the proposed acquisition lands should be viable, stable or increasing (in size and reproduction).

1.1.2. *Occupied Habitat, Habitat Threats*. Occupied compensation lands characterized by habitat threats may also be acquired as long as the population could be reasonably expected to recover with habitat restoration efforts (e.g., OHV or grazing exclusion, or removal of invasive, non-native plants) and is accompanied by a Revegetation Plan as described in Mitigation Measure BIO-18 above.

1.1.3. *Unoccupied but Adjacent*. The Project Owner may also acquire habitat for which occupancy by the species has not been documented, if the proposed acquisition lands are adjacent to occupied habitat. The Project Owner shall provide evidence that acquisitions of such unoccupied lands would improve the defensibility and long-term sustainability of the occupied habitat by providing a protective buffer around the occurrence and by enhancing connectivity with undisturbed habitat. This acquisition may include habitat restoration efforts where appropriate, particularly when these restoration efforts will benefit adjacent habitat that is occupied by the species.

1.2. *Review and Approval of Compensation Lands Prior to Acquisition*. The Project Owner shall submit a formal acquisition proposal to the BLM AO describing the parcel(s) intended for purchase. This acquisition proposal shall discuss the suitability of the proposed parcel(s) as compensation lands for special-status plants in relation to the criteria listed above, and must be approved by the BLM AO.

1.3. *Compensation Land Management Plan*. The Project Owner or approved third party shall prepare a management plan for the compensation lands in consultation with the entity that will be managing the lands. The goal of the management plan shall be to support and enhance the long-term viability of the plant occurrences. The Management Plan shall be submitted for review and approval to the BLM AO.

1.4. *Integrating Plant Mitigation with Other Mitigation Lands*. If all or any portion of the acquired Mojave desert tortoise or other required compensation lands meet the criteria above for special-status plant compensation lands, the portion of the other species' or habitat compensation lands that meets any of the criteria above may be used to fulfill that portion of the obligation for plant mitigation.

1.5. *Compensation Lands Acquisition Requirements*. The Project Owner shall comply with the following requirements relating to acquisition of the compensation lands after the BLM AO, has approved the proposed compensation lands:

1.5.1. *Preliminary Report*. The Project Owner, or an approved third party, shall provide a recent preliminary title report, initial hazardous materials survey report, biological analysis, and other necessary or requested documents for the proposed compensation land to the BLM AO. All documents conveying or conserving compensation lands and all conditions of title are subject to review and approval by the BLM AO. For conveyances to the state, approval may also be required from the California Department of General Services, the Fish and Game Commission and the Wildlife Conservation Board.

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1.5.2. *Title/Conveyance*. The Project Owner shall acquire and transfer fee title to the compensation lands, a conservation easement over the lands, or both fee title and conservation easement, as required by the BLM AO. Any transfer of a conservation easement or fee title may be to CDFW or an organization qualified to hold title to and manage compensation lands (pursuant to California Government Code §65965), to BLM, or another public agency approved by the BLM AO. If an approved non-profit organization holds fee title to the compensation lands, a conservation easement shall be recorded in favor of CDFW or another entity approved by the BLM AO. If an entity other than CDFW holds a conservation easement over the compensation lands, the BLM AO may require that CDFW or another entity approved by the BLM AO, in consultation with CDFW, be named a third party beneficiary of the conservation easement. The Project Owner shall obtain approval of the BLM AO of the terms of any transfer of fee title or conservation easement to the compensation lands.

1.5.3. *Initial Protection and Habitat Improvement*. The Project Owner shall fund activities that the BLM AO requires for the initial protection and habitat improvement of the compensation lands. These activities will vary depending on the condition and location of the land acquired, but may include trash removal, construction and repair of fences, invasive plant removal, and similar measures to protect habitat and improve habitat quality on the compensation lands. The costs of these activities are estimated to be $330 per acre, using the estimated cost per acre for Mojave desert tortoise mitigation as a best available proxy. A qualified organization, CDFW or another public agency may hold and expend the habitat improvement funds if it is qualified to manage the compensation lands (pursuant to California Government Code §65965), if it meets the approval of the BLM AO in consultation with CDFW, and if it is authorized to participate in implementing the required activities on the compensation lands. If CDFW takes fee title to the compensation lands, the habitat improvement fund must be paid to CDFW or its designee.

1.5.4. *Property Analysis Record*. Upon identification of the compensation lands, the Project Owner shall conduct a PAR or PAR-like analysis to establish the appropriate amount of the long-term maintenance and management fund to pay the in-perpetuity management of the compensation lands. The PAR or PAR-like analysis must be approved by the BLM AO before it can be used to establish funding levels or management activities for the compensation lands.

1.5.5. *Long-Term Maintenance and Management Funding*. The Project Owner shall deposit the endowment (with an entity qualified pursuant to Government Code sections 65965-65968, as amended and approved by BLM and CDFW) a non-wasting capital long-term maintenance and management fee in the amount determined through the PAR analysis conducted for the compensation lands.

1.5.6. *Long-Term Maintenance and Management Fund Entity*. The BLM AO, in consultation with CDFW, may designate another non-profit organization to hold the long-term maintenance and management fee if the organization is qualified to manage the compensation lands in perpetuity.

1.5.7. *Interest, Principal, and Pooling of Funds*. The Project Owner shall ensure that an agreement is in place with the long-term maintenance and management fund (endowment) holder/manager to ensure the following requirements are met:

i. Interest. Interest generated from the initial capital long-term maintenance and management fund shall be available for reinvestment into the principal and for the long-term operation, management, and protection of the approved

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compensation lands, including reasonable administrative overhead, biological monitoring, improvements to carrying capacity, law enforcement measures, and any other action that is approved by the BLM AO and is designed to protect or improve the habitat values of the compensation lands.

ii. Withdrawal of Principal. The long-term maintenance and management fund principal shall not be drawn upon unless such withdrawal is deemed necessary by the BLM AO or by the approved third-party long-term maintenance and management fund manager, to ensure the continued viability of the species on the compensation lands.

iii. Pooling Long-Term Maintenance and Management Funds. An entity approved to hold long-term maintenance and management funds for the Project may pool those funds with similar non-wasting funds that it holds from other projects for long-term maintenance and management of compensation lands for special-status plants. However, for reporting purposes, the long-term maintenance and management funds for this Project must be tracked and reported individually to the BLM AO.

1.5.8. *Other Expenses*. In addition to the costs listed above, the Project Owner shall be responsible for all other costs related to acquisition of compensation lands and conservation easements, including but not limited to the title and document review costs incurred from other state agency reviews, overhead related to providing compensation lands to CDFW or an approved third party, escrow fees or costs, environmental contaminants clearance, and other site cleanup measures.

1.5.9. *Mitigation Security*. The Project Owner shall provide financial assurances to the BLM AO to guarantee that an adequate level of funding is available to implement any of the mitigation measures required by this condition that are not completed prior to the start of ground-disturbing Project activities. Financial assurances shall be provided to the BLM AO in the form of an irrevocable letter of credit, a pledged savings account or another form of approved security ("Security"). The amount of the Security shall be $2,280 per acre, using the estimated cost per acre for Mojave desert tortoise mitigation as a best available proxy. The actual costs to comply with this condition will vary depending on the actual costs of acquiring compensation habitat, the costs of initially improving the habitat, and the actual costs of long-term management as determined by a PAR report. Prior to submitting the Security to the BLM AO, the Project Owner shall obtain the BLM AO's approval of the form of the Security. The BLM AO may draw on the Security if the BLM AO determines the Project Owner has failed to comply with the requirements specified in this condition. The BLM AO may use money from the Security solely for implementation of the requirements of this condition. The BLM AO's use of the Security to implement measures in this condition may not fully satisfy the Project Owner's obligations under this condition, and the Project Owner remains responsible for satisfying the obligations under this condition if the Security is insufficient. The unused Security shall be returned to the Project Owner in whole or in part upon successful completion of the associated requirements in this condition.

2. *Compensatory Mitigation by Habitat Enhancement/Restoration*: As an alternative or adjunct to land acquisition for compensatory mitigation, the Project Owner may undertake habitat enhancement or restoration for the plant species. Examples of suitable enhancement projects include but are not limited to the following:

i) control unauthorized vehicle use into an occurrence (or pedestrian use if clearly damaging to the species);

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ii) control of invasive non-native plants that infest or pose an immediate threat to an occurrence;

iii) exclude grazing by wild burros or livestock from an occurrence; or

iv) restore lost or degraded hydrologic or geomorphic functions critical to the species by restoring previously diverted flows, removing obstructions to the wind sand transport corridor above an occurrence, or increasing groundwater availability for dependent species.

If the Project Owner elects to undertake a habitat enhancement project for mitigation, the project must meet the following performance standards: The proposed enhancement project shall achieve rescue of an off-site occurrence that is currently assessed, based on the NatureServe threat ranking system (Master et al. 2009; see also Morse et al. 2004) with one of the following threat ranks:

a) long-term decline >30 percent;

b) an immediate threat that affects >30 percent of the population, or

c) has an overall threat impact that is High to Very High. "Rescue" would be considered successful if it achieves an improvement in the occurrence trend to "stable" or "increasing" status, or downgrading of the overall threat rank to slight or low (from "High" to "Very High").

If the Project Owner elects to undertake a habitat enhancement project for mitigation, they shall submit a Habitat Enhancement/Restoration Plan to the BLM AO for review and approval, and shall provide sufficient funding for implementation and monitoring of the Plan. The amount of the Security shall be $2,280 per acre, using the estimated cost per acre for Mojave desert tortoise mitigation as a best available proxy for every acre of habitat supporting the plant species which is directly or indirectly impacted by the Project. The amount of the security may be adjusted based on the actual costs of implementing the enhancement, restoration and monitoring. The implementation and monitoring of the enhancement/restoration may be undertaken by an appropriate third party such as NFWF, subject to approval by the BLM AO. The Habitat Enhancement/Restoration Plan shall include each of the following:

2.1. *Goals and Objectives*. Define the goals of the restoration or enhancement project and a measurable course of action developed to achieve those goals. The objective of the proposed habitat enhancement plan shall include restoration of a plant occurrence that is currently threatened with a long-term decline. The proposed enhancement plan shall achieve an improvement in the occurrence trend to "stable" or "increasing" status, or downgrading of the overall threat rank to slight or low (from "High" to "Very High").

2.2. *Historical Conditions*. Provide a description of the pre-impact or historical conditions (before the site was degraded by weeds or grazing or ORV, etc.), and the desired conditions.

2.3. *Site Characteristics.* Describe other site characteristics relevant to the restoration or enhancement project (e.g., composition of native and pest plants, topography and drainage patterns, soil types, geomorphic and hydrologic processes important to the site or species.

2.4. *Ecological Factors*. Describe other important ecological factors of the species being protected, restored, or enhanced such as total population, reproduction, distribution, pollinators, etc.

2.5. *Methods*. Describe the restoration methods that will be used (e.g., invasive exotics control, site protection, seedling protection, propagation techniques, etc.) and the long-term maintenance required. The implementation phase of the enhancement must be completed within five years.

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2.6. *Budget*. Provide a detailed budget and time-line, and develop clear, measurable, objective-driven annual success criteria.

2.7. *Monitoring*. Develop clear, measurable monitoring methods that can be used to evaluate the effectiveness of the restoration and the benefit to the affected species. The Plan shall include a minimum of five years of quarterly monitoring, and then annual monitoring for the remainder of the enhancement project, and until the performance standards for rescue of a threatened occurrence are met. At a minimum the progress reports shall include: quantitative measurements of the projects progress in meeting the enhancement project success criteria, detailed description of remedial actions taken or proposed and contact information for the responsible parties.

2.8. *Reporting Program*. The Plan shall ensure accountability with a reporting program that includes progress toward goals and success criteria. Include names of responsible parties.
9. Contingency Plan. Describe the contingency plan for failure to meet annual goals.
10. Long-term Protection. Include proof of long-term protection for the restoration site. For private lands this would include conservations easements or other deed restrictions; projects on public lands must be contained in a Desert Wildlife Management Area, Wildlife Habitat Management Area, or other land use protections that will protect the mitigation site and species.

Desert Tortoise

BIO-21: **Desert Tortoise Authorized Biologist (AB) and Biological Monitors (BMs).** The Project Owner shall ensure implementation of the following AB approval procedures, responsibilities, and authorities.

***AB Approval*:** A minimum of 30 days prior to the start of pre-construction activities, the Project Owner or DB shall submit to the BLM and CDFW a list of proposed AB(s) along with their qualifying documents (resume with references and contact information, along with a completed copy of the most recent Desert Tortoise Authorized Biologist Qualifications). Minimum qualifications are specified in the Biological Opinion (CM 3). The AB shall be approved by the BLM and CDFW and shall be permitted to handle desert tortoises. No Project pre-construction activities shall begin until an AB is approved. An AB may also fill the roles of DB or BM, if approved for those roles by the BLM and CDFW.

BM Approval: A minimum of 30 days prior to the start of pre-construction activities, the Project Owner, DB, or Desert Tortoise AB shall submit to the BLM and CDFW a list of proposed Desert Tortoise BM(s) along with their qualifying documents (resume with references and contact information). To be approved for work with desert tortoise, BMs must have a solid understanding of the adopted BLM and CDFW mitigation measures, the conservation measures in the Biological Opinion, and USFWS guidelines on desert tortoise surveys and handling procedures. BMs may not conduct field or clearance surveys or other specialized duties of the AB unless directly supervised by an AB. BMs will have the right and responsibility to halt any activities that are in violation of the Project's mitigation measures intended to protect desert tortoise.

***AB Responsibilities*:** The AB will have in their possession a copy of all mitigation and compliance measures related to desert tortoise while Project work is being conducted. Further, the AB will have the right and responsibility to halt any activities that are in violation of any of the measures intended to protect desert tortoise. Work shall proceed only after hazards to the desert tortoise are removed and the species is no longer at risk, or the individual has been moved from harm's way by the AB.

The AB will have discretion to assign duties and serve as a mentor to approved desert tortoise Biological Monitors (BMs) in conducting desert tortoise related duties. CDFW must approve BMs to perform specific tasks based on the BM's demonstrated skills, knowledge, and qualifications. Direct

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supervision is always required for field and clearance surveys and handling of desert tortoises; direct supervision means that the AB has direct voice and sight contact with the BM.

The AB(s) will be responsible for the following activities:

a) All surveys, trainings, compliance monitoring, and reporting related to the desert tortoise.

b) Handling and relocating desert tortoise out of harm's way or translocating desert tortoise when necessary. (BMs shall ensure compliance with the protection measures and may conduct surveys and compliance monitoring, but shall not be allowed to handle desert tortoise without direct oversight of an AB.)

c) The AB shall be notified of all desert tortoise observations, including injuries and mortalities.

d) Notifying the BLM, CDFW, and USFWS within 24 hours of any desert tortoise injuries or mortalities.

e) The AB shall be on site during fencing activities.

BIO-22: **Desert Tortoise Exclusion Fence.** Prior to grading or any long-term actions which might result in harm to a desert tortoise or which remove tortoise habitat, portions of the Project site subject to driving or construction disturbance shall be enclosed with a permanent desert tortoise-exclusion fence to keep desert tortoise in habitat adjacent to the site from entering the site during construction and operations phases. The access roads between development areas shall have temporary desert tortoise-exclusion fencing installed along their length through the washes in areas with the highest desert tortoise density (between the two southern-most development areas). Work activities occurring in unfenced areas will be monitored as detailed in Mitigation Measure BIO-23.

All desert tortoise exclusion fencing shall follow the specifications for desert tortoise exclusion fence in the USFWS 2009 *Desert Tortoise Field Manual,* as referenced in the Desert Tortoise Translocation Plan, or the latest USFWS guidance. Following completion of construction, the desert tortoise-exclusion fencing along these access roads between development areas shall be removed and desert tortoise-exclusion gates with grates shall be installed at each end of the access road between development areas.

All areas with exclusion fencing will incorporate desert tortoise shade structures on the exterior and interior of the fence and spaced a minimum of 1,000 feet apart to provide refuge and reduce the risk of hyperthermia for desert tortoise walking along the fence. Construction of shade structures will follow guidance in the 2018 "Shade Structures for Desert Tortoise Exclusion Fence: Draft Design Guidance" issued by the Palm Springs USFWS Office. Shade structures must be checked after each major rainfall event to ensure they are clear of debris and functional.

All fence construction shall be monitored by an AB or appointed BM(s) to verify that no desert tortoise is harmed. Following installation, the fencing shall be inspected twice daily until the end of the subsequent desert tortoise active season, then monthly thereafter and within 24 hours after all major rainfall events. Damage to the fencing shall be repaired immediately.

BIO-23: **Desert Tortoise Pre-Construction Clearance Surveys and Translocation.** Following installation of permanent desert tortoise fencing and prior to construction activities which might result in harm to a desert tortoise or which remove tortoise habitat, the desert tortoise AB shall oversee desert tortoise clearance surveys to locate and remove desert tortoises from within fenced Project areas. Survey methods shall meet the standards established by the USFWS in the 2009 Desert Tortoise Field Manual, or latest USFWS guidance, and follow the following procedures, subject to modification by USFWS and CDFW authorizations. A minimum of two perpendicular clearance passes within fenced areas shall be completed during the desert tortoise active season, from late March through May and during September through October to maximize the probability of finding all desert tortoise. Desert tortoises found shall be moved by an AB or BM under direct supervision in accordance with a BLM,

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CDFW, and USFWS-approved Desert Tortoise Translocation Plan. After two consecutive clearance passes with no detection of desert tortoise or new desert tortoise sign (e.g., scat), construction activities can commence. For areas not enclosed by exclusion fencing, preconstruction clearance surveys shall be conducted within 24 hours prior to the onset of surface disturbance and an AB or BM Biological Monitor shall be present in the vicinity of construction activities at all times.

Following site clearance, the AB shall prepare a report to document the results of clearance surveys, including the number of desert tortoises encountered, the capture and release locations of all desert tortoise found, individual desert tortoise data for each tortoise, and other relevant data. The AB shall submit this report to the BLM, CDFW, and USFWS.

BIO-24: **Resource Agency Notifications.** During construction and operations, the following shall occur:

***Dead or Injured Tortoises*:** If a dead or injured desert tortoise is found, the AB shall make initial notification to the BLM, CDFW, and USFWS within 24 hours of its finding. The notification must be made both by telephone and in writing to the nearest USFWS Field Office, located in Palm Springs, California, and to the CDFW contact listed in the Project's Incidental Take Permit. The report shall include the date and time of the finding or incident (if known), location of the specimen, a photograph, cause of injury/death (if known), and other pertinent information. If directed by CDFW or USFWS, the AB shall submit the dead tortoise for necropsy at a facility recommended by USFWS as outlined in Salvaging Injured, Recently Dead, Ill, and Dying Wild, Free-Roaming Desert Tortoises (Berry 2003). For any desert tortoises with non-fatal injuries, the AB shall oversee transportation to a nearby qualified veterinarian (approved by CDFW and USFWS prior to construction) for treatment at the expense of the proponent. If an injured desert tortoise does not recover, the AB shall contact CDFW and USFWS for direction concerning the final disposition of the desert tortoise carcass.

***Emergency Response Impacts*:** For emergency response situations, the AB and/or DB shall immediately notify the nearest USFWS Field Office, located in Palm Springs, California, and to the CDFW contact listed in the Project's Incidental Take Permit. As a part of this response, the agency representatives may require additional measures to protect the desert tortoise. During any emergency responses by Project staff or specialized responders to a scenario involving an imminent threat related to human health, fire, hazardous waste, or repairs requiring off-road vehicle and equipment use, CDFW and USFWS may also require measures to recover damaged habitat.

BIO-25: **Raven Monitoring, Management, and Control Plan.** Prior to issuance of the Notice to Proceed, the Project proponent shall prepare a Raven Monitoring, Management, and Control Plan that is consistent with the most current USFWS-approved raven management guidelines and submit it to the BLM, CDFW, and USFWS for approval. The management plan shall include but not be limited to a program to monitor raven presence in the Project vicinity, determine if raven numbers are increasing, and to implement raven control measures as needed based on monitoring results. The purpose of the plan is to avoid any Project-related increases in raven numbers during construction, operation, and decommissioning. The DB or AB shall oversee implementation of the plan. The Project Owner shall also provide funding for implementation of the USFWS Regional Raven Management Program. The Project Owner shall submit payment to the Project sub-account of the Renewable Energy Action Team (REAT) Account held by the National Fish and Wildlife Foundation (NFWF) to support the USFWS Regional Raven Management Program. The one-time fee shall be as described in the cost allocation methodology or based on current guidance as provided by USFWS or CDFW. Based on an estimated contribution of $105 per acre impacted, the fee is expected to total $262,962 for impacts to 2,504.4 acres. The actual fee would be determined based on the latest practice and based on the impact acreage of the selected alternative.

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BIO-26: **Desert Tortoise Compensatory Mitigation.** Prior to issuance of the notice to proceed, the Project Owner shall provide compensatory mitigation via land acquisition or purchase of Covered Species credits from a CDFW-approved mitigation or conservation bank at a 1:1 ratio for impacts to 2,504.4 acres within the Alternative A footprint, adjusted to reflect the final footprint of the selected alternative. To satisfy this measure, the Project Owner shall acquire and protect and transfer 1 acre of Mojave desert tortoise habitat for every acre of habitat within the final Project footprint, and provide associated funding for the acquired lands, as specified below. The Project Owner may choose to satisfy its mitigation obligations by purchasing Covered Species credits from a CDFW-approved mitigation or conservation bank.

The timing of the mitigation shall correspond with the timing of the site disturbance activities. However, if security is posted in accordance with 3.h. below (Mitigation Security), the Project Owner shall initiate or complete the acquisition, protection, and transfer of all lands and record any required conservation easements no later than 18 months from the time the resource impact occurs. Extensions must be approved by CDFW and the Authorizing Officer.

If compensation lands are acquired in fee title or in easement, the requirements for acquisition, initial improvement and long-term management of compensation lands shall include all of the following:

1. ***Selection Criteria for Compensation Lands.*** The compensation lands selected for acquisition in fee title or in easement shall at a minimum:
   a. be within the Chuckwalla DWMA or, if sufficient land is unavailable, in other locations within the Colorado Desert Recovery Unit;
   b. be located outside of a Development Focus Area (DFA) as defined under the DRECP;
   c. provide habitat for all life stages of Mojave desert tortoise with capacity to regenerate naturally when disturbances are removed;
   d. be prioritized near larger blocks of lands that are either already protected or planned for protection, or which could feasibly be protected long-term by a public resource agency or a non-governmental organization dedicated to habitat preservation;
   e. be connected to lands with Mojave desert tortoise habitat equal to or better quality than the Project site, ideally with populations that are stable, recovering, or likely to recover;
   f. not have a history of intensive recreational use or other disturbance that does not have the capacity to regenerate naturally when disturbances are removed or might make habitat recovery and restoration infeasible;
   g. not be characterized by high densities of invasive species, either on or immediately adjacent to the parcels under consideration, that might jeopardize habitat recovery and restoration;
   h. not contain hazardous wastes that cannot be removed to the extent that the site could not provide suitable habitat;
   i. have water and mineral rights included as part of the acquisition, unless the Resource Agencies agree in writing to the acceptability of land; and
   j. have live desert tortoise on the conserved lands or on lands abutting the conserved lands.
2. ***Review and Approval of Compensation Lands Prior to Acquisition.*** The Project Owner shall submit a formal acquisition proposal to the Resource Agencies describing the parcel(s) intended for compensatory acquisition This acquisition proposal shall discuss the suitability of the proposed parcel(s) as compensation lands for Mojave desert tortoise in relation to the criteria listed above. Approval from the Resource Agencies shall be required prior to acquisition of all compensatory mitigation parcels.

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3. ***Compensation Lands Acquisition Requirements.*** To provide for the acquisition and perpetual protection and management of the compensation lands, the Project Owner shall comply with the following requirements:

   a. *Preliminary Report*. The Project Owner, or approved third party, shall provide a recent (within 1 year) preliminary title report, initial hazardous materials survey report, biological analysis, and other necessary or requested documents for the proposed compensation land to the Resource Agencies. All documents conveying or conserving compensation lands and all conditions of title are subject to review and approval by the Resource Agencies. For conveyances to the state, approval may also be required from the California Department of General Services, the Fish and Game Commission, and the Wildlife Conservation Board.

   b. *Title/Conveyance*. The Project Owner shall transfer fee title to the compensation lands, a conservation easement over the lands, or both fee title and conservation easement. Transfer of either fee title or an approved conservation easement will usually be sufficient, but in some situations, e.g., the donation of lands burdened by a conservation easement to BLM, shall require that both types of transfers be completed. Any transfer of a conservation easement or title must be to CDFW, a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended, or to BLM under terms approved by the Authorizing Officer and CDFW. If CDFW does not hold the conservation easement, CDFW shall be expressly named in the approved conservation easement as a third-party beneficiary.

   c. *Initial Habitat Improvement Fund*. The Project Owner shall fund the initial protection and habitat improvement of the compensation lands. The interim management period shall be a minimum of three years from the date of land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Alternatively, a non-profit organization may hold the habitat improvement funds if it is qualified to manage the compensation lands (pursuant to California Government Code §65965) and if it meets the approval of CDFW and the Authorizing Officer. If CDFW takes fee title to the compensation lands, the habitat improvement fund must be paid to CDFW or its designee.

   d. *Property Analysis Record*. Upon identification of the compensation lands, the Project Owner shall conduct a PAR or PAR-like analysis to establish and get approval from the Resource Agencies regarding the amount of the appropriate long- term maintenance and management fee to fund the in-perpetuity management of the acquired mitigation lands.

   e. *Long-Term Maintenance and Management Fund*. The Project Owner shall deposit the endowment (with an entity qualified pursuant to Government Code sections 65965-65968, as amended and approved by BLM and CDFW) a non-wasting capital long-term maintenance and management fee in the amount determined through the PAR analysis conducted for the compensation lands.

   f. If CDFW takes fee title to the compensation lands, CDFW shall determine whether it will hold the long-term management fee in the special deposit fund or designate another entity to manage the long-term maintenance and management fee for CDFW and with CDFW supervision.

   g. *Interest and Principal*. The Project Owner, the BLM AO and CDFW shall ensure that an agreement is in place with the long-term maintenance and management fee holder/manager to ensure the following conditions:

      g.1 Interest. Interest generated from the initial capital long-term maintenance and management fee shall be available for reinvestment into the principal and for the long-

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term operation, management, and protection of the approved compensation lands, including reasonable administrative overhead, biological monitoring, improvements to carrying capacity, law enforcement measures, and any other action approved by CDFW designed to protect or improve the habitat values of the compensation lands.

g.2 Withdrawal of Principal. The long-term maintenance and management fee principal shall not be drawn upon unless such withdrawal is deemed necessary by the CDFW or the approved third-party long-term maintenance and management fee manager to ensure the continued viability of the species on the compensation lands. If CDFW takes fee title to the compensation lands, monies received by CDFW pursuant to this provision shall be deposited in a special deposit fund established solely for the purpose to manage lands in perpetuity unless CDFW designates NFWF or another entity to manage the long-term maintenance and management fee for CDFW.

g.3 Other Expenses. In addition to the costs listed above, the Project Owner shall be responsible for all other costs related to acquisition of compensation lands and conservation easements, including but not limited to title and document review costs, expenses incurred from other state agency reviews, and overhead related to providing compensation lands to CDFW or an approved third party; escrow fees or costs; environmental contaminants clearance; and other site cleanup measures.

h. *Mitigation Security*. The Project Owner shall provide financial assurances to the BLM AO and CDFW with copies of the document(s) to the USFWS, to guarantee that an adequate level of funding is available to implement the mitigation measures described herein. These funds shall be used solely for implementation of the measures associated with the Project in the event the Project Owner fails to comply with the requirements specified in this measure and shall be returned to the Project Owner upon successful compliance with the requirements in this measure. The BLM AO's or CDFW's use of the security to implement required measures may not fully satisfy the Project Owner's obligations under this condition. Financial assurance can be provided to the BLM AO and CDFW in the form of an irrevocable letter of credit, a pledged savings account or another form of security ("Security") approved in advance in writing by CDFW and the BLM AO. Security shall be provided in the amounts calculated as follows prior to ground disturbance (amounts can change based on current assessments at time of Security):

h.1. Start-up costs for compensation lands, including initial site protection and enhancement costs estimated at $300 per acre.

h.2. Land acquisition costs for compensation land, calculated at $1,800 per acre.

h.3. Interim management period shall be a minimum of three years from the date of acquisition and protection and endowment and shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management, calculated at $330 per acre.

h.4. Long term maintenance and management fee, calculated at $1,450 per acre.

The amount of security shall be adjusted for any change in the Project footprints for each phase (acquisition, initial protection/improvement, and long-term management and maintenance) as described above.

i. Acquisition of compensation lands may be delegated to a third party, such as a private or non-governmental organization. Land acquisition, initial protection or maintenance, and management activities shall be approved by BLM and CDFW and implemented within 18 months of start of construction.

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Couch's Spadefoot

BIO-27: **Couch's Spadefoot Protection Plan.** Prior to issuance of the Notice to Proceed, the Project proponent shall prepare a Couch's Spadefoot Protection Plan to be approved by the BLM and CDFW. The plan shall include the following:

1. ***Habitat Survey Protocol and Results*:** Figures showing the areas surveyed and the location of potential breeding habitat in relation to proposed Project features. The plan shall also include a survey protocol to locate potential future breeding ponds.
2. ***Avoidance and Minimization Measures*:** A description of measures that would be implemented to avoid impacts to potential breeding ponds, such as buffers, protective fencing or other barriers, worker's education, minimizing construction traffic within the vicinity of breeding ponds, and biological monitoring.
3. ***Monitoring and Reporting Requirements*:** Any observations of live or dead Couch's spadefoots shall be reported to BLM. If a live toad is observed, the DB or BM shall monitor the toad to ensure it is safely out of harm from construction activities.

Mojave Fringe-toed Lizard

BIO-28: **Mojave Fringe-Toed Lizard and Desert Dunes.** During construction, the Project proponent shall minimize impacts to dune habitat associated with access roads and/or gen-ties that support Mojave fringe-toed lizards. Roads shall be kept at-grade to avoid blocking local sand transport within desert dune habitat.

During construction, when vehicle traffic is occurring along Powerline Road, a Biological Monitor shall be present during Mojave fringe-toed lizard active periods to ensure the effectiveness of minimization and avoidance measures. Active periods, for the purpose of this mitigation measure, are defined as time periods between March and September and when temperatures are between 70 and 102 degrees Fahrenheit or any other time when Mojave fringe-toed lizards are observed on Powerline Road. To ensure adherence to speed limits and ensure the effectiveness of avoidance measures, the Biological Monitor may require the installation of additional speed limit signs, placement of temporary speed bumps, or additional WEAP training.

For impacts to Mojave fringe-toed lizard habitat that cannot be avoided, the Project proponent shall provide compensatory mitigation under the CDCA Plan, as amended. This shall be accomplished either by land acquisition acceptable to the BLM and CDFW, or a Resource Agency-assessed financial contribution calculated based on the final construction footprint. Direct permanent impacts to both occupied and unoccupied, dune and non-dune Mojave fringe-toed lizard habitat shall be mitigated at a ratio of 3:1. Desert dune habitat mitigation must be in-kind at 3:1 to meet the NECO Plan requirement for dune habitat compensation, but mitigation for non-dune habitat is not required to be desert dune. Actual mitigation shall be based on impacts of the selected Project Alternative. If all or any portion of the acquired Mojave desert tortoise or other required compensation lands acquired under BIO-18, 19, 20, 26, or 29 meet the criteria above for sensitive vegetation community compensation lands, the portion of the other species' or habitat compensation lands that meets any of the criteria above may be used to fulfill that portion of the obligation for Mojave fringe-toed lizard mitigation.

Mitigation may include compensation lands purchased in fee or in easement in whole or in part, for impacts to Mojave fringe-toed lizard habitat. Without this mitigation, the project would not be consistent with the land use plan, with which BLM is required to comply. As required under CEQA the Mojave fringe-toed lizard is a species of special concern and impacts to the species and habitat should be mitigated to less than significant. If compensation lands are acquired, the Project Owner shall provide funding for the acquisition in fee title or in easement, initial habitat improvements and

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long-term maintenance and management of the compensation lands. Compensation shall be initiated or completed within 18 months from the time the resource impact occurs. Extensions must be approved by the BLM AO and CDFW.

1. ***Criteria for Compensation Lands*:** The compensation lands selected for acquisition shall:
    a. Be deposits of eolian or fine windblown sands typically associated with dunes (at a minimum of 1:1), as well as washes, hillsides, margins of dry lakes, and sandy hummocks, preferably within the McCoy Valley or Chuckwalla Valley, outside of DFAs. To the extent feasible, land should have the potential to contribute to Mojave fringe-toed lizard habitat connectivity and build linkages between known populations of Mojave fringe-toed lizards and preserve lands with suitable habitat;
    b. Be occupied with Mojave fringe-toed lizards or be connected to lands currently occupied by Mojave fringe-toed lizard;
    c. To the extent feasible, be near larger blocks of lands that are either already protected or planned for protection, or which could feasibly be protected long-term by a public resource agency or a non-governmental organization dedicated to habitat preservation;
    d. Provide quality habitat for Mojave fringe-toed lizard, that has the capacity to regenerate naturally when disturbances are removed;
    e. Not be characterized by high densities of invasive species, either on or immediately adjacent to the parcels under consideration, that might jeopardize habitat recovery and restoration;
    f. Not contain hazardous wastes that cannot be removed to the extent the site is suitable for habitat;
    g. Not be subject to property constraints (i.e. mineral leases); and
    h. Be on land for which long-term management is feasible.
2. ***Security for Implementation of Mitigation*:** The Project Owner shall provide financial assurances to the BLM AO and CDFW to guarantee that an adequate level of funding is available to implement the acquisitions, maintenance and enhancement of Mojave fringe-toed lizard habitat as described in this measure. These funds shall be used solely for implementation of the measures associated with the Project. Financial assurance can be provided to the BLM AO and CDFW according to the measures outlined in Mitigation Measure Mitigation Measure BIO-26, Part 3, Compensation Lands Acquisition Requirements. The final amount due shall be determined by an updated appraisal and a PAR or PAR-like analysis conducted as described in Mitigation Measure Mitigation Measure BIO-26, Part 3, Compensation Lands Acquisition Requirements.
3. ***Preparation of the Land Management Plan*:** The Project Owner shall submit to the BLM and CDFW a draft Management Plan for approval that reflects site-specific enhancement measures for the Mojave fringe-toed lizard habitat on the acquired compensation lands. The objective of the Management Plan shall be to enhance the value of the compensation lands for Mojave fringe-toed lizards, and may include enhancement actions such as weed control, fencing to exclude livestock, erosion control, or protection of sand sources or sand transport corridors.

Western Burrowing Owl

BIO-29: **Burrowing Owl Mitigation.**

***Burrowing Owl Management Plan*:** Prior to issuance of the Notice to Proceed, the Project proponent shall prepare a Burrowing Owl Management Plan subject to BLM and CDFW approval. This plan shall include biologist qualifications, and methods for passive relocation, burrow closure,

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and monitoring of burrowing owls. Focused surveys shall additionally be performed to verify the absence of burrows owls and avoid impacts to this species prior to and during construction consistent with CDFW 2012 Staff Report of Burrowing Owl Mitigation recommendations (CFDW 2012). The preconstruction survey methodology, need for artificial replacement burrows, burrow monitoring, and reporting requirements shall be detailed in the Burrowing Owl Management Plan.

***Burrowing Owl Compensatory Mitigation*:** If preconstruction surveys determine the presence of burrowing owls that would be impacted by the Project, consistent with CDFW mitigation guidance (California Burrowing Owl Consortium 1993) the Project Owner shall acquire, in fee or in easement, land suitable to support a resident population of burrowing owls and shall provide funding for the enhancement and long-term management of these compensation lands based on 6.5 acres per pair or individual bird documented during the preconstruction survey as anticipated to be impacted by the Project. Compensation shall be initiated or completed within 12 months from the time the resource impact occurs, unless a 6-month extension is approved by the Authorizing Officer. The responsibilities for acquisition and management of the compensation lands may be delegated by written agreement to CDFW or to a third party, such as a non-governmental organization dedicated to habitat conservation, subject to approval by the BLM AO, in consultation with CDFW prior to land acquisition or management activities. Additional funds shall be based on the adjusted market value of compensation lands at the time of construction to acquire and manage habitat.

a. *Criteria for Burrowing Owl Mitigation Lands*. The terms and conditions of this acquisition or easement shall be as described in as described in Mitigation Measure BIO-26, Part 3, Compensation Lands Acquisition Requirements, with the additional criteria to include: 1) the mitigation land must provide suitable habitat for burrowing owls, and 2) the acquisition lands must be within the currently known range for burrowing owl. If all or any portion of the acquired Mojave desert tortoise or other required compensation lands acquired under BIO-18, 19, 20, 26, or 29 meet both of these criteria for burrowing owl compensation lands, the portion of the other species' or habitat compensation lands that meets the criteria may be used to fulfill that portion of the obligation for burrowing owl compensatory mitigation. If the burrowing owl mitigation land is separate from the acreage required for Mojave desert tortoise compensation lands, the Project Owner shall fulfill the requirements described below in this measure.

b. *Security*. If the burrowing owl mitigation land is separate from the acreage required for Mojave desert tortoise compensation lands, the Project Owner or an approved third party shall complete acquisition of the proposed compensation lands within the time period specified for this acquisition (see the verification section at the end of this measure). Alternatively, financial assurance can be provided by the Project Owner to the BLM AO and CDFW, according to the measures outlined in Mitigation Measure BIO-26, Part 3, Compensation Lands Acquisition Requirements. These funds shall be used solely for implementation of the measures associated with the Project. Financial assurance can be provided to the BLM AO in the form of an irrevocable letter of credit, a pledged savings account, or another form of security ("Security") prior to initiating ground-disturbing Project activities. Prior to submittal, the Security shall be approved by the BLM AO in consultation with CDFW and the USFWS to ensure funding. The final amount due shall be determined by an updated appraisal and PAR analysis conducted as described in Mitigation Measure BIO-26, Part 3, Compensation Lands Acquisition Requirements.

Desert Kit Fox and American Badger

BIO-30: **Desert Kit Fox and American Badger Management Plan.** Prior to issuance of the Notice to Proceed, the Project proponent shall prepare a Desert Kit Fox and American Badger Management Plan that defines the strategy for management of kit foxes and badgers, subject to the BLM and

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CDFW approval. The plan shall include methodologies for pre-construction clearance surveys, den monitoring, passive relocation, and burrow excavation and closure.

Birds and Bats

BIO-31: **Nesting Bird Management and Monitoring Plan.** Prior to issuance of the Notice to Proceed, the Project proponent shall prepare and obtain approval of a Nesting Bird Management and Monitoring Plan from the BLM and CDFW. This plan shall include protocols related to the methodology or pre-construction nesting bird surveys, nest buffers, and minimization and avoidance measures for nesting birds.

BIO-32: **Bird and Bat Conservation Strategy.** Prior to issuance of the Notice to Proceed, the Project proponent shall finalize and obtain approval of a Bird and Bat Conservation Strategy (BBCS) from the BLM, USFWS, and CDFW, and shall demonstrate to the Lead Agencies that Project design guidelines included in the BBCS have been incorporated into final Project design. The BBCS shall specify the Project phase(s) applicable to each measure and the Project proponent shall implement requirements of the BBCS throughout all phases of the Project as specified. The BBCS shall include the following:

(1) Describe baseline conditions for bird and bat species present within the Project site, including results of site-specific surveys.

(2) Assess potential risk to bird and bats based on the proposed activities, including all potential risks identified in the Final EIS or Final EIR.

(3) Specify conservation measures that will be employed to avoid, minimize, and/or mitigate any potential adverse effects to these species. Specifically, to minimize the potential for avian electrocutions and collisions with above ground lines, wires, fences, the communications tower, and solar panels, the BBCS shall include, but not be limited to, the following measures:

(a) Project design guidelines consistent with the Avian Power Line Interaction Committee's (APLIC's) Suggested Practices for Avian Protection On Power Lines (2006; "Electrocution Manual") and Reducing Avian Collisions with Power Lines (2012; "Collision Manual") to the maximum extent feasible. Where APLIC suggested design guidelines are not feasible, the BBCS shall explain why and what alternatives have been considered to achieve the electrocution and/or collision reduction objectives.

(b) The latest applicable communication tower guidance, including the USFWS's Communication Tower Guidance (2018) and the Federal Communications Commission's Opportunities to Reduce Bird Collisions with Communications Towers While Reducing Tower Lighting Costs (2017).

(c) The latest monitoring, detection, and avoidance measures applicable to photovoltaic projects, including techniques that minimize attraction of birds to hazardous situations that are mistaken to be or simulate natural habitats (e.g., bodies of water) and evaluation and installation of the best available feasible bird and bat detection and deterrent technologies available at the time of construction.

(d) Lighting minimization measures consistent with Mitigation Measure BIO-13.

(4) Describe the incidental bird and bat mortality and injury monitoring and reporting that will take place during construction.

(5) Describe the post-construction avian and bat mortality monitoring and reporting of the deaths and injuries of birds and bats from collisions with facility features such as, but not limited to, transmission lines, tower structures (e.g., meteorological towers), and the solar field. The study

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design shall be approved by the BLM AO and CDFW in coordination with USFWS, and shall be incorporated into the Project's BRMMRP (see Mitigation Measure BIO-3).

(6) Specify the process for using the monitoring data to inform an adaptive management program that would avoid and minimize Project-related avian and bat impacts.

(7) Specify the conservation measures that would be implemented if found necessary through the adaptive management program. Such measures could potentially include efforts to make panels more visible to birds (e.g., white borders around panel edges, or the use of noise deterrents).

(8) Post-construction mortality monitoring and reporting shall be required for a minimum of three years, including the following project components: PV solar panel arrays (a minimum of 40% survey coverage per year), perimeter fencing (100% survey coverage per year), and the gen-tie line (a minimum of 50% survey coverage per year).

Decommissioning

BIO-33: **Decommissioning Plan.** Prior to issuance of the Notice to Proceed, the Project Owner shall prepare a BLM AO-approved Decommissioning Plan. The plan shall describe methods and requirements for site re-contouring, restoration of drainages, revegetation, soil restoration, weed management, and restoration monitoring, reporting and performance standards. This plan must be consistent with VIS-5. The Project Owner shall adhere to the approved plan for the reclamation, rehabilitation, and revegetation of the Project site upon decommissioning. Responsibilities include but are not limited to the following:

a. Removal of all above and below ground infrastructure for either reuse, recycling, or disposal at appropriately licensed facilities.

b. Restoration of landform features, vegetative cover, hydrologic function, and soil profiles and function to support native vegetation. Results of a weed management survey during decommissioning activities will help determine whether additional monitoring or control measures are necessary to achieve successful reclamation of the site.

Cultural Resources

CUL-1: **Deleted.** Not applicable to Selected Alternative.

CUL-2: **Long-Term Management Plan.** The Applicant shall prepare a Long-Term Management Plan (LTMP) for protection and management of National Register- and California Register-eligible cultural resources during Project operations and decommissioning. The LTMP shall be developed in consultation with consulting parties and include requirements for conducting the post-construction monitoring/condition assessments and regular reporting to the BLM, as well as procedures for addressing unanticipated effects to cultural resources covered under the LTMP.

CUL-3: **Identification of Human Remains.** For human remains discovered on BLM-administered land, the plan for securing the discovery site and subsequent actions shall be included in the Monitoring and Discovery Plan required under Mitigation Measure CUL-5. In the event of a discovery, the BLM must be contacted immediately and State Health and Safety Code §7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin. If the discovery is determined to be subject to NAGPRA (25 USC § 3001 and 43 CFR 10), the plan will describe the necessary process for notification of tribes and subsequent steps as required by law and regulations (i.e., development and implementation of a NAGPRA Plan of Action, which would be separate from the Monitoring and Discovery Plan required under Mitigation Measure CUL-5 and its contents and consultation process directed by NAGPRA).

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For human remains discovered on state or private lands, State Health and Safety Code §7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin. Further, pursuant to PRC §5097.98(b), remains shall be left in place and free from disturbance until a final decision as to treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the NAHC shall be contacted within the period specified by law. The NAHC shall identify the "Most Likely Descendant," who shall then make recommendations to and engage in consultation with CDFW and property owner concerning the treatment of the remains as provided in PRC §5097.98. The landowner may reach an agreement with the Most Likely Descendant for treating and disposing of human remains pursuant to state CEQA Guidelines §15064.5(d). Human remains from other ethnic/cultural groups with recognized historical associations to the Project area shall also be subject to consultation between appropriate representatives from that group and the CDFW.

CUL-4: **Cultural Resources Personnel and Project Documentation for Cultural Resources Personnel.** Prior to the issuance of a Notice to Proceed (NTP) by BLM for the Project, the Project Owner shall obtain the services of a Project Archaeologist and one or more alternates, if alternates are needed. The Project Archaeologist shall manage all monitoring, mitigation, curation, and reporting activities for the Project. The Project Archaeologist shall have a primarily administrative and coordination role for the Project. The Project Archaeologist may obtain the services of additional cultural resources specialists, if needed, to assist in monitoring, mitigation, and curation activities. The Project Archaeologist shall have a BLM California cultural resource use permit (CRUP) and all supervisory cultural resource field staff (Principal Investigators and Field Directors or Crew Chiefs) shall be listed on that permit and otherwise meet the requirements outlined in BLM Manual 8150. The Project Owner shall ensure that the Project Archaeologist makes recommendations regarding the eligibility for listing in the NRHP and CRHR of any cultural resources that are newly discovered or that may be affected in an unanticipated manner.

Prior to the issuance of the NTP by BLM for the Project, the Project Owner shall provide the Project Archaeologist with copies of the Final EIS and Proposed PA and maps and drawings showing the footprints of the power plant, all linear facility routes, all access roads, and all laydown areas, and other project facilities. Maps shall include the appropriate USGS quadrangles and maps at an appropriate scale (e.g., 1:2400 or 1" = 200') for plotting cultural features or materials. If the Project Archaeologist requests enlargements or strip maps for linear facility routes, the Project Owner shall provide copies to the Project Archaeologist and BLM project manager. The BLM project manager shall review map submittals and, in consultation with the Project Archaeologist, approve those that are appropriate for use in cultural resources planning activities. No ground disturbance shall occur prior to BLM project manager approval of maps and drawings, unless such activities are specifically approved by the BLM project manager. Ground disturbance is defined as any of the following activities: mowing, grading, disk and roll, pile or stake driving, mechanical excavation, drilling, digging, trenching, blasting, and using high pressure water to cut into the ground. If construction of the Project would proceed in phases, maps and drawings not previously provided shall be provided to the Project Archaeologist and BLM project manager prior to the start of each phase. Written notice identifying the proposed schedule of each project phase shall be provided to the Project Archaeologist and BLM project manager. Weekly, until ground disturbance is completed, the project construction manager shall provide to the Project Archaeologist and BLM project manager a schedule of project activities for the following week, including the identification of area(s) where ground disturbance will occur during that week. The Project Owner shall notify the Project Archaeologist and BLM project manager of any changes to the scheduling of the construction phases.

CUL-5: **Monitoring and Discovery Plan.** Prior to issuance of the NTP, the Applicant (or Project Owner) shall prepare and submit for approval to the BLM a Plan for Archaeological Monitoring, Post-Review Discoveries, and Unanticipated Effects (also referred to as a Monitoring and Discovery Plan

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or MDP). The MDP shall be submitted to the BLM for review and consultation with consulting parties. The MDP shall either be appended to the MOA, if an MOA is required, or be a standalone document if no MOA is required. The required content of the MDP is discussed below, but could change as a result of the BLM's consultation with consulting parties.

In the event that the BLM approves the Alternative C footprint, the following applies: The 17 unevaluated archaeological resources treated as eligible for the National Register (CA-RIV-01819/H, CA-RIV-10033/H, CA-RIV-11650, CA-RIV-12731, CA-RIV-12750, CA-RIV-12758/H, CA-RIV-12759, CA-RIV-12784, CA-RIV-12786, CA-RIV-12787, CA-RIV-12793, CA-RIV-12796, CA-RIV-12803, CA-RIV-12807, CA-RIV-12808, CA-RIV-12822, and CA-RIV-12831) shall be avoided by Project-related disturbance. To ensure this, the MDP for the Alternative C footprint, if approved, shall include the following protocols:

- Any of these 17 resources that are within 50 feet, including buffer areas, of proposed construction activities will be identified and labeled as Environmentally Sensitive Areas (ESAs).
- The ESAs will be designated by marking the boundaries of sites with appropriate buffer zones (generally a buffer of 20 feet beyond the outer limits of the site extent, as demonstrated by surface and/or subsurface indications) using temporary fencing or other easily recognizable boundary defining materials. These areas will be shown on the engineering plans for the project as off-limits to construction activities.
- ESAs will be identified and established by the Project Archaeologist or other supervisory-level archaeologist listed on the BLM cultural resources use permit prior to initiation of ground-disturbing activities and will be maintained for the duration of the work effort in the ESA vicinity. Once established, an ESA will define areas where construction can occur while preventing construction activities and damage to archaeological sites within the designated ESA.
- The Project Archaeologist or other supervisory-level archaeologist listed on the BLM cultural resources use permit will be on site during construction to observe grading, trenching or other excavation for any facilities, roads or other project components related to the undertaking near ESAs and in other areas determined appropriate for full-time monitoring.

For any Project footprint approved (whether Alternative A, B, or C), where National Register- or California Register-eligible cultural resources cannot be protected from direct and/or indirect effects by Project design, as in the case of post-review discoveries, the Applicant shall comply with appropriate resolution measure(s) in the MOA, if one is required, and HPTP.

The MDP shall describe a program for avoiding and monitoring those National Register- or California Register-eligible resources that can be avoided during Project construction, as noted above. (Management of these resources during operations and decommissioning shall be addressed in a Long-Term Management Plan described in CUL-2.) The MDP shall also include maps and narrative discussion of areas considered to be of high sensitivity for discovery of buried archaeological resources. Monitoring strategies will be guided by the buried site sensitivity model developed from geoarchaeological analysis. The MDP shall detail provisions for monitoring construction activities in these high-sensitivity areas. It shall also detail the methods, consultation procedures, and timelines for addressing all post-review discoveries as well as unanticipated effects to known historic properties. To comply with the requirements of CUL-3, the MDP shall include a plan for the initiation of NAGPRA compliance and consultation in the event of post-review discovery of human remains and other NAGPRA objects, including securing the discovery site, notifying the Coroner and tribes, and implementing subsequent steps required by law and regulations.

In addition, the MDP shall include the following elements, with specific details to be determined based on input from consulting parties:

1. A general research design;

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2. Protocols for the National Register evaluation (for all criteria) and treatment of known and newly discovered prehistoric and historic-period archaeological resource types. Treatment may involve data recovery as mitigation. Protocols shall be specified for addressing unanticipated effects to known historic properties. Protocols for addressing new discoveries and unanticipated effects to known historic properties will involve notification procedures for contacting the BLM, BLM review, and how the BLM will involve consulting parties.
3. Artifact collection and curation policies, as related to the research questions formulated in the research design, that apply to cultural resources materials and documentation resulting from evaluation and data recovery at both known prehistoric and historic-period archaeological sites and any National Register-eligible (as determined by the BLM) prehistoric and historic-period archaeological sites discovered during construction;
4. The implementation sequence and the estimated time frames needed to accomplish all Project-related tasks during the ground disturbance and post-ground-disturbance analysis phases of the Project;
5. The person(s) expected to perform each of the tasks, their responsibilities, and the reporting relationships between project construction management and the mitigation and monitoring team;
6. Description of all impact-avoidance measures (such as flagging or fencing) to prohibit or otherwise restrict access to sensitive resource areas that are to be avoided during ground disturbance, construction, and/or operation and identification of any areas where these measures are to be implemented shall be identified;
7. The commitment to record on Department of Parks and Recreation (DPR) 523 forms, to map, and to photograph all encountered cultural resources over 50 years of age and to curate all archaeological materials excavated and/or recovered as a result of fieldwork under the MDP (i.e., data recovery), in accordance with 36 CFR Part 79 (or if applicable, the California State Historical Resources Commission's Guidelines for the Curation of Archaeological Collections);
8. The commitment of the Project Owner to pay all curation fees for artifacts recovered and for related documentation produced during cultural resources investigations conducted for the Project and, through the Project Archaeologist, to identify a curation facility that will accept cultural resources materials resulting from the project cultural resources investigations;
9. The Project Archaeologist shall attest to having access to equipment and supplies necessary for site mapping, photography, and recovery of all cultural resource materials (that cannot be treated prescriptively) from previously identified National Register- and California Register-eligible archaeological resources and from National Register- and California Register-eligible resources that are encountered during ground disturbance;
10. The contents, format, and review and approval process of the final Cultural Resource Report (CRR; see CUL-6);
11. Monitoring recommendations for different areas of the direct APE including the level of monitoring intensity based on subsurface sensitivity;
12. Procedures for discoveries of human remains including initiating NAGPRA compliance; and
13. A Tribal Participation Plan is strongly encouraged, and if completed should be appended to the MDP.

As described in CUL-4, the Project Archaeologist shall manage all monitoring, mitigation, curation, and reporting activities under the MDP. The Project Archaeologist shall have a primarily administrative and coordination role for the Project. The Project Archaeologist may obtain the services of additional cultural resource specialists, if needed, to assist in monitoring, mitigation, and curation activities. The Project Archaeologist shall have a BLM California cultural resource use

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permit and all supervisory cultural resource field staff (Principal Investigators and Field Directors or Crew Chiefs) shall be listed on that permit and otherwise meet the requirements outlined in BLM Manual 8150. The Project Owner shall ensure that the Project Archaeologist makes recommendations regarding the eligibility for listing in the National Register and California Register of any cultural resources that are newly discovered or that may be affected in an unanticipated manner.

The MDP shall address monitoring reporting. On forms provided by the BLM project manager, CRMs shall keep a daily log of any monitoring and other cultural resources activities and any instances of noncompliance with the mitigation measures. Copies of the daily monitoring logs shall be provided by the Project Archaeologist to the BLM, if requested by the BLM project manager. From these logs, the Project Archaeologist shall compile a monthly monitoring summary report to be submitted for BLM review monthly. If there are no monitoring activities, the summary report shall specify why monitoring has been suspended. The Project Archaeologist or alternate shall report daily to the BLM project manager on the status of the Project's cultural resources-related activities, unless reducing or ending daily reporting is requested by the Project Archaeologist and approved by the BLM project manager. In the event that the Project Archaeologist believes that the current level of monitoring is not appropriate in certain locations, a letter or e-mail detailing the justification for changing the level of monitoring shall be provided to the BLM project manager for review and approval prior to any change in the level of monitoring. Cultural resources monitoring activities are the responsibility of the Project Archaeologist. Any interference with monitoring activities, removal of a monitor from duties assigned by the Project Archaeologist, or direction to a monitor to relocate monitoring activities by anyone other than the Project Archaeologist shall be considered non-compliance with this mitigation measure. Upon becoming aware of any incidents of non-compliance with the mitigation measures the Project Archaeologist and/or the Project Owner shall notify the BLM Authorized Officer by telephone or e-mail within 24 hours. The Project Archaeologist shall also recommend corrective action to resolve the problem or achieve compliance with the mitigation measures. When the issue is resolved, the Project Archaeologist shall write a report describing the issue, the resolution of the issue, and the effectiveness of the resolution measures. This report shall be provided monthly for the review of the BLM project manager.

The MDP shall address the authority to halt ground disturbance during construction. The Project Owner shall only grant authority to halt ground disturbance during construction to the Project Archaeologist, alternate Project Archaeologist, and other supervisory cultural resource field staff (i.e., PI or Field Director listed on the BLM California cultural resource use permit) in the event of a discovery. Redirection of ground disturbance shall be accomplished under the direction of the construction supervisor in consultation with the Project Archaeologist. In the event that a cultural resource over 50 years of age is found (or if younger, determined exceptionally significant by the BLM), or impacts to such a resource can be anticipated, ground disturbance shall be halted or redirected in the immediate vicinity of the discovery sufficient to ensure that the resource is protected from further impacts. Monitoring and daily reporting shall continue during the Project's ground-disturbing activities elsewhere. Additional procedures regarding halting ground disturbance to address a post-review discovery or unanticipated effects shall be described in the MDP.

CUL-6: **Cultural Resources Monitoring Report and Cultural Resources Report (CRR).** Cultural Resources Monitoring Reports shall be required and must meet BLM requirements. The report shall include documentation of the required cultural/historical sensitivity training for the construction staff held during the pre-grade meeting (see CUL-7). BLM and CDFW shall review the report to determine adequate compliance. The details of the report's structure and contents will be described in the MDP (see CUL-5).

The CRR, if required as the result of a discovery during construction, shall conform to BLM Cultural Resource Use Permit stipulations regarding reporting which include, but are not limited to, those listed in the California Office of Historic Preservation's Preservation Planning Bulletin Number 4(a)

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December 1989, Archaeological Resource Management Reports (ARMR): Recommended Contents and Format (ARMR Guidelines) for the Preparation and Review of Archaeological Reports.

CUL-7: **Worker Environmental Awareness Program (WEAP).** Prior to issuance of a NTP by the BLM and for the duration of ground disturbance (as defined in CUL-4), the Project Owner shall provide Worker Environmental Awareness Program (WEAP) training to all workers within their first week of employment at the project site, along the linear facilities routes, and at laydown areas, roads, and other ancillary areas. The training shall be prepared by the Project Archaeologist, may be conducted by any member of the archaeological team, and may be presented in the form of a video. Tribal representatives will be given the opportunity to participate in the WEAP training. The Project Archaeologist shall be available (by telephone or in person) to answer questions posed by employees. The training may be discontinued when ground disturbance is completed or suspended, but must be resumed when ground disturbance, such as landscaping, resumes. The training shall include:

1. A discussion of applicable laws and penalties under the law;
2. Samples or visuals of artifacts that might be found in the project vicinity;
3. A discussion of what such artifacts may look like when partially buried, or wholly buried and then freshly exposed;
4. A discussion of what prehistoric and historical archaeological deposits look like at the surface and when exposed during construction, and the range of variation in the appearance of such deposits;
5. Instruction that only the Project Archaeologist, alternate Project Archaeologist, and supervisory cultural resource field staff have the authority to halt ground disturbance in the area of a discovery to an extent sufficient to ensure that the resource is protected from further impacts, as determined by the Project Archaeologist;
6. Instruction that employees are to halt work on their own in the vicinity of a potential cultural resources discovery and shall contact their supervisor and the Project Archaeologist or supervisory cultural resource field staff, and that redirection of work would be determined by the construction supervisor and the Project Archaeologist;
7. An informational brochure that identifies reporting procedures in the event of a discovery;
8. An acknowledgement form signed by each worker indicating that they have received the training; and
9. A sticker that shall be placed on hard hats indicating that environmental training has been completed.
10. No ground disturbance shall occur prior to implementation of the WEAP program, unless such activities are specifically approved by the BLM project manager.

Paleontological Resources

PALEO-1: **Paleontological Resource Monitoring and Mitigation Plan.** Prior to the start of any Project-related construction activities, the Project Owner shall retain a BLM-approved paleontologist to create and implement a Project-specific Paleontological Resource Monitoring and Mitigation Plan (PRMMP). The plan must be submitted to the BLM for approval at least 30 days prior to the start of construction and must be approved before ground disturbance can begin. The qualified paleontologist shall be responsible for implementing all the paleontological conditions of approval and for using qualified personnel to assist in this work. The contents of the PRMMP shall include, but not be limited to the following:

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***Preconstruction Resource Collection*.** Prior to the initiation of any ground-disturbing activities, including geotechnical work, grubbing, or grading, all scientifically significant specimens will be collected from the surface of the Project site where such ground-disturbing activities will occur. This includes the specimens noted but not collected during prior surveys by AECOM (2018), as well as any previously undiscovered localities that may have been exposed by erosion in the interim. The qualified paleontologist will work with the BLM to develop project-specific significance definitions, sampling protocols, and procedures for screening sites for microfauna (as identified by the AECOM survey report [2018]). Collection activities shall be conducted in accordance with BLM guidelines (2007, 2009) and carried out by BLM-approved paleontological staff. Any paleontological fieldwork occurring on lands administered by the BLM will require a Paleontological Resources Use Permit issued by the BLM state office. All specimens collected shall be curated with a BLM-approved repository.

***Construction Measures*.** Construction phase measures shall include the following:

1. Monitoring of all ground-disturbing activities by a BLM-approved paleontologist. The level and intensity of monitoring during ground-disturbing activities shall be determined by the qualified paleontologist, in consultation with the BLM.
2. Procedures for fossil eggshell discovery and recovery. If fossil eggshell specimens are recovered from deep augering (8 to 20 feet), some shall be radiocarbon dated to determine the age of subsurface deposits. The sample size for dating shall be determined by the qualified paleontologist, in consultation with the BLM.
3. Collection and processing of standard sediment samples as defined by SVP (2010). The rate of sampling shall be determined by the qualified paleontologist, in consultation with the BLM These samples may be collected during construction activities and utilize materials excavated for construction of the Project; separate sampling is not required.
4. Recovered significant fossils shall be prepared, identified, reported, and curated in a BLM-approved paleontological repository.

Following implementation of the PRMMP, a Paleontological Resources Monitoring Report shall be prepared as directed in Mitigation Measure PALEO-3.

PALEO-2: **Worker Environmental Awareness Program (WEAP).** Prior to the start of Project-related construction activities, a WEAP shall be developed by the BLM-approved qualified paleontologist. The WEAP shall address the potential to encounter paleontological resources in the field, the sensitivity and importance of these resources, and the legal obligations to preserve and protect such resources. The training program shall also include the set of reporting procedures that workers are to follow if paleontological resources are encountered during Project activities. The WEAP may be combined with other environmental training programs for the Project.

PALEO-3: **Paleontological Resources Monitoring Report.** The Project Owner shall ensure preparation of a paleontological resources monitoring report by the qualified paleontologist. The report shall be completed following the analysis of any recovered fossil materials and related information. The required contents of the report shall be described in the Paleontological Resource Monitoring and Mitigation Plan (PALEO-1) and shall include, but not be limited to, a description and inventory list of recovered fossil materials (if any); a map showing the location of paleontological resources found in the field; determinations of scientific significance; and a statement by the qualified paleontologist that project impacts to paleontological resources have been mitigated.

Comment Set D5 – Mark Carrington: Attachment 6 (continued)

D5-83 (cont'd)

Recreation and Public Access (Off-Highway Vehicles)

REC-1: **Temporary Route Closure.** No less than 60 days prior to construction, the Project Owner shall coordinate with the Authorized Officer (AO) administering NECO Plan designated Open Route MM703 (Powerline Road) to establish temporary closure of the route to avoid construction area hazards, if the route is deemed unsafe to use during construction. Coordination shall include determination of the most appropriate detour routes for OHV users, including consideration of existing conditions at the time such coordination occurs (e.g., if other nearby projects result in changes in the local open route system). The Project Owner shall post a public notice of the temporary route closure and detour routes at the locations listed below. The notice shall include highly visible materials, colors, and/or finishes and large primary text to attract the attention of OHV users; such design details shall be specified by the AO. The notice shall provide a map of the closure and alternate routes, and shall specify penalties for any off-route OHV activities. The Project Owner shall document its coordination efforts with the AO and submit this documentation to the BLM and other agencies affected at least 30 days prior to construction. Signage locations include, but may not be limited to the following (the NECO Plan AO may require additional locations):

a. Intersection of Wiley's Well Road and open route MM712, in an orientation visible to southbound travelers on Wiley's Well Road and westbound travelers on MM712.

b. Intersection of open routes MM1086 and MM712, in an orientation visible to southbound travelers on MM1086 south of this intersection.

c. Intersection of open routes MM703 and MM1092, in an orientation visible to northbound travelers on MM703 northwest of this intersection.

Furthermore, the NECO Plan AO may require changes to the required information and location of detour signage, at the Project Owner's expense, if route closures associated with any nearby projects would affect the accuracy or adequacy of the posted signage during the period of MM703 closure associated with this project.

REC-2: **LTVA Permit Documentation.** Prior to construction, the BLM shall document the number of permits issued and visitor-days for the Mule Mountains and Midland LTVAs for the previous two fiscal years and provide this information to the Project Owner to establish a baseline for use without the Project. During construction, the BLM shall monitor the use of the Mule Mountains and Midland LTVAs, including through the number of permits purchased compared to typical years and through observation during normal patrols. If an increase of 15 percent or more in the number of permits issued compared to prior years occurs, and if BLM determines that use of LTVAs by Project construction workers is resulting in physical deterioration of developed campground facilities or natural elements, or resulting in the accumulation of excess trash, the Project Owner shall provide for additional garbage pickup service, janitorial visits, and maintenance and repairs, as needed, to ensure that Project-related use does not cause substantial physical deterioration within the LTVAs, consistent with BLM management performance standards for the LTVA. BLM shall conduct quarterly reviews of LTVA use and inform the Project Owner in writing if and when use exceedances and physical deterioration are confirmed and shall provide specific itemized estimates of the additional necessary services to maintain the LTVA consistent with a typical level of use. The Project Owner shall provide appropriate funding to BLM based on these estimates within 30 days of written notification, or if approved by the BLM AO, shall contract with service providers to provide these additional services directly within 45 days of written notification. If funding is provided, the BLM shall ensure that the documented services are provided within 30 days of receipt of funds. The Project Owner shall also coordinate with the County of Riverside to provide either hardening of the access roads (e.g., Wiley's Well Road) or monthly blading during the LTVA season.

Comment Set D5 – Mark Carrington: Attachment 6 (continued)

D5-83 (cont'd)

Utilities and Public Services

PSU-1: **Waste Recycling Plan (WRP).** Prior to issuance of a grading and/or building permit, the Project Owner shall submit a WRP to the BLM and CDFW for review and approval. At a minimum, the WRP must identify the materials (i.e., solar panels, cardboard, concrete, asphalt, wood, etc.) that will be generated by construction and development; the projected amounts of each; the applicable state and local laws and regulations governing waste disposal and recycling (e.g., Department of Toxic Substances Control regulations regarding photovoltaic modules); the measures/methods that will be taken to recycle, reuse, and/or reduce the amount of materials; the facilities and/or haulers that will be utilized; and the targeted Project-specific recycling or reduction rate. During construction, the project site shall have, at a minimum, two bins: one for waste disposal and the other for the recycling of Construction and Demolition (C&D) materials. Additional bins are encouraged to be used for further source separation of C&D recyclable materials, and shall be provided if required by applicable state and local laws. The Project Owner shall maintain accurate records (receipts) for recycling of C&D recyclable materials and solid waste disposal; arrangements for such receipts can be made through the franchise hauler.

Prior to final building inspection, the Project Owner shall present evidence (i.e., receipts or other type of verification) to demonstrate project compliance with the approved WRP to the BLM and CDFW. Receipts must clearly identify the amount of waste disposed and C&D materials recycled.

Prior to Lead Agency approval of the Decommissioning Plan in Mitigation Measure BIO-34, the Project Owner shall submit a WRP to the Lead Agencies. At a minimum, the WRP must identify the materials (i.e., solar panels, cardboard, concrete, asphalt, wood, semiconductor materials, etc.) that will be generated by the decommissioning and closure of the facility, the projected amounts, the measures/methods that will be taken to recycle, reuse, and/or reduce the amount of materials, the facilities and/or haulers that will be utilized, and the targeted recycling or reduction rate. During the decommissioning and closure, the project site shall have, at a minimum, two (2) bins: one for waste disposal and the other for the recycling of Construction and Demolition (C&D) materials. Disposal of any toxic semiconductor materials, such as cadmium telluride, copper indium gallium selenide, gallium indium phosphide, and gallium arsenide, will follow existing or future regulations from the Department of Toxic Substances Control. Additional bins are encouraged to be used for further source separation of C&D recyclable materials. Accurate record keeping (receipts) for recycling of C&D recyclable materials and solid waste disposal must be kept. Arrangements can be made through the franchise hauler.

Visual Resources

VIS-1: **Design.** Prior to construction, the BLM Authorized Officer (AO) and Project Owner shall meet with one or more BLM landscape architects and/or other scenic resource specialists trained in BLM Visual Resources Management and approved by the BLM AO to coordinate on the VRM mitigation strategy and confirm the compliance checking schedule and procedures. The BLM landscape architect(s) and/or approved scenic resource specialist(s) shall review the Project final design drawings and construction documents for completeness with regard to the visual mitigation elements, assuring that requirements and commitments are adequately addressed.

The Project Owner and/or its contractor(s) shall integrate the following visual design elements into the construction plans, details, drawings, and specifications (including, but not be limited to, grubbing and clearing, vegetation thinning and clearing, grading, restoration, drainage, and structural plans) submitted to BLM and CDFW. Visual design elements shall be measureable by size (i.e., schematics will include dimension in set units which can be verified during the construction, operation, and/or decommissioning phases) and able to be monitored while under construction, while operational, and when decommissioned, and plans must demonstrate how VRM objectives will be met, monitored, and measured for conformance. Visual design elements must at a minimum include:

Comment Set D5 – Mark Carrington: Attachment 6 (continued)

D5-83 (cont'd)

1. ***Reduce contrast caused by graded roads*:** To reduce contrast caused by exposing un-oxidized soils and rock in roadways, at select locations of concern from KOPs, spot applications of a product such as Permeon shall be used to dull and darken the ground plane quickly after grading.
2. ***Color treat structures to reduce contrasts with the existing landscape*:** The Project Owner shall color treat all operation and maintenance facilities and other ancillary on-site facilities using a BLM standard environmental color that is identified through a site study for color and texture selection and approved by the BLM. Where feasible and appropriate, similar color treatment shall be applied to rear surfaces of the modules, frames, tracker structures (if applicable), Grouped structures, including the water tanks and prefabricated buildings, shall be treated with the same color. Further, materials, coating, or paints having little or no specular or reflective qualities shall be used on structures including, but not limited to, buildings, tanks, fences, fence railings, poles, aboveground pipes and culverts, and reverse sides of signs and guardrails, whenever feasible. Substation equipment shall be specified with a low-reflectivity neutral finish. Insulators at substations and on takeoff equipment shall be non-reflective and non-refractive. The surfaces of substation structures shall be given low-reflectivity finishes with neutral colors that contrast minimally with the surrounding landscape. Chain-link fences shall have a dulled, darkened finish to reduce contrast. Components that would have a warranty voided or would be rendered unusable by these actions may be exempt from these requirements if documentation is provided to the BLM AO and the AO approves the exemption.
3. ***Lighting*:** The Project Owner shall prepare a lighting plan that documents how security and safety lighting will be designed and installed to minimize night-sky impacts during facility operation. The lighting plan shall include the safety and security reasons that require the need for all nighttime lighting on the facility. Wherever feasible, consistent with safety and security, lighting shall be kept off when not in use. The lighting plan shall include a process for promptly addressing and mitigating complaints about potential lighting impacts. The Project Owner shall submit the lighting plan to the BLM for review and approval at least 30 days prior to construction. The lighting plan must include, but is not limited to the following specifications:
    a. *Nighttime lighting* – Except as required to meet safety and security requirements, there shall be no exterior nighttime lighting on the Project site during operation. For these purposes, "nighttime" means the period of time between two hours after sunset until sunrise.
    b. *Number and installation* – Lighting for facilities shall not exceed the minimum number of lights and brightness required for safety and security, and shall not cause excessive reflected glare. Lights shall be directed downward or toward the area to be illuminated. All fixtures must be mounted properly, at the proper angle. Light fixtures shall not spill light beyond the Project boundary.
    c. *Lighting types* – Lighting shall be amber in color when accurate color rendition is not required. Use of low-pressure sodium lamps or yellow LED lighting or equivalent is required, and no bluish-white lighting shall be used in permanent outdoor lighting. Except as required to meet minimum safety and security requirements, all permanent lighting shall use full cutoff luminaires that are fully shielded (i.e., not emitting direct or indirect light above an imaginary horizontal plane passing through the light source), and must meet the Illuminating Engineering Society (IES) glare requirement limiting intensity of light from the luminaire in the region between 80 and 90 degrees from the ground.
    d. *Timers or motion detectors* – Lights in highly illuminated areas that are not occupied on a continuous basis shall be equipped with timer switches or motion detectors so that the lights operate only when the area is occupied.
    e. *Protection of biological resources* – The lighting plan shall incorporate operational lighting requirements of Mitigation Measure BIO-13 to ensure that biological resources are protected from nighttime lighting as specified therein.

Comment Set D5 – Mark Carrington: Attachment 6 (continued)

D5-83 (cont'd)

4. Access road and gen-tie design shall minimize vegetation and ground disturbance and take advantage of existing clearings wherever feasible.
5. Along all off-site access roads, all internal access roads 16 feet or wider, and the gen-tie route, all graveled surfaces, areas to be permanently cleared of vegetation, and (if applicable) cut slopes shall be treated with BLM-approved rock stains or other color treatment appropriate with the surrounding landscape.
6. Openings in vegetation for facilities, structures, and roads shall be feathered and shaped to repeat the size, shape, and characteristics of naturally occurring openings.
7. The gen-tie line shall use non-specular conductors and non-reflective coatings on insulators to the extent that these are available at the time of procurement.

VIS-2: **Construction.** The Project Owner and/or its contractor(s) shall reduce visual impacts during construction through the following measures:

1. Ensure that equipment operators receive training on visual impact mitigation objectives and activities before construction activities begin.
2. Preserve existing rocks, native vegetation, drainage patterns, and other natural characteristics to the extent feasible.
3. Edges of grubbed and graded areas shall be feathered to reduce form and line contrasts with the existing landscapes.
4. In areas not requiring permanent grubbing and grading, use brush-beating or mowing or use protective surface matting rather than removing vegetation to the extent feasible.
5. Mulch and spread slash from vegetation removal to cover fresh soil disturbances as part of the Restoration Plan described in Mitigation Measure BIO-18.
6. If graveled surfaces are used during construction, reduce the visual color contrast of graveled surfaces with BLM-approved color treatment practices.
7. Use removable or washable markings to indicate surveyor construction activity limits; no paint or permanent discoloring agents shall be applied to rocks or vegetation.
8. Remove all stakes and flagging from the construction area and dispose of them in an approved facility after use.
9. Ensure that lighting for evening construction does not exceed the minimum number of lights and brightness required for safety and security, and does not cause excessive reflected glare. No night lighting shall be used outside of construction hours unless controlled by a timer or motion detector so that it remains off when not in use.

VIS-3: **Operation and Maintenance.** Terms and conditions for VRM mitigation compliance shall be maintained and monitored on an annual basis for the life of the project for compliance with visual objectives, adaptive management adjustments, and modifications listed below and as necessary and approved by the BLM landscape architect or other designated visual/scenic resource specialist. Minimum measures are as follows:

1. The Project Owner shall maintain revegetated surfaces until a self-sustaining stand of vegetation which does not require supplemental water or fertilizer is re-established and visually adapted to the undisturbed surrounding vegetation.
2. No new ground disturbance that would create long-term visual contrast visible from KOPs shall be created during operation without completion of a VRM analysis and approval by the BLM AO. New ground disturbance would include disturbance of areas not proposed for disturbance in the Applicant's Plan of Development and not described and analyzed in the Final EIS and

Comment Set D5 – Mark Carrington: Attachment 6 (continued)

D5-83 (cont'd)

Proposed PA. It could also include re-disturbance of previously treated or restored areas, such as scraping of oxidized surfaces or vegetation removal other than maintenance trimming and mowing described in the ROW grant. If new ground disturbances are approved by the BLM AO during operation, interim restoration shall be undertaken as soon as possible after disturbances.

3. Painted facilities shall be kept in good repair and repainted when color fades or flakes.
4. Color-treated solar equipment (if applicable) shall be kept in good repair, and retreated when color fades or flakes.

VIS-4: **Glint and Glare Mitigation and Monitoring.** Consistent with Best Management Practices for Reducing Visual Impacts of Renewable Energy Facilities on BLM-Administered Lands, the Project Owner shall prepare and submit to the BLM a Glint and Glare Mitigation and Monitoring plan that identifies mitigation measures to minimize the intensity, duration, and geographic extent of glint and glare visible from publicly accessible locations, and provides for monitoring of the effectiveness and maintenance of such measures. The plan shall include, but not be limited to, the following information and mitigation and monitoring requirements:

1. Based on final design including panel and mounting type and solar array configuration, complete final glare modeling for each KOP evaluated in the Final EIS and Proposed PA using the ForgeSolar PV planning and glare analysis tool.
2. Based on final modeling, program solar tracker arrays contributing to glare to turn away from affected KOPs during the times of day when glare visible at that KOP is generated. This programming need only be applied to the panels/arrays that would cause the glare, as modeled, if generation of glare is limited to a portion of the Project site.
3. Use panels made with textured glass surfaces to diffuse reflected light, or if the use of textured glass panels is found not to be technically feasible, the plan shall describe the reason for its infeasibility.
4. If glare with the potential for temporary after-image remains visible to drivers on I-10, coordinate with Caltrans to place signs warning drivers of the potential for hazardous glare.

VIS-5: **Decommissioning and Site Reclamation.** The Project Owner shall prepare a Decommissioning and Site Reclamation Plan, covering visual impact mitigation measures, and submit to BLM for approval prior to construction. The following decommissioning and reclamation activities and practices shall be included in the plan and implemented to mitigate visual impacts:

1. Pre-development visual conditions shall be documented and the visual elements of form, line, color, and texture shall be restored to pre-development visual compatibility or to that of the surrounding landscape setting conditions, whichever achieves the better visual quality and most ecologically sound outcome, as approved by the BLM.
2. The plan shall require that all aboveground and near-ground structures be removed. Some structures shall be removed only to a level below the ground surface that will allow reclamation/restoration. Any topsoil that is removed during decommissioning activities shall be salvaged, stockpiled, and reapplied during final reclamation as described under item 6.
3. The plan shall include provisions for monitoring and determining compliance with the Project's visual mitigation and reclamation objectives.
4. Soil borrow areas, cut-and-fill slopes, berms, water bars, and other disturbed areas shall be contoured to approximate naturally occurring slopes, thereby avoiding form and line contrasts with the existing landscapes. The Project Owner shall contour to a rough texture (i.e., use large rocks/boulders, grade uneven surfaces, and/or vegetation mulches/debris) in order to trap seed and to discourage off-road travel, thereby reducing associated visual impacts.

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D5-83 (cont'd)

5. A combination of seeding, planting of nursery stock, transplanting of local vegetation within the proposed disturbance areas, and staging of decommissioning activities enabling direct transplanting shall be utilized. Where feasible, native vegetation shall be used for revegetating to establish a composition consistent with the form, line, color, and texture of the surrounding undisturbed landscape.
6. Any topsoil that has been removed and stockpiled during decommissioning activities shall be reapplied to disturbed areas, and the areas shall be revegetated by using a mix of native species selected for visual compatibility with existing vegetation, where applicable, or by using a mix of native and non-native species if necessary to ensure successful restoration. Gravel and other surface treatments shall be removed or buried.
7. Rocks, brush, and vegetal debris shall be restored whenever possible to approximate preexisting visual conditions.
8. Edges of revegetated areas shall be feathered to reduce form and line contrasts with the existing landscapes.
9. The Plan shall include a decommissioning VRM Monitoring schedule, terms for monitoring, and the conditions and methods of measurement for determining compliance.

Water Resources

WAT-1: **Groundwater Monitoring, Reporting, and Mitigation Plan.** If the Project Owner or its contractors will use groundwater pumped from any well (onsite or offsite) that extracts water from the Chuckwalla Valley Groundwater Basin (CVGB) or Palo Verde Mesa Groundwater Basin (PVMGB), then prior to such groundwater use the Project Owner shall retain a BLM-approved qualified hydrogeologist to develop a Groundwater Monitoring, Reporting, and Mitigation Plan (GMRMP), in coordination with the BLM, to ensure that groundwater wells surrounding the Project site and Project supply well(s) are not adversely affected by project activities. The Project Owner shall submit the GMRMP to the BLM for review and approval. Additionally, although no Groundwater Sustainability Agencies (GSAs) has been established for the Riverside County portions of the CVGB and PVMGB, in the event that such agencies have been established when the GMRMP is developed, the Project Owner also shall submit the plan to the GSAs. The Project Owner must obtain BLM approval for the GMRMP prior to the start of construction of any groundwater well or prior to the start of pumping from any existing well in the CVGB or PVMGB, and shall implement the approved GMRMP throughout any Project phase that pumps groundwater for consumptive use.

The GMRMP shall provide detailed methodology for monitoring site groundwater levels and comparisons for levels within the basin including identification of the closest private wells to the Project site. Monitoring shall be performed during pre-construction, construction, and operation of the project, with the intent to establish pre-construction and project-related groundwater level and quantitatively compared against observed and simulated trends near the project pumping wells. The GMRMP shall include a schedule for submittal of quarterly data reports by the Project Owner to the BLM and the GSAs, if established, for the duration of the construction period. These quarterly data reports shall be prepared and submitted for review and approval, and shall include water level monitoring data and effect on the nearest offsite private wells. The BLM and GSAs, if established, shall determine whether groundwater wells surrounding the Project site and Project supply well(s) are adversely affected by Project activities in a way that requires additional mitigation and, if so, shall determine what measures are needed. Examples of additional mitigation could include cessation of pumping at the Project site until groundwater levels return to levels that allow nearby wells to resume pre-Project pumping levels or compensation for whatever additional equipment is necessary to lower nearby pumps to levels that can adequately continue pumping, if approved by the BLM. After the completion of construction, the Project owner and the BLM shall jointly evaluate the

Comment Set D5 – Mark Carrington: Attachment 6 (continued)

D5-83 (cont'd)

effectiveness of the GMRMP and determine if monitoring frequencies or procedures should be revised or eliminated.

WAT-2: **Colorado River Water Supply Plan.** If the Project Owner or its contractors will use groundwater pumped from any well (onsite or offsite) that extracts water from the Chuckwalla Valley Groundwater Basin (CVGB) or Palo Verde Mesa Groundwater Basin (PVMGB), then prior to the onset of water pumping for consumptive use, the project owner shall prepare a Colorado River Water Supply Plan (Plan) and submit this Plan to the BLM and the Colorado River Board of California for review and approval, and to the Metropolitan Water District of Southern California (MWD; this agency holds a contract to provide a legally authorized and reliable water supply to replace water from the Colorado River) and the Colorado River Regional Water Quality Control Board (RWQCB) for review and comment. The Plan shall demonstrate the availability of and identify best available measures that will be taken to replace water on an acre-foot to acre-foot basis, if the project results in consumption of any water from below the Colorado River Accounting Surface. These measures will ensure that no allocated water from the Colorado River is consumed without entitlement to that water. The plan shall also include monitoring and reporting protocols to ensure that water conservation/offset activities are effectively implemented and achieve the intended purpose of replacing Colorado River water diversions. If the project does not result in diversion of Colorado River water (via pumping from near [within +/- 0.84 feet at the 95-percent confidence level], equal to, or below the identified accounting surface elevation for the well-used for water supply) it will not be necessary to implement the water conservation/offset activities identified in the Colorado River Water Supply Plan. However, the Plan must be approved by the BLM and the Colorado River Board of California prior to project-related groundwater pumping so that if at any time during the Project it is determined that groundwater is being produced from below the Colorado River Accounting Surface at the well used for water supply, the requirements described in this measure shall be immediately implemented, starting with the cessation of groundwater pumping and calculation of the quantity of groundwater pumped from below the accounting surface. The amount of groundwater depletion requiring mitigation, if any, shall be equal to the amount of withdrawals from below the Colorado River Accounting Surface as determined by the Groundwater Monitoring, Reporting, and Mitigation Plan in Mitigation Measure WAT-1.

Wildland Fire Ecology

FIRE-1: **Fire Safety Plan.** The Project Owner shall prepare and implement a Fire Safety Plan to ensure the safety of workers and the public during Project construction, operation and maintenance, and decommissioning activities. The Project Owner must provide the Fire Safety Plan to the BLM for review and approval and to the Riverside County Fire Department (RCFD) for review and comment before the BLM will issue a Notice to Proceed (NTP). The Fire Safety Plan shall include, but not be limited to, the following elements:

1. Procedures for minimizing potential ignition, including, but not limited to, vegetation clearing, parking requirements/restrictions, idling restrictions, smoking restrictions, proper use of gas-powered equipment, and hot work restrictions.
2. Work restrictions during Red Flag Warnings and High to Extreme Fire Danger days.
3. All internal combustion engines used at the Project site shall be equipped with spark arrestors. Spark arrestors shall be in good working order.
4. Once initial two-track roads have been cut and initial fencing completed, light trucks and cars shall be used only on roads where the roadway is cleared of vegetation. Mufflers on all cars and light trucks shall be maintained in good working order.

Comment Set D5 – Mark Carrington: Attachment 6 (continued)

D5-83 (cont'd)

5. Fire rules shall be posted on the project bulletin board at the contractor's field office and areas visible to employees.
6. Equipment parking areas and small stationary engine sites shall be cleared of all flammable materials.
7. Fire suppression equipment requirements when spark-generating work is being implemented.
8. Smoking shall be prohibited in all vegetated areas and within 50 feet of combustible materials storage, and shall be limited to paved areas or areas cleared of all vegetation.
9. Each Project construction site (if construction occurs simultaneously at various locations) and the proposed solar plant site shall be equipped with fire extinguishers and fire-fighting equipment sufficient to extinguish small fires.
10. The Project Owner shall coordinate with the BLM and RCFD to create a training component for emergency first responders to prepare for specialized emergency incidents that may occur at the Project site.
11. All construction workers, plant personnel, and maintenance workers visiting the plant and/or transmission lines to perform maintenance activities shall receive training on fire prevention procedures, the proper use of fire-fighting equipment, and procedures to be followed in the event of a fire. Training records shall be maintained and be available for review by the BLM and RCFD. Fire prevention procedures shall be included in the Project's Worker Environmental Awareness Program (WEAP) (Mitigation Measure BIO-17).
12. Vegetation near all solar panel arrays, ancillary equipment, and access roads shall be controlled through periodic cutting and spraying of weeds, in accordance with the Weed Management Plan.
13. The BLM and RCFD shall be consulted during plan preparation and fire safety measures recommended by these agencies included in the plan.
14. The plan shall list fire prevention procedures and specific emergency response and evacuation measures that would be required to be followed during emergency situations.
15. All on-site employees shall participate in annual fire prevention and response training exercises with the BLM and RCFD.
16. The plan shall list all applicable wildland fire management plans and policies established by state and local agencies and demonstrate how the Project will comply with these requirements.
17. The Project Owner shall designate an emergency services coordinator from among the full-time on-site employees who shall perform routine patrols of the site during the fire season equipped with a portable fire extinguisher and communications equipment. The Project Owner shall notify the BLM and RCFD of the name and contact information of the current emergency services coordinator in the event of any change.
18. Remote monitoring of all major electrical equipment (transformers and inverters) will screen for unusual operating conditions. Higher than nominal temperatures, for example, can be compared with other operational factors to indicate the potential for overheating which under certain conditions could precipitate a fire. Units could then be shut down or generation curtailed remotely until corrective actions are taken.
19. Fires ignited onsite shall be immediately reported to BLM and the RCFD.

The engineering, procurement, and construction contract(s) for the project shall clearly state the requirements of this mitigation measure.

Comment Set D5 – Mark Carrington: Attachment 6 (continued)

APPENDIX B

Endangered Species Act Section 7 Consultation

D5-83 (cont'd)

Comment Set D5 – Mark Carrington: Attachment 6 (continued)

D5-83 (cont'd)

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Comment Set D5 – Mark Carrington: Attachment 6 (continued)

D5-83 (cont'd)

B.1 USFWS Biological Opinion

Comment Set D5 – Mark Carrington: Attachment 6 (continued)

D5-83 (cont'd)

United States Department of the Interior
U.S. FISH AND WILDLIFE SERVICE
Ecological Services
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008

In Reply Refer to:
FWS- ERIV-13B0074-20F0113

February 19, 2020
Sent by Email

Memorandum

To: Field Manager, Palm Springs-South Coast Field Office, Bureau of Land Management, Palm Springs, California

From: Field Supervisor, Carlsbad Fish and Wildlife Office Carlsbad, California

SCOTT SOBIECH Digitally signed by SCOTT SOBIECH Date: 2020.02.20 07:59:34 -08'00'

Subject: Section 7 Biological Opinion on the Crimson Solar Project, Riverside County, California

This memorandum transmits the U.S. Fish and Wildlife Service's (Service) biological opinion regarding the construction, operation, maintenance, and decommissioning of the proposed Crimson Solar Project (Project) in Riverside County, California, and its effects on the federally threatened Mojave population segment of desert tortoise (*Gopherus agassizii*) in accordance with section 7 of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq*.). Designated critical habitat for desert tortoise does not occur in the action area. Your request for formal consultation dated October 9, 2019, was received on October 10, 2019. Sonoran West Holdings, LLC, a wholly owned subsidiary of Recurrent Energy, LLC, is the non-Federal applicant for a Bureau of Land Management (BLM) right-of-way (ROW) authorization for the Project.

Your agency has determined the Project may affect, but is not likely to adversely affect Yuma Ridgway's rail (*Rallus obsoletus yumanensis* [formally known as Yuma clapper rail, *R. longirostris y.]*), southwestern willow flycatcher (*Empidonax traillii extimus*), least Bell's vireo (*Vireo bellii pusillus*), and the western distinct population segment of the yellow-billed cuckoo (*Coccyzus americanus*).

The above listed avian species do not breed or winter within the Project site because suitable breeding and wintering habitat is not present. Therefore, we do not anticipate adverse impacts to these species' breeding or wintering activities with implementation of the Project. However, individuals of these species could migrate through the action area between their wintering and breeding areas. Thus, any direct adverse effects would occur during migration and result from collision with Project features, such as solar panels, power lines, and fences. Based on the limited number of mortalities of these species found to date at other utility-scale solar facilities in the Colorado and Mojave Deserts, the likelihood of collision effects at a single project would be

Comment Set D5 – Mark Carrington: Attachment 6 (continued)

D5-83 (cont'd)

unlikely to occur or would be considered a discountable effect. The information we currently have indicates that individuals of listed birds have died as a result of interactions with solar facilities. However, when we attempted to evaluate the risk of collision at specific renewable energy projects, we determined the risk to individual birds was unquantifiably low and therefore discountable when considered at a project level. However, the documented patterns of mortality to Yuma Ridgway's rail, yellow-billed cuckoo, and willow flycatcher (subspecies undetermined) from energy infrastructure in the California desert (Service 2013–2015, unpubl. data), and the additive risk of multiple hazards posed by energy-related infrastructure development on a California Desert Conservation Area (CDCA) Plan level (Service 2017a), are not discountable and should be addressed at a programmatic scale in a way that provides consistency across different projects. As a result, the Service and BLM committed to work together to develop options that provide better project-by-project consistency in monitoring bird mortalities, including incidental take of listed birds, and can be applied under the CDCA Plan and the Act (Service 2017b).

Until a programmatic approach is developed, we will continue to evaluate this risk on a case-by-case basis and to provide site-specific recommendations to avoid adverse effects to avian species. Based on the information that is available to us at this time, we concur with your determination that the Project is not likely to adversely affect Yuma Ridgway's rail, least Bell's vireo, southwestern willow flycatcher, or the yellow-billed cuckoo. Designated critical habitat for these species does not occur in the Project site; therefore, no effects to designated critical habitat would occur.

Updates to the regulations governing interagency consultation (50 CFR 402) were effective on October 28, 2019 (84 FR 44976). This consultation was pending at that time, and we are applying the updated regulations to the consultation. As the preamble to the final rule adopting the regulations noted, "[t]his final rule does not lower or raise the bar on section 7 consultations, and it does not alter what is required or analyzed during a consultation. Instead, it improves clarity and consistency, streamlines consultations, and codifies existing practice." We have reviewed the information and analyses relied upon to complete this biological opinion in light of the updated regulations and conclude the biological opinion is fully consistent with the updated regulations.

We based this biological opinion on information in the following documents and communications: (1) the Bureau of Land Management (BLM) Draft Environmental Impact Statement/Environmental Impact Report/Land Use Plan Amendment for the Crimson Solar Project (Bureau 2019, hereinafter draft EIS/EIR); (2) the Draft Biological Assessment for the Crimson Solar Project (Bureau 2019, hereinafter BA); (3) the Biological Resources Technical Report for the Crimson Solar Project (AECOM 2019a, hereinafter BRTR); (4) numerous resource management plans prepared for the Project; (5) written, telephone, and electronic mail correspondence received during the consultation time period; and (6) pertinent literature contained in our files. Note that the resource management plans referenced in this biological opinion are included in the Appendices to the draft EIS/EIR. The project file for this consultation is located in an electronic database with the Carlsbad Fish and Wildlife Office.

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CONSULTATION HISTORY

In 2009 BrightSource Energy proposed development of the Project as the Sonoran West Solar Energy Generating Station Project (SF299 application CACA-051967). This project originally included a 540 megawatt (MW) dual-turbine power tower project on approximately 7,000 acres of a combination of BLM-administered and privately-owned land. The Service provided technical assistance and recommendations on various biological surveys and other studies associated with this project. BrightSource Energy did not complete the ROW authorization for this project.

In 2016 Sonoran West Holdings, LLC (Applicant) acquired the application to move forward with the BLM ROW authorization and revised the Plan of Development to reflect the proposed Project, which included converting the technology from solar thermal (i.e., power tower) to solar photovoltaic (PV), decreasing the energy output, and decreasing the Project land area. The revised Plan of Development submitted in January 2016 reduced impacts on environmental resources, including desert tortoise and riparian habitat.

Between March 2016 and January 2020, staff from the Service's Palm Springs Fish and Wildlife Office worked with the BLM, and staff from California Department of Fish and Wildlife (CDFW), Environmental Protection Agency (EPA), and National Park Service (NPS) to advise the Applicant on ways to refine the proposed Project, evaluate effects to trust resources including desert tortoise and listed birds, and develop avoidance and minimization measures. These efforts included conducting site visits and regular meetings, providing recommendations for biological surveys to assess baseline conditions, and providing recommendations and comments on numerous resource management plans, the draft BA, and Administrative draft EIS/EIR.

BIOLOGICAL OPINION

DESCRIPTION OF THE PROPOSED ACTION

We provide a summary below of the proposed action. The BA and draft EIS/EIR contains a more detailed description of Project activities.

The proposed action is the BLM's issuance of a ROW grant that will authorize the Applicant to construct, operate, maintain, and decommission the Crimson Solar Project, a 350 MW solar PV facility, along with a 6,000-foot-long 220-kilovolt (kV) electrical transmission line (gen-tie line) that will collectively occupy a land area of approximately 2,200 acres wholly administered by BLM (Table 1). The action analyzed in this biological opinion is the BLM's preliminary preferred alternative identified in the draft EIS/EIR that includes a combination of Alternative B (Alternative Design) and Alternative C (Reduced Acreage Alternative). For our analysis we considered all three of the Design Elements specified in Alternative B that was developed to reduce impacts to resources.

The initial Project application was filed before June 30, 2009, prior to the adoption of the Solar Programmatic Environmental Impact Statement for Solar Energy Development in Six Southwestern States (Western Solar Plan) in 2012 (Bureau 2012) or the Desert Renewable Energy Conservation Plan (DRECP) land use plan amendment in 2016 (Bureau 2016).

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Therefore, the BLM is processing this Project under the CDCA land use plan decisions in place prior to the adoption of the Western Solar Plan or DRECP land use plan amendment. As such, in addition to the decision on the ROW application, the BLM is also considering associated amendments to the CDCA Plan to accommodate the proposed action. The plan amendment decisions under consideration are:

1. The CDCA Plan would be amended to identify the Project's development footprint as suitable for the proposed type of solar energy use.

2. The CDCA Plan would be amended to authorize a portion of the gen-tie line corridor that is located outside of BLM's Utility Corridor K and Section 368 Federal Energy Corridor 30-52.

Table 1. Project components for the proposed Crimson Solar Project (modified from Table 2-4 in the draft EIS/EIR). The components listed reflect the BLM's preliminary preferred alternative, the combination of Alternatives B and C, as specified in the draft EIS/EIR.

Component	Preferred Alternative
PV Array Field	1,684 acres
Energy storage substation	4.1 acres
Solar substation	4.1 acres
Operations and maintenance building	2,000 square feet
Shared switchyard	1 acre
Battery energy storage system	8.3 acres
Gen-tie line	32.0 acres
Solar plant site fence line	21.7 miles
Access roads	44.7 miles
Wooden transmission poles	Up to 1,000 poles
Construction water demand	600 acre-feet per year

The Project is located in unincorporated eastern Riverside County approximately 13 miles west of the City of Blythe, south of Interstate 10 (I-10), and directly northwest of the Mule Mountains (Figure 1). The Project site is surrounded by BLM-administered lands and some private parcels. Open space occurs on all sides of the Project site with the exception of Southern California Edison's Colorado River Substation and associated access roads and transmission lines to the north.

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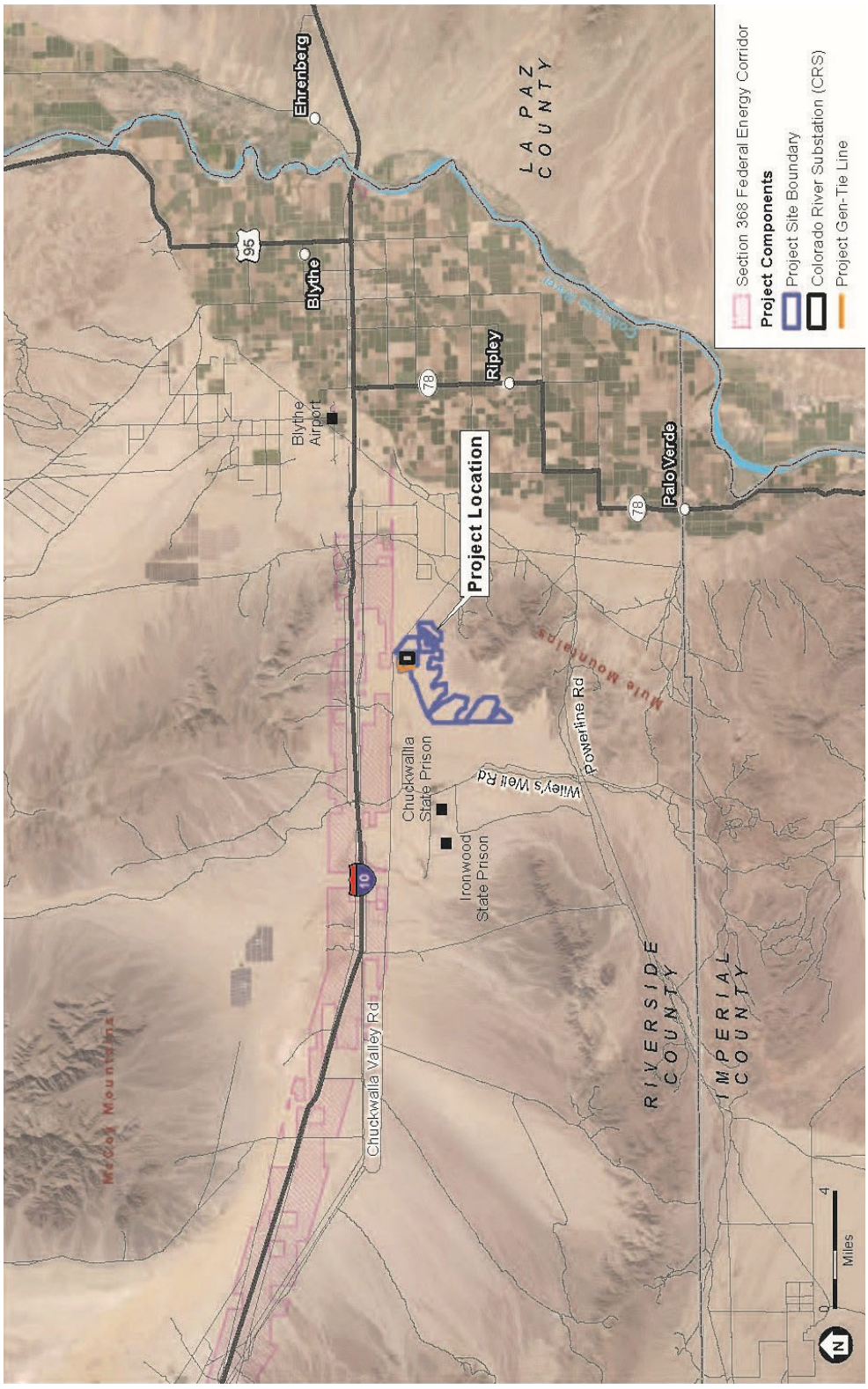


Figure 1. General location of the proposed Crimson Solar Project, Riverside County, California.

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The Project will occur over several phases including pre-construction, construction, operations and maintenance (O&M), and decommissioning as described below. The pre-construction and construction phases will require 24–48 months for completion and will tentatively commence in the second or third quarter of 2020. Prior to working at the Project site, all contractors, subcontractors, and onsite personnel will participate in a mandatory Worker Environmental Awareness Program (WEAP) to educate participants on proper work practices and the importance of protecting resources in accordance with the Project's various biological commitments, mitigation measures, and applicable laws and regulations. Following completion of pre-construction activities and construction mobilization, the main construction activities will begin including site preparation and construction of the solar facility and gen-tie line. The average workforce will range from approximately 100–250 workers over the course of the construction period and peak at approximately 425 workers during the height of construction.

Pre-construction

Pre-construction activities will include geotechnical and hazard surveys, pre-construction surveys for sensitive species, installation of a permanent security fence around the perimeter of the site boundaries, and establishing a staging area for construction activities. This phase also includes installation of permanent desert tortoise exclusionary fencing associated with the perimeter security fencing, followed by pre-construction clearance surveys for desert tortoise. Certain work areas outside of the main development areas may have temporary desert tortoise exclusionary fencing installed. Pre-construction activities will also include translocation of any desert tortoises discovered in the fenced areas of the Project's footprint. Desert tortoise exclusionary fencing, pre-construction clearance surveys, and translocation of desert tortoises from the Project site will meet the standards established by the Service in the Desert Tortoise Field Manual (Service 2009), as detailed in the Project's Desert Tortoise Translocation Plan (Ironwood 2019).

Construction

Construction of the solar facility will include components within (onsite) and outside (offsite) the perimeter security fencing (Table 1; Figure 2). The primary onsite infrastructure consists of the following: solar PV arrays and associated equipment; inverters, transformers, and electrical collection systems; up to four substations; an energy storage system; a facilities O&M building; and internal access roads. This onsite infrastructure will be divided among the five separate fenced segments of the Project to allow for avoidance and minimization of impacts to multiple braided desert washes that cross Project areas (Figure 2). The primary offsite infrastructure includes the construction of a 220-kV gen-tie line and access roads around the Project perimeters and between the fenced segments referenced above. Interconnection to the California Independent System Operator Grid will be via the Southern California Edison (SCE) operated transmission system at the Colorado River Substation.

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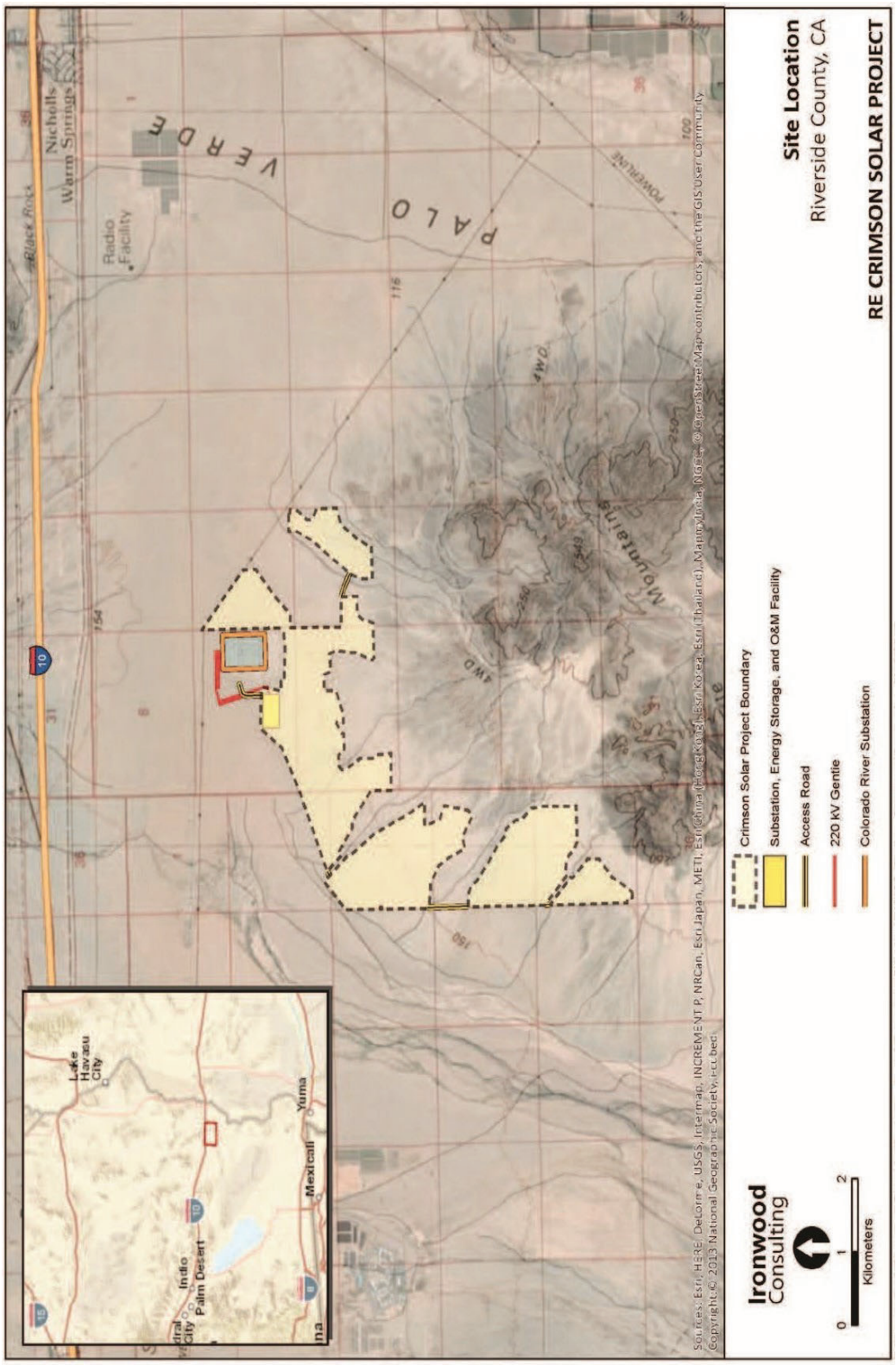


Figure 2. Detailed map of the proposed Crimson Solar Project boundary, Riverside County, California.

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Site preparation at the onset of construction will require treatment of vegetation and soils to prepare for installation of facility infrastructure. The primary site preparation technique will involve mechanically trimming vegetation to 18 inches high within the solar array field (per Design Element-1 of Alternative B). Approximately 5–6 percent of the solar array fields will require grubbing and grading to level the topography. The cuts and fills are expected to balance out and therefore not require imported borrow material or result in excess excavation spoils. Site preparation will maintain natural watercourses to the extent practicable across the site, except along main access roads and at substations that will require grading, grubbing, recontouring, compaction, and graveling. The Project's Drainage, Erosion, and Sediment Control Plan (AECOM 2018a) provides additional information on site preparation (i.e., treatment of vegetation, soils, and waterways).

Solar PV panels and associated power conversion equipment will occur across most of the site in arrays consisting of rows spaced a minimum of 4 feet apart and grouped in 2–4 MW blocks. The Applicant will select a panel technology (e.g., thin film, crystalline silicon, etc.) and whether to install panels on fixed-tilt systems or single-axis tracking systems closer to the time of development. Steel piles driven to a depth of 12 feet will anchor support structures for the rows of solar PV panels. Each 2–4 MW block will include an inverter-transformer station elevated on steel skids (per Design Element-3 of Alternative B) and cabling for the electrical collector system suspended on wooden transmission poles (per Design Element-2 of Alternative B). The implementation of Design Element-2 will string the collector system cabling along overhead poles and will require the installation of up to 1,000 wood poles that are 30 to 50 feet in height, an increase from the 300–500 poles required for the traditional approach of trenching and cabling. The intent of these Design Elements is to reduce impacts to soils, vegetation, topography, and hydrology, and also water usage associated with installing inverter-transformer stations directly on the ground and trenching the electrical collector system. Construction will require up to 600 acre-feet of water for dust suppression, soil moisture conditioning for compaction, and other purposes. Water sources for construction may include some combination of water from the Palo Verde Irrigation District, new wells located at the Project site, and/or an existing well located 4 miles from the Project site. Early application of gravel to road surfaces and a dust palliative to roadways and laydown areas may reduce water usage.

The solar facility will require construction of a 2,000 square foot O&M building on a concrete foundation to accommodate O&M staff over the life of the Project. The technology of the proposed energy storage system, capable of storing up to 1,400 MW hours of electricity, is unknown at this time but could consist of commercially available battery technology or mechanical fly wheels.

The approximately 6,000-foot-long gen-tie line will occupy 33 acres within a 300-foot-wide corridor. Up to 15 support structures (monopoles, lattice streel structures, or wooden H-frame poles), with a height of up to 150 feet and excavated to a depth of 20 feet ,will carry the 220-kV conductor line, ground wire, and a fiber optic cable from the solar facility to interconnect to the electrical grid at the nearby Colorado River Substation.

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The existing paved Wiley's Well Road and Powerline Road to the Colorado River Substation will provide access to the solar facility from I-10. The Project's roadway system will include construction of a main access road from the Powerline Road approximately 20–30 feet in width and surfaced with gravel or compacted native material. A 12-foot-wide perimeter road will occur on either side of perimeter fencing. Four wash crossings connecting each fenced Project segment will require armored rip-rap and/or cement construction. Onsite access roads internal to each Project segment will consist of 12–20-foot-wide roadways surfaced with gravel, compacted native soil, or a BLM approved dust palliative to create a durable surface and limit dust during construction and O&M.

Operations and Maintenance (O&M)

Following completion of Project construction, O&M of the solar facility and associated gen-tie line will commence and is anticipated to continue for the 30-year life of the Project. Routine O&M activities generally include solar module repairs and washing; maintenance of all electrical systems and associated support structures, including the gen-tie line; road and fence repairs and maintenance; repairs and maintenance of drainage control structures; and vegetation, weed, and pest management following the Weed Management Plan (AECOM 2019b). Additionally, up to 10 permanent staff will regularly be onsite to check on infrastructure in response to automated alerts and provide security and communications. Washing of solar panels and other water uses (e.g., restrooms) could require as much as 22 acre-feet (7.3 million gallons) per year sourced from the Palo Verde Irrigation District, and/or new wells located on the Project site, an existing offsite well located 4 miles northeast of the Project site, or a combination of these sources.

Decommissioning

At the end of the Project's planned 30-year service life, operations will cease or be renewed pursuant to the terms of the ROW grant for continued use as a solar energy facility or another use consistent with the applicable statutes and regulations at the time. The Project Decommissioning and Reclamation Plan (AECOM 2018b) outlines the procedures and practices necessary to meet Federal and State requirements associated with reclamation, rehabilitation, and revegetation of the Project site upon decommissioning. Activities associated with this phase will include removal of all above and below ground infrastructure. Removal of substations is contingent on whether a private or public entity assumes ownership that will allow these components to remain on site. Infrastructure removal will require approximately 10,000 truck trips and take up to 17 months for completion including de-energizing, disassembly and shipment offsite in secure containers for either reuse, recycling, or disposal at appropriately licensed facilities. Afterwards, reclamation activities will include restoring landform features, vegetative cover, hydrologic function, and soil profiles and function to support native vegetation. Results of a weed management survey during decommissioning activities will help determine whether additional monitoring or control measures are necessary to achieve successful reclamation of the site. When the BLM begins to consider decommissioning, they will contact the Service to determine if additional consultation, pursuant to section 7(a)(2) of the Act, will be appropriate. Consequently, we will not analyze the potential effects of decommissioning on the desert tortoise in this biological opinion.

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Desert Tortoise Translocation

The Applicant has developed a Desert Tortoise Translocation Plan (Ironwood 2019) that was reviewed and approved by BLM, CDFW, and the Service. The Desert Tortoise Translocation Plan provides details and protocols for moving desert tortoises outside of the Project site to prevent injury or death of these individuals as a result of constructing the Project. The Desert Tortoise Translocation Plan was written using the Service's draft desert tortoise translocation guidance dated February 2018 (Service 2018a), but the Applicant will adhere to any substantive changes in the most recent draft guidance available at the time of Project construction (e.g., Service 2019a). Following installation of the Project's desert tortoise exclusion fence, any desert tortoises found within the perimeter of the fence (i.e., on site) will be translocated (moved) outside the Project boundary to a pre-determined recipient site. For these activities a short distance translocation is defined as moving a desert tortoise equal to or less than 984 feet (300 meters) from the onsite location at which it was encountered, whereas a long distance translocation involves moving a desert tortoise more than 984 feet from the onsite location where it was encountered. The Applicant will submit a Translocation Review Package to CDFW and the Service that addresses each tortoise proposed for translocation and will include information on health assessments, disease testing, maps of proposed release sites for translocated desert tortoises, etc. The Applicant will submit these packages generally at least two weeks in advance of any planned translocation. We include additional information on the desert tortoise translocation and proposed primary recipient site below under the Environmental Baseline and Effects of the Action sections. Note that any desert tortoises found outside of the Project's desert tortoise exclusion fence (i.e., offsite areas including linear Project features such as access roads and the gen-tie line) and determined to be in immediate danger from Project activities (e.g., construction) will be moved out of harm's way to a safe location with appropriate shelter (e.g., shade of shrubs) at a distance no greater than 984 feet from the location it was encountered. In these cases, moving a desert tortoise out of harm's way does not constitute a translocation event.

CONSERVATION MEASURES

The Project includes conservation measures (CM) intended to avoid, minimize, and offset potential adverse effects to the desert tortoise. The following conservation measures summarize, in part, the mitigation measures detailed in Appendix B of the draft EIS/EIR and measures in the BA to avoid or minimize and monitor impacts to biological resources. Also incorporated here are measures described in more detail in the resource management plans developed for the Project. The Service participated in the development of these various measures in coordination with the BLM, CDFW, EPA, NPS, and Applicant.

The BLM and Applicant (or Project Owner if ownership changes) will implement the following measures as part of the proposed action.

CM 1. Biological Resources Mitigation, Monitoring, and Reporting Plan (BRMMRP): Prior to pre-construction activities, the Applicant will prepare a BRMMRP for review and approval by the BLM and CDFW. The BRMMRP will include a matrix to document implementation and monitor effectiveness of all biological mitigation

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measures, including measures in the Project resource management plans, and all permit-required mitigation. The BRMMRP will ensure appropriate implementation, documentation, and reporting to the applicable agencies for all measures intended to avoid or reduce impacts to biological resources including desert tortoise.

During pre-construction and construction phases, the Applicant and their team of biologists (see CM 2 and CM 3) overseeing compliance activities will provide quarterly and final compliance reports to the BLM, CDFW, and Service documenting the effectiveness of mitigation measures, level of take associated with the Project, and practicality of the protection measures along with recommendations for improvements to these measures. The report will also provide information on all activities related to biological resources.

CM 2. Designated Biologists: The Applicant will assign at least one Designated Biologist for the Project. The Applicant will submit résumés with at least three references and contact information for each Designated Biologist candidate to the BLM project officer for approval. If the Designated Biologist is not also an Authorized Biologist for desert tortoise (CM 3) then the Applicant will designate a separate Authorized Biologist for measures associated with desert tortoise. Designated Biologist duties will include but not be limited to the following:

a. Oversee monitoring and compliance with protective measures for biological resources.

b. Maintain communications with the appropriate Project personnel to ensure appropriate and lawful management of issues relating to biological resources.

c. Submit reports that document compliance with biological resources mitigation, minimization, and avoidance measures as detailed in the BRMMRP (CM 1).

d. Immediately notify Project personnel to halt work, if necessary, and coordinate with the BLM, CDFW, and Service to ensure the proper implementation of species and habitat protection measures.

CM 3. Authorized Biologists – Qualifications and Skills: The Applicant will assign desert tortoise Authorized Biologists to the Project. A minimum of 30 days prior to pre-construction activities the Applicant will submit a list of proposed Authorized Biologists and qualifying documents to the BLM project officer for approval. Qualifying documents required for each candidate include a résumé with references and contact information, along with a completed copy of the most recent Desert Tortoise Authorized Biologist Qualifications. Replacement Authorized Biologists will also require agency approval.

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Authorized Biologists must meet the following minimum qualifications:

a. Bachelor's degree in biological sciences, zoology, botany, ecology, or a closely related field.

b. Thorough and current knowledge of desert tortoise behavior, natural history, ecology, and physiology, and demonstrate substantial field experience and training to safely and successfully conduct their required duties.

c. Three years of experience in field biology.

d. Have at least 1 year of field experience with biological resources found in or near the Project site.

e. Demonstrate familiarity with protocols and guidelines for the desert tortoise, and be approved by the Service.

f. Possess a California Endangered Species Act (CESA) Memorandum of Understanding pursuant to California Fish and Game Code §2081(a) for desert tortoise.

Authorized Biologists must also have the skills and experience to perform the following duties:

a. Perform a basic assessment of the physical condition of desert tortoises (e.g., identify basic clinical signs of potential upper respiratory tract disease).

b. Maintain approved biosecurity protocols when working with desert tortoises, avoid cross-contamination of supplies and of desert tortoise individuals, and disinfect all sampling gear.

c. Move desert tortoises away from situations where they are in danger of injury or death.

d. Translocate desert tortoises prior to implementation of a project.

e. Successfully rehydrate desert tortoises, if necessary, as specified in the Desert Tortoise Field Manual (Service 2009) or more recent guidance.

CM 4. Authorized Biologists – Responsibilities: Authorized Biologists will have responsibility for ensuring proper implementation of the conservation measures outlined in this biological opinion. The Authorized Biologist will have in their possession a copy of these conservation measures and any other compliance measures related to desert tortoise. Further, the Authorized Biologists will have the right and responsibility to halt any activities that are in violation of these measures intended to protect desert tortoise. Authorized Biologists will have discretion to

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assign duties and serve as mentors to train Biological Monitors in conducting desert tortoise related duties. Authorized Biologists will approve Biological Monitors to perform specific tasks based on the Monitor's demonstrated skills, knowledge, and qualifications. Direct supervision is always required for field and clearance surveys and handling of desert tortoises; direct supervision means that the Authorized Biologist has direct voice and sight contact with the Biological Monitor.

Authorized Biologists will also be responsible for the following activities:

a. All surveys, trainings, compliance monitoring, and reporting related to the desert tortoise.

b. Handling and moving desert tortoise out of harm's way or translocating desert tortoise when necessary.

c. Notifying the BLM, CDFW, and Service within 24 hours of any desert tortoise injury or mortality.

CM 5. Biological Monitors: The Applicant will employ Biological Monitors to support Project compliance activities as needed under the supervision of the Designated Biologists and Authorized Biologists. The Designated Biologist or Authorized Biologist will submit a résumé with at least three references and contact information for each proposed Biological Monitor to the BLM project officer for review and approval. Biological Monitors must possess the appropriate education and experience to accomplish the assigned biological resource tasks.

Biological Monitor duties will include assisting in conducting surveys and in monitoring of site mobilization activities and all vegetation and ground-disturbing activities, including pre-construction phase activities. An Authorized Biologist may use their discretion to designate Biological Monitors to assist with desert tortoise related duties (CM 4); in these cases, Biological Monitors will have a solid understanding of the conservation measures in this biological opinion and Service guidelines on desert tortoise surveys and handling procedures. Biological Monitors may not conduct field or clearance surveys or other specialized duties of the Authorized Biologist unless directly supervised by an Authorized Biologist. Biological Monitors will have the right and responsibility to halt any activities that are in violation of the Project's Conservation Measures intended to protect desert tortoise.

CM 6. Desert Tortoise Exclusion Fence: Desert tortoise exclusion fencing will be installed during the Project pre-construction phase, prior to any long-term activity that is likely to adversely affect desert tortoises. All desert tortoise exclusion fencing will follow specifications outlined in the Desert Tortoise Field Manual (Service 2009), or the latest Service guidance. A permanent exclusion fence will encircle the perimeter of each Project segment, excluding the gen-tie line, to prevent desert tortoise from entering the site during construction and operations phases. All road entrances to these Project segments will have desert tortoise exclusion gates (e.g.,

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cattle guards) with grates to prevent entry of desert tortoises. Exclusion gates will align directly with the perimeter exclusion fence to ensure no gaps where a desert tortoise could enter the Project site.

A temporary exclusion fence will be installed along the access road wash crossings that link the two southern development areas; these areas had the highest desert tortoise densities during pre-construction biological surveys. Following completion of the Project construction phase the temporary fencing will be removed and desert tortoise exclusion gates with grates will be installed at the entry points between each development area.

All areas with exclusion fencing will incorporate desert tortoise shade structures on the exterior and interior of the fence and spaced a minimum of 1,000 feet apart to provide refuge and reduce the risk of hyperthermia for desert tortoise walking along the fence. Construction of shade structures will follow Service guidance (Service 2018b). Shade structures must be checked after each major rainfall event to ensure they are clear of debris and functional.

An Authorized Biologist or Biological Monitor will monitor construction of permanent and temporary exclusion fencing to ensure no desert tortoise is harmed. An Authorized Biologist or Biological Monitor will check the exclusion fence twice daily during construction of the fencing and for 7 days following installation to locate any desert tortoise pacing the fence and at risk of hyperthermia. Thereafter, inspections of the exclusion fence will occur twice daily during the desert tortoise active seasons (April 1 – May 31 and September 1 – October 31), daily during summer (June – September), and monthly during the winter (November – March) for 1 year after construction. During the remainder of the life of the Project inspections of all exclusion fencing will occur monthly and within 24 hours following any major rain event. Any compromised fencing will be repaired within 48 hours of detection.

Additional details on all aspects of the desert tortoise exclusion fence can be found in the Project's Desert Tortoise Translocation Plan (Ironwood 2019).

CM 7. Desert Tortoise Clearance Surveys: Following installation of permanent desert tortoise fencing and prior to any construction activities that might result in harm to desert tortoise or remove desert tortoise habitat, an Authorized Biologist will oversee desert tortoise clearance surveys to locate and remove desert tortoises from within fenced Project areas. Clearance survey methods will meet the standards established by the Service in the 2009 Desert Tortoise Field Manual, or latest Service guidance. These methods currently include conducting a minimum of two perpendicular clearance passes within fenced areas during the desert tortoise active seasons. Following two consecutive clearance passes with no detections of desert tortoise or new desert tortoise sign (e.g., scat) the area will be considered cleared and construction activities can commence. If any desert tortoises are found during

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the clearance survey, an Authorized Biologist will oversee translocating of the tortoises in accordance with the Project's Desert Tortoise Translocation Plan (Ironwood 2019) and most recent Service guidance (Service 2019a). For areas not enclosed by exclusion fencing (e.g., gen-tie line), an Authorized Biologist will oversee pre-construction clearance surveys to detect and move desert tortoises from these areas within 24 hours prior to the onset of surface disturbance. An Authorized Biologist or assigned Biological Monitor will be present in the vicinity of construction activities at all times.

Following clearance surveys, an Authorized Biologist will prepare a report documenting the results of clearance surveys, including the number of desert tortoises encountered, the capture and release locations of translocated desert tortoises, individual data (e.g., morphometrics, etc.) for each desert tortoise, and any other relevant data. An Authorized Biologist will submit these reports to the BLM, CDFW, and Service.

CM 8. Desert Tortoise Translocation Plan: An Authorized Biologist will oversee adherence to the Project's Desert Tortoise Translocation Plan (Ironwood 2019) for the translocation of any desert tortoise necessary during installation of the desert tortoise exclusion fence, construction of the gen-tie line, desert tortoise clearance surveys, or other Project activities as warranted. The Desert Tortoise Translocation Plan was reviewed and approved by BLM, CDFW, and the Service and follows standards set forth by CDFW and the Service for the translocation of desert tortoise (Service 2009, 2018a).

CM 9. Resource Agency Notifications: During construction, an Authorized Biologist will make initial notification to the BLM, CDFW, and Service within 24 hours of finding a sick, injured, or dead desert tortoise. Notifications must be made both by telephone and in writing to the Service at the Palm Springs Fish and Wildlife Office. The Authorized Biologist will submit a detailed report of each incident to the BLM, CDFW, and Service including the date and time of the finding or incident (if known), location of the specimen, a photograph, cause of injury/death (if known), and other pertinent information. If directed by CDFW or the Service the Authorized Biologist will also submit the dead tortoise for necropsy at a facility recommended by the Service, as outlined in Salvaging Injured, Recently Dead, Ill, and Dying Wild, Free-Roaming Desert Tortoises (Berry 2003). An Authorized Biologist will oversee transportation of any desert tortoises with non-fatal injuries to a nearby qualified veterinarian for treatment at the expense of the Applicant. If an injured desert tortoise does not recover, the Authorized Biologist will contact CDFW and the Service for direction concerning the final disposition of the desert tortoise carcass.

CM 10. Raven Monitoring, Management, and Control: A Designated Biologist or Authorized Biologist will oversee adherence to the Project's Raven Monitoring, Management, and Control Plan (AECOM 2018c), which includes information on

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Project activities that may attract common ravens (*Corvus corax*), a species that is a subsidized predator of desert tortoises and other sensitive species, and management practices to avoid creation of new subsidies that may attract and increase common raven numbers in the vicinity of the Project site. This plan also details a program to monitor common raven presence in the Project vicinity, determine if raven numbers are increasing, and to implement changes to common raven control measures as needed based on monitoring results. The purpose of this plan is to avoid any Project-related increases in common raven numbers during all phases of the Project.

The Applicant will submit payment to the Project sub-account of the Renewable Energy Action Team Account held by the National Fish and Wildlife Foundation to support the Service's Regional Raven Management Program. The one-time fee will be as described in the cost allocation methodology or more current guidance as provided by CDFW or the Service. The current contribution fee is $105 per acre impacted and will be applied across the total Project area impacted.

CM 11. Desert Tortoise Habitat Mitigation: To fully mitigate for habitat loss and potential take of desert tortoise, in compliance with the California Endangered Species Act (CESA) of 1970, the Applicant will provide compensatory mitigation via land acquisition or in-lieu fee payment at a 1:1 ratio for impacts to approximately 2,201 acres. To satisfy this measure, the Applicant will acquire, protect, and transfer 1 acre of desert tortoise habitat for every acre of habitat within the final Project footprint, and provide associated funding for the acquired lands. The Applicant may choose to satisfy its mitigation obligations by paying an in-lieu fee instead of acquiring compensation lands, pursuant to California Fish and Game Code §§ 2069 and 2099 or any other applicable in-lieu fee provision, to the extent CDFW finds the in-lieu fee provision fully mitigates the impacts. Proposed conservation acquisitions must be approved by the BLM, CDFW, and Service.

Selection criteria for compensation lands include the following:

a. Located within the Chuckwalla Desert Wildlife Management Area (DWMA) or, if sufficient land is unavailable, in other locations within the Colorado Desert Recovery Unit.

b. Located outside of a Development Focus Area as defined under the DRECP.

c. Connected to lands with Mojave desert tortoise habitat equal to or better quality than the Project site, ideally with populations that are stable, recovering, or likely to recover.

d. No history of intensive recreational use or other disturbance that might make habitat recovery and restoration infeasible.

e. Low densities of invasive species.

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f. Have live desert tortoise on the conserved lands or on lands abutting the conserved lands.

For additional details on criteria for compensation lands see mitigation measure BIO-26 in the draft EIS/EIR.

CM 12. Delineation of Work Areas: Prior to construction, the Designated Biologist will ensure that the anticipated impact zones, including staging areas, equipment access, and disposal or temporary placement of spoils, are delineated with stakes and flagging to avoid natural resources. No construction-related activities will occur outside of the designated impact area (i.e., Project site).

CM 13. Staging, Stockpiling, and Materials Storage**:** During construction, the Designated Biologist or Authorized Biologist will ensure that all construction materials, staging, employee parking, storage, dispensing, fueling, and maintenance activities are located in upland areas outside of sensitive habitat. The Project's Drainage and Erosion, and Sediment Control Plan (AECOM 2018a) details measures that will be implemented to prevent any potential runoff from entering waters of the State. Staging areas will be located within permanent impact areas or previously disturbed sites within the Project site. Spoils will be stockpiled only in areas subject to grading and disturbance and will be placed to minimize impacts to native vegetation.

CM 14. Vehicle Access and Speed Limits: During construction, personnel will only access the Project site via Powerline Road and will not exceed the posted speed limit of 25 miles per hour (mph). Speed limits on all other roads and areas at the Project site will not exceed 15 mph. Cross-country vehicle and equipment use outside of the designated Project site (including the gen-tie) and access roads will be prohibited. All vehicles passing or turning around will do so within the designated areas and access roads.

During O&M, all vehicles will remain on designated Project roads with no off road travel allowed. Speed limits along Powerline Road will remain the posted 25 mph.

The Applicant will clearly mark all speed limits and impose penalties if personnel exceed posted speed limits or violate prohibitions against travel off roads or otherwise designated area.

CM 15. Equipment Parking and Storage: During construction, parking and storage of Project-related equipment and vehicles will mainly occur within the areas enclosed by the desert tortoise exclusion fencing. Before moving any parked vehicle or construction equipment, the operator will inspect the ground under the vehicle for desert tortoise including inspecting both the front and rear tires, in front of each tire, and behind each tire. Any desert tortoise found during these vehicle and equipment inspections will be left to move on its own accord. If the animal does not move within 15 minutes, an Authorized Biologist (or Biological Monitor under the direct

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supervision of an Authorized Biologist), will move the desert tortoise out of harm's way to a safe location, as detailed in the Project's Desert Tortoise Translocation Plan (Ironwood 2019).

CM 16. Hazardous Materials: During construction and O&M, vehicles and equipment will be in proper working condition to ensure that there is no potential for releases or spills of motor oil, antifreeze, hydraulic fluid, grease, or other hazardous materials. Project personnel will inform the Designated Biologist of any hazardous spills within 24 hours. Hazardous spills will be immediately cleaned up according to the specifications established by the BLM California Hazardous Materials Specialist and the contaminated soil will be properly disposed of at a hazardous waste facility permitted by the California Department of Toxic Substance Control. Servicing of construction equipment will only take place in designated areas or offsite. Service/maintenance vehicles will carry a bucket and pads to absorb leaks or spills.

CM 17. Minimize Standing Water: Water applied to roads and construction areas will be the minimal amount needed to safely achieve dust abatement or other activity needs. A Designated Biologist, Authorized Biologist, or Biological Monitor will patrol construction watering areas to ensure that water does not puddle for extended periods of time (generally several hours) and thereby attract desert tortoise, common raven, and other wildlife to the site. Should extended puddling occur, construction personnel will immediately cease watering at that location and the Designated Biologist or Authorized Biologist will consider measures to prevent a recurrence of standing water for an extended period.

CM 18. Debris and Trash Management: During construction and O&M, the Applicant will provide for removal of all non-hazardous spoils, trash, and debris by the construction contractor to an offsite solid waste disposal facility permitted by the California Department of Resources Recycling and Recovery. Non-hazardous spoils and debris (not including food items) will be stored within the Project site until removal and protected from dispersal by wind and water erosion. Trash and food items will be contained in secure waste bins or dumpsters at all times and removed daily to reduce the attractiveness to common ravens, coyotes, desert kit foxes, and other opportunistic predators that can impact sensitive species.

CM 19. Pets and Firearms: Workers will be prohibited from bringing pets (except service dogs) and firearms (except those in possession of authorized security personnel or local, state, or federal law enforcement officials) to the site.

CM 20. Wildlife Entrapment Avoidance: During construction and O&M, the Applicant will implement the following measures to prevent entrapment of desert tortoise or other wildlife:

a. Backfill Trenches. At the end of each workday, a Designated Biologist, Authorized Biologist, or Biological Monitor will ensure that all potential

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wildlife pitfalls (trenches, bores, and other excavations), both within and outside areas enclosed with desert tortoise exclusion fencing, have been backfilled. If backfilling is not feasible, all trenches, bores, and other excavations will be sloped at a 3:1 ratio at the ends to provide wildlife escape ramps, or covered completely to prevent wildlife access, or fully enclosed with desert tortoise-exclusion fencing. All trenches, bores, and other excavations outside areas with desert tortoise exclusion fencing will be similarly inspected periodically throughout the day, at the end of each workday and at the beginning of each day. Should a desert tortoise (or other wildlife) become trapped, an Authorized Biologist will move the animal as described in the Project's Desert Tortoise Translocation Plan (Ironwood 2019). Any wildlife encountered during the course of construction will be allowed to leave the construction area unharmed.

b. Avoid Entrapment of Desert Tortoise. All construction pipes, culverts, or similar structures with a diameter greater than 3 inches, stored less than 8 inches aboveground for one or more nights, will be inspected for any wildlife before the material is moved, buried or capped. As an alternative, all such structures may be capped before being stored outside the fenced area or placed on pipe racks. Similarly, no open pipes with a diameter greater than 3 inches will be stored or buried in a vertical orientation unless capped to prevent entrapment of birds and other wildlife.

CM 21. Weed Management: The Applicant will adhere to the Project's Weed Management Plan (AECOM 2019b) which details measures to avoid and minimize and monitor the introduction of weeds and the spread of existing weeds as a result of Project activities. The objectives include identification and risk assessment, control, and containment. During construction and O&M, the introduction of nonnative plant species will be avoided and controlled wherever possible and may be achieved through physical or chemical (pending both BLM and CDFW approval) removal and prevention. Acceptable physical and/or chemical methods are described in the BLM's Programmatic Environmental Impact Statement for vegetation treatments using herbicides in 17 western states (Bureau 2007). Preventing non-native plants and weeds from entering the site will include measures such as the use of rumble strips (e.g., Trackclean) or other methods of cleaning vehicles entering and leaving the Project site and washing debris, and any plant propagules from earth-moving equipment prior to transport to the Project site. Weed-free rice straw or other certified weed-free straw will be used for erosion control. Weed populations introduced into the site during construction and O&M will be eliminated by chemical and/or mechanical means approved by BLM consistent with their Programmatic Environmental Impact Statement for vegetation treatments using herbicides in 17 western states (Bureau 2007) and CDFW in accordance with applicable Federal, State, and local regulations.

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CM 22. Vegetation Communities Restoration: Prior to construction, the Applicant will prepare a plan for approval by BLM and CDFW to restore Project areas subject to temporary impacts during the construction period. Upon completion of construction, the Applicant will be responsible for preparing a map of temporarily disturbed areas for restoration. Only native plant species that naturally occur within the disturbed habitats will be used for restoration. Seed tags will be submitted to BLM and CDFW at least 14 days before the date of proposed seeding for approval. Restoration activities will be implemented within 30 days of construction completion, or during the soonest appropriate planting season.

The plan will include a description of proposed methods for topsoil salvage and replacement, plant/seed salvage including salvage of succulents, seeding techniques, inoculation of native microbial organisms for plant mycorrhizae and for biotic soil crust formation, methods to stabilize and shape soil surface to reduce soil erosivity, and techniques to increase soil fertility and water holding capacity. Plant salvage measures will follow applicable state and federal regulations and policies for salvage and transplant of cactus, yucca, other succulents, and BLM Sensitive plants.

The plan will include a monitoring and reporting protocol and the following performance standards:

a. At least 80 percent of the species observed within the temporarily disturbed areas will be native species that naturally occur in desert scrub habitats.

b. Relative cover and density of plant species within the temporarily disturbed areas will be equal to or greater than 60 percent of native background density.

CM 23. Worker Environmental Awareness Program: Prior to pre-construction activities, the Applicant will develop a Worker Environmental Awareness Program for approval by the BLM, CDFW, and Service. The Worker Environmental Awareness Program will contain information on all special-status species, vegetation communities, non-native invasive weed species (and how to reduce/limit their spread), and all biological mitigation measures and protective measures for desert tortoise and other special-status species. The Worker Environmental Awareness Program will consist of an onsite or training center presentation with supporting written material and electronic media, including photographs of protected species. The Designated Biologist will oversee administering the Worker Environmental Awareness Program to all Project personnel prior to personnel conducting work onsite during pre-construction, construction, O&M, or decommissioning activities. The Designated Biologist will document all training with training acknowledgements signed by each worker.

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The Worker Environmental Awareness Program will:

a. Discuss the locations and types of sensitive biological resources on the Project site and adjacent areas and explain the reasons for protecting these resources; provide information to participants that no snakes, reptiles, or other wildlife will be harmed.

b. Place special emphasis on desert tortoise, including information on physical characteristics, distribution, behavior, ecology, sensitivity to human activities, legal protection, penalties for violations, reporting requirements, and protection measures.

c. Include a discussion of fire prevention measures to be implemented by workers during Project activities (e.g., protective measures when grinding or welding; provisioning vehicles with water and shovels or fire extinguishers during period of high fire risk; smoking in designated areas and proper disposal of cigarettes and cigars, etc.).

d. Describe the temporary and permanent habitat protection measures to be implemented at the Project site.

e. Identify events that require notification of a Designated Biologist, Authorized Biologist, or Biological Monitor, including but not limited to (1) desert tortoise observations; (2) special-status species observations in the work area; (3) observations of dead or injured wildlife within or near the work area; (4) accidental impacts outside of the designated work area; and (5) accidental spills of contaminants (within 24 hours).

f. Provide contact information and describe the chain of communication for biological resource related issues.

g. Identify whom to contact if there are further comments and questions about the material discussed in the program.

CM 24. Decommissioning and Reclamation Plan: The Applicant will adhere to the Project's Decommissioning and Reclamation Plan (AECOM 2018b) for the reclamation, rehabilitation, and revegetation of the Project site upon decommissioning.

Responsibilities include but are not limited to the following:

a. Removal of all above and below ground infrastructure for either reuse, recycling, or disposal at appropriately licensed facilities.

b. Restoration of landform features, vegetative cover, hydrologic function, and soil profiles and function to support native vegetation. Results of a weed management survey during decommissioning activities will help determine

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whether additional monitoring or control measures are necessary to achieve successful reclamation of the site.

Action Area

Revised regulations implementing the Act (50 CFR § 402.02) describe the action area as all areas affected by the Federal action and not merely the immediate area affected by the proposed project (50 CFR §402.02). Specifically, the action area is the area of all potential consequences of the proposed action, including the consequences of other activities that are caused by the proposed action; the consequences of these activities include associated physical, chemical, and/or biological effects of considerable likelihood (Service 1998). The pathways for these consequences may include effects that are caused by the proposed action and are later in time but are still reasonably certain to occur (Service 1998). Analyses of the environmental baseline, effects of the action on the species and designated critical habitat, cumulative effects, and the impacts of the incidental taking, are based upon the action area as determined by the Service (Service 1998).

For the purposes of this consultation we consider the action area to be the area inside and outside of the permanent fence line that will be disturbed due to construction and O&M activities of the solar facility and linear facilities (access roads, utility corridor, and gen-tie line; see Table 1). Along with the linear facilities outside the solar facility, the action area also includes a surrounding distance of up to 984 feet outside of the Project boundary where any tortoises will be moved out of harm's way or translocated to avoid injury from construction or O&M-related activities. Since regional desert tortoise augmentation sites have not been identified for the Colorado Desert Recovery Unit (Service 2019a), to accommodate the potential translocation of desert tortoise from the Crimson Solar Project site, the action area also includes the proposed Mule Mountain Recipient (translocation) Site, which borders the Project directly to the east and south and includes 3,500 acres of lands managed by the BLM (Ironwood 2019). Finally, the action area encompasses conservation areas that will be acquired and potentially restored or enhanced as needed to offset the destruction of desert tortoise habitat resulting from construction and O&M of the Project. The acquisition, potential restoration or enhancement, management, and monitoring of these conservation areas are expected to have only beneficial effects to tortoises. The particular locations of these conservation areas have not yet been identified, but approximately 2,200 acres will be acquired within the desert tortoise Chuckwalla DWMA or, if sufficient land is unavailable there, in other locations within the desert tortoise Colorado Desert Recovery Unit (see CM 11 above).

ANALYTICAL FRAMEWORK FOR THE SECTION 7(A)(2) DETERMINATIONS

Jeopardy Determination

Section 7(a)(2) of the Act requires that Federal agencies ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of listed species. "Jeopardize the continued existence of" means to engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species (50 CFR 402.02).

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The jeopardy analysis in this biological opinion relies on four components: (1) the Status of the Species, which describes the range-wide condition of the species, the factors responsible for that condition, and its survival and recovery needs; (2) the Environmental Baseline, which analyzes the condition of the species in the action area, the factors responsible for that condition, and the relationship of the action area to the survival and recovery of the species; (3) the Effects of the Action, which are all consequences to listed species caused by the proposed action that are reasonably certain to occur; and (4) the Cumulative Effects, which evaluate the effects of future, non-Federal activities in the action area on the species.

As such, in accordance with policy and regulation, the jeopardy determination is made by evaluating the aforementioned components to determine if implementation of the proposed action is likely to cause an appreciable reduction in the likelihood of both the survival and recovery of the species in the wild by reducing the reproduction, numbers, and distribution. Desert tortoise designated critical habitat does not occur in the action area so no adverse modification to desert tortoise designated critical habitat is expected to occur with implementation of the proposed action.

STATUS OF THE SPECIES

The following summarizes information about the desert tortoise that was discussed in detail in the Service's Programmatic Biological Opinion for Activities in the California Desert Conservation Area (Service 2017a). Please refer to that document as well as the revised recovery plan (Service 2011a) and our 5-year review (Service 2010a) for additional detailed information about these topics and the species' description, life history, and habitat affinities.

The Service listed the desert tortoise as threatened in 1990 (Service 1990) and the threats described in the listing rule and both recovery plans (Service 1994, 2011a) continue to affect the species. The most apparent threats to the desert tortoise are those that result in mortality and permanent habitat loss across large areas, such as urbanization and large-scale renewable energy projects, and those that fragment and degrade habitats, such as proliferation of roads and highways, off-highway vehicle activity, wildfire, and habitat degradation caused by nonnative invasive plant species. Additionally, intensive predation pressure on hatchling and young desert tortoises by increasing and expanding populations of common ravens is increasingly a threat across the range of the tortoise (Boarman 2003, Service 2011a). The desert tortoise is a long-lived and slow growing species that requires 13 to 20 years to reach sexual maturity, has low reproductive rates during a long period of reproductive potential, and individuals experience relatively high mortality early in life (Service 2011a).

Reproduction, Numbers, and Distribution

Reproduction

Desert tortoise reproduction is influenced by a number of factors, some of which include the number of reproducing females across the range, home range size and location, and resource availability and quality (Service 2011a, Sieg *et al.* 2015). Female tortoises typically lay fewer eggs per clutch but produce multiple clutches per reproductive season, which is typically April through July (Lovich *et al.* 2015). Periods of increased rainfall, such as in El Niño years, can result in an increase in annual plant forage biomass resulting in an increase in annual egg

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production (Lovich *et al.* 2015). Young desert tortoises rely upon high-quality, low-fiber plants (e.g., native annual plants) with nutrient levels not found in the invasive nonnative plants that have increased in abundance across its range (Oftedal *et al.* 2002; Tracy *et al.* 2004). Compromised nutrition of young desert tortoises likely represents an effective reduction in recruitment by reducing the number of animals that reach adulthood (Drake *et al.* 2016). Consequently, the reproductive capacity of the desert tortoise may be compromised to some degree by the abundance and distribution of invasive weeds across its range; the continued increase in human access across the desert likely continues to facilitate the spread of nonnative plants and further affect the reproductive capacity of the desert tortoise.

Numbers

Range-wide monitoring, initiated in 2001 by the Service, is the first comprehensive attempt to determine the number of individuals, or densities of desert tortoises, in conservation areas across their range. Allison and McLuckie (2018) used annual density estimates obtained from this sampling effort to evaluate range-wide trends in the density of desert tortoises over time. Their analysis indicates that densities in the Northeastern Mojave Recovery Unit have increased since 2004, with the increase apparently resulting from increased survival of adults and juveniles moving into the adult size class (in this case desert tortoises with a mid-carapace length [MCL] greater than 180 millimeters [mm]); however, populations in the other four recovery units are declining (Table 2). Desert tortoise densities in the Joshua Tree and Piute Valley conservation areas within the Colorado Desert Recovery Unit seem to be increasing, although densities in the recovery unit as a whole continue to decline. The analysis also estimated that there were an average of 124,050 fewer adult desert tortoises range-wide in 2014 compared to the 336,393 tortoises present in 2004, a decline of 36.8 percent. The Service (2015) evaluated changes in the size distribution of desert tortoises since 2001 and found that in the Colorado Desert Recovery Unit the relative number of juveniles to adults indicates that juvenile numbers are declining faster than adult numbers.

Table 2. Desert tortoise estimates within recovery units (square kilometers [km^2] of modeled habitat) and change in abundance (Allison and McLuckie 2018).

Recovery Unit	Modeled Habitat (km^2)	2004 Abundance	2014 Abundance	Change in Abundance
Western Mojave	23,319	131,540	64,871	-66,668
Colorado Desert	18,024	103,675	66,097	-37,578
Northeastern Mojave	10,664	12,610	46,701	+34,091
Eastern Mojave	16,061	75,342	24,664	-50,679
Upper Virgin River	613	13,226	10,010	-3216
Total	**68,501**	**336,393**	**212,343**	**-124,050**

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In this context, we consider "juvenile" desert tortoises to be animals smaller than 180 mm MCL. The Service does not include juveniles detected during range-wide sampling in density estimations because they are more difficult to detect and surveyors frequent do not observe them during sampling. However, this systematic range-wide sampling provides us with an opportunity to compare the proportion of juveniles to adults observed between years.

Distribution

Prior to 1994, desert tortoises were extirpated from large areas within their distributional limits by urban and agricultural development (e.g., the cities of Barstow and Lancaster, California; Las Vegas, Nevada; and St. George, Utah; agricultural areas south of Edwards Air Force Base and east of Barstow), military training (e.g., Fort Irwin, Leach Lake Gunnery Range), and off-road vehicle use (e.g., portions of off-road management areas managed by the BLM and unauthorized use in areas such as east of California City, California).

In the 5-year review, the Service (2010a) concluded the distribution of the desert tortoise has not changed substantially since the publication of the original recovery plan in 1994 in terms of the overall extent of its range. However, desert tortoises continue to be removed from large areas (i.e., many thousands acres) because of solar development and military activities, and continued urban development. Large parts of suitable habitat within this range have been converted to other uses that no longer support desert tortoise. In particular, urban development around Las Vegas has likely been the largest contributor to habitat loss throughout the range since 1994, but there are other large areas of habitat loss. Desert tortoises have essentially been removed from the 18,197-acre southern expansion area at Fort Irwin (Service 2012c). The development of large solar facilities has also reduced the amount of habitat available to desert tortoises. No solar facilities have been developed within desert tortoise conservation areas, such as DWMAs, although such projects have occurred in areas that the Service considers important linkages between conservation areas (e.g., Desert Sunlight Solar Farm Project near Desert Center, California [Service 2012a]).

ENVIRONMENTAL BASELINE

The revised regulations implementing the Act (50 CFR § 402.02) define the environmental baseline as the condition of the listed species or its designated critical habitat in the action area, without the consequences to the listed species or designated critical habitat caused by the proposed action (Project). The environmental baseline includes the past and present impacts of all Federal, State, or private actions and other human activities in the action area, the anticipated impacts of all proposed Federal projects in the action area that have already undergone formal or early section 7 consultation, and the impact of State or private actions which are contemporaneous with the consultation in process. The consequences to listed species or designated critical habitat from ongoing agency activities or existing agency facilities that are not within the agency's discretion to modify are part of the environmental baseline.

The Project site is located in the central portion of the Chuckwalla Valley in the Colorado Desert of California and within the Sonoran Desert ecoregion. The Project site is located outside the

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boundaries of any Area of Critical Environmental Concern (ACEC), DWMA, BLM wilderness area, or designated critical habitat for desert tortoise. The Palen-McCoy Wilderness is located approximately 7 miles to the northwest, the Little Chuckwalla Mountains Wilderness is 7 miles to the west, the Chuckwalla ACEC is 2 miles to the west, and the Mule Mountains ACEC is situated directly to the southeast of the Project. The Project site is generally surrounded by open space; however, the Colorado River Substation is located immediately north of the Project site, the I-10 is under 2 miles to the north, the Chuckwalla Valley State Prison is located approximately 2 miles to the west, and various roads emanate from the Wiley's Well Road exit off I-10 and lead to the Colorado River Substation and Chuckwalla Valley State Prison. Elevations in the Project site range from 400 feet above mean sea level (asl) in the northwest to 700 feet asl in the southwest.

Past Consultations within the Action Area

Ongoing land uses covered under previously issued biological opinions have allowed for take of desert tortoises and degradation of tortoise habitat in the vicinity of the Project. The Service issued a programmatic biological opinion evaluating the effects of BLM's CDCA Plan Amendment for BLM's Northern and Eastern Colorado Desert (NECO) Plan (Bureau 2002) on desert tortoise and its critical habitat on June 17, 2002, and as amended, on March 31, 2005, and November 30, 2007 (Service 2005, 2007). We found the BLM's plan guidance was not likely to jeopardize the continued existence of desert tortoise or adversely modify critical habitat. The programmatic biological opinion exempted take of desert tortoise for casual uses (e.g., recreation, mining, and OHV use), livestock grazing, and burro removal that BLM authorizes through approval of the CDCA Plan. Projects outside of these activity categories require separate consultation.

The Service issued five biological opinions exempting take of several species, including the desert tortoise, associated with transmission and gen-tie lines that connect with the Colorado River Substation in the vicinity of the Project. These include the Blythe Energy line (Service 2005), the Devers to Palo Verde 2 Line (Service 2011b), and 220-kV monopole transmission lines associated with the Blythe Solar (Service 2014) and McCoy Solar (Service 2013), which are solar facilities located north of I-10, and the Desert Quartzite solar facility (Service 2019b) located on the east side of the Mule Mountains and south of I-10. While issuance of biological opinions for these linear features has allowed or may allow for additional take of desert tortoises and degradation of habitat in the vicinity of the Project, these biological opinions also included avoidance, minimization, and conservation measures that largely maintained the environmental baseline of the species.

The Service issued a programmatic biological opinion to BLM on July 20, 2012, regarding the landscape level effects of designating Solar Energy Zones (SEZs) and amending land use plans in six southwestern States (Arizona, California, Colorado, Nevada, New Mexico, and Utah) (Service 2012b). The Riverside East SEZ is the largest of the proposed SEZs in the six-State action area**,** with a total developable area of 147,910 acres. The Project is located within this Riverside East SEZ.

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The Service issued a programmatic biological opinion evaluating the effects of BLM's land use plan amendment for the DRECP on the desert tortoise and its critical habitat (Service 2016). The goal of the DRECP is to conserve and manage plant and wildlife communities in the desert regions of California while facilitating the timely permitting of compatible renewable energy projects within BLM-designated Development Focus Areas (DFAs). The DFAs are generally located in areas that have lower potential to support desert tortoises (Nussear *et al.* 2009). The Service concluded that the land use plan amendment for the DRECP was not likely to jeopardize the desert tortoise or result in the destruction or adverse modification of its designated critical habitat. The action area analyzed for the Project in this biological opinion is within a DFA.

In 2017, the Service (2017a) issued a programmatic biological opinion evaluating the effects to desert tortoise and its designated critical habitat from construction, operation, maintenance, and decommissioning activities covering a wide range of BLM management actions within the CDCA. This biological opinion analyzed management actions associated with habitat restoration and enhancement, route repairs and closures, fence construction, recreation activities, mine leasing, and other land actions. The Service concluded that these BLM management actions are not likely to jeopardize the desert tortoise or result in the destruction or adverse modification of its designated critical habitat.

In sum, the biological opinions listed above have authorized a small amount of take relative to the large areas that they cover. Implementation of conservation measures similar to those included in this biological opinion minimizes the associated adverse effects of the taking of desert tortoise and impacts to designated critical habitat. Because the action areas defined for these projects narrowly intersect the action area analyzed for the Project in this biological opinion, only a relatively small portion of the total take associated with the above projects would coincide geographically with the proposed Project. However, the collective effect of these various project approvals has likely reduced desert tortoise population levels in portions of the action area, which could reduce the extent of population distribution and connectivity to an unknown degree.

Habitat Characteristics within the Action Area

Based on vegetation mapping completed at the Project site in 2011, 2012, and 2016, and as described in the Project BA, the action area includes nine different vegetation communities that occur within upland, riparian, and other cover types (Table 3). The most widespread vegetation community at the Project is creosote bush-white bursage scrub, covering approximately 79 percent (1,739 acres) of the Project site and dominated by creosote bush (*Larrea tridentata*) and white bur-sage (*Ambrosia dumosa*) in an open to intermittent canopy. The next most common community is the creosote bush-white bursage/big galleta grass association that covers approximately 9 percent (206 acres) of the Project site; this community is similar to the creosote bush-white bursage scrub community described above but includes the distinctive presence of big galleta (*Hilaria rigida*), a large perennial bunchgrass. Desert dunes are a sparsely vegetated community found only within approximately 29 acres of linear features of the Project site and are characterized by the presence of desert twinbugs (*Dicoria canescens*) and desert sand-verbena (*Abronia villosa*), although these species are not necessarily dominant and various

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shrubs and annuals also occur within this community. The Project site also includes approximately 80 acres of ephemeral washes. Blue palo verde-ironwood woodlands (i.e., microphyll woodland) are found within a number of large washes that bisect the Project site but are located almost entirely outside the Project footprint; approximately 1.2 acres of this vegetation community occurs within road crossings connecting the different Project development segments. Invasive nonnative plants detected at the Project site include Sahara mustard (*Brassica tournefortii*), Mediterranean grasses (*Schismus* spp.), and Russian thistles (*Salsola* spp.), all of which are widespread throughout much of the shrub habitat on the Project site.

Table 3. Vegetation Communities and Acreages Impacted at the proposed Crimson Solar Project (from Table 3 in the Project's Biological Assessment).

Type	Vegetation Community	Impacted Area (acres)
Riparian		
	Creosote Bush – White Bursage/Big Galleta Grass Association	206
	Blue Palo Verde-Ironwood Woodland	1.2
Upland		
	Creosote Bush – White Bursage Scrub	1,739
	Creosote Bush Scrub	42
	White Bursage Scrub	117
	Brittlebush Scrub	0.7
	Creosote Bush – White Bursage Ocotillo Association	66
	Desert Dunes	29
Other		
	Developed	0.3
	Total	**2,201.5**

The Natural Resources Conservation Service (NRCS) has not published a soil survey for the area that includes the Project site. However, the draft EIS/EIR cites preliminary NRCS data indicating that the Project site is underlain by sandy soils with low runoff because of rapid permeability.

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Similarly, the paleontological analysis prepared for the Project states that the majority of the Project site is covered by surficial deposits of alluvial fan/valley sediments characterized as sand and sandy gravel (AECOM 2018d). Mapping cited in this study further describes the eastern edge of the Project site and some of the northern edge of the Mule Mountains as having alluvial fan deposits with surfaces characterized by smooth varnished desert pavement. Alluvial deposits in parts of the northern and northwestern sides of the Mule Mountains are described as made of sand or pebbly sand with coarser deposits of locally derived gravels. The Project site and surrounding area also includes eolian (wind-blown) sand deposits that form sheets or sand dunes. Kenney GeoScience (2018) hypothesized that the source of eolian sands that feed dune systems within the Project site are predominantly derived from local washes emanating from the Mule Mountains.

Status of the Species in the Action Area

The action area is situated within the southeastern portion of the Colorado Desert Recovery Unit for the desert tortoise (Service 2011a). As summarized in the Status of the Species section, from 2004 to 2014, the number of desert tortoises in conservation areas in the Colorado Desert Recovery Unit decreased by about 36.8 percent (Allison and McLuckie 2018). Further, the range-wide survey data indicate that juveniles are declining faster than adults in this recovery unit (Service 2015).

The U.S. Geological Survey (USGS) developed a quantitative spatial habitat model for the range of the Mojave population of desert tortoise, which includes the Colorado Desert Recovery Unit in California (Nussear *et al.* 2009). The model provides a measure of the statistical probability of desert tortoise occurrence and a geospatial depiction of known and potential desert tortoise habitat, as indicated by a habitat potential index value ranging from 0 (very low probability of potential habitat) to 1 (very high probability of potential habitat). To date, the USGS model is viewed as the best available data for predicting desert tortoise occurrence on a landscape scale; however, it does not account for site-specific and anthropogenic conditions across the landscape that affect habitat potential at a local scale. Based on the USGS model, the action area contains suitable desert tortoise habitat that ranges from low statistical probability of habitat potential (i.e., less than 0.4) in the northern portion of the Project site to more moderate/high probability (i.e., 0.4-0.7) in the southern portion of the Project site. Based on surveys conducted in association with renewable energy projects within the southeastern portion of the Colorado Desert Recovery Unit (e.g., Blythe Solar, McCoy Solar, Desert Quartzite Solar), we consider that the areas north and south of I-10 near the City of Blythe support low abundance of desert tortoises (Service 2013, 2014, 2019b). However, based on results from the desert tortoise surveys conducted for the Project (see below), the action area supports a robust desert tortoise population in the foothills of the Mule Mountains.

On a regional scale, the Project site is situated outside priority habitat and linkages for desert tortoise (Bureau 2016), based on the combined Nussear *et al.* (2009) habitat model and least cost paths modeled by Hagerty *et al.* (2011). The Project site borders the desert tortoise Chuckwalla Critical Habitat Unit (CHU) located directly to the west. The closest desert tortoise habitat linkage is located approximately 3 miles northwest of the Project site, near the vicinity of

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Wiley's Well Road, and connects the Chuckwalla CHU with the Chemehuevi CHU further to the north. Of note is that the DRECP included criteria to site and design projects to maintain the connectivity for wildlife across I-10 through three north-south wildlife corridors that are within a 5-mile-wide linkage centered on Wiley's Well Road. The proposed Project would impinge on the width of this corridor, reducing the width of the linkage on the east side of Wiley's Well road from 2.5 miles to approximately 1.5 miles along the southern half of the Project site. On a local scale, desert tortoises in the vicinity of the Project may make movements directly north from the Mule Mountains; however, connectivity is impaired to a large degree by lower habitat values in areas directly north of the Mule Mountains along with the presence of the Colorado River Substation and associated infrastructure (e.g., roads, etc.) and the I-10 and associated berms and fencing. The permitted but not constructed Desert Quartzite Solar Project (Service 2019b) and the current Project will further impact connectivity directly to the north. Higher probability modeled habitat occurs south of the Project associated with the bajadas of the Mule Mountains and likely facilitate connectivity with areas further to the south and west. Numerous washes emanating from the Mule Mountains would be avoided by the Project and allow movement through these washes to areas further west (e.g., Chuckwalla CHU), therefore reducing impacts to connectivity to some degree.

Desert tortoise surveys conducted for the Project provide information on desert tortoise abundance and use of the Project site and surrounding areas. A telemetry study of desert tortoise home range and habitat use in the vicinity of the Project site, along with observations of desert tortoises collected during other biological surveys for the Project, provide additional information on desert tortoise abundance and use of the Project site. Below we summarize the desert tortoise information based on the BA (Bureau 2019) and draft EIS/EIR (BLM and CDFW 2019), survey reports compiled in the BRTR (AECOM 2019a), and the most recent annual report for the desert tortoise telemetry study (Hinderle 2020).

Focused desert tortoise surveys were conducted during spring 2012 to inform development of the former BrightSource Sonoran West Solar Energy Generating Facility. These surveys followed the Service's Desert Tortoise Pre-Project Survey Protocol (Service 2010b) and covered 9,115 acres, including the entire current Project footprint along with a larger area no longer associated with the proposed action. Survey results included a total of 24 observations of live desert tortoises, 23 large[1] individuals and one small individual, along with 189 potential desert tortoise burrows and various other desert tortoise sign (AECOM 2019a). The highest abundance of desert tortoises and desert tortoise sign occurred along the southeastern edge of the survey area at the

[1] For the purposes of this biological opinion, unless otherwise noted, we will reference desert tortoise size classes as "large" (midline carapace length [MCL] equal to or greater than 160 mm) and "small" (MCL less than 160 mm). In certain contexts we will also use "adult" (equal to or larger than 180 mm) and "juvenile" (less than 180 mm) when the terminology is relevant to the data presented. The most recent translocation guidance (Service 2019a) recommends using 180 mm MCL as the threshold for large and small animals; however, herein we will use 160 mm as the threshold for the following reasons: (1) experience has shown that detections are higher for desert tortoises larger than 160 mm MCL during surveys; (2) desert tortoises in the 160 to 180 mm size class will reach reproductive age within approximately 5 to 10 years, which make them valuable to future recruitment and to the long-term success of the translocation; and (3) the surveys and research conducted at the Project site and translocation recipient site used a 160 mm threshold for size classes.

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base of the Mule Mountains, which generally coincides with areas just outside the southern and eastern areas of the current Project boundary.

Desert tortoise surveys conducted in fall 2016 at the Project site covered a total of 3,600 acres including the entire action area, surrounding washes, and a 500-foot zone of influence buffer extending out from the eastern and southern boundaries of the Project site (Figure 3). These surveys followed a modified version of the most recent survey protocol approved by CDFW and the Service that included standard 32.8-foot (10-meter) spaced transects in the southern and eastern parts of the survey area, and wider 65.6-foot (20-meter) spaced transects in the northern and western portion of the survey area that are generally characterized by lower quality desert tortoise habitat (e.g., sandy soils) and where surveys in 2012 did not detect any live desert tortoises or burrows in these areas. The fall 2016 surveys detected a total of 17 live large desert tortoises (2 of these occurred just outside the survey area), including 8 males and 9 females, and 3 small desert tortoises along with numerous burrows and other sign within the survey area (Table 4; Figure 3). Refer to Appendix 1 for a map of all live desert tortoise observations and desert tortoise sign detected during desert tortoise surveys and incidental desert tortoise observations recorded during other biological surveys. Desert tortoises are a cryptic species that regularly inhabit burrows for extended periods; there is imperfect detection of desert tortoises during surveys and we assume that surveyors do not locate all desert tortoises within a survey area. Therefore, the Service has developed a statistical formula for adjusting desert tortoise survey results to estimate the actual number of desert tortoises in an area (Service 2019c). Applying this formula to the Project's desert tortoise survey data results in an estimated 42 large desert tortoises that may occur within the 3,600-acre survey area, with a lower and upper 95 percent confidence interval (CI) of 16 and 111 individuals respectively. The detection of 2 desert tortoises within the Project site equates to an estimated 5 large desert tortoises (4.9) within this area alone with a lower and upper 95 percent CI of 1.2 and 20.4 individuals respectively.

In addition to the 2012 and 2016 protocol desert tortoise surveys conducted for the Project, Hinderle (2020) initiated a desert tortoise research study at the Project site and surrounding areas in fall 2018 with the goal of informing the possible future translocation of desert tortoises associated with construction of the Project. Specifically, the research study involved radio-tagging all desert tortoises encountered over a 6,500-acre survey area that includes the Project site and also an adjacent proposed recipient site in the Mule Mountains for translocating desert tortoises. To date, the research team has found and marked 40 large desert tortoises and 2 small desert tortoises. They are currently monitoring 38 radio-tagged, large desert tortoises; the 2 small desert tortoise were not radio-tagged due to their size and 2 large desert tortoises have since died of natural causes. All of the large desert tortoises found during this study were greater than 200 mm MCL in size and most (90 percent; n=36) measured greater than 240 mm MCL. All desert tortoises handled as part of this study undergo health assessments including disease testing. Summary data of the radio-tagged desert tortoises' movements and home ranges, based on an average of 27 locations per individual (range = 6–37 locations), indicates that 17 different individuals have at least one detection in the Project footprint, 3 individuals have more than 50 percent of their location points in this area, and 33 individuals have more than 75 percent of their location points outside this area. Refer to Appendix 2 for a map of all desert tortoise locations and home ranges from Hinderle (2020).

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In summary, desert tortoise surveys in fall 2016 detected a total of 17 desert tortoises within the Project site, surrounding washes, and a 500-foot buffer on the southern and eastern boundaries of the Project. Using the Service's protocol for estimating the number of desert tortoises in an area (Service 2019c), the detection of 2 large desert tortoises within the Project footprint equates to an estimated 5 large desert tortoises (lower and upper 95 percent CI of 1.2 and 20.4 large desert tortoises respectively). However, the desert tortoise study of Hinderle (2020) has found that at least 17 different radio-tagged large desert tortoises utilize the Project site to varying degrees, thus indicating that the point estimate of 5 desert tortoises derived from the 2016 surveys underestimates the actual number of desert tortoises that could occur on the site at any given time. Based on the above data, and because desert tortoises are cryptic and difficult to detect during surveys and protocol surveys provide a "snap-shot" of desert tortoise activity during the survey period, we conclude that the upper 95 percent CI estimate of 20 large desert tortoises from the 2016 survey data is likely the most representative estimate of the number of large tortoises that utilize and may occur in the Project site, including the gen-tie line corridor, at any given time.

We do not provide estimates in this biological opinion for the number of small desert tortoises or hatchlings and eggs that could occur in the Project site. Because of the difficulty in locating small desert tortoises the estimates from protocol survey methods do not incorporate smaller size classes. There is an indirect method for estimating population size for small desert tortoises, including hatchlings and eggs, which uses survey estimates for large desert tortoises that are then adjusted using a life history table (Service 2019c). This method incorporates information from Turner *et al*. (1987) which estimated the size-class distribution of desert tortoises from a single permanent study plot in the early 1980s. The life history table provided in Turner *et al*. (1987) indicated that individual desert tortoises smaller than 180 mm MCL comprised approximately 87 percent of the total population. The Service has used this indirect method for estimation of population size for smaller size classes of desert tortoises in previous biological opinions (e.g., Service 2011c); however, this method relies on a single study plot and incorporates numerous assumptions that confound and lessen the utility of this approach. Therefore, we do not use this method in this biological opinion and instead simply state that we cannot accurately predict the combined number of small desert tortoises or hatchlings and eggs that may occur in the action area.

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Table 4. Desert tortoise sign observed during 2016 focused desert tortoise surveys.

Desert tortoise sign	Type	Number in Crimson Solar Project footprint	Number Outside Project footprint and within 500 foot buffer	Total
Live desert tortoises				
	Large (≥160 mm)	2	15	17
	Small (<160 mm)	0	3	3
Burrows				
	Class 1	0	24	24
	Class 2	2	69	71
	Class 3	1	17	18
	Class 4	2	28	30
	Class 5	3	12	15
Scat				
	Class 1	0	0	0
	Class 2	0	8	8
	Class 3	1	27	28
	Class 4	4	37	41
	Class 5	2	34	36
Tracks		4	6	10
Egg shell fragments		0	0	3

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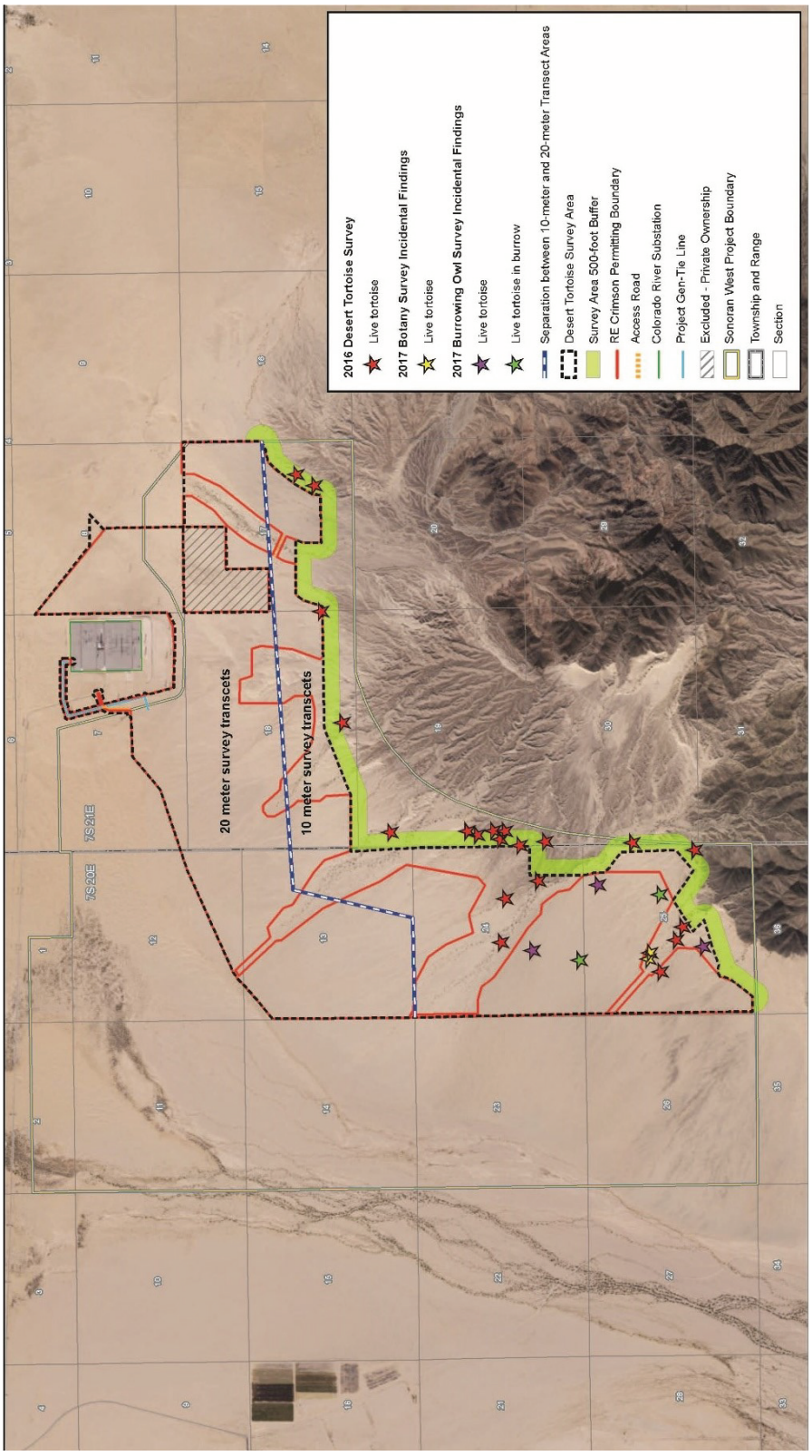


Figure 3. Locations of live desert tortoises observed during 2016 desert tortoises surveys and incidental observations at the proposed Crimson Solar Project, Riverside County, California. Translocation Recipient and Control Site.

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The Service's draft desert tortoise translocation guidance recommends translocating (moving) animals to regional augmentation sites (Service 2019a). However, an augmentation site for the Colorado Desert Recovery Unit has not been identified. Therefore, following the Project's Desert Tortoise Translocation Plan (Ironwood 2019), any desert tortoises found within the footprint of onsite facilities (i.e., areas with permanent desert tortoise exclusion fencing) would be translocated to the Mule Mountain primary recipient site. This recipient site is situated adjacent to the southeastern boundary of the proposed Project fence line and includes a 984-foot translocation release zone and 4,921-foot (1.5-kilometer) post-translocation movement buffer, for a total distance of approximately 5,905 feet from the edge of the Project boundary (Appendix 3). Both short distance (at least 984 feet) and long distance (greater than 984 feet) translocations of desert tortoises may occur; however, it is anticipated that many of the desert tortoises found in the Project site can be safely translocated (moved) a short distance from capture locations to areas outside the Project boundary. Translocating desert tortoises less than a 984-foot distance increases the chances that they will remain in their existing home range; these desert tortoises are expected to move less than 4,921 feet following translocation (Service 2019a).

The Mule Mountain recipient site includes the following elements: contiguous public lands; habitat suitable for all life stages of the desert tortoise; documented occurrence of resident desert tortoises; low incidence of reported disease; and no detrimental rights-of-way or unfenced paved roads. The dominant vegetation in the recipient site includes creosote bush and white bursage communities and several areas of blue palo verde-ironwood-smoke tree communities. The varied soils of the recipient site include large rocks toward the mountains, desert pavement, cobble, and friable soils suitable for digging burrows. The topography of this area varies and includes gently sloping terrain, washes with steep cliff walls, and steeper, hilly terrain approaching the mountains.

Desert tortoise surveys conducted in 2016 included 676 acres of the Project site and 1,281 acres of the adjacent 3,500-acre Mule Mountain recipient site. Using these survey data, corrected to include only large desert tortoises that are greater than 180 mm MCL (because this size class is used for Service recommendations on translocation [Service 2019a]), results in an estimated density of 4.6 large desert tortoises per km^2 in the survey area. If we assume that these densities are representative of the entire Mule Mountain recipient site, this estimate equates to 65 large desert tortoises across the entire recipient site. The Service's desert tortoise translocation guidance (Service 2019a) indicates that the 2014 mean desert tortoise density across the larger Colorado Desert Recovery Unit is approximately 3.7 large desert tortoises per km^2 and the maximum density after translocation should not exceed 4.9 large desert tortoises per km^2. Therefore, the translocation of five large desert tortoises into the Mule Mountain recipient site would increase the density of large desert tortoises in this area to the maximum threshold of 4.9 large desert tortoises per km^2. However, based on the studies of Hinderle (2020) most, if not all, of the desert tortoises that could require translocation from the Project site have home ranges that overlap the Mule Mountain recipient site and therefore these individuals are already represented in part in the population densities for the recipient site. As a result, we do not anticipate that translocation activities would appreciably increase the population densities of the Mule Mountain recipient site and exceed the Service recommended densities for the recovery unit.

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However, the Service guidance (2019a) also provides for exceptions to the post-translocation threshold if supported by scientific justification and monitoring. Ultimately, CDFW and the Service will coordinate with the Applicant during translocation activities to determine if an additional recipient site is warranted; in this case, the Desert Sunlight translocation site would serve as the secondary recipient site. The Desert Sunlight translocation site is located approximately 37 miles to the northwest of the Project site; this site has been used as a translocation site by other projects (Desert Sunlight and Palen solar projects) and also meets the criteria for a long distance translocation site (Ironwood 2019).

Based on pre-construction survey data and estimated number of desert tortoises in the Project site, we do not anticipate this Project's translocation plan will need a control site. This conclusion is based on previous translocation research that has demonstrated translocation to be an effective conservation tool (see Service 2019a) along with the relatively small number of large desert tortoises that may be translocated a long distance (more than 984 feet from the Project boundary). The Service's translocation guidance recommends that for each translocated desert tortoise, the same number of desert tortoises are tracked in the recipient site and also a control site; however, monitoring a small number of desert tortoises will not likely result in statistically valid information to add to our current body of translocation knowledge (Field *et al.* 2007, Drake *et al.* 2009, Esque *et al.* 2010, Nussear *et al.* 2012, Farnsworth *et al.* 2015, Hinderle *et al.* 2015, Brand *et al.* 2016, Nafus *et al.* 2017). Therefore, per the Project's Desert Tortoise Translocation Plan (Ironwood 2019), if more than five desert tortoises at least 120 mm MCL in size require translocation during Project activities, that will trigger implementation of a 5-year effectiveness monitoring program, as described in the Service's translocation guidance (Service 2019a). In this case the proposed control site would be the existing Chuckwalla control site (or area adjacent to this site) that was similarly used during the Desert Sunlight Solar translocation and therefore has been determined to meet the criteria for a control site.

Conservation Lands

Habitat acquisition is proposed to offset the loss of desert tortoise habitat resulting from the Project. As described in CM 11, the compensation lands selected for acquisition will be within the Colorado Desert Recovery Unit, with potential to contribute to desert tortoise habitat connectivity and build linkages between desert tortoise designated critical habitat, known populations of desert tortoise, and/or other conservation lands. These future conservation lands will be conserved and managed in perpetuity for the conservation of desert tortoises. The Service has determined that a sufficient amount of privately owned desert tortoise habitat exists within the Colorado Desert Recovery Unit that may be available for acquisition.

The abundance of desert tortoises in potential compensation lands is unknown since the specific areas for acquisition have not yet been identified. However, because the acquisition will focus on areas connected to lands with desert tortoise habitat equal to or better in quality than the Project site, we anticipate that these conservation lands will contain suitable habitat that is currently occupied or likely to be occupied by desert tortoises in the future.

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EFFECTS OF THE ACTION

Revised regulations implementing the Act (50 CFR § 402.02) define the effects of the action as all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action (see § 402.17).

We conducted the analysis in the following sections based on the current conditions in the action area as outlined the Environmental Baseline section of this biological opinion. Several aspects of the proposed action may affect desert tortoises within the action area including the installation of the desert tortoise exclusion fence, translocating desert tortoises from the Project site, killing or injuring of individuals and crushing of their burrows and eggs during construction and O&M activities, loss of habitat, and other miscellaneous effects. We conclude this section by integrating our analysis with the best available information with regard to the numbers of desert tortoises and amount of habitat in the action area and recovery unit to determine whether the proposed action is likely to jeopardize the continued existence of the desert tortoise.

Methodology

Permanent and Temporary Impacts

Because full recovery of desert vegetation can take several decades, we consider all ground-disturbing impacts associated with the proposed Project to be effectively permanent. Vasek *et al.* (1975) found that in the Mojave Desert transmission line construction and O&M activities resulted in a permanently devegetated maintenance road, enhanced vegetation along the road edge and between tower sites, and reduced vegetation cover under the towers, which recovered significantly but not completely in approximately 33 years. Based on a quantitative review of studies evaluating post-disturbance plant recovery and success in the Mojave and Sonoran deserts, Abella (2010) found that reestablishment of perennial shrub cover generally occurs within 100 years, but in fewer than 40 years in some situations. He also found that vegetation recovery times are likely impacted by a number of variables, including but not limited to climate (e.g. temperatures and rainfall), amount of cover of nonnative plants, and level of ongoing disturbance. Based on these factors, we consider temporary impacts to be equivalent to permanent impacts for the purposes of our effects analysis relative to the 30-year life of the Project.

Small Desert Tortoises and Eggs

As discussed above in the Environmental Baseline section, we do not provide an estimate for the number of small desert tortoises or hatchlings and eggs that could occur in the Project site because this requires an indirect approach (i.e., not based on the number of small desert tortoises or eggs observed) that involves numerous assumptions, and the estimates can change depending on a number of factors (e.g., weather conditions, timing of construction). Therefore, we similarly do not provide an estimate for the number of small desert tortoises that would be injured or killed

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or the number of hatchlings and eggs that would be moved or destroyed as a result of Project construction or O&M activities. We anticipate that the Project's Authorized Biologists or Biological Monitors may detect at least some small desert tortoises or hatchlings and eggs during pre-construction clearance surveys or other monitoring activities. However, we acknowledge that the smaller the desert tortoise, the more likely it is to be killed or injured during Project-related activities because they are more difficult to detect. Likewise, we expect that most desert tortoise hatchlings and eggs are likely to remain in the Project site and at-risk during construction. We assume that most of the effects described below for large desert tortoises would also apply to small desert tortoises, hatchlings, and eggs.

Several factors involved in the reproductive strategy of desert tortoises render the loss of small individuals and hatchlings and eggs less damaging to the population than the loss of large animals. As the desert tortoise recovery plan (Service 1994) indicates, female desert tortoises do not reproduce until they are between 12 and 25 years old, they reproduce for the remainder of their long lives once they have reached reproductive age, and they may have 2 clutches of eggs per year. Under normal circumstances, large desert tortoises (i.e., reproductive individuals) have a low mortality rate. Conversely, the survival rate of small (i.e., juvenile) desert tortoises is very low and probably varies from year to year. In addition, the population of large desert tortoises within the Project site that would produce eggs likely comprises a very small proportion of the reproductive capacity of desert tortoises in the action area and in the Colorado Desert Recovery Unit. For these reasons, we anticipate that the potential loss of small desert tortoises, hatchlings, and eggs because of the proposed action is not likely to result in population-level effects in the recovery unit and therefore not affect the overall status of the desert tortoise, either locally or on a broader scale.

Large Desert Tortoises

The construction and O&M of the Project may result in death or injury to large desert tortoises from the following activities: (1) project equipment and construction activities; (2) increased traffic and road access; (3) translocation of desert tortoises from the Project site; (4) loss of habitat that provides resource needs such as foraging and sheltering that support reproduction, numbers, and distribution; and (5) increases in populations of desert tortoise predators and habitat degradation.

Construction and Operations and Maintenance (O&M)

Death and injury of desert tortoises could result from crushing by vehicles or heavy equipment, including individuals that take shelter under parked vehicles and are injured or killed when vehicles are moved. Desert tortoises could also be injured or killed during vegetation removal and clearing, entrapment in open trenches and pipes, or be crushed or buried in burrows by machinery during construction and O&M-related activities. Desert tortoises may also be attracted to the construction area by application of water to control dust, placing them at higher risk of death or injury due to the causes described above.

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To minimize incidental death and injury of desert tortoises residing in or entering the construction or O&M disturbance areas (e.g., solar arrays, gen-tie line, and access roads), the Applicant would implement the actions specified in the Conservation Measures (CM) section of this biological opinion as part of the proposed action. The remainder of this section outlines risks to desert tortoises during construction and O&M activities along with specific measures and representative examples of how the Applicant would minimize adverse effects to the desert tortoise.

The death and injury of desert tortoises would be minimized by employing Designated Biologists, Authorized Biologists, and Biological Monitors that are approved by CDFW and the Service (CMs 2, 3, 4, and 5). These biologists would be present during all ground-disturbing construction activities including along linear components (i.e., gen-tie line and access roads) or other unfenced areas that have not been cleared of desert tortoises. These biologists will have authority to halt any activities when a desert tortoise is determined to be in harm's way or the activity would otherwise result in an unauthorized adverse impact. Additionally, over the life of the Project all personnel working at the Project site will participate in a Worker Environmental Awareness Program that includes practices to avoid impacts to the desert tortoise (CM 23). Parked vehicles will be inspected prior to being moved and if a desert tortoise is found beneath a vehicle it will be given up to 15 minutes to move of its own accord, after which time an Authorized Biologist may move the animal from harm's way (CM 15). The posting and enforcement of speed limits and restricting access routes (CM 14) will also reduce adverse impacts to desert tortoises associated with construction and O&M activities.

To keep desert tortoises from entering the solar facility during construction phases and O&M, the Applicant will fence onsite facility components with permanent desert tortoise exclusion fencing in accordance with the Desert Tortoise Field Manual (Service 2009) or most recent Service protocol (CM 6). The installation of this perimeter fence can adversely affect desert tortoises that attempt to gain access to areas of their home range from which they are excluded, causing them to walk or pace the fence line for extended periods. Incorporating shade structures for desert tortoises along the fence and checking the fence at regular intervals will reduce these impacts (CM 6). Prior to commencing construction activities, clearance surveys will be conducted in the area enclosed by the desert tortoise exclusion fencing (CM 7) and any desert tortoises located would be either moved out of harm's way or translocated to the approved recipient site, as outlined in the Project's Desert Tortoise Translocation Plan (Ironwood 2019) that was approved by CDFW and the Service (CM 8). Any desert tortoises undetected during the initial clearance surveys may be located during construction activities following routine site inspections by Designated Biologists, Authorized Biologists and Biological Monitors or incidental observations by construction workers who will all receive Worker Environmental Awareness Program training (CM 23). Additional measures to avoid and minimize incidental death and injury of desert tortoises includes procedures to prevent entrapment in open trenches and open pipes (CM 20) and minimize standing water resulting from dust abatement efforts to limit attractants to desert tortoises and their predators (CM 17). Desert tortoises may access fenced Project areas and be exposed to risk of injury or death during O&M if the desert tortoise exclusion fence is compromised due to storms or blowing sand. However, the fence would be

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monitored at regular intervals and following rain events for the life of the Project and any damage immediately repaired (CM 6).

Overall, we expect that death and injury of most large desert tortoises would be avoided during construction and O&M activities through compliance with the Conservation Measures.

Desert Tortoise Translocation

In addition to construction and O&M-related activities, accidental death and injury of large desert tortoises could result from capturing, handling, and moving tortoises for the purpose of translocation. Accidental death and injury could result from (1) excavating desert tortoises from burrows, (2) disease transmission associated with handling desert tortoises, (3) stress associated with moving individuals outside of their established home range, (4) stress associated with artificially increasing the density of desert tortoises in an area and thereby increasing competition for resources, and (5) disease transmission between translocated and resident desert tortoises. Capture and handling of translocated and resident desert tortoises for the purposes of assessing health and monitoring could also result in accidental death or injury from handling to conduct visual health assessments, drawing blood for disease testing, and attaching transmitters. Additionally, translocated desert tortoises or resident populations of desert tortoises at the recipient site could experience reduced reproductive success as a result of stressors associated with translocation and increased competition for resources (e.g., burrows, mates, etc.). Recent research, including comparisons among translocated desert tortoises, resident desert tortoises, and control populations of desert tortoises provides substantial insight on the above issues.

The death and injury of desert tortoises associated with the proposed action (i.e., construction and O&M activities) would be minimized through translocation, which recent studies have shown to be an effective conservation tool (Field *et al.* 2007, Esque *et al.* 2010, Drake *et al.* 2012, Nussear *et al.* 2012, Farnsworth *et al.* 2015, Hinderle *et al.* 2015, Brand *et al.* 2016, Nafus *et al.* 2017). However, the capture, handling, and moving of desert tortoises for the purposes of translocating them out of the Project site or moving them out of harm's way may result in accidental death or injury if these methods are performed improperly. The Project's Desert Tortoise Translocation Plan (Ironwood 2019) follows the Service's most recent guidance (Service 2019a) and includes measures to minimize stress and potential adverse effects to desert tortoises associated with translocation activities. Authorized Biologists would oversee all translocation activities and ensure adherence to the protective measures detailed in the Project's translocation plan. If desert tortoises are found within burrows during clearance surveys, each animal would be given the opportunity to leave on its own volition prior to an Authorized Biologist excavating the burrow to extricate the individual. The capture, handling, and release of desert tortoises would also follow temperature restrictions to minimize the potential for stress, injury, or death resulting from hyperthermia or hypothermia. The capture and handling of desert tortoises can subject them to stress such that they void their bladders; Hinderle (2020) noted that desert tortoises voided their bladder during 14 percent of handling events (n=152 total events). Desert tortoises store water in their bladders that is important for survival, particularly during times of low rainfall. Averill-Murray (2002) demonstrated that desert tortoises that urinated during handling had lower survival rates than those that did not. Any desert tortoises that void

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their bladders during translocation activities will be rehydrated per Service guidelines. Ultimately, because the Applicant would adhere to the Project's translocation plan and most recent Service translocation guidance, we anticipate any death or injury to desert tortoises from activities associated with removing individuals from the Project site is unlikely.

For the reasons discussed above, we anticipate that most, if not all, large desert tortoises that may occur within the Project site would be captured and translocated to the adjacent recipient site. Because of the proximity of the recipient site, we anticipate that most translocated desert tortoises would maintain at least part of their existing home range. Based on the desert tortoise survey results and desert tortoise research study at the proposed Project site, we estimate that up to 20 large desert tortoises may be translocated to the recipient site.

Following the Project's Desert Tortoise Translocation Plan (Ironwood 2019) and the Service's draft translocation guidance (Service 2019a), any desert tortoises that may be translocated during Project activities would undergo health assessments and disease testing (including blood draws) prior to release. The recipient site borders the Project boundary and the telemetry study of Hinderle (2020) indicates that the home range of most, if not all, desert tortoises that may occur in the Project site also overlap the recipient site. Therefore, we anticipate that the likelihood of an increase in disease prevalence within the resident population of desert tortoises in the recipient site due to translocation of desert tortoises from the Project site is low. However, any animal that has clinical signs of disease or ELISA-positive blood test would not be translocated without approval by CDFW and the Service.

Because ELISA testing can result in false-positive results (i.e., an animal may test positive even though it is not a carrier of the disease), the potential exists for rejection of healthy individuals from the translocated population due to concern over disease. These individuals would not be released into the wild and their final disposition determined by CDFW and the Service. Also, these individuals would no longer contribute to the environmental baseline for the action area. Because the Applicant would coordinate with the Service and perform follow-up testing of ELISA-positive individuals, the potential for rejecting false-positive individuals from the translocated population is low. Consequently, we conclude that few, if any, desert tortoises would be incorrectly rejected for translocation due to false positive results. Similarly, some of the animals that test positive may have survived past disease infections and are healthy. Although our understanding of disease ecology is not complete and the rejection of these individuals from the translocated population, and therefore the removal of these individuals from the wild population, could eliminate individuals with superior fitness and genetic adaptations for surviving disease from the gene pool, the low numbers of desert tortoises involved likely would not be large enough to affect population genetics in the wild.

Apart from disease, translocation may also affect resident desert tortoises within the recipient site due to local increases in population densities that may result in increased competition for forage, especially during drought years. Increased desert tortoise densities may lead to increased competition for shelter sites (e.g., burrows) and other limited resources or increased incidence of aggressive interactions between individuals (Saethre *et al.* 2003). Therefore, recipient sites must be sufficiently large to accommodate and maintain the resident and translocated desert tortoises

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(Service 2019a). As discussed in the Environmental Baseline section above and based on the proximity of the recipient site and telemetry studies of Hinderle (2020), most, if not all of the desert tortoises that may be translocated from the Project site already contribute in part to densities within the recipient site. Therefore, we do not anticipate the translocation of up to 20 large desert tortoises would appreciably affect densities in the recipient site. However, CDFW and the Service will coordinate with the Applicant prior to and during translocation activities to determine if there is new information on densities of desert tortoise that indicates an additional recipient site is warranted.

Following the Service's translocation guidance (Service 2019a; see Figure 1 on page 4), the translocation of more than five desert tortoises from the Project site will require initiating a 5-year effectiveness monitoring program that includes a control site. If required, desert tortoises associated with this program will carry transmitters and be regularly monitored and handled annually for health assessments and blood draw for ELISA testing (spring and fall). Some potential exists that handling of desert tortoises for the purposes of conducting health assessments and monitoring may cause elevated levels of stress that may render these animals more susceptible to disease or dehydration from loss of fluids, but because health assessments and monitoring will be conducted by a Service-approved biologist, we do not expect these activities to result in injury or death.

During the initial weeks after translocation and over the period prior to establishment of a new home range, translocated desert tortoises may experience higher potential for mortality because they are moving through unfamiliar habitats and are less likely to have established cover sites that provide protection. Studies have documented various sources of mortality for translocated individuals, including predation, exposure, fire, disease, and flooding (Berry 1986, Nussear 2004, Field *et al.* 2007, U.S. Army 2010). Of these, predation appeared to be the primary mortality mechanism in most translocation studies (Nussear 2004, Field *et al.* 2007, U.S. Army 2010). These studies indicate that desert tortoise mortality is most likely to occur during the first year after release. After the first year, translocated individuals are more likely to establish new home ranges and mortality is likely to decrease. We anticipate that most desert tortoises translocated from the Project site would be moved short distances (i.e., less than 984 feet) to the neighboring recipient site and retain access to large portions of their existing home range. Therefore, we maintain that it is unlikely the translocation of desert tortoises from the Project site would result in potential increased mortality associated with establishing new home ranges.

Studies associated with the Fort Irwin expansion (U.S. Army 2010) compared mortality rates associated with resident and translocated desert tortoise populations with that of control populations; preliminary results indicated translocation did not increase mortality above natural levels (Esque *et al.* 2010). More recently Dickson *et al*. (2019) found that based on intensive monitoring of 58 translocated desert tortoises, along with resident and control populations, translocated individuals in each of two size classes (120–160 mm MCL and larger than 160 mm MCL) did not survive at lower rates than resident and control desert tortoises over the 5-year study period. Therefore, we anticipate that death or injury of few, if any, large desert tortoises would be the direct result of translocation.

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Because of the location of the Project site relative to I-10 and the Colorado River Substation, the length of the main Project access roads and gen-tie corridor are relatively short (Figure 2). Designated Biologists, Authorized Biologists and Biological Monitors would monitor all construction activities along these linear features. Therefore, we anticipate that few, if any, desert tortoises are likely to be moved out of harm's way during construction of these offsite Project components. Because the disturbance areas for this Project component is relatively small (less than 50 acres), moving desert tortoises immediately outside of the work area is not likely to displace them from their current home ranges. Consequently, any desert tortoises moved from the gen-tie line corridor will continue to occupy familiar territory and use known shelter sites and are unlikely to suffer any potential increased mortality associated with temporary removal from the disturbance areas. Furthermore, subsequent to completion of the gen-tie line construction, desert tortoises will be able to return to these areas. Therefore, we do not anticipate that moving desert tortoises out of harm's way of construction of this linear feature would result in death or injury because these individuals would remain near or within their existing home range, which is not likely to result in significant social or competitive impacts to resident desert tortoises in the area.

Habitat Loss

Up to 2,201 acres of desert tortoise habitat would be directly impacted by construction of the Project. The permanent loss of habitat would adversely affect resident desert tortoises by eliminating available habitat. When considering an area occupied by resident desert tortoises, we expect that home range size will vary with respect to location and year (Berry 1986), and this expansion and contraction may indicate changes in resource availability, reproductive opportunities, and social interaction (O'Connor *et al.* 1994). Over their lifetimes, individual desert tortoises may use, on average, more than 1.5 square miles of habitat (Service 1994) and may make periodic movements of more than 4.3 miles at a time (Berry 1986). Therefore, we expect that if available, all of the impacted habitat on the Project site would have been utilized over time by desert tortoises for either sheltering, foraging, and/or reproducing.

To offset permanent loss of this desert tortoise habitat, 2,201 acres of equivalent or better quality habitat would be acquired within the Colorado Desert Recovery Unit (CM 11) to be conserved and managed in perpetuity for desert tortoises. Based on the Project description we expect that construction of the Project would result in the loss of less than 0.03 percent of the total area within the Colorado Desert Recovery Unit (which is approximately 7,635,000 acres).

Increased Predator Populations and Habitat Degradation

Common ravens are known to capitalize on human encroachment and expand into areas where they were previously absent or in low abundance. Specifically, common ravens habituate to human activities and are subsidized by the food and water, as well as roosting and nesting resources, that are introduced or augmented by human encroachment. For instance, common ravens construct nests on the transmission line towers along the Powerline Road that is directly north of the Project site. Onsite and offsite infrastructure associated with the Project (e.g., gen-tie

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line towers and poles, fence lines, buildings, etc.) would also provide perching, roosting, and nesting opportunities for ravens.

Common ravens are natural predators on small desert tortoises and have become an increasing threat to desert tortoises as ravens increase their frequency of occurrence and abundance across the range of the tortoise. For instance, common raven populations in some areas of the Mojave Desert have increased 1,500 percent from 1968 to 1988, largely in response to expanding human use of the desert (Boarman 2002). Since common ravens were scarce in the Mojave Desert prior to 1940, the existing level of raven predation on small desert tortoises is considered an unnatural occurrence (Bureau 1990). We expect that such increases in common raven occurrences in the Mojave Desert are similarly indicative of the Sonoran Desert where human-related disturbances are also increasing.

The Project's Raven Monitoring, Management, and Control Plan (AECOM 2018c; CM 10) details a program intended to avoid any Project-related increases in common raven numbers in the vicinity of the Project site. This plan outlines management practices to avoid creation of subsidies that may attract common ravens, a program to monitor raven numbers, and an adaptive management program to implement changes to raven control measures as needed. Other measures outlined in the Conservation Measures of this biological opinion will further minimize the potential for Project-related increases in common raven numbers. For example, the Applicant would minimize water subsidies for common ravens by ensuring standing water does not puddle for extended periods (CM 17) and all trash materials would be disposed of in self-closing containers and removed from the Project site (CM 18) to minimize the creation of raven food subsidies. To further minimize indirect and cumulative impacts of raven predation on desert tortoises associated with the proposed Project, the Applicant would contribute to the Service's Regional Raven Management Program (CM 10) developed to address raven predation on desert tortoises at a population scale in the California desert region as a conservation action for desert tortoise.

Native shrubs and annual plants used by desert tortoises for sheltering and feeding adjacent to the Project site also may be adversely affected by introduced invasive nonnative plants (or weeds). Project equipment may transport or spread invasive nonnative plants in the action area where they may become established. Additionally, the potential introduction of invasive plants may lead to increased wildfire risk (Brooks *et al.* 2003). However, potential degradation of habitat due to spread of invasive nonnative plants would be avoided and minimized by measures outlined in the Project's Weed Management Plan (AECOM 2019b) designed to prevent the introduction of any new weeds and the spread of existing weeds as a result of Project construction and O&M (CM 21). The Project's Worker Environmental Awareness Program (CM 23) will also include discussion of required implementation of various fire prevention measures.

Effect on Recovery

Per section 2(b) of the Act, the primary purposes of the Act are to provide a means whereby the ecosystems upon which listed species depend may be conserved, and to provide a program for the recovery of listed species. Per section 2(c), Congress established a policy requiring all

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Federal agencies to use their authorities in seeking to recover listed species in furtherance of the purposes of the Act. Consistent with these purposes and Congressional policy, sections 3(5), 4(f), and 7(a)(1) of the Act, the implementing regulations to section 7(a)(2) at 50 CFR § 402.02 and related preamble at 51 FR 19926 (June 3, 1986) generally mandate Federal agencies to further the survival and recovery of listed species in the use of their authorities.

Our analysis below assesses whether the proposed action adequately offsets its adverse effects to the environmental baseline of the desert tortoise, and the extent to which the proposed action would cause significant impairment of recovery efforts or adversely affect the species' chances for survival to the point that recovery is not attainable (51 FR 19926). For this analysis we consider how the effects of the proposed action affects the reproduction, number, and distribution of the species and therefore whether the action is likely to appreciably reduce the likelihood of both the survival and recovery of the desert tortoise.

Reproduction

Overall, we expect that most of the large desert tortoises that occur in the action area would be either moved out of harm's way or translocated out of the Project site. We base this assumption on the various desert tortoise Conservation Measures detailed in this biological opinion and the associated Project management plans. In particular, pre-construction clearance surveys will occur following installation of desert tortoise exclusion fencing; the location and activity areas of most desert tortoises that may occur in the action area are currently known as a result of the ongoing desert tortoise research by Hinderle (2020); and all construction activities will be monitored by CDFW and Service approved Designated Biologists, Authorized Biologists and Biological Monitors. Based on the results of studies discussed above, most of the large desert tortoises moved from the Project site likely would continue to survive and reproduce at the location where they are moved (i.e., in adjacent habitat or the recipient site). Consequently, we anticipate the Project would not appreciably diminish the reproductive capacity of the species.

Numbers

The Project Applicant would implement numerous measures to avoid, minimize, and offset the adverse effects to habitat (see Conservation Measures section above) and the relatively few desert tortoises in the Project site (see Conservation Measures section above). We expect that desert tortoise clearance surveys and presence of biological monitors during construction would detect some or all of the large desert tortoises that may occur in the Project site, including all of the large desert tortoises that are radio-tagged and being monitored as part of the Hinderle (2020) research study. We expect that most of these large desert tortoises encountered during work activities would be either moved out of harm's way or translocated. Because the BLM and Project Applicant would implement a variety of measures to reduce stress to these animals, we do not anticipate that injury or mortality would result from the handling and moving of these animals. However, because desert tortoises are cryptic and difficult to detect we anticipate that a small number of large desert tortoises could be injured or killed during construction and O&M activities. We also expect that a relatively small but unquantifiable number of small desert tortoises, hatchlings, and eggs may be moved or destroyed during construction and O&M.

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Overall, the small number of large desert tortoises that could be injured or killed as a result of Project activities equates to a small fraction of the estimated approximately 66,000 large desert tortoises within the Colorado Desert Recovery Unit in 2014 (Allison and McLuckie 2018). Even considering the probable continued declines of the number of large desert tortoises in this recovery unit since 2014, these losses would not appreciably reduce the number of desert tortoises within the Colorado Desert Recovery Unit.

Distribution

For the reasons discussed above we expect that most desert tortoises that occur in the action area would be moved out of harm's way or translocated to the recipient site that abuts the Project boundary to the south and east. Therefore, we expect that few desert tortoises would be killed as a result of construction and O&M at the Project and a viable population of desert tortoise would remain in vicinity of the Project site in the Mule Mountains. Additionally, based on a qualitative evaluation of existing information on priority habitat and linkages for desert tortoise (e.g., Averill-Murray *et al*. 2013, Bureau 2016), we do not expect this loss of habitat to appreciably impact regional population connectivity. Consequently, we anticipate the Project would not appreciably diminish the distribution of the species.

Conclusion on Effect to Recovery

Based on the reasons discussed above, we consider that the Conservation Measures proposed by the Applicant are commensurate to the likely Project impacts, considering the species' status and its noted threats. In this context, the net effect of the proposed Project will be offset by the Applicant's Conservation Measures such that the proposed action would not likely cause significant impairment of recovery efforts for the species.

CUMULATIVE EFFECTS

Cumulative effects include the effects of future State, local, private, or certain tribal actions that are reasonably certain to occur in the action area considered in this biological opinion. Future Federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to section 7 of the Act. The Service has no information regarding any future State, local, private, or certain tribal actions that are reasonably certain to occur in the action area.

CONCLUSION

After reviewing the current status, environmental baseline for the action area, effects of the proposed action, and cumulative effects to the desert tortoise, it is the Service's biological opinion that the proposed action is not likely to jeopardize the continued existence of the desert tortoise or destroy or adversely modify designated critical habitat. We base this decision on the following:

1. The Applicant will implement numerous measures to ensure that most large desert tortoises are moved out of the Project site and injury and death of desert tortoises is

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minimized (i.e., exclusion fencing, clearance surveys, moving out of harm's way, translocation, and employing Authorized Biologists).

2. Given the small number of desert tortoises potentially affected by the Project, we have no information to indicate that construction and O&M of the Project would appreciably reduce the desert tortoise population levels in the Colorado Desert Recovery Unit.

3. Few, if any, desert tortoises are likely to be injured and killed as a result of moving out of harm's way or translocation.

4. Although the proposed Project would reduce the amount of available desert tortoise habitat and thereby result in some loss of habitat connectivity, habitat would remain to the north and west of the Project site to provide connectivity of desert tortoises in the long term.

5. Translocation of some desert tortoises to the recipient site would minimize adverse effects by allowing those desert tortoises to remain in the population and contribute towards recovery of the species.

6. The Applicant will implement measures to reduce the potential for increased predation by common ravens, both near the Project site and regionally, and to reduce the spread of invasive nonnative plants and weeds in the Project site and vicinity.

7. Compensation requirements of habitat through the BLM and CDFW will result in an increase in the quantity and quality of habitat managed for desert tortoise conservation.

8. No designated critical habitat occurs within the Project action area.

INCIDENTAL TAKE STATEMENT

Section 9 of the Act, and Federal regulation pursuant to section 4(d) of the Act, prohibit the take of endangered and threatened species, respectively, without special exemption. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. Harm is further defined by the Service to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Incidental take is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Under the terms of section 7(b)(4) and section 7(o)(2), taking that is incidental to and not intended as part of the agency action is not considered to be prohibited taking under the Act provided that such taking is in compliance with the terms and conditions of this incidental take statement and occurs as a result of the action as proposed.

The measures described below for desert tortoise are non-discretionary and must be undertaken by the BLM as binding conditions of any grant or permit issued to the Applicant/Permittee, as

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appropriate, for the exemption in section 7(o)(2) to apply. The BLM has a continuing duty to regulate the activity covered by this incidental take statement. If the BLM (1) fails to assume and implement the terms and conditions or (2) fails to require the Applicant/Permittee to adhere to the terms and conditions of the incidental take statement through enforceable terms that are added to the permit or grant document, the protective coverage of section 7(o)(2) may lapse. To monitor the impact of incidental take, the BLM must ensure that the Applicant report the progress of the action and its impact on the species to the Service as specified in the incidental take statement [50 CFR § 402.14(i)(3)].

AMOUNT AND EXTENT OF TAKE

We anticipate the number of desert tortoises that may be incidentally taken would be low due to the relatively small number of individuals estimated to occur within the Project site, the anticipated effectiveness of Conservation Measures described as part of the proposed action, and because a majority of desert tortoises that could occur within and in the vicinity of the Project site are currently radio-tagged and being tracked and monitored as part of an ongoing research study (Hinderle 2020). Quantifying the precise number of individuals that may be incidentally taken is not possible because this species is cryptically colored to avoid predation and spends the majority of its life inhabiting burrows to avoid environmental extremes or predation, making the observation or detection of either live animals or death or injury difficult. In addition, population numbers fluctuate in response to weather patterns and other biotic and abiotic factors, and population levels are anticipated to change over the 30-year life of the Project.

Regardless, we use the information presented in this biological opinion to provide the following estimates of the number of desert tortoises that may be taken as a result of construction of the Project. We estimate that up to 20 large desert tortoises may occur within the Project site (see Environmental Baseline section). Hinderle (2020) is currently monitoring 38 radio-tagged large desert tortoises in the vicinity of the Project site, including 17 individuals that have been detected in the footprint of the Project site. Therefore it is likely that we know the locations and activity patterns of at least 17 of the estimated 20 desert tortoises that could occur in the Project site during construction, and if necessary these 17 desert tortoises would be moved out of harm's way or translocated to avoid injury or death. We cannot say with certainty that the protective measures outlined in this biological opinion will prevent injury or death to the three remaining large desert tortoises that we estimate could occur on site and may not be part of ongoing monitoring studies. Therefore, we conservatively estimate that up to three large desert tortoises could be injured or killed during Project construction activities.

Based on the available desert tortoise survey data (AECOM 2019a, BLM and Ironwood 2019) and the research of Hinderle (2020), only a single large desert tortoise was detected in the vicinity of the main access roads and proposed gen-tie line. Designated Biologists, Authorized Biologists, and Biological Monitors would monitor all construction activities along these linear features. We anticipate that few, if any, large desert tortoises are likely to occur in these areas and most desert tortoises encountered would be moved out of harm's way during construction of this offsite Project component. The Conservation Measures (e.g., speed limits, checking under parked vehicles for desert tortoises, etc.) included in this biological opinion would further reduce

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risk to desert tortoises at these Project components during the construction of the Project. Therefore, we do not anticipate any take of large desert tortoises at these offsite components during the construction of the Project.

As described in the Effects of the Action section, desert tortoises could be injured or killed during O&M activities associated with the Project. Desert tortoises translocated from the Project site would be moved to adjacent areas directly to the east and south and therefore could be encountered during O&M activities outside the desert tortoise exclusion fence, including along the main access road, perimeter roads, and gen-tie line. Although we expect the conservation measures listed in this biological opinion would greatly minimize risk to large desert tortoises during the O&M phase of the Project, it is likely that a small amount of take could occur during over the 30-year life of the Project. Therefore, we estimate that up to two large desert tortoises could be injured or killed during O&M activities associated with the Project.

The number of small desert tortoises, hatchlings, and eggs that could be injured or killed over the life of the Project is even more difficult to quantify. Because small desert tortoises are difficult to find during clearance surveys and hatchlings and eggs are rarely detected, we assume that the majority of these early life forms will be killed or injured by construction and O&M activities if they occur within the footprint of the Project site. Although we cannot estimate a level of incidental take that would occur for these life stages, we assume it would be low; therefore, by this incidental take statement we exempt all such take that may occur.

To summarize, take of desert tortoises is anticipated and exempted as follows:

1. The loss of up to 2,201 acres of desert tortoise habitat from construction and O&M-related activities may result in accidental death or injury of desert tortoise hatchlings and eggs, and small and large desert tortoises, from crushing, trampling, or burial. If the Project impacts more than this amount of habitat, the take threshold will be exceeded.

2. Project construction may result in the injury or death of up to three large desert tortoises. O&M activities over the life of the Project may result in the injury or mortality of up to two additional large desert tortoises. If a greater number of large desert tortoises is injured or killed during activities associated with these phases of the Project, the take threshold will be exceeded.

3. Because we do not want to limit the ability of the Service-approved Authorized Biologist to avoid and minimize the direct injury or death of tortoises by relocating and translocating tortoises found during preconstruction clearance surveys or O&M activities, all take in the form of trapping, capture, or collection for the purposes of relocation from harm's way or translocation to a recipient site is exempted for any eggs and small and large tortoises found during clearance surveys, monitoring activities, O&M activities, or other incidental observations, subject to the reasonable and prudent measures and terms and conditions below. This includes the 17 individuals that have been detected in the footprint of the Project site. Because the capture or collection, relocation and translocation, and release of desert tortoises will be conducted by a Service-approved

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biologist, we do not expect these activities to result in direct injury or death of any relocated or translocated tortoises. Therefore, if any tortoises are directly injured or killed during relocation or translocation, the take threshold will be exceeded.

IMPACT OF THE INCIDENTAL TAKING OF THE SPECIES

In the accompanying biological opinion, the Service determined that these levels of anticipated take are not likely to result in jeopardy or adversely affect the recovery of the desert tortoise.

REASONABLE AND PRUDENT MEASURES

The BLM and Applicant are implementing Conservation Measures for this project as part of the proposed action to minimize the taking of desert tortoises. The Service's evaluation in the biological opinion includes consideration of the Conservation Measures developed by the BLM and Applicant to reduce the adverse effects of the proposed Project on this species. Any subsequent changes in the Conservation Measures proposed by BLM or Applicant or in the conditions under which these activities will occur may constitute a modification of the proposed action and may warrant reinitiation of formal consultation, as specified at 50 CFR § 402.16.

a. The BLM and Applicant shall monitor and report the level of incidental take of desert tortoises to the Service throughout the life of the Project and report on the effectiveness of the Project Conservation Measures to minimize the impact of incidental take of desert tortoises.

TERMS AND CONDITIONS

To be exempt from the prohibitions of section 9 of the Act, the BLM and Applicant, and their agents and contractors, must comply with the following terms and conditions, which implement the reasonable and prudent measures described above and are intended to minimize the impact of the incidental taking. These terms and conditions are non-discretionary (see section 7(o)(2)).

The following term and condition implements reasonable and prudent measure a.

The Applicant shall prepare and provide to the Service and BLM an annual report by January 31 of each year of the Project. The annual report shall document but not be limited to the following:

1. Compliance with Project specifications and Conservation Measures outlined in this biological opinion as they relate to desert tortoises.

2. Any activities determined by the Designated Biologists, Authorized Biologists, or Biological Monitors to be out of compliance with Project specifications and conservation measures outlined in this biological opinion and the corrective measures implemented to bring the Project back into compliance.

3. The total amount and location of desert tortoise habitat disturbed by construction and O&M activities during the reporting year.

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4. The number and location of desert tortoises killed or injured during Project construction or O&M activities during the reporting year and a description of the circumstances leading to the death or injury of these individuals.

5. Activities conducted during the reporting year including but not limited to: (1) pre-construction, construction, and O&M activities during the reporting year; (2) the number and location of desert tortoises located and moved out of harm's way or translocated during Project activities; (3) a detailed description of any translocation activities; and (4) a detailed description of any monitoring activities conducted at the translocation Recipient Site.

    a. If more than 20 large desert tortoises are found within the Project site, the Authorized Biologist shall immediately report the observation to the Service, prior to any subsequent translocation activities. The Service will review the information to determine its consistency with the effects analysis above and whether translocation of additional desert tortoises would still benefit their survival, or whether reinitiation of consultation is warranted.

6. Activities conducted under the Raven Monitoring, Management, and Control Plan (CM 10) during the reporting year, including but not limited to the results of common raven abundance monitoring, nest monitoring, the removal of any common raven nests, and any evidence of common raven predation on desert tortoises.

7. Activities conducted under the Weed Management Plan (CM 21), including but not limited to monitoring or control activities conducted during construction or O&M activities during the reporting year.

8. Activities conducted as part of the Project's desert tortoise habitat mitigation (CM 11), including but not limited to acquisition of compensation lands, and any surveys, management, and monitoring needed.

DISPOSITION OF SICK, INJURED, OR DEAD SPECIMENS

The requirements of the Applicant for the reporting and disposition of sick, injured, or dead desert tortoises found during construction activities at the Project are adequately described above in CM 9.

During the O&M phase of the Project the BLM must notify CDFW and the Service immediately if any desert tortoises are found sick, injured, or dead in the action area. Immediate notification means verbal (if possible) and written notice within 1 workday, and must include the date, time, location, and photograph of the carcass, and any other pertinent information. If directed by the CDFW or the Service the BLM shall ensure that the dead desert tortoise is submitted for necropsy at a recommended facility, as outlined in Salvaging Injured, Recently Dead, Ill, and Dying Wild, Free-Roaming Desert Tortoises (Berry 2003). Care must be taken in handling sick or injured individuals to ensure effective treatment. The BLM will ensure that any desert tortoises with non-fatal injuries are transported to a nearby qualified veterinarian for treatment at

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the expense of the Applicant. If an injured desert tortoise does not recover, the BLM will contact CDFW and the Service for direction concerning the final disposition of the desert tortoise carcass

The BLM must also notify the Service immediately at 760-320-2070 if any endangered or threatened species not addressed in this biological opinion is found dead or injured in the action area during the life of the Project. The same reporting requirements also shall pertain to any healthy individual(s) of any threatened or endangered species found in the action area and handled to remove the animal to a more secure location. Refer to the Terms and Conditions section above for details on reporting procedures.

CONSERVATION RECOMMENDATIONS

Section 7(a)(1) of the Act directs Federal agencies to use their authorities to further the purposes of the Act by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop information.

1. We recommend that the BLM work with the Applicant and the Service to continue monitoring of the population of desert tortoises transmittered by Hinderle (2020) following construction of the Project to answer additional research questions related to desert tortoise biology in the area of the Mule Mountains, and in particular the impacts of utility scale PV solar projects on translocated and recipient site resident populations of desert tortoises.

REINITIATION NOTICE

This concludes formal consultation on the proposed Project for the desert tortoise. As provided in 50 CFR § 402.16, reinitiation of formal consultation is required where discretionary Federal involvement or control over the action has been retained (or is authorized by law) and if: (1) the amount or extent of taking specified in the incidental take statement is exceeded; (2) new information reveals effects of the identified action that may affect listed species or critical habitat in a manner or to an extent not considered in this biological opinion; (3) the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this biological opinion; or (4) a new species is listed or critical habitat designated that may be affected by the identified action.

If you have any questions regarding this document, please contact Peter Sanzenbacher at the Palm Springs Fish and Wildlife Office at (760-322-2070, extension 425; or peter_sanzenbacher@fws.gov).

Appendices

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LITERATURE CITED

AECOM. 2018a. Drainage, Erosion, and Sediment Control Plan, RE Crimson Solar Power Project, Riverside, California. AECOM, Camarillo, California. Dated September 2018.

AECOM. 2018b. Decommissioning & Reclamation Plan, RE Crimson Solar Project. AECOM, San Diego, California. Final version dated November 2018.

AECOM. 2018c. RE Crimson Solar Project Common Raven Monitoring, Management, and Control Plan. AECOM, San Diego, California. Final version dated August 2018.

AECOM. 2018d. RE Crimson Solar Project Paleontological Analysis. AECOM, San Diego, California. Dated November 2018.

AECOM. 2019a. Biological Resources Technical Report RE Crimson Solar Project. Prepared for Sonoran West Solar Holdings, LLC and Recurrent Energy LLC. AECOM, San Francisco, California. Dated January, 21, 2019.

AECOM. 2019b. RE Crimson Solar Project Weed Management Plan. RE Crimson Solar Project. AECOM, San Diego, California. Final version dated March 2019.

Abella, S.R. 2010. Disturbance and plant succession in the Mojave and Sonoran deserts of the American Southwest. International Journal of Environmental Research and Public Health 7: 1,248–1,284.

Allison, L.J., and A.M. McLuckie. 2018. Population trends in Mojave desert tortoises. Herpetological Conservation and Biology 13: 433–452.

Averill-Murray, R.C. 2002. Effects on survival of desert tortoises (*Gopherus agassizii*) urinating during handling. Chelonian Conservation and Biology 4: 430–435.

Averill-Murray, R., C.R. Darst, N. Strout, and M. Wong. 2013. Conserving population linkages for the Mojave desert tortoise. Herpetological Conservation Biology 8: 1–15.

Berry, K.H. 1986. Desert tortoise (*Gopherus agassizii*) relocation: Implications of social behavior and movements. Herpetologica 42: 113–125.

Boarman, W.I. 2002. Threats to desert tortoise populations: A critical review of the literature. Unpublished report prepared for the West Mojave Planning Team, Bureau of Land Management. Western Ecological Research Center, U.S. Geological Survey, Sacramento, California. August 9, 2002.

Boarman, W.I. 2003. Managing a subsidized predator population: reducing common raven predation on desert tortoises. Environmental Management 32: 205–217.

Comment Set D5 – Mark Carrington: Attachment 6 (continued)

D5-83 (cont'd)

Brand L.A., M.L. Farnsworth, J. Meyers, B.G. Dickson, C. Grouios, A.F. Scheib, R.D. Scherer. 2016. Mitigation-driven translocation effects on temperature, condition, growth, and mortality of Mojave desert tortoise (*Gopherus agassizii*) in the face of solar energy development. Biological Conservation, 200: 104–111.

Brooks, M.L., T.C. Esque, and J.R. Matchett. 2003. Current status and management of alien plants and fire in desert tortoise habitat. Proceedings of the 2003 Desert Tortoise Council Symposium.

[Bureau] Bureau of Land Management. 1990. Draft raven management plan for the California Desert Conservation Area. Prepared by Bureau of Land Management, California Desert District, Riverside, California. April 1990.

[Bureau] Bureau of Land Management. 2002. Proposed Northern and Eastern Colorado Desert Coordinated Management Plan and final environmental impact statement. Prepared by BLM, California Desert District Office and California Department of Fish and Game, Inland, Deserts, and Eastern Sierra Region. July 2002.

[Bureau] Bureau of Land Management. 2012. Approved Resource Management Plan Amendments/Record of Decision (ROD) for Solar Energy Development in Six Southwestern States. Desert Renewable Energy Conservation Plan. Land use plan amendment to the California Desert Conservation Area Plan, Bishop Resource Management Plan, and Bakersfield Resource Management Plan. Sacramento, California.

[Bureau] Bureau of Land Management. 2007. Vegetation treatments using herbicides on Bureau of Land Management lands in 17 western states. Programmatic Environmental Impact Statement. Bureau of Land Management, Washington, D.C.

[Bureau] Bureau of Land Management. 2016. Desert Renewable Energy Conservation Plan. Land use plan amendment to the California Desert Conservation Area Plan, Bishop Resource Management Plan, and Bakersfield Resource Management Plan. Sacramento, California.

[Bureau]Bureau of Land Management and California Department of Fish and Wildlife. 2019. Draft Environmental Impact Statement and Environmental Impact Report and Draft Land Use Plan Amendment to the California Desert Conservation Area Plan. DOI-BLM-CA-D060-2017-0029-EIS. State Clearinghouse No. 2018031027. Prepared by BLM, Palm Springs-South Coast Field Office, Palm Springs, CA and CDFW, Region 6, Ontario, CA. November 2019.

[Bureau] Bureau of Land Management and Ironwood Consulting Inc. 2019. Biological Assessment for the RE Crimson Solar Project, BLM Case File Number CACA-061967, Riverside County, California. Bureau of Land Management, Palm Springs – South Coast Field Office, Palm Springs, California, and Ironwood Consulting Inc., Redlands, California. Dated September 26, 2019.

Comment Set D5 – Mark Carrington: Attachment 6 (continued)

D5-83 (cont'd)

Dickson, B.G., R.D. Sherer, A.M. Kissel, B.P. Wallace, K.M. Langin, M.E. Gray, A.F. Scheib, and B. Weise. 2019. Multiyear monitoring of survival following mitigation-driven translocation of a long-lived threatened reptile. Conservation Biology: 33: 1,094-1,105.

Drake. K.K., T.C. Esque, K.E. Nussear, B.M. Jacobs, K.M. Nolte, and P.A. Medica. 2009. An annual report for the Fort Irwin Desert Tortoise Translocation Project, 2009 Progress. Unpublished report prepared by the U.S. Geological Survey, Western Ecological Research Center. 36 pp. + appendices

Drake, K.K., K.E. Nussear, T.C. Esque, AM. Barber, K.M. Vittum, P.A. Medica, C.R. Tracy, and K.W. Hunter. 2012. Does translocation influence physiological stress in the desert tortoise? Animal Conservation doi:10.1111/j.1469-1795.2012.00549.x.

Drake, K.K., L. Bowen, K.E. Nussear, T.C. Esque, A.J. Berger, N.A. Custer, S.C. Waters, J.D. Johnson, A.K. Miles, and R.L. Lewison. 2016. Negative impacts of invasive plants on conservation of sensitive desert wildlife. Ecosphere 7: 1–20.

Esque, T.C., K.E. Nussear, K.K. Drake, A.D. Walde, K.H. Berry, R.C. Averill-Murray, A.P. Woodman, W.I. Boarman, P.A. Medica, J. Mack, and J.S. Heaton. 2010. Effects of subsidized predator, resource variability, and human population density on desert tortoise populations in the Mojave Desert. Endangered Species Research 12: 167–177.

Farnsworth, M.L., B.G. Dickson, L.J. Zachmann, E.E. Hegeman, A.R. Cangelosi, T.G. Jackson, A.F. Scheib. 2015. Short-term space-use patterns of translocated Mojave Desert Tortoise in southern California. PLoS One, 10, e0134250.

Field, K.J., C.R. Tracy, P.A. Medica, R.W. Marlow, and P.S. Corn. 2007. Return to the wild: Translocation as a tool in conservation of the desert tortoise (*Gopherus agassizii*). Biological Conservation 136: 232–245.

Hagerty, B., K. Nussear, T. Esque, and C. Tracy. 2011. Making molehills out of mountains: landscape genetics of the Mojave desert tortoise. Landscape Ecology 25: 267–280.

Hinderle, D., R.L. Lewison, A.D. Walde, D. Deutschman, and W.I. Boarman. 2015. The effects of homing and movement behaviors on translocation: desert tortoises in the western Mojave Desert. Journal of Wildlife Management 79: 137–147.

Hinderle, D. 2020. 2019 Annual Summary and Comprehensive Reports for USFWS Permit #TE-218901-6 and CDFW MOU 2081a-2018-003-R6: Desert Tortoise (*Gopherus agassizii*) Home Range, Habitat Use, and Health Assessment: Crimson Solar Energy Project. January 31, 2020. San Diego, CA. 15 pp.

Comment Set D5 – Mark Carrington: Attachment 6 (continued)

D5-83 (cont'd)

[Ironwood] Ironwood Consulting, Inc. 2019. Desert Tortoise Translocation Plan, RE Crimson Solar Project, BLM Case File Number CACA-051967, Riverside, California. Ironwood Consulting Inc., Redlands, California. Dated May 28, 2019.

Kenney Geoscience. 2018. Geomorphic and stratigraphic evaluation of the stable early to mid-Holocene eolian (windblown) dune systems for proposed Crimson Solar Project, eastern Chuckwalla Valley, Riverside County, California. Job No. 737-16. Kenney Geoscience, Oceanside, California. Dated October 12, 2018.

Lovich J.E., J.R. Ennen, K. Meyer, M. Agha, C. Loughran, C. Bjurlin, M. Austin, S. Madrak. 2015. Not putting all their eggs in one basket: bet-hedging despite extraordinary annual reproductive output of desert tortoises. Biological Journal of the Linnean Society, 115: 399–410.

Nafus, M.G., T.C. Esque, R.C. Averill-Murray, K.E. Nussear, R.R. Swaisgood. 2017. Habitat drives dispersal and survival of translocated juvenile desert tortoises. Journal of Applied Ecology 54: 430–438.

Nussear, K. E. 2004. Mechanistic investigation of the distributional limits of the desert tortoise, *Gopherus agassizii*. Ph.D. Dissertation. University of Nevada, Reno.

Nussear, K.E., T.C. Esque, R.D. Inman, L. Gass, K.A. Thomas, C.S.A. Wallace, J.B. Blainey, D. M. Miller, and R.H. Webb. 2009. Modeling habitat of the desert tortoise (*Gopherus agassizii*) in the Mojave and parts of the Sonoran Deserts of California, Nevada, Utah, and Arizona: U.S. Geological Survey Open-File Report 2009-1102.

Nussear, K.E., C.R Tracy, P.A. Medica, D.S. Wilson, R.W. Marlow, P.S. Corn. 2012. Translocation as a conservation tool for Agassiz's desert tortoise: survivorship, reproduction, and movements. Journal of Wildlife Management 76: 1,341–1,353.

O'Connor, M.P., L.C. Zimmerman, D.E. Ruby, S. Bulova, and J.R. Spotila. 1994. Home range size and movements of desert tortoises (*Gopherus agassizii*). Herpetological Monographs 8: 60–71.

Oftedal, O.T., S. Hillard, and D.J. Morafka. 2002. Selective spring foraging by juvenile desert tortoises (*Gopherus agassizii*) in the Mojave Desert: evidence of an adaptive nutritional strategy. Chelonian Conservation and Biology 4: 341–352.

Saethre, M.B., T.C. Esque, P.A. Medica, R. Marlow, and C.R. Tracy. 2003. Determining carrying capacity of desert tortoises. Abstract of a paper present at the 28th annual meeting and symposium of the Desert Tortoise Council.

[Service] U.S. Fish and Wildlife Service. 1990. Endangered and threatened wildlife and plants; Determination of threatened status for the Mojave population of the desert tortoise; Final rule. Federal Register 55: 12,178–12,191.

Comment Set D5 – Mark Carrington: Attachment 6 (continued)

D5-83 (cont'd)

[Service] U.S. Fish and Wildlife Service. 1994. Desert tortoise (Mojave population) recovery plan. U.S. Fish and Wildlife Service, Portland, Oregon.

[Service] U.S. Fish and Wildlife Service. 2005. Biological opinion for the California Desert Conservation Area Plan [desert tortoise] (6840 CA930(P)) (1-8-04-F-43R). Dated March 31. Memorandum to State Director, Bureau of Land Management, Sacramento, California. From Field Supervisor, Ventura Fish and Wildlife Office. Ventura, California.

[Service] U.S. Fish and Wildlife Service. 2007. Amendment to the biological opinion for the California Desert Conservation Area Plan [desert tortoise] (6840 CA930(P)) (1-8-04-F-43R). November 30, 2007. Ventura, California.

[Service] U.S. Fish and Wildlife Service. 2009. Desert tortoise (Mojave population) field manual (*Gopherus agassizii*). U.S. Fish and Wildlife Service, Region 8, Sacramento, California.

[Service] U.S. Fish and Wildlife Service. 2010a. Mojave population of the desert tortoise (*Gopherus agassizii*) 5-year review: summary and evaluation. Desert Tortoise Recovery Office. Reno, Nevada.

[Service] U.S. Fish and Wildlife Service 2010b. Preparing for Any Action that may occur within the Range of the Mojave Desert Tortoise (*Gopherus agassizii*). 2010 Field Season. Version dated 2010. U.S. Fish and Wildlife Service, Las Vegas, Nevada.

[Service] U.S. Fish and Wildlife Service. 2011a. Revised Recovery Plan for the Mojave Population of the Desert Tortoise (*Gopherus agassizii*). Pacific Southwest Region, Sacramento, California.

[Service] U.S. Fish and Wildlife Service. 2011b. Section 7 Biological Opinion on the Devers to Palo Verde No. 2 Transmission Line Project, Riverside County, California (FWS-ERIV-07B0060-10F0884), Riverside County, California, January, 11 2011. Carlsbad Fish and Wildlife Office, Carlsbad, California.

[Service] U.S. Fish and Wildlife Service. 2011c. Biological opinion on BrightSource Energy's Ivanpah Solar Electric Generating System project, San Bernardino County, California (8-8-10-F-24R). Memorandum to District Manager, California Desert District, Bureau of Land Management, Moreno Valley, California. Dated June 10. Ventura Fish and Wildlife Office, Ventura, California.

[Service] U.S. Fish and Wildlife Service. 2012a. Amendment to the Biological Opinion on the Desert Sunlight Solar Farm Project (FWS-ERIV-08B0789-11F0041-R001), Riverside County, California, May 11, 2012. Carlsbad Fish and Wildlife Office, Carlsbad, California.

[Service] U.S. Fish and Wildlife Service. 2012b. Programmatic Biological Opinion for the FWS Division of Consultation, Habitat Conservation Plans, Recovery, and State Grants based on materials provided by FWS Regions 2, 6, and 8.

Comment Set D5 – Mark Carrington: Attachment 6 (continued)

D5-83 (cont'd)

[Service] U.S. Fish and Wildlife Service. 2012c. Biological opinion for the proposed addition of maneuver training lands at Fort Irwin, California (8-8-11-F-38R). Letter to Chief of Staff, Headquarters, National Training Center and Fort Irwin, Fort Irwin, California. Dated April 27. From Field Supervisor, Ventura Fish and Wildlife Office. Ventura, California.

[Service] U.S. Fish and Wildlife Service. 2013. Section 7 Biological Opinion on the McCoy Solar Power Project, Riverside County, California (FWS-ERIV-10B0592-13F0179), Riverside County, California, March 6, 2013. Carlsbad Fish and Wildlife Office, Carlsbad, California.

[Service] U.S. Fish and Wildlife Service. 2014. Section 7 Biological Opinion on the Blythe Solar Power Project, Riverside County, California (FWS-ERIV-09B0186-10F0080), Riverside County, California, March 6, 2013. Palm Springs Fish and Wildlife Office, Palm Springs, California.

[Service] U.S. Fish and Wildlife Service. 2015. Range-wide Monitoring of the Mojave Desert Tortoise (*Gopherus agassizii*): 2013 and 2014 Annual Reports. Report by the Desert Tortoise Recovery Office, U.S. Fish and Wildlife Service, Reno, Nevada.

[Service] Fish and Wildlife Service. 2016. Biological opinion for the Proposed Land use Plan Amendment under the Desert Renewable Energy Plan (FWS-KRN/SBD/INY/LA/IMP/RIV-16B0138-16F0200), Kern/San Bernardino/Inyo/Los Angeles/Imperial/Riverside County, California, August 16, 2016. Carlsbad Fish and Wildlife Office, Carlsbad, California.

[Service] Fish and Wildlife Service. 2017a. Programmatic Biological Opinion for Activities in the California Desert Conservation Area (FWS-KRN/SBD/INY/LA/IMP/RIV-17B0532-17F1029), Kern/San Bernardino/Inyo/Los Angeles/Imperial/Riverside County, California, September 1, 2017. Carlsbad Fish and Wildlife Office, Carlsbad, California.

[Service] U.S. Fish and Wildlife Service. 2017b. Biological option for the Eagle Mountain Pumped Storage Hydroelectric Project (FWS-ERIV-08B0101-11F0266-R001). October 30, 2017. Carlsbad, California.

[Service] U.S. Fish and Wildlife Service. 2018a. Translocation of Mojave desert tortoises from project sites: Plan development guidance. Draft revised February 2018. Las Vegas, Nevada.

[Service] U.S. Fish and Wildlife Service. 2018b. Shade Structures for Desert Tortoise Exclusion Fence: Draft Design Guidance. Palm Springs Fish and Wildlife Office, Palm Springs, California.

[Service] U.S. Fish and Wildlife Service. 2019a. Translocation of Mojave desert tortoises from project sites: Plan development guidance. Draft dated May 2019. Las Vegas, Nevada.

Comment Set D5 – Mark Carrington: Attachment 6 (continued)

D5-83 (cont'd)

[Service] U.S. Fish and Wildlife Service. 2019b. Section 7 Biological Opinion on the Desert Quartzite Solar Project, Riverside County, California (FWS-ERIV-12B0378-19F0134), Riverside County, California, April 12, 2019. Palm Springs Fish and Wildlife Office, Palm Springs, California.

[Service] U.S. Fish and Wildlife Service. 2019c. Preparing for any action that may occur within the range of the Mojave desert tortoise (*Gopherus agassizii*). Version dated October 8, 2019. U.S. Fish and Wildlife Service, Las Vegas, Nevada. www.fws.gov/nevada/desert_tortoise/documents/manuals/MojaveDesertTortoisePre-projectSurveyProtocol_2019_v2.pdf

[Service] U.S. Fish and Wildlife Service and National Marine Fisheries Service. 1998. Endangered species consultation handbook. Available: www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.pdf.

Sieg, A.E., M.M. Gambone, B.P. Wallace, S. Clusella-Trullas, J.R. Spotila, and H.W. Avery. 2015. Mojave desert tortoise (*Gopeherus agassizii*) thermal ecology and reproductive success along a rainfall cline. Integrative Zoology 10: 282–294.

Tracy, C.R., R. Averill-Murray, W.I. Boarman, D. Delehanty, J.S. Heaton, E. McCoy, D. Morafka, K. Nussear, B. Hagerty, and P. Medica. 2004. Desert tortoise Recovery Plan Assessment. Technical report to U.S. Fish and Wildlife Service, Reno, 254 pp.

Turner, F.B., K.H. Berry, D.C. Randall, and G.C. White. 1987. Population ecology of the desert tortoise at Goffs, California, in 1983–1986. Annual Report to Southern California Edison Company, Rosemead, California.

[U.S. Army] U.S. Department of the Army. 2010. 2009 annual reports for the Fort Irwin biological opinions and desert tortoise permit for the Fort Irwin translocation project. Undated. Fort Irwin, California.

Vasek, F.C., H.B. Johnson, and D.H. Eslinger. 1975. Effects of pipeline construction on creosote bush scrub vegetation of the Mojave Desert. Madroño 23: 1–13.

UNPUBLISHED REPORTS

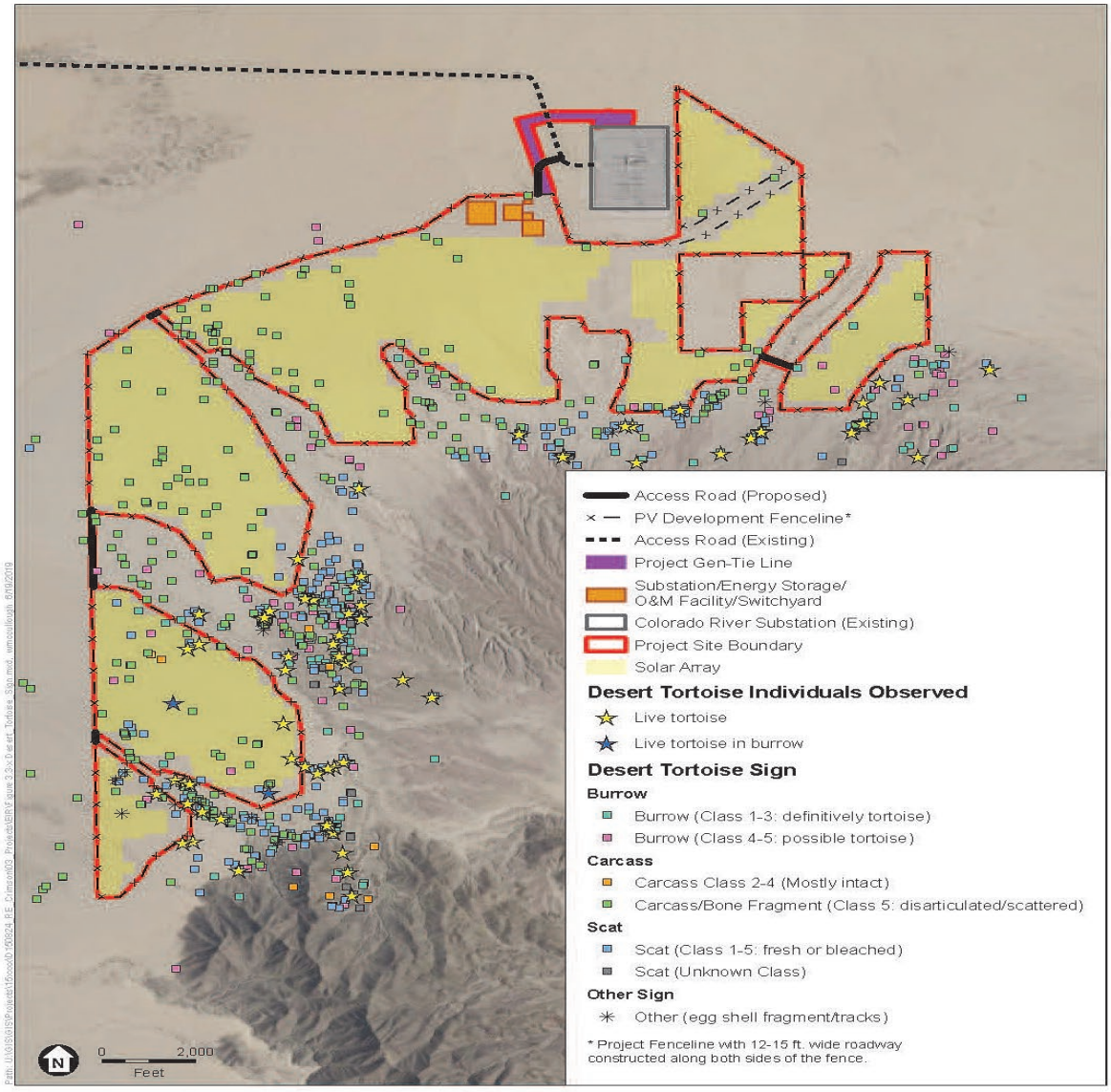
[Service] U.S. Fish and Wildlife Service. 2013–2015. Documented patterns of mortality to Yuma Ridgway's rail and willow flycatcher from energy infrastructure in the California desert. Unpublished data.

Comment Set D5 – Mark Carrington: Attachment 6 (continued)

D5-83 (cont'd)

APPENDIX 1.

Map of locations of all live desert tortoises and desert tortoise sign detected within and in the vicinity of the Crimson Solar Project, Riverside County, California.



SOURCE: ESA; AECOM

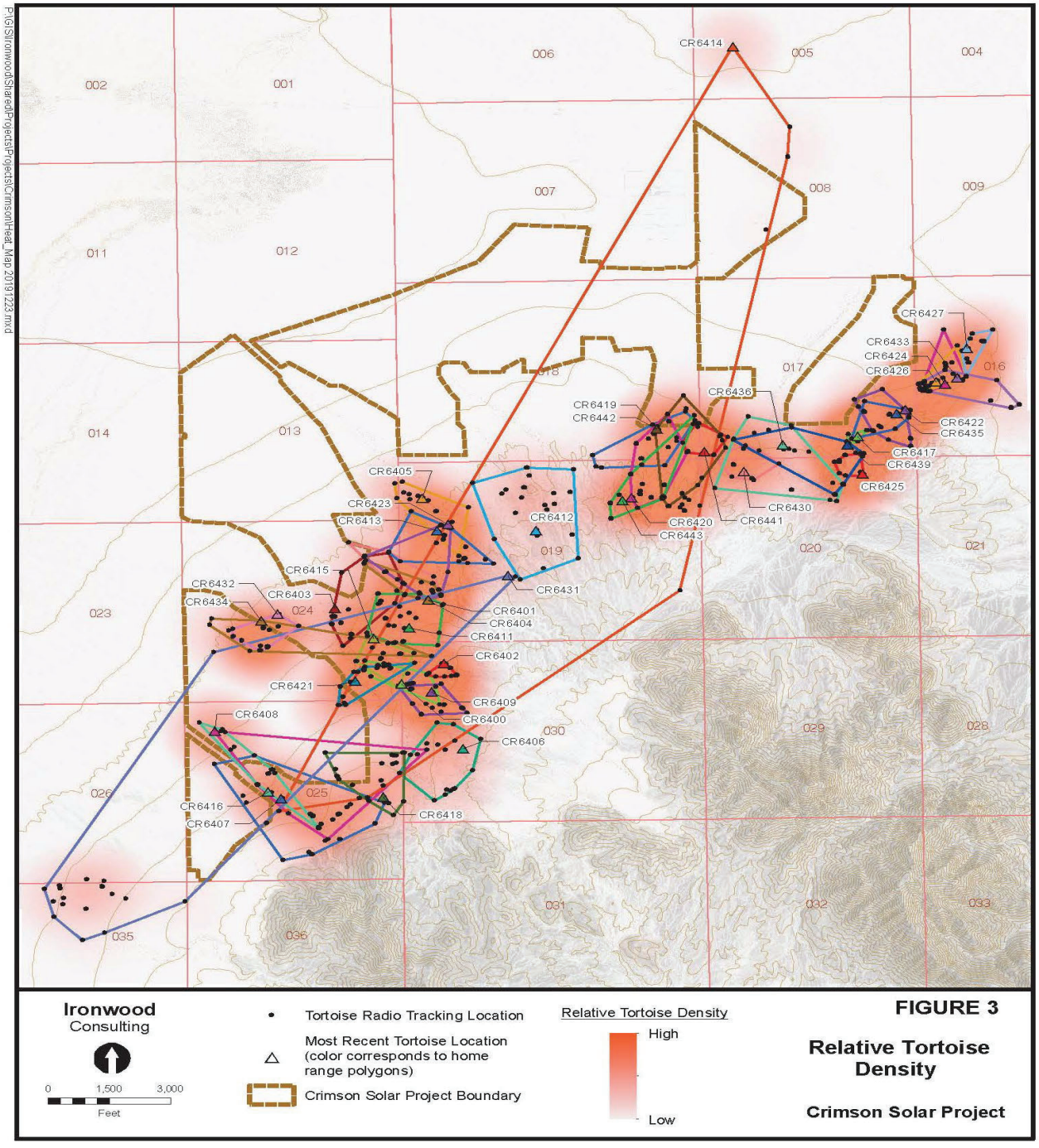
Crimson Solar Project PA/EIS/EIR

Comment Set D5 – Mark Carrington: Attachment 6 (continued)

D5-83 (cont'd)

APPENDIX 2

Locations and home ranges of a population of radio-tagged desert tortoises in the vicinity of the proposed Crimson Solar Project, Riverside County, California.

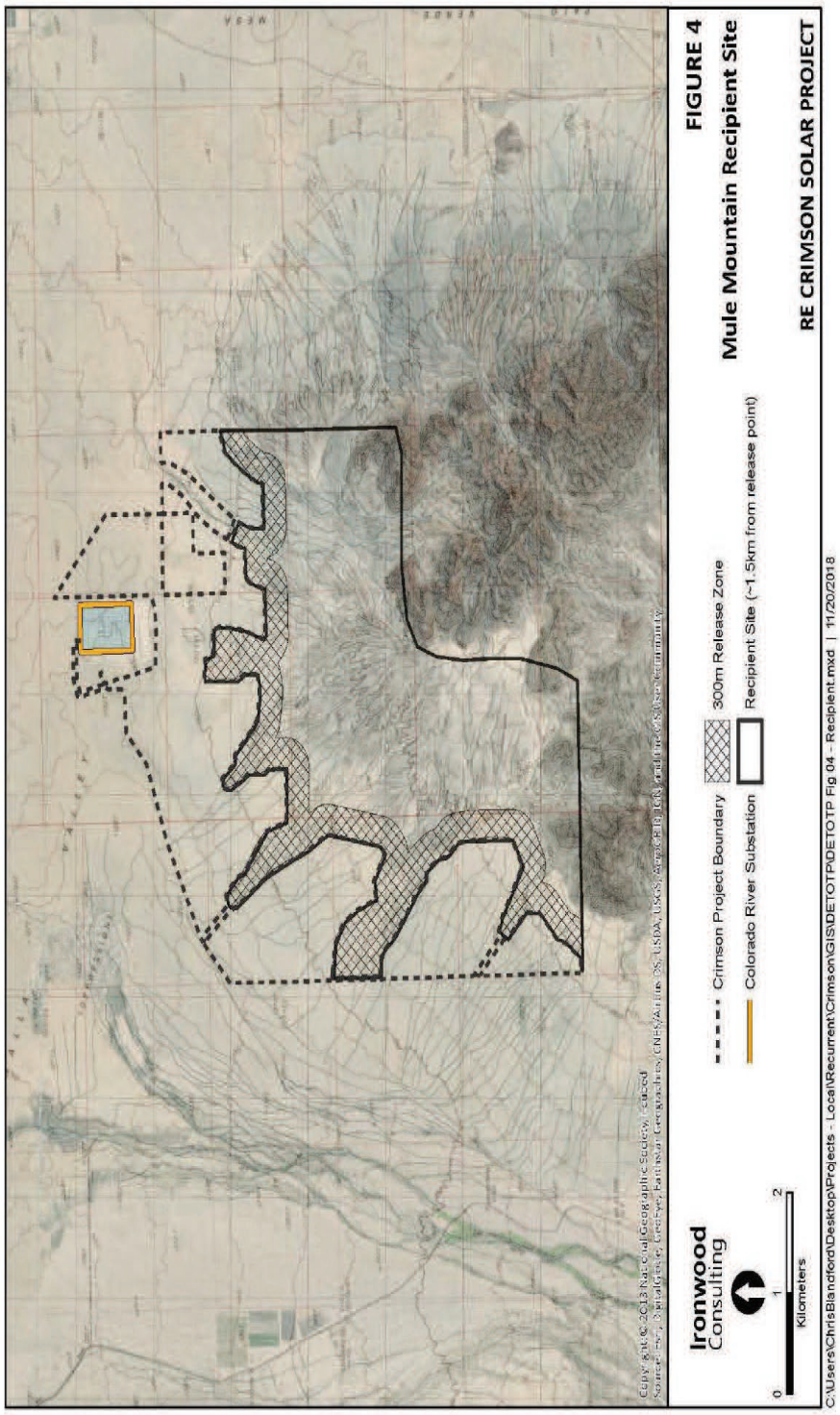


Comment Set D5 – Mark Carrington: Attachment 6 (continued)

D5-83 (cont'd)

APPENDIX 3.

Map of the proposed Crimson Solar Project and Mule Mountain desert tortoise recipient site, Riverside County, California.



Comment Set D5 – Mark Carrington: Attachment 6 (continued)

D5-83 (cont'd)

B.2 BLM and USFWS Correspondence Regarding Preferred Alternative

Comment Set D5 – Mark Carrington: Attachment 6 (continued)

D5-83 (cont'd)

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Palm Springs South Coast Field Office
1201 Bird Center Drive
Palm Springs, CA 92262
www.blm.gov/office/palm-springs-south-coast-field-office

February 23, 2021

In Reply Refer To:
2831-03 (P)
CAD0000.06/CAD060
CACA-51967

To: Rollie White, Assistant Field Supervisor, Palm Springs Fish and Wildlife Office, Palm Springs, California

From: Janet Cheek, Acting Field Manager, Bureau of Land Management, Palm Springs-South Coast Field Office, Palm Springs, California

Subject: Revised Project Description for the Crimson Solar Project, Riverside County, California (FWS- ERIV-13B0074-20F0113)

The September 2019 Biological Assessment (BA) provided to the United States Fish and Wildlife Service (Service) by the Bureau of Land Management, Palm Springs-South Coast Field Office (Bureau) described Sonoran West Holdings, LLC's (Applicant's) proposed 350-megawatt (MW) solar photovoltaic (PV) project on a 2,200-acre disturbance area within a requested right-of-way (ROW). The November 2019 Draft EIS/EIR/PA issued by the Bureau and California Department of Fish and Wildlife (CDFW) identified an alternative to the proposed project, a combination of Alternative B (Alternative Design) and Alternative C (Reduced Acreage Alternative), as the federal lead agency preferred alternative. In response to the Bureau's request for consultation, you provided a Biological Opinion in February 2020 that analyzed this preferred alternative.

Also in February 2020, the Applicant submitted a revised Plan of Development (POD) and revised BA to the Bureau that reflected an updated project footprint and other project description changes, described in detail below. The Bureau's January 2021 Final EIS has incorporated changes in this revised POD into the description of Alternative C, and identifies the preferred alternative to be Alternative C, as modified by two of the three design elements from Alternative B (DE-1, minimize grading and maintain more on-site vegetation, and DE-3, reduce grading in the vicinity of transformers, inverters, and energy storage systems).

Description of the Revised Preferred Alternative

The preferred alternative has been refined since publication of the Draft EIS/EIR/PA to include an alternative location and layout of the gen-tie, on-site substations, energy storage system, and O&M building and to further reduce the solar plant site footprint. Additionally, this alternative would consist of two units: Unit 1, a solar facility, and Unit 2, an Energy Storage System (ESS). The two units could operate independently of each other and may be constructed in different time periods. It is anticipated that

Comment Set D5 – Mark Carrington: Attachment 6 (continued)

D5-83 (cont'd)

the separate units would be issued separate ROW grants.

The preferred alternative would be approximately 2,040 acres in size (160 acres less than in the February 2020 BO), as shown in Final EIS Figure 2-4 (enclosed). The preferred alternative would interconnect to the regional electrical grid at the existing Southern California Edison (SCE) Colorado River Substation (CRS); however, the gen-tie line would be located to the east of the CRS and would be only up to 5,000 feet in length, a 1,000-foot reduction compared to the gen-tie analyzed in the BO. The gen-tie ground wire and telecommunications fiber optic cable may be buried along the gen-tie route. The substations, SCADA systems, O&M building, and energy storage system would be constructed in generally the same manner and of the same sizes as described in the BO; however, the locations of these facilities under the preferred alternative would be as shown in Final EIS Figure 2-4. The energy storage system could be connected to the solar facility or to the CRS. The SCADA system would interconnect to the fiber optic network at the CRS via a buried cable within the gen-tie corridor.

Table 1 provides a comparison of the BO Table 1 (page 4) with the revised preferred alternative. The size of the PV array field would be reduced by 158 acres and the gen-tie realignment would reduce its footprint by 6 acres. The battery energy storage system would increase in size by 17.7 acres. Because DE-2 is not included in the preferred alternative, the additional 500 wooden poles associated with that design element would not be installed. The revised preferred alternative would reduce overall construction water use by 50 acre-feet over the two-year construction period.

TABLE 1
CHANGE IN FACILITY SIZES BETWEEN FEBRUARY 2020 BO AND FEBRUARY 2021 FINAL EIS

Component	February 2020 BO Preferred Alternative	February 2021 Final EIS Preferred Alternative
PV Array Field	1,684 acres	1,526 acres
Energy storage substation	4.1 acres	4.1 acres
Solar substation	4.1 acres	4.1 acres
Operations and maintenance building	2,000 square feet	2,000 square feet
Shared switchyard	1 acre	1 acre
Battery energy storage system	8.3 acres	26 acres
Gen-tie line	32.0 acres	26 acres
Solar plant site fence line	21.7 miles	21 miles
Access roads	44.7 miles	44 miles
Wooden transmission poles	Up to 1,000 poles	Up to 500 poles
Construction water demand	600 acre-feet	550 acre-feet

The components of Units 1 and 2, and the components that would be shared by both units (and constructed at the time of whichever unit is first constructed), are shown in Table 2.

Comment Set D5 – Mark Carrington: Attachment 6 (continued)

D5-83 (cont'd)

TABLE 2
PREFERRED ALTERNATIVE: UNIT 1, UNIT 2, AND SHARED FACILITIES

Unit 1: Solar Facility	Unit 2: Energy Storage System	Shared Facilities
Solar PV array (6 fenced array areas) with perimeter fencing Access roads between fenced PV array areas Unpaved access road to northeast array Electrical collector line to northeast array	Energy Storage System	Substation Switchyard O&M Building Paved access road from Power Line Road to Substation area Gen-tie and gen-tie corridor

The construction phasing and methods would be the same as described in the February 2020 BO. The revised preferred alternative is entirely within the footprint analyzed in the BO and Draft EIS/EIR/PA and would not have new effects not previously identified.

Conclusion

Reinitiation of formal consultation must be requested by the Bureau if: a) the amount or extent of taking specified in the incidental take statement is exceeded; b) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered; c) the identified action is subsequently modified in a manner or to an extent that causes an effect to the listed species or critical habitat not previously considered in the biological opinion; or, d) a new species is listed or critical habitat is designated that may be affected by the identified action. The revised preferred alternative would result in reduced direct effects on desert habitat for desert tortoise and federally listed avian species (2083.5 acres) compared to the alternative analyzed in the BO (2,201 acres), and other direct and indirect effects described in the BO would not change. The Bureau's position is that these changes do not trigger the reinitiation criteria. Therefore, at this time, we do not anticipate that the footprint or project sequencing changes described above will require reopening consultation with USFWS.

If you have any questions, please contact the Project Manager, Miriam Liberatore, at mliberat@blm.gov.

Sincerely,

Janet E. Cheek,
Acting Field Manager

Digitally signed by Janet E. Cheek, Acting Field Manager
Date: 2021.02.23 12:59:42 -08'00'

Janet Cheek
Acting Field Manager

INTERIOR REGION 8 • LOWER COLORADO BASIN
ARIZONA, CALIFORNIA*, NEVADA*
* PARTIAL

Comment Set D5 – Mark Carrington: Attachment 6 (continued)

D5-83 (cont'd)

United States Department of the Interior
U.S. FISH AND WILDLIFE SERVICE
Ecological Services
Palm Springs Fish and Wildlife Office
777 East Tahquitz Canyon Way, Suite 208
Palm Springs, California 92262

In Reply Refer to:
FWS-ERIV-13B0074-21TA0786

March 24, 2021
Sent by Email

Memorandum

To: Field Manager, Bureau of Land Management, Palm Springs South Coast Field Office
Palm Springs, California
Attention: Janet Cheek, Acting Field Manager

From: Assistant Field Supervisor, Palm Springs Fish and Wildlife Office
Palm Springs, California. Digitally signed by ROLLAND WHITE
Date: 2021.03.24 16:11:25 -07'00'

Subject: Revised Project Description for the Crimson Solar Project, Riverside County, California

We have received your memorandum dated February 23, 2021, notifying us of changes to the Plan of Development (POD) for the Crimson Solar Project that are reflected in the Bureau of Land Management's (Bureau) preferred alternative (Alternative C) in the Final Environmental Impact Statement (EIS), dated January 2021. As you indicated in your correspondence, these changes to the POD and preferred alternative occurred after the Bureau requested initiation of formal consultation in October 2019, and we provided our biological opinion in February 2020. The changes to the preferred alternative include alternative locations and layouts of the generation tie-in (gen-tie) line, onsite substations, energy storage system, and Operations and Maintenance Building, and a further reduction in the overall acreage of the solar facility footprint. Additionally, the preferred alternative now consists of two units, a solar facility and an Energy Storage System, that could operate independently of each other and may be constructed during different time periods. Notably, these changes would occur entirely within the footprint of the previous version of the preferred alternative that we analyzed in our biological opinion and would not have new effects not previously identified.

Ultimately, based on the changes described above, the revised preferred alternative would result in reduced direct effects on the federally threatened desert tortoise [Mojave population DPS (*Gopherus agassizii*); desert tortoise] and its habitat and also on federally listed avian species and their habitat compared to the alternative that we analyzed in our biological opinion. Therefore we agree with the Bureau's position outlined in your most recent correspondence that the changes to the preferred alternative do not trigger reinitiation of formal consultation between our agencies.

The U.S. Fish and Wildlife Service is also a Cooperating Agency on the Crimson Solar Project and we appreciate the Bureau's continued coordination with us during the preparation of the EIS.

If you have any questions, please contact Peter Sanzenbacher[1] of my staff by email or at 760-322-2070, extension 425.

[1] peter_sanzenabacher@fws.gov

Comment Set D5 – Mark Carrington: Attachment 7

D5-84

Relocate the Easley Solar Substation

Both substation locations in the Easley Solar planning would have unnecessary major negative impacts on the Community of Lake Tamarisk.
Both would be obtrusively in our spectacular sunrise view and a major detraction from our open desert views.

The alternative location described here would allow the substation to be hidden from view.
This location is less than 0.5 miles from the current planned locations and is also on an abandoned jojoba field already planned for Solar panels in the project.
No loss of electrical power production would occur.

Since the transmission lines can feasibly be placed underground from the substation to Oasis rd, no additional environmental impacts would occur.

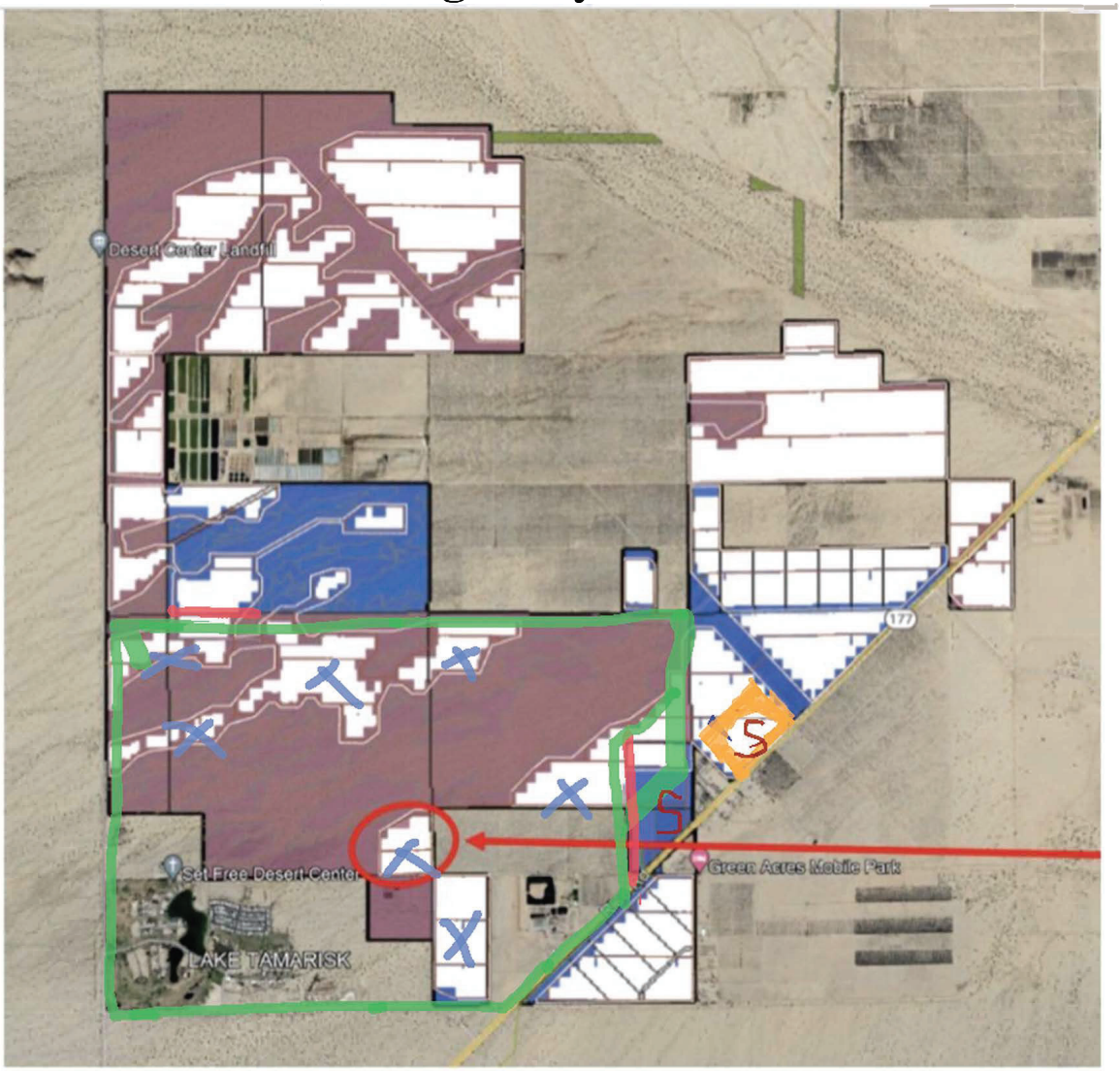
https://www.dropbox.com/scl/fi/d9pgq9ld6x1v9xvmglh3q/Respect-Lake-Tamarisk-Alternative-Map.pdf?rlkey=yq8ij6vtunh83vsycyq0wo7ce&dl=0

Comment Set D5 – Mark Carrington: Attachment 8a

11

Alternative (Lake Tamarisk Alternative) - submitted agencies Feb 2023; being analyzed in EIR/EA:

D5-85



Comment Set D5 – Mark Carrington: Attachment 8b

D5-85 (cont'd)

The “Respect Lake Tamarisk Alternative “ map contains the following elements:

-A minimum 1 mile Buffer Zone setback from the borders of Lake Tamarisk including Phase II land. (Green line)

-Screening berms required (Red lines) note that hydrology is not impacted

-Substation relocation (Orange) this location is also on an abandoned jojoba field.

- S on blue background is the IP substation location placed obtrusively in sunrise views from Lake Tamarisk. Note that the distance to the alternative location is less than 0.5 miles.

-Only A small portion of the total electrical production would be removed from the plan. (Blue X)

This Alternative site plan is both economically and technically feasible.

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

Easley Renewable Energy Project

From: MARK C <mcarrington81@gmail.com>
Sent: Friday, March 29, 2024 12:44 PM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Cc: Don and Marta Sneddon Lake Tamarisk # 131 <sneddon_don@yahoo.com>; Frank Angel <fangel@angellaw.com>; Teresa. Lake Tamarisk. #141 Lake Tamarisk. #141 <teresapierce52@gmail.com>; Vicki and James Bucklin #14 Lake Tamarisk <vickibucklin@pugetisland.com>
Subject: Supplemental Comments- CSA 51 Formation

D5-86

Hi Tim

We would like to add these as Supplemental mental Comment input for the Easley Solar Draft EIR as further evidence that the Phase ll land to our East is and always has been part of the Lake Tamarisk Community.

The Easley Project as currently planned is within 100 feet of our border.

Thanks Tim.

Kaiser and formation of Area 51
https://drive.google.com/file/d/1RFvK9Zd0CX775oNoGgEuQR9EOlP-svFE/view?usp=drivesdk

---------- Forwarded message ---------
From: **MARK C** <mcarrington81@gmail.com>
Date: Fri, Mar 29, 2024 at 12:31 PM
Subject: Fwd: CSA 51 Formation
To: Jerry Tamarisk #145 <jgreysffd@gmail.com>, Steve Jones <stevej8460@earthlink.net>
CC: Don and Marta Sneddon Lake Tamarisk # 131 <sneddon_don@yahoo.com>, Frank Angel <fangel@angellaw.com>, MARK C (BBG) <mcarrington81@gmail.com>, Teresa. Lake Tamarisk. #141 Lake Tamarisk. #141 <teresapierce52@gmail.com>, Vicki and James Bucklin #14 Lake Tamarisk <vickibucklin@pugetisland.com>

More proof that the undeveloped land to the settling ponds are part of the Community.

Grant Development pays Special Use taxes because they have access to water on the Phase ll lands.

---------- Forwarded message ---------
From: **Kimberlee Nelson** <kim@grantdevelopment.com>
Date: Fri, Mar 29, 2024 at 11:26 AM
Subject: Fwd: CSA 51 Formation
To: MARK C <mcarrington81@gmail.com>, Allen Grant <Allen@grantdevelopment.com>

Here u go :)

Sent from my iPhone

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

Begin forwarded message:

From: Mark Voight <mark.voight@spicercg.com>
Date: March 26, 2024 at 9:35:29 AM PDT
To: Kimberlee Nelson <kim@grantdevelopment.com>
Subject: CSA 51 Formation

D5-86 (cont'd)

Good Morning Kim,

Attached please find the Resolution and Order forming CSA 51.

Thank you,

MARK VOIGHT
ASSISTANT FINANCIAL ANALYST

SPICER CONSULTING GROUP, LLC
41880 KALMIA STREET, SUITE 145 | MURRIETA, CALIFORNIA 92562
951.249.7429 OFFICE | SPICERCG.COM

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Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

Adopted 5-0 8/28

RESOLUTION AND ORDER FORMING
COUNTY SERVICE AREA NO. 51
(Desert Center - Multiple Services)

WHEREAS, pursuant to Resolution of Intention adopted by this Board on July 31, 1967, and notice of hearing thereon duly given pursuant to law, a public hearing was held on Monday, August 28, 1967, on the proposed formation of County Service Area No. 51 to provide multiple extended services; and

WHEREAS, all persons appearing at said hearing were afforded an opportunity to be heard, and no protest was filed against the formation of said district or the extent thereof; and

WHEREAS, this Board finds that all proceedings in this formation have been valid and in conformity with the provisions of the County Service Area Law; now, therefore,

BE IT RESOLVED, ORDERED, FOUND AND DETERMINED by the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on August 28, 1967, pursuant to the County Service Area Law (Sections ~~25210.1~~ 25210.1 et seq. of the Government Code) that the miscellaneous services hereinafter listed are wholly extended county services and that County Service Area No. 51 is duly formed and established for the purpose of providing the following extended services in the territory th reof

a. Flood control protection.

b. Street lighting services.

c. Water treatment and supply services, including the acquisition and development of water and water right from such sources as may be necessary or proper for supplying water for domestic, irrigation, agricultural and other beneficial uses within the Service

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

The boundaries of said service area are hereby established and described in Exhibit A attached hereto and made a part hereof.

D5-86 (cont'd)

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

LEGAL DESCRIPTION PARCEL NO. 1

A parcel of land lying in Section 25, Township 3 South, Range 14 East, Section 1, Township 4 South, Range 14 East, and Section 2, Township 4 South, Range 14 East, SAN BERNARDINO BASE AND MERIDIAN, in the County of Riverside, State of California, and more particularly described as follows:

COMMENCING at the East quarter corner of Section 2, Township 4 South, Range 14 East, San Bernardino Base and Meridian, County of Riverside, State of California, thence on a bearing of North 70° 09' 45" East, a distance of 1,379.71 feet to the centerline of the Express Way, the TRUE POINT OF BEGINNING; thence on a bearing of North 62° 35' 55" West a distance of 2,050.02 feet along the centerline of said road; thence on a bearing of North 65° 44' 41" West a distance of 300.97 feet along the centerline of said road; thence on a bearing of North 56° 34' 37" West a distance of 250.85 feet along the centerline of said road to the beginning of a curve; thence on a curve concave to the left whose radius is 322.00 feet with a central angle of 13° 45' 49", an arc length of 77.63 feet along the centerline of said road; thence on a bearing of North 70° 20' 26" West a distance of 277.42 feet along the centerline of said road to the beginning of a curve; thence on a curve concave to the left whose radius is 671.20 feet with a central angle of 26° 43' 30" an arc length of 314.06 feet along the centerline of said road; thence continuing on a curve concave to the right whose radius is 916.77 feet with a central angle of 19° 47' 41", an arc length of 316.73 feet along the centerline of said road; thence on a bearing of North 77° 24' 15" West a distance of 549.53 feet along the centerline of said road; thence leaving said road on a bearing of North 02° 31' 39" West a distance of 1,700.95 feet; thence on a bearing of South 87° 28' 21" West a distance of 729.84 feet; thence on a bearing of North 02° 31' 39" West a distance of 974.43 feet; thence on a bearing of North 87° 28' 21" East a distance of 971.76 feet; thence on a bearing of South 02° 31' 39" East a distance of 254.62 feet; thence on a bearing of North 87° 28' 21" East, a distance of 249.91 feet; thence on a bearing of South 02° 31' 39" East a distance of 390.09 feet; thence on a bearing of South 87° 28' 21" West a distance of 249.91 feet; thence on a bearing of South 02° 31' 39" East a distance of 1,060.37 feet; thence on a bearing of North 87° 28' 21" East a distance of 641.21 feet; thence on a bearing of North 04° 32' 06" West a distance of 343.57 feet; thence on a bearing of North 09° 33' 54" East a distance of 300.17 feet; thence on a bearing of South 84° 32' 06" East a distance of 400.00 feet; thence on a bearing of South 38° 40' 05" East a distance of 707.73 feet; thence on a bearing of South 56° 11' 49" East a distance of 926.00 feet; thence on a bearing of North 69° 10' 05" East a distance of 260.00 feet; thence on a bearing of South 77° 19' 28" East a distance of 1,054.13 feet; thence on a bearing of South 00° 24' 22" East a distance of 812.00 feet to the TRUE POINT OF BEGINNING.

The said parcel contains 80.32 Acres, more or less.

THIS LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION.
July 1982
COUNTY SURVEYOR.
A. C. KEITH
BY [illegible] Deputy

[illegible]
Exhibit A.

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

LEGAL DESCRIPTION PARCEL NO. 2

A portion of the North one-half of Sections 14 and 15, Township 5 South, Range 15 East, SAN BERNARDINO BASE AND MERIDIAN, in the County of Riverside, State of California, being more particularly described as follows:

BEGINNING at the East quarter corner of said Section 14; thence South 88° 55' 02" West along the South line of the North one-half of said Section 14, a distance of 5304.35 feet to the common quarter corner between Sections 14 and 15; thence South 89° 43' 29" West along the South line of the North one-half of said Section 15, a distance of 5321.59 feet to the West quarter corner of said Section 15; thence North 0° 10' 52" West along the West line of said Section 15, a distance of 1319.45 feet to the Northwest corner of the Southwest quarter of the Northwest quarter of said Section 15; thence North 89° 45' 02" East along the North line of the Southwest quarter of the Northwest quarter of said Section 15, a distance of 1332.83 feet to the Southwest corner of the Northeast quarter of the Northwest quarter of said Section 15; thence North 0° 03' 40" West along the West line of the Northeast quarter of the Northwest quarter of said Section 15, a distance of 1316.66 feet to the Northwest corner of the Northeast quarter of the Northwest quarter of said Section 15; thence North 89° 46' 36" East along the North line of the Northwest quarter of said Section 15, a distance of 1334.01 feet to the North quarter corner of Section 15; thence continuing along the North line of said Section 15, North 89° 46' 52" East 2659.29 feet to the Northeast corner of said Section 15; thence North 88° 47' 44" East along the North line of the Northwest quarter of said Section 14 a distance of 2655.20 feet to the North quarter corner of said Section 14; thence North 88° 47' 23" East along the North line of the Northeast quarter of said Section 14, a distance of 1327.63 feet to the Northeast corner of the Northwest quarter of the Northeast quarter of said Section 14; thence South 0° 04' 10" West along the East line of the Northwest quarter of the Northeast quarter of said Section 14, a distance of 1321.29 feet to the Northwest corner of the Southeast quarter of the Northeast quarter of said Section 14; thence North 88° 51' 12" East along the North line of the Southeast quarter of the Northeast quarter of said Section 14, a distance of 1326.01 feet to the POINT OF BEGINNING and containing 563.20 Acres, more or less.

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

August 28, 1967

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On motion of Supervisor Anderson, seconded by Supervisor Jones and duly carried, the following resolution was adopted:

RESOLUTION FIXING TAX RATES

Tax rates for County & Special Districts for 1967-68 fiscal year fixed.

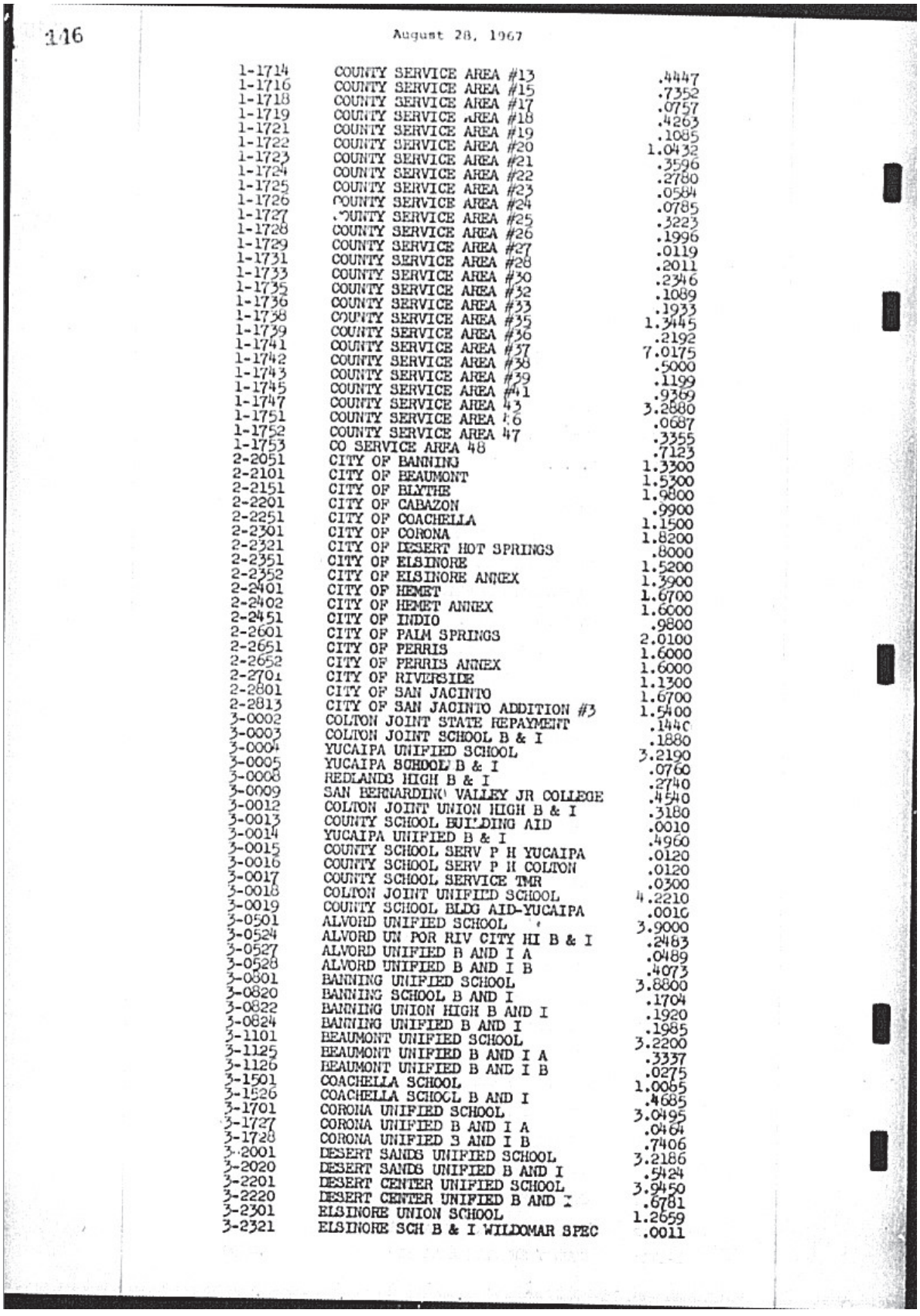
WHEREAS, the County Auditor-Controller has presented his computations showing the tax rate apportioned to funds necessary to be levied to raise the required revenue for the fiscal year 1967-68, now, therefore,

BE IT RESOLVED by the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on August 28, 1967, that the following tax rates are hereby fixed for the County of Riverside and the various districts and subdivisions thereof for the fiscal year 1967-68, upon each $100.00 of assessed valuation, to raise the amount of taxes necessary to finance the budget as heretofore adopted by the Board of Supervisors, to-wit:

1-1001	GENERAL	2.1634
1-1005	DEBT SERVICE	.0325
1-1007	A.C.O.	.1226
1-1001	COUNTY	2.3185 *
1-1121	COUNTY FREE LIBRARY	.1038
1-1123	COUNTY STRUCTURE FIRE PROTECTION	.0172
1-1134	SUPERVISORIAL ROAD DISTRICT 4	.1000
1-1303	CATHEDRAL COUNTY FIRE PROTECTION	.1069
1-1304	COACHELLA COUNTY FIRE PROTECTION	.1394
1-1308	SUNAIR-CHARLESWORTH CO FIRE PROT	.0187
1-1351	FLOOD CONTROL ADMINISTRATION	.0250
1-1361	FLOOD CONTROL ZONE #1	.2229
1-1362	FLOOD CONTROL ZONE #2	.2537
1-1363	FLOOD CONTROL ZONE #3	.3384
1-1364	FLOOD CONTROL ZONE #4	.1716
1-1365	FLOOD CONTROL ZONE #5	.2534
1-1366	FLOOD CONTROL ZONE #6	.2483
1-1367	FLOOD CONTROL ZONE #7	.0655
1-1405	COACHELLA HIGHWAY LIGHTING	.1300
1-1409	HIGHGROVE HIGHWAY LIGHTING	.0626
1-1415	THERMAL HIGHWAY LIGHTING	.2265
1-1701	COUNTY SERVICE AREA #1	.3491
1-1702	COUNTY SERVICE AREA #2	.0322
1-1703	COUNTY SERVICE AREA #3	.8226
1-1704	COUNTY SERVICE AREA #4	.8442
1-1705	COUNTY SERVICE AREA #5	.3038
1-1708	COUNTY SERVICE AREA #8	.0853
1-1711	COUNTY SERVICE AREA #10	.1730
1-1712	COUNTY SERVICE AREA #11	.2519
1-1713	COUNTY SERVICE AREA #12	.0990

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)



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1-1714	COUNTY SERVICE AREA #13	.4447
1-1716	COUNTY SERVICE AREA #15	.7352
1-1718	COUNTY SERVICE AREA #17	.0757
1-1719	COUNTY SERVICE AREA #18	.4263
1-1721	COUNTY SERVICE AREA #19	.1085
1-1722	COUNTY SERVICE AREA #20	1.0432
1-1723	COUNTY SERVICE AREA #21	.3596
1-1724	COUNTY SERVICE AREA #22	.2780
1-1725	COUNTY SERVICE AREA #23	.0584
1-1726	COUNTY SERVICE AREA #24	.0785
1-1727	COUNTY SERVICE AREA #25	.3223
1-1728	COUNTY SERVICE AREA #26	.1996
1-1729	COUNTY SERVICE AREA #27	.0119
1-1731	COUNTY SERVICE AREA #28	.2011
1-1733	COUNTY SERVICE AREA #30	.2346
1-1735	COUNTY SERVICE AREA #32	.1089
1-1736	COUNTY SERVICE AREA #33	.1933
1-1738	COUNTY SERVICE AREA #35	1.3445
1-1739	COUNTY SERVICE AREA #36	.2192
1-1741	COUNTY SERVICE AREA #37	7.0175
1-1742	COUNTY SERVICE AREA #38	.5000
1-1743	COUNTY SERVICE AREA #39	.1199
1-1745	COUNTY SERVICE AREA #41	.9369
1-1747	COUNTY SERVICE AREA 43	3.2880
1-1751	COUNTY SERVICE AREA 46	.0687
1-1752	COUNTY SERVICE AREA 47	.3355
1-1753	CO SERVICE AREA 48	.7123
2-2051	CITY OF BANNING	1.3300
2-2101	CITY OF BEAUMONT	1.5300
2-2151	CITY OF BLYTHE	1.9800
2-2201	CITY OF CABAZON	.9900
2-2251	CITY OF COACHELLA	1.1500
2-2301	CITY OF CORONA	1.8200
2-2321	CITY OF DESERT HOT SPRINGS	.8000
2-2351	CITY OF ELSINORE	1.5200
2-2352	CITY OF ELSINORE ANNEX	1.3900
2-2401	CITY OF HEMET	1.6700
2-2402	CITY OF HEMET ANNEX	1.6000
2-2451	CITY OF INDIO	.9800
2-2601	CITY OF PALM SPRINGS	2.0100
2-2651	CITY OF PERRIS	1.6000
2-2652	CITY OF PERRIS ANNEX	1.6000
2-2701	CITY OF RIVERSIDE	1.1300
2-2801	CITY OF SAN JACINTO	1.6700
2-2813	CITY OF SAN JACINTO ADDITION #3	1.5400
3-0002	COLTON JOINT STATE REPAYMENT	.1440
3-0003	COLTON JOINT SCHOOL B & I	.1880
3-0004	YUCAIPA UNIFIED SCHOOL	3.2190
3-0005	YUCAIPA SCHOOL B & I	.0760
3-0008	REDLANDS HIGH B & I	.2740
3-0009	SAN BERNARDINO VALLEY JR COLLEGE	.4540
3-0012	COLTON JOINT UNION HIGH B & I	.3180
3-0013	COUNTY SCHOOL BUILDING AID	.0010
3-0014	YUCAIPA UNIFIED B & I	.4960
3-0015	COUNTY SCHOOL SERV P H YUCAIPA	.0120
3-0016	COUNTY SCHOOL SERV P H COLTON	.0120
3-0017	COUNTY SCHOOL SERVICE TMR	.0300
3-0018	COLTON JOINT UNIFIED SCHOOL	4.2210
3-0019	COUNTY SCHOOL BLDG AID-YUCAIPA	.0010
3-0501	ALVORD UNIFIED SCHOOL	3.9000
3-0524	ALVORD UN POR RIV CITY HI B & I	.2483
3-0527	ALVORD UNIFIED B AND I A	.0489
3-0528	ALVORD UNIFIED B AND I B	.4073
3-0801	BANNING UNIFIED SCHOOL	3.8800
3-0820	BANNING SCHOOL B AND I	.1704
3-0822	BANNING UNION HIGH B AND I	.1920
3-0824	BANNING UNIFIED B AND I	.1985
3-1101	BEAUMONT UNIFIED SCHOOL	3.2200
3-1125	BEAUMONT UNIFIED B AND I A	.3337
3-1126	BEAUMONT UNIFIED B AND I B	.0275
3-1501	COACHELLA SCHOOL	1.0065
3-1526	COACHELLA SCHOOL B AND I	.4685
3-1701	CORONA UNIFIED SCHOOL	3.0495
3-1727	CORONA UNIFIED B AND I A	.0464
3-1728	CORONA UNIFIED B AND I B	.7406
3-2001	DESERT SANDS UNIFIED SCHOOL	3.2186
3-2020	DESERT SANDS UNIFIED B AND I	.5424
3-2201	DESERT CENTER UNIFIED SCHOOL	3.9450
3-2220	DESERT CENTER UNIFIED B AND I	.6781
3-2301	ELSINORE UNION SCHOOL	1.2659
3-2321	ELSINORE SCH B & I WILDOMAR SPEC	.0011

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

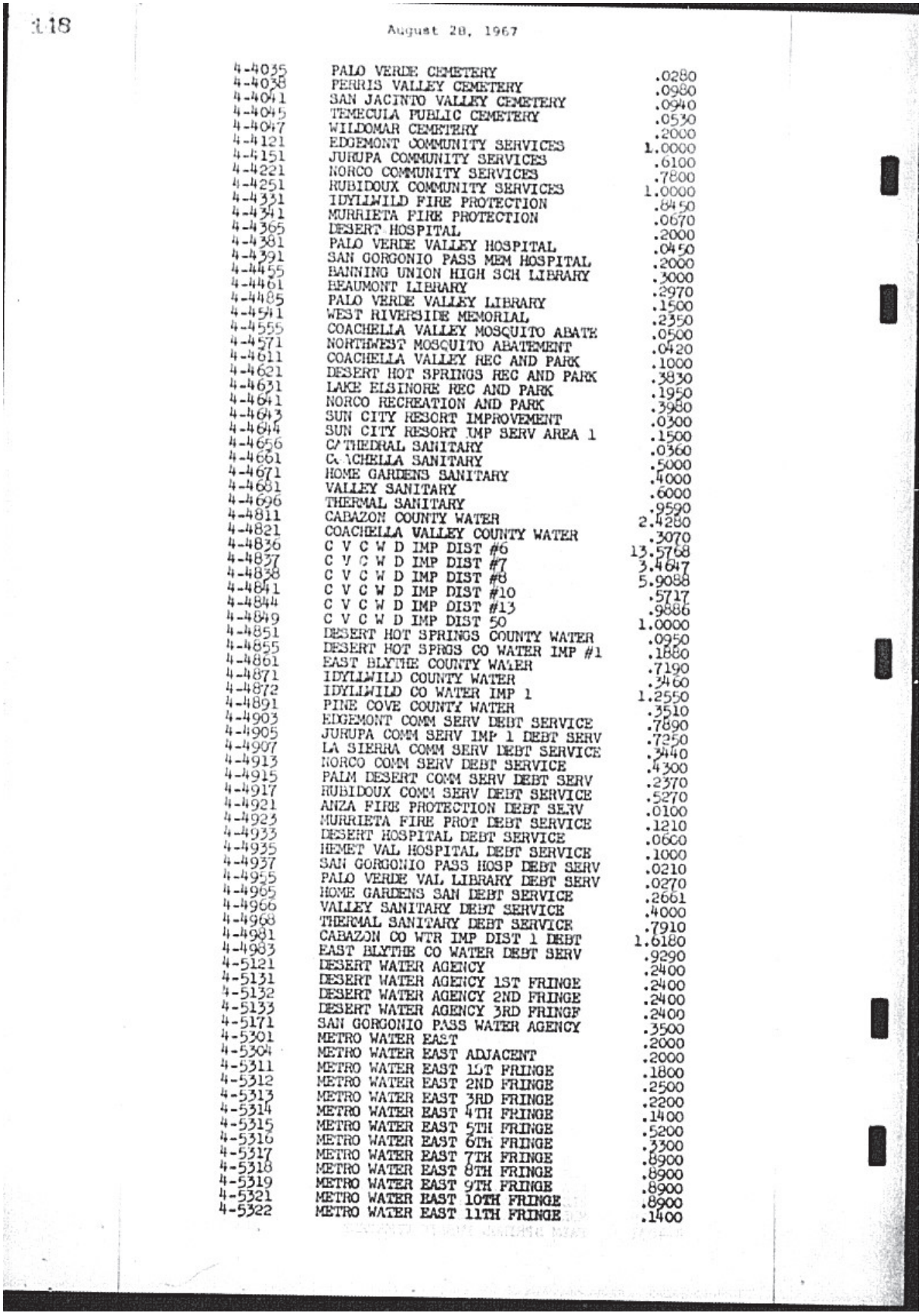
D5-86 (cont'd)

August 28, 1967

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3-2323	ELSINORE UNION SCHOOL B AND I	.2072
3-3201	HEMET UNIFIED SCHOOL	3.2723
3-3221	WINCHESTER SCHOOL B AND I 55	.0662
3-3222	HAMILTON SCHOOL B AND I	.2487
3-3224	HEMET VAL UNION SCHOOL B AND I A	.0558
3-3225	HEMET VAL UNION SCHOOL B AND I B	.1304
3-3226	HEMET VAL UNION SCHOOL B AND I C	.1094
3-3227	HEMET UNION HIGH B AND I A	.0458
3-3228	HEMET UNION HIGH B AND I B	.1363
3-3601	JURUPA UNIFIED SCHOOL	3.8223
3-3620	JURUPA UNIFIED B AND I	.4255
3-3625	JURUPA UN POR RIV CITY HI B & I	.4178
3-3701	MECCA SCHOOL	.7140
3-3724	MECCA SCHOOL B AND I A	.0606
3-3725	MECCA SCHOOL B AND I B	.3079
3-3901	MENIFEE UNION SCHOOL	.8244
3-3920	MENIFEE UNION SCHOOL B AND I 52	.0124
3-4201	MORENO VALLEY UNIFIED SCHOOL	2.1533
3-4226	MORENO VALLEY UNIFIED B AND I	.6209
3-4227	MORENO UN POR RIV CITY HI B & I	.2761
3-4501	MURRIETA SCHOOL	.7147
3-4520	MURRIETA SCHOOL B AND I 56	.0741
3-4701	NUVIEW UNION SCHOOL	.6858
3-4723	NUVIEW SCHOOL B AND I	.4131
3-4901	OASIS JOINT SCHOOL	1.0678
3-4926	OASIS SCHOOL B AND I A	.1842
3-4927	OASIS SCHOOL B AND I B	.2760
3-5101	PALM SPRINGS UNIFIED SCHOOL	2.1280
3-5120	DESERT SCHOOL B AND I 47	.0201
3-5126	PALM SPRINGS UNIFIED B AND I A	.1681
3-5127	PALM SPRINGS UNIFIED B AND I B	.3042
3-5301	PALO VERDE UNIFIED SCHOOL	3.7860
3-5325	PALO VERDE UNIFIED B AND I	.5547
3-5701	PERRIS SCHOOL	.9558
3-5724	PERRIS SCHOOL B AND I	.1673
3-5801	RIVERSIDE UNIFIED SCHOOL	3.6850
3-5820	RIVERSIDE UNIFIED B AND I A	.2735
3-5821	HIGHGROVE SCHOOL B AND I	.1782
3-5822	RIV UN POR RIV CITY HI B & I A	.0383
3-5823	RIV UN POR RIV CITY HI B & I B	.1663
3-5824	RIVERSIDE UNIFIED B AND I B	.2035
3-6101	ROMOLAND SCHOOL	.8898
3-6120	ROMOLAND SCHOOL B AND I 54	.0797
3-6301	SAN JACINTO UNIFIED SCHOOL	3.7869
3-6326	SAN JACINTO UNIFIED B AND I	.5921
3-6501	TEMECULA UNION SCHOOL	.7334
3-6701	THERMAL UNION SCHOOL	1.3017
3-6720	THERMAL UNION SCHOOL B & I 55	.1134
3-6722	THERMAL SCHOOL B AND I A	.2291
3-7101	VAL VERDE SCHOOL	1.1764
3-7120	VAL VERDE SCHOOL B AND I	.2237
3-8301	CCHLA VAL JT UNION HIGH SCHOOL	1.6974
3-8324	CCHLA VAL UNION HIGH B AND I A	.0603
3-8325	CCHLA VAL UNION HIGH B AND I B	.0791
3-8401	ELSINORE UNION HIGH SCHOOL	1.4644
3-8420	ELSINORE UNION HIGH B AND I	.2345
3-8601	PERRIS UNION HIGH SCHOOL	1.4509
3-8623	PERRIS UNION HIGH B AND I A	.0249
3-8624	PERRIS UNION HIGH B AND I B	.1621
3-9001	COACHELLA VALLEY JUNIOR COLLEGE	.4420
3-9020	COACHELLA VALLEY J C B AND I	.0849
3-9101	RIVERSIDE CITY JUNIOR COLLEGE	.5170
3-9125	RIVERSIDE CITY J C B AND I A	.0064
3-9126	RIVERSIDE CITY J C B AND I B	.1056
3-9201	MT SAN JACINTO JUNIOR COLLEGE	.5995
3-9830	ELSINORE AREA ELEM SCHOOL FUND	1.1180
3-9831	PERRIS AREA ELEM SCHOOL FUND	1.1236
3-9832	COACHELLA AREA ELEM SCHOOL FUND	1.1411
3-9896	SCHOOL EQUALIZATION AID	.0013
3-9901	COUNTY SCHOOL SERVICE	.0006
3-9902	CO SCHOOL SERV S M R	.0207
3-9904	CO SCHOOL SERV P H	.0232
3-9994	CO SCH BLDG AID VAL VERDE NUVIEW	.0029
3-9995	CO SCH BLDG AID VAL VERDE ROMOL	.0075
3-9998	JUNIOR COLLEGE TUITION	.3754
4-4005	BANNING CABAZON CEMETERY	.1920
4-4011	BEAUMONT CEMETERY	.0740
4-4015	COACHELLA VALLEY PUBLIC CEMETERY	.0200
4-4018	ELSINORE VALLEY CEMETERY	.1050
4-4025	MURRIETA CEMETERY	.0560
4-4031	PALM SPRINGS PUBLIC CEMETERY	.0600

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)



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August 28, 1967

4-4035	PALO VERDE CEMETERY	.0280
4-4038	PERRIS VALLEY CEMETERY	.0980
4-4041	SAN JACINTO VALLEY CEMETERY	.0940
4-4045	TEMECULA PUBLIC CEMETERY	.0530
4-4047	WILDOMAR CEMETERY	.2000
4-4121	EDGEMONT COMMUNITY SERVICES	1.0000
4-4151	JURUPA COMMUNITY SERVICES	.6100
4-4221	NORCO COMMUNITY SERVICES	.7800
4-4251	RUBIDOUX COMMUNITY SERVICES	1.0000
4-4331	IDYLLWILD FIRE PROTECTION	.8450
4-4341	MURRIETA FIRE PROTECTION	.0670
4-4365	DESERT HOSPITAL	.2000
4-4381	PALO VERDE VALLEY HOSPITAL	.0450
4-4391	SAN GORGONIO PASS MEM HOSPITAL	.2000
4-4455	BANNING UNION HIGH SCH LIBRARY	.3000
4-4461	BEAUMONT LIBRARY	.2970
4-4485	PALO VERDE VALLEY LIBRARY	.1500
4-4541	WEST RIVERSIDE MEMORIAL	.2350
4-4555	COACHELLA VALLEY MOSQUITO ABATE	.0500
4-4571	NORTHWEST MOSQUITO ABATEMENT	.0420
4-4611	COACHELLA VALLEY REC AND PARK	.1000
4-4621	DESERT HOT SPRINGS REC AND PARK	.3830
4-4631	LAKE ELSINORE REC AND PARK	.1950
4-4641	NORCO RECREATION AND PARK	.3980
4-4643	SUN CITY RESORT IMPROVEMENT	.0300
4-4644	SUN CITY RESORT IMP SERV AREA 1	.1500
4-4656	CATHEDRAL SANITARY	.0360
4-4661	COACHELLA SANITARY	.5000
4-4671	HOME GARDENS SANITARY	.4000
4-4681	VALLEY SANITARY	.6000
4-4696	THERMAL SANITARY	.9590
4-4811	CABAZON COUNTY WATER	2.4280
4-4821	COACHELLA VALLEY COUNTY WATER	.3070
4-4836	C V C W D IMP DIST #6	13.5768
4-4837	C V C W D IMP DIST #7	3.4647
4-4838	C V C W D IMP DIST #8	5.9088
4-4841	C V C W D IMP DIST #10	.5717
4-4844	C V C W D IMP DIST #13	.9886
4-4849	C V C W D IMP DIST 50	1.0000
4-4851	DESERT HOT SPRINGS COUNTY WATER	.0950
4-4855	DESERT HOT SPRGS CO WATER IMP #1	.1880
4-4861	EAST BLYTHE COUNTY WATER	.7190
4-4871	IDYLLWILD COUNTY WATER	.3460
4-4872	IDYLLWILD CO WATER IMP 1	1.2550
4-4891	PINE COVE COUNTY WATER	.3510
4-4903	EDGEMONT COMM SERV DEBT SERVICE	.7890
4-4905	JURUPA COMM SERV IMP 1 DEBT SERV	.7250
4-4907	LA SIERRA COMM SERV DEBT SERVICE	.3440
4-4913	NORCO COMM SERV DEBT SERVICE	.4300
4-4915	PALM DESERT COMM SERV DEBT SERV	.2370
4-4917	RUBIDOUX COMM SERV DEBT SERVICE	.5270
4-4921	ANZA FIRE PROTECTION DEBT SERV	.0100
4-4923	MURRIETA FIRE PROT DEBT SERVICE	.1210
4-4933	DESERT HOSPITAL DEBT SERVICE	.0600
4-4935	HEMET VAL HOSPITAL DEBT SERVICE	.1000
4-4937	SAN GORGONIO PASS HOSP DEBT SERV	.0210
4-4955	PALO VERDE VAL LIBRARY DEBT SERV	.0270
4-4965	HOME GARDENS SAN DEBT SERVICE	.2661
4-4966	VALLEY SANITARY DEBT SERVICE	.4000
4-4968	THERMAL SANITARY DEBT SERVICE	.7910
4-4981	CABAZON CO WTR IMP DIST 1 DEBT	1.6180
4-4983	EAST BLYTHE CO WATER DEBT SERV	.9290
4-5121	DESERT WATER AGENCY	.2400
4-5131	DESERT WATER AGENCY 1ST FRINGE	.2400
4-5132	DESERT WATER AGENCY 2ND FRINGE	.2400
4-5133	DESERT WATER AGENCY 3RD FRINGE	.2400
4-5171	SAN GORGONIO PASS WATER AGENCY	.3500
4-5301	METRO WATER EAST	.2000
4-5304	METRO WATER EAST ADJACENT	.2000
4-5311	METRO WATER EAST 1ST FRINGE	.1800
4-5312	METRO WATER EAST 2ND FRINGE	.2500
4-5313	METRO WATER EAST 3RD FRINGE	.2200
4-5314	METRO WATER EAST 4TH FRINGE	.1400
4-5315	METRO WATER EAST 5TH FRINGE	.5200
4-5316	METRO WATER EAST 6TH FRINGE	.3300
4-5317	METRO WATER EAST 7TH FRINGE	.8900
4-5318	METRO WATER EAST 8TH FRINGE	.8900
4-5319	METRO WATER EAST 9TH FRINGE	.8900
4-5321	METRO WATER EAST 10TH FRINGE	.8900
4-5322	METRO WATER EAST 11TH FRINGE	.1400

D5-86 (cont'd)

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

August 28, 1967

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4-5323	METRO WATER EAST 12TH FRINGE	.8900
4-5351	METRO WATER WEST	.2200
4-5361	METRO WATER WEST 1ST FRINGE	.2400
4-5362	METRO WATER WEST 2ND FRINGE	.2300
4-5363	METRO WATER WEST 3RD FRINGE	.4300
4-5364	METRO WATER W 4TH FRINGE	.1400
4-5365	METRO WATER WEST 5TH FRINGE	.8900
4-5367	METRO WATER WEST 7TH FRINGE	.1400
4-5401	EASTERN MUNICIPAL WATER	.6500
4-5404	E M W D ADJACENT	.6500
4-5411	E M W D 1ST FRINGE	.6500
4-5412	E M W D 2ND FRINGE	.6500
4-5413	E M W D 3RD FRINGE	.6500
4-5414	E M W D 4TH FRINGE	.5950
4-5415	E M W D 5TH FRINGE	.6500
4-5416	E M W D 6TH FRINGE	.6500
4-5417	E M W D 7TH FRINGE	.6500
4-5418	E M W D 8TH FRINGE	.6500
4-5419	E M W D 9TH FRINGE	.6500
4-5421	E M W D 10TH FRINGE	.6500
4-5422	E M W D 11TH FRINGE	.6500
4-5423	E M W D 12TH FRINGE	.6500
4-5451	E M W D IMP DIST #1	.2500
4-5452	E M W D IMP DIST #2	.7500
4-5453	E M W D IMP DIST #3	.7300
4-5454	E M W D IMP DIST #4	.6500
4-5455	E M W D IMP DIST #5	.7000
4-5457	E M W D IMP DIST #7	.9000
4-5458	E M W D IMP DIST #8	.7500
4-5459	E M W D IMP DIST #9	.7500
4-5461	E M W D IMP DIST #10	.7300
4-5462	E M W D IMP DIST #11	2.0000
4-5463	E M W D IMP DIST #12	1.0000
4-5464	E M W D IMP DIST #13	.2300
4-5465	E M W D IMP DIST #14	.2500
4-5466	E M W D IMP DIST #15	.0500
4-5467	E M W D IMP DIST #16	1.5000
4-5468	E M W D IMP DIST #17	.4500
4-5469	E M W D IMP DIST #18	1.7500
4-5471	E M W D IMP DIST 19	1.0000
4-5472	E M W D IMP DIST 20	.7500
4-5491	E M W D IMP DIST U-1	.4500
4-5492	E M W D IMP DIST U-2	.3500
4-5493	E M W D IMP DIST U-3	.7300
4-5494	E M W D IMP DIST U-4	.3500
4-5495	E M W D IMP DIST U-5	.5000
4-5496	E M W D IMP DIST U-6	.3500
4-5501	ELSINORE VALLEY MUNICIPAL WATER	1.1200
4-5512	ELS VAL M W D 2ND FRINGE	1.1200
4-5513	ELS VAL M W D 3RD FRINGE	1.1200
4-5514	ELS VAL M W D 4TH FRINGE	1.1200
4-5551	ELS VAL M W D IMP DIST #1	.5300
4-5562	ELS VAL M W D IMP DIST #2	.5400
4-5564	ELS VAL M W D IMP DIST #4	.4300
4-5581	ELS VAL M W D IMP DIST C	.5000
4-5593	ELS VAL M W D IMP DIST #3-A	.6100
4-5601	LAKE HEMET MUNICIPAL WATER	.7200
4-5602	LAKE HEMET MUN WATER IMP 1	.1500
4-5701	WESTERN MUNICIPAL WATER	.0800
4-5711	WESTERN MUN WATER 1ST FRINGE	.0800
4-5712	WESTERN MUN WATER 2ND FRINGE	.1100
4-5713	WESTERN MUN WATER 3RD FRINGE	.1000
4-5714	WESTERN MUN WATER 4TH FRINGE	.0800
4-5715	WESTERN MUN WATER 5TH FRINGE	.0800
4-5717	W M W D 7TH FRINGE	.0800
4-5751	WESTERN MUN WATER IMP DIST #1	2.2300
4-5752	WESTERN MUN WATER IMP DIST #2	1.9800
4-5753	WESTERN MUN WATER IMP DIST #3	2.0500
4-5754	WESTERN MUN WATER IMP DIST #4	4.9800
4-5781	WESTERN MUN WATER IMP DIST A	3.0000
4-5782	WESTERN MUN WATER IMP DIST B	.9000
4-5791	WESTERN MUN WATER IMP DIST U-1	6.2000
4-5792	WESTERN MUN WATER IMP DIST U-2	23.9000
4-5793	WESTERN MUN WATER IMP DIST U-3	3.0000
18-4061	CITRUS PEST CONTROL 2	6.0000
28-2105	CITY OF BEAUMONT LIGHTING	1.0000
28-4831	C V C W D IMP DIST 1	1.0290
28-5211	CALIMESA WATER	1.4680
28-5231	ELSINORE WATER	2.9360
28-5251	FERN VALLEY WATER	1.1900
28-5275	RANCHO CALIFORNIA WATER	.8544
38-4822	C.V C W D STORM WATER UNIT	.5333

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

Email: Easley Renewable Energy Project

D5-86 (cont'd)

From: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Sent: Friday, March 29, 2024 10:44 AM
To: MARK C
Cc: Don and Marta Sneddon Lake Tamarisk # 131; Gonzalez, Guillermo; Hernandez, Steven; Teresa. Lake Tamarisk. #141 Lake Tamarisk. #141; Moore, Sarah
Subject: RE: Lake Tamarisk plot maps (phase II)
Attachments: TR03633.pdf; TR3662 Approval.pdf; TR3662 (recorded map).pdf

Lake Tamarisk residents,

I have reviewed the proposed "Phased II" Lake Tamarisk Community expansion and under the original Tract Maps (TR3662 and TR3633) and have reviewed and have a determination to provide (please see attached documents):

Tentative Tract Map No. 3633 (TR3633) – was originally proposed for an estimated 343 lot subdivision in Desert Center (also known as the Lake Tamarisk Community). TR3633 was tentatively approved by the Planning Commission in April 1967 and by the Board in August 1967. In October 1968 a request was made to grant an extension of time (EOT) and that was approved by the Planning Commission for one (1) year until October 1969. Again in October 1969 another extension of time (EOT) request was filed. No action was made on that EOT request and no final map for TR3633 was recorded; so Tentative Tract Map No. 3633 (TR3633) did expired.

Tentative Tract Map No. 3662 (TR3662) – was proposed for an estimated 151 lot subdivision in Desert Center (also known as the Lake Tamarisk Community). It appears TR3662 was for the western portion of TR3633. It appears through documents with the subdivision for TR3633 there was issues regarding flooding to southern properties, roadway development, and other concerns that may have stalled the finalizing of TR3633. So TR3662 was processed at the same time with TR3633 processing. TR3662 received tentative approved and then a final map was recorded on January 4, 1968. This tract, TR3662, is what is currently known as Lake Tamarisk Community today.

Again no map was recorded for TR3633 and no other subdivision/development was process and/or approved for the undeveloped eastern portion next to recorded map TR3662. No change of zone (CZ) approved for the eastern portion next to recorded map TR3662 to residential. Currently the undeveloped eastern portion of TR3662 has a zoning classification of Natural Assets (N-A) zone.

Unless other documentation is provided to the County, If development was to occur on the undeveloped eastern portion next to TR3662; a new tentative tract map would need to be filed and approved at a public hearing or any other project entitlement would need to be filed and approved at a public hearing.

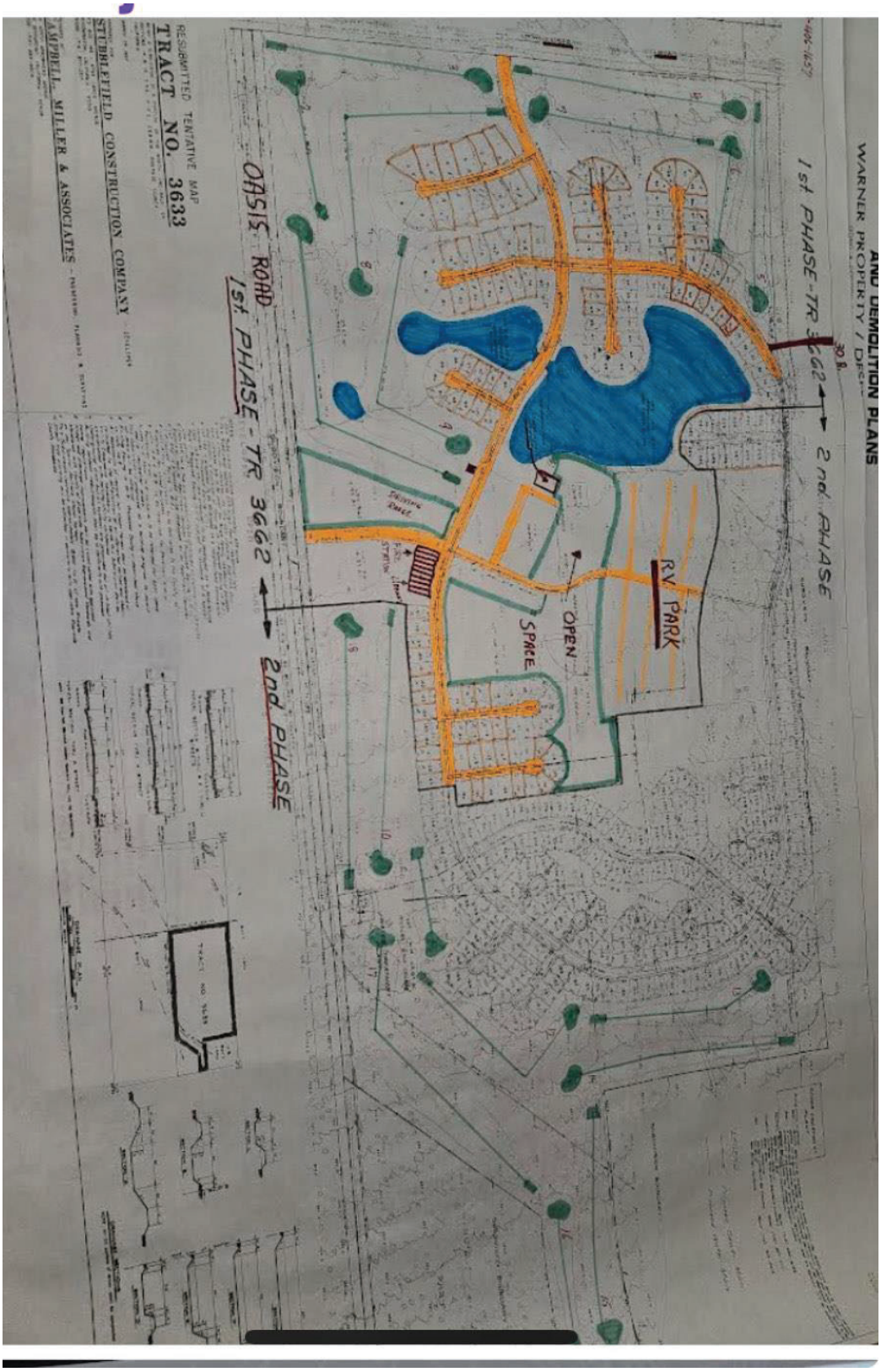
Kind Regards,

Tim Wheeler
Principal Planner
4080 Lemon St – 12th floor
Riverside, CA 92501
951-955-6060
How are we doing? Click the link to tell us

From: MARK C <mcarrington81@gmail.com>
Sent: Wednesday, January 10, 2024 9:39 AM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Cc: Don and Marta Sneddon Lake Tamarisk # 131 <sneddon_don@yahoo.com>; Gonzalez, Guillermo <GuiGonzalez@Rivco.org>; MARK C (BBG) <mcarrington81@gmail.com>; Hernandez, Steven <SAHERNAN@RIVCO.ORG>; Teresa. Lake Tamarisk. #141 Lake Tamarisk. #141 <teresapierce52@gmail.com>
Subject: Lake Tamarisk plot maps

1

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)



D5-86 (cont'd)

2

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

Good morning Tim

This is a poor photo of the development map for Lake Tamarisk that we took at Monday's Sapphire scoping meeting.
As you can see, phase 1 and two are completed while phase 3 is the area left uncompleted to our east. This map shows conclusively that the entire area to the east of the currently developed Lake Tamarisk is also a portion of the Lake Tamarisk community.

As I spoke with you earlier, Allen Grant, the owner of this extended property, is planning to develop portions and ultimately all of this area in the future, and is currently in the process of developing lots that he owns in the currently developed areas.

As we have mentioned several times, and is in our formal documents for the Easley Solar project, Intersect Power's plan for their solar project is at 25 feet from our borders not 1/2 mile as they argue and certainly not at one mile as we require.

I'm sure I can get better copies if you wish them.

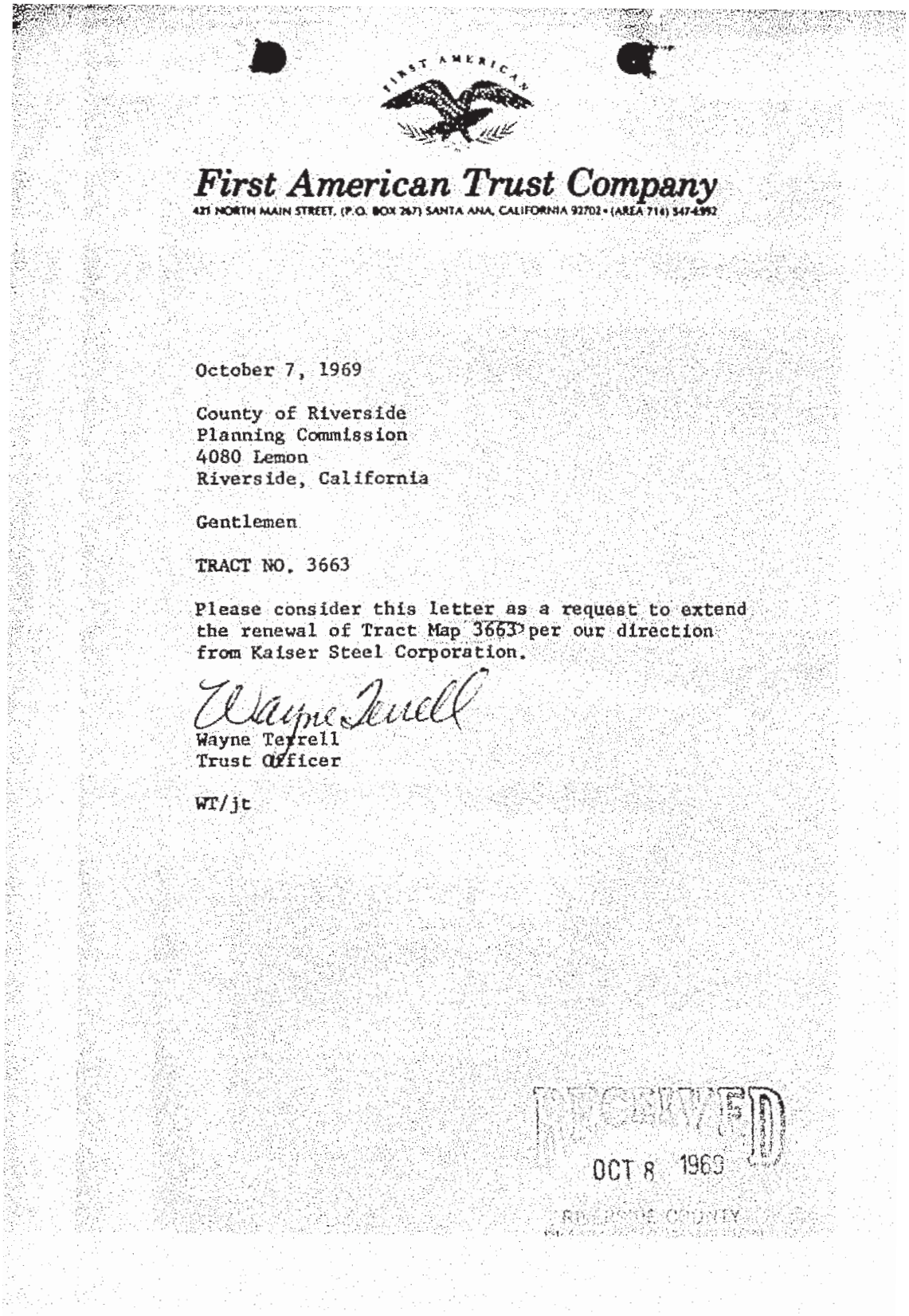
Thanks, Tim

Mark

3

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)



First American Trust Company

421 NORTH MAIN STREET, (P.O. BOX 267) SANTA ANA, CALIFORNIA 92702 • (AREA 714) 547-4952

October 7, 1969

County of Riverside
Planning Commission
4080 Lemon
Riverside, California

Gentlemen

TRACT NO. 3663

Please consider this letter as a request to extend the renewal of Tract Map 3663 per our direction from Kaiser Steel Corporation.

Wayne Terrell
Trust Officer

WT/jt

RECEIVED
OCT 8 1969
RIVERSIDE COUNTY

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

January 27, 1969

File

Mr. Don B. Miller
C M Engineering Associates
234 No. Arrowhead Avenue
San Bernardino, California

Dear Sir:

Reference is made to your letter of January 9, 1969, requesting concurrence with the location and roadway geometric for the road leading to the proposed Lake Tamarisk Elementary School adjacent to the Kaiser development Tract 3633.

I discussed this matter with Mr. Hippenstiel of your office and I was advised as follows:

1. The proposed road will be offered for dedication and maintenance by the County.

2. Full improvement of Shasta Drive and Tamarisk Drive will be completed concurrently with, or prior to, the completion of the school access road. This will be necessary for proper circulation and provide access for County maintenance forces.

3. A high school site is proposed immediately west of the proposed elementary school, and a junior high school is proposed immediately north.

Since a great percentage of high school students commute with individual vehicles, it may be well to provide another access road to the school site from Kaiser Road with the possible easterly extension in the future. If this were accomplished, a 44' roadway within a 66' right of way would be adequate for the access road to the elementary school site.

If a separate access road to the school sites as mentioned above were not provided, it is suggested that a 48' roadway with curb and gutter within an 88' right of way be proposed for the elementary school access road.

RECEIVED
JAN 27 1969
RIVERSIDE COUNTY
PLANNING COMMISSION

COPY

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

Thank you for the opportunity of reviewing your proposal in advance. If you have any questions regarding the above, please call me.

Very truly yours,

A. C. Keith, County Surveyor
and Road Commissioner

J. C. Guastella
Highway Planning Engineer

JCG:cv

cc: Wm. Livingstone
Riverside County Planning Director

COPY

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

OFFICE COPY

WPP:36371

October 9, 1968

Stubblefield Construction Company
P. O. Box 188
Bloomington, California 92316

SUBJECT: First Extension of Time
TRACT NO. 3633

Gentlemen:

The Planning Commission at its regular meeting on October 8, 1968 approved your request to extend for one year until October 11, 1969, the time within which to record your final subdivision tract map known as Tract No. 3633. At the end of this one year period you may again request another one year extension.

You are reminded that Section 5.16 states that subdivisions for which an extension of time is granted must conform to the applicable schedule of improvements in effect at the time the extension is granted.

Very truly yours,

RIVERSIDE COUNTY PLANNING COMMISSION
Wm. R. Livingstone - Planning Director

William P. Padavick
William P. Padavick - Associate Planner

WPP:ms
cc: P. Stout (2)
Campbell, Miller & Assoc.
First American Title Co.
Desert Office
A. B. Vaughn - Recorders Office
File Copy

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

Stubblefield Construction Company

BUILDER - DEVELOPER - GENERAL CONTRACTOR

P. O. BOX 188 - 9769 LARCH AVENUE
BLOOMINGTON, CALIFORNIA 92316
TELEPHONE 877-2317

September 20, 1968

Riverside County Planning Commission
4080 Lemon Street - Room 101
Hall of Records
Riverside, California 92501

Gentlemen:

We understand that our Tentative Tract Map No. 3633 located near Desert Center, California expires October 11, 1968. As you probably know, we have recorded a new Map No. 3662 within this Tentative Map and have been active in the last year and a half building in this area.

We respectfully request that Tentative Map No. 3633 be extended for another year at this time.

Yours very truly,

STUBBLEFIELD CONSTRUCTION CO.

A. H. Stubblefield

AHS:fg

SEP 23 1968

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

Rec'd 18.3633
JAN 15 BOARD AGENDA ITEM #61 – Referred to Co. Council OFFICE to ANSWER MR. BROWN LETTER - NOT RECEIVED
January 3, 1968 + AE RETURNED to BOARD of SUPERVISORS

JAN 8 1968

RIVERSIDE COUNTY PLANNING COMMISSION

Board of Supervisors
County Court House
Riverside, California

Gentlemen,

Attention is directed to your most recent Supervisor's meeting held December 26, 1967, RE: Interim Report of County Council on drainage problem affected by Subdivision Tract 3633.

It is evident from the lack of a unanimus vote by your Board that the drainage problem created by Tract 3633, in fact, does pose a threat and hazzard to lower lands; otherwise, if no problem exists, your Board would have voted unanimously.

The small landowners of this area have almost lost faith in justice. Where we have had hope in the fairness of our causes, which have come before your Board on several occasions, we find our efforts have all been in vain.

In your Board's decision to accept the drainage plan as installed by the contractor on Tract 3633, and by the very language read into the minutes, by your decision, and I quote, "The Board is satisfied that the drainage work installed in Tract 3633 is adequate to comply with conditions 12A and 12B of approval of tentative map, and will not result in damage to any non-consenting owner of lower lands in the vicinity", puts the county of Riverside as the guarantor that the down-stream landowners will not suffer damage resulting from channeled storm waters directed upon them as a result of the subdivision drainage plan.

I have contacted our attorney and have called a meeting of the lower landowners to discuss legal action against the developer and others, for damages already sustained by them, from the storm of last September 1967. Following the storm, your Board was notified of these damages in the protests which were filed. Your Board has further been notified by reports to your office from Riverside County Flood Control, that the drainage plan installed in Tract 3633 is inadequate to protect the down-stream properties.

We respectfully beg of your Board, to reconsider the drainage plan of Tract 3633, so that the storm waters diverted by levies and channels along the southerly boundaries of the Tract be contained and not dumped upon the lower land owners. That the storm waters so diverted be transported beyond the down stream property owners. This can very easily be accomplished by continuing the southerly storm channel another two miles east. At this point the waters could be allowed to spread back into natural sheet flow, as there are no down stream land owners immediately beyond this point.

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

Jan 3, 1968

The elevation fall for grades to the east is ideal, besides there could be no problem of right-of-way, as the lands south of the due east southerly line of the subdivision is all owned by B.L.M.

The now existing flood channel along the southerly borders of the tract converges all storm water into one channel which is directed and dumped to within 1000 feet of adjacent down stream properties. The intelligence of your Board certainly would dictate that this flood plan is highly inadequate and a remedy should be imposed.

Trusting I may have your reply at your next Board meeting, I am,

Very truly yours,

Howard C. Brown
Howard C. Brown
Lower Land Owner

Lower Land Owners
Charles N Carr
E. J. Stovall
J. R. Squire Nyes
N. E. Carlson

CC: Riverside County Planning Commission
Riverside County Flood Control
California State Real Estate Commission
Riverside County Subdivision Committee
Riverside County Council

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS

County of Riverside, State of California

1:30 P.M. being the time heretofore set for hearing on the application of Union Steel Company (Tract 3633) to change zone of property in the Desert Center area, Case No. 802, the Chairman called the matter for hearing.

The matter was presented by the Clerk and explained by the Planning Director.

There being no one present who desired to speak on the matter, the Chairman declared the hearing closed.

On motion of Supervisor Seeley, seconded by Supervisor Davis and duly carried, IT WAS ORDERED that the recommendation of the Planning Commission be approved and County Counsel was instructed to prepare an ordinance to effect the change.

Roll Call resulted as follows:
Ayes: Supervisors Jones, Davis, Seeley & McCall.
Noes: None.
Absent: Supervisor Anderson.

2/19/68

RECEIVED
FEB 21 1968
RIVERSIDE COUNTY
PLANNING COMMISSION

I hereby certify that the foregoing is a full, true and correct copy of an order made and entered on February 19 19 68, Book 76 page 183 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors

Dated: February 20, 1968

DONALD D. SULLIVAN, Clerk of the Board of Supervisors, in and for the County of Riverside, State of California.

(SEAL)

By Deliana DeBolt, Deputy

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

January 3, 1968

RECEIVED
JAN 8 1968

Board of Supervisors
County Court House
Riverside, California

Gentlemen,

Attention is directed to your most recent Supervisor's meeting held December 26, 1967, RE: Interim Report of County Council on drainage problem affected by Subdivision Tract 3633.

It is evident from the lack of a unanimus vote by your Board that the drainage problem created by Tract 3633, in fact, does pose a threat and hazzard to lower lands: otherwise, if no problem exists, your Board would have voted unanimously.

The small landowners of this area have almost lost faith in justice. Where we have had hope in the fairness of our causes, which have come before your Board on several occasions, we find our efforts have all been in vain.

In your Board's decision to accept the drainage plan as installed by the contractor on Tract 3633, and by the very language read into the minutes, by your decision, and I quote, "The Board is satisfied that the drainage work installed in Tract 3633 is adequate to comply with conditions 12A and 12B of approval of tentative map, and will not result in damage to any non-consenting owner of lower lands in the vicinity", puts the county of Riverside as the guarantor that the down-stream landowners will not suffer damage resulting from channeled storm waters directed upon them as a result of the subdivision drainage plan.

I have contacted our attorney and have called a meeting of the lower landowners to discuss legal action against the developer and others, for damages already sustained by them, from the storm of last September 1967. Following the storm, your Board was notified of these damages in the protests which were filed. Your Board has further been notified by reports to your office from Riverside County Flood Control, that the drainage plan installed in Tract 3633 is inadequate to protect the down-stream properties.

We respectfully beg of your Board, to reconsider the drainage plan of Tract 3633, so that the storm waters diverted by levies and channels along the southerly boundaries of the Tract be contained and not dumped upon the lower land owners. That the storm waters so diverted be transported beyond the down stream property owners. This can very easily be accomplished by continuing the southerly storm channel another two miles east. At this point the waters could be allowed to spread back into natural sheet flow, as there are no down stream land owners immediately beyond this point.

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

Jan 3, 1968

The elevation fall for grades to the east is ideal, besides there could be no problem of right-of-way, as the lands south of the due east southerly line of the subdivision is all owned by B.L.M.

The now existing flood channel along the southerly borders of the tract converges all storm water into one channel which is directed and dumped to within 1000 feet of adjacent down stream properties. The intelligence of your Board certainly would dictate that this flood plan is highly inadequate and a remedy should be imposed.

Trusting I may have your reply at your next Board meeting, I am,

Very truly yours,

Howard C. Brown
Lower Land Owner

Lower Land Owners
Charles N Carr
J. Stowell
[illegible]
[illegible]

CC: Riverside County Planning Commission
Riverside County Flood Control
California State Real Estate Commission
Riverside County Subdivision Committee
Riverside County Council

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

OFFICE OF THE
COUNTY COUNSEL
RIVERSIDE COUNTY
COURT HOUSE Room 206
RIVERSIDE, CALIFORNIA 92501
TELEPHONE 683-4000

RAY T. SULLIVAN, JR.
COUNTY COUNSEL
JAMES H. ANGELL
ASSISTANT

GERALD J. GEERLINGS
TILDEN L. BROOKS
RICHARD J. LAWRENCE
JOEL BRAND
W. W. MILLER
[illegible]
[illegible]

RECEIVED
DEC 28 1967
RIVERSIDE COUNTY
PLANNING COMMISSION

December 28, 1967

Board of Supervisors
County of Riverside
Court House
Riverside, California

Re: Collection of Fees - Section 7.11, Ordinance No. 460

Gentlemen:

On December 4, 1967, you referred to this office and to the Road Department the letter of Union Steel Company regarding the payment of fees under Section 7.11 of Ordinance No. 460 regulating subdivisions.

The Union Steel Company, through its contractor, Stubblefield Construction Company, had employed private inspectors for a large portion of its work on Tract No. 3662 and, therefore, requested waiver of inspection fees. As the Road Commissioner points out in his letter to the Board, dated December 13, 1967, the 2½% fee covers much more than just field inspections by his department of the various subdivision improvements.

It apparently is not unusual to begin improvement works in large projects well ahead of approval by the County of the actual plans for the development. In such circumstances, private inspections would become necessary; however, waiver of fees should not, and could not, be implied because of such advance work being done by a contractor. This office is not in a position to state why such improvement works are started in advance of approval; however, it should be noted that it is a violation of the subdivision ordinance (Sections 5.1 and 7.3 of Ordinance No. 460) to begin construction before approval of the plans.

In the last two paragraphs of his letter to the Board, dated December 13, 1967, the Road Commissioner has touched upon a new problem that is in need of clarification and it was primarily for this reason we requested that the matter be re-referred to this office.

As Mr. Keith points out, the subdivision improvement plans for Tract No. 3662 include a water treatment plant and sewer treatment plant, and there is included in the inspection fee an amount equal to 2½% of these installations. The Road Department does no work in connection with these installations

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

(which is the function of the Department of Building & Safety and the Health Department) and, therefore, no fee is needed by the Road Department. Mr. Keith states that he has no objection to waiving this part of the fee if such waiver is permitted by Ordinance No. 460. By way of further explanation, we are referring herein only to the plants, not to the water and sewer lines involved, which are a concern of the Road Department.

To complete the over-all picture, although the Road Department does no work in connection with the plants, it is apparent that the Building Department and the Health Department have a good deal of work in connection with the water and sewer plants. The Building Department issues its regular building permits for the plants and we would assume that their plan checking, inspection and related costs are covered; however, we do not know that to be the fact. The Health Department charges no fee for its services in connection with either plant and it is clear that they do have a great deal to do with each installation.

It appears, therefore, that the 2½% inspection fee charged for the sewer and water plants is justified even though the Road Department does no work in connection with them, unless the building permit fee covers the work of both the Building and Health Departments, but that this portion of the 2½% inspection fee should be allocated to these departments.

We recommend that the matter be studied by the appropriate departments to determine what fee should in the future properly be charged by the County for engineering or inspection services involved in connection with sewer and water plants, in addition to or in lieu of the building permit fees. When that is determined, then the matter should be referred to this office with instructions to amend Ordinance No. 460 to have the fee paid to or for the benefit of the departments that are rendering the service.

If this 2½% fee duplicates building permit fees for the sewer and water treatment plants, we think it appropriate to refund that portion of the fee that has been collected in this case which represents such duplication.

Very truly yours,

Ray T. Sullivan, Jr.
County Counsel

By
Gerald J. Geerlings
Senior Deputy

GJG:bam

CC: Admin. Office
Road Dept., Planning Dept., Health Dept.

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS

County of Riverside, State of California

On motion of Supervisor Seeley, seconded by Supervisor Jones and duly carried, IT WAS ORDERED that the Interim Report of County Counsel on the drainage problem adjacent to Tract 3633 be filed and further that the Board is satisfied that the drainage work installed in Tract 3633 is adequate to comply with Conditions 12a and 12b of approval of tantative map, and will not result in damage to any nonconsenting owner of lower lands in the vicinity.

Roll Call resulted as follows:
Ayes: Supervisors Jones, Seeley and McCall.
Noes: Supervisors Anderson and Davis.
Absent: None.

RECEIVED
DEC 27 1967
RIVERSIDE COUNTY
PLANNING COMMISSION

I hereby certify that the foregoing is a full, true and correct copy of an order made and entered on December 26 19 67, Book 76 page 48 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors

Dated: December 26, 1967

DONALD D. SULLIVAN, Clerk of the Board of Supervisors,
In and for the County of Riverside, State of California.

(SEAL)

By _____, Deputy

FORM 419

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

Planning Center

OFFICE OF COUNTY COUNSEL
Court House, Room 206
Riverside, California

December 20, 1967

File

To: Board of Supervisors

Subject: Tract No. 3633, Drainage Questions

On December 18 you referred to this office for report "as soon as possible" the question of whether there is compliance with the conditions of the tentative map in connection with flood control protection of this tract and possible effects on other lands in the vicinity. This resulted from a letter of December 11 from the Chief Engineer of the Riverside County Flood Control and Water Conservation District suggesting that this office should determine whether the County would incur any liability if the final map is approved with the construction of the improvements proposed, which we are informed are completed. The condition of the tentative map approval in question reads:

> "Adjacent and downstream property owners shall be agreeable to accept the diverted concentrated flows and offsite construction work, or an alternate plan of control shall be required."

On December 19 a conference was held between James Good and Don Jordan, attorneys representing the subdivider, Ken Edwards of the Flood Control District, Deputy County Counsel Gerald Geerlings and the undersigned, from which the following salient points are developed:

1. The works required designed and installed are adequate to protect the subdivider. Any problem resulting from diversion along the west edge of the tract has been resolved by agreement with the adjacent and lower owner, the United States, to accept the diversion there, which is toward the north.

2. The remaining question is whether works along the southerly edge of the tract would cause such

- 1 -

RECEIVED
DEC 21 1967
RIVERSIDE COUNTY

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

To: Board of Supervisors - 2 - December 20, 1967

diversion of a portion of the sheet-type natural flow to an extent that there would be adverse effects upon private property easterly and northeasterly of the tract, which would be likely to result in legal liability. It is apparent that no additional quantity of water resulting from these works would reach any lower owner; the question is whether by concentration or other change of the flow of the same amount of water, there would be a measurably damaging impact on such lands.

3. It is apparent that a real effort has been made by the subdivider to minimize any diversion problem by attempting on their own land below the works to restore conditions to those approximating the natural state of the flow before it reaches lower private property. The subdivider's engineers are of the view that there would not be damage to the lower owners and have furnished the attached report dated December 20, 1967, confirming this position, with details upon which the conclusion is based. They state that they have now met all the requirements outlined to them in the conditions and that their plan was approved by the Flood Control District.

4. We are furnishing a copy of the report of the subdivider's engineers to the Chief Engineer of the District, with a copy of this letter. If the Chief Engineer is in substantial agreement with this viewpoint, we do not think there is any real problem of liability. We would have to have specific facts that the physical consequences of the works in question would produce an identifiable adverse effect of substantial significance before we might be expected to find a liability hazard.

Ray T. Sullivan, Jr.
County Counsel

RTS:es
Encl.
CC: Chief Engineer, RCFC&WCD
Planning Director
County Surveyor - Subdivisions
James E. Good

RIVERSIDE COUNTY PLANNING COMMISSION

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS

County of Riverside, State of California

On motion of Supervisor Anderson, seconded by Supervisor Seeley and duly carried by unanimous vote, IT WAS ORDERED that
24 the report on protest of H. C. Brown to record final map on Tract 3633, in the Desert Center area, be referred to County Counsel for study and report as soon as possible.

12/18/67

RECEIVED
DEC 20 1967

I hereby certify that the foregoing is a full, true and correct copy of an order made and entered on December 18 19 67, Book 76 page 28 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors

Dated: December 18, 1967

DONALD D. SULLIVAN, Clerk of the Board of Supervisors, in and for the County of Riverside, State of California.

(SEAL)

By _____, Deputy

FORM 419

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

T8:34596

December 11, 1967

The Honorable Board of Supervisors
Court House
Riverside, California

SUBJECT: Study and report of H.C. Brown protest of Tract No. 3633

Fourth Supervisorial District

Gentlemen:

Pursuant to your Board Order of November 20, 1967 the Planning Staff submits the following report on the alleged damage to property of a Mr. H. C. Brown of Desert Center. Enclosed is a copy of the approval letter with copies of the Health Department, Flood Control District letters and conditions of the tentative approval map which pertain to this subject.

The Subdivision Committee met with both the developer and the engineer and developed the conditions that the Planning Commission approved. The conditions regarding flood control protection were based on the Riverside County Flood Control District letter of recommendations dated April 6, 1967.

In Mr. H. C. Brown's letter of November 14, 1967 there were stated several reasons protesting approval of Tract No. 3633. All the reasons that Mr. Brown states pertain to flood control problems. Our office has asked the Flood Control District to give us a report on the existing conditions. It is our understanding that the Flood Control District will furnish your Board with a letter answering Mr. Browns questions.

We would like to point out that whenever there is a diversion of water and the diversion is concentrated and dumped on adjacent properties a clearance letter has to be obtained from the adjacent downstream property owners accepting this concentrated flow of water. This requirement is contained in Paragraph 12 (b) of the conditions of approval of the tentative map.

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

The Honorable Board of Supervisors
Tract No. 3633
Page -2-

Our office contacted Mr. Clyde Hippenstiel of Campbell, Miller and Associates, engineers for the developer, and discussed the flood control problem. Mr. Hippenstiel stated that they have met all the requirements outlined to them in the conditions and all their work was approved by the Riverside County Flood Control District. It was indicated that the construction of the levees and channels do not divert the water and that the water is channeled back to its natural drainage downstream. Mr. Hippenstiel stated that the drainage easement they have from the Bureau of Land Management is sufficient, but the actual statement of accepting the concentrated flow of water is not specifically stated. He states that he does not feel that this is a problem that cannot be solved.

Yours very truly,

RIVERSIDE COUNTY PLANNING COMMISSION

Tyler Suess - Planning Director

TS:es
Encls.
cc: Supervisor Scoley
Flood Control District
Palm Desert Planning Office

C O P Y

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

WPP:34516

November 24, 1967

Mr. Howard C. Brown
P. O. Box 441
Desert Center, California 92239

SUBJECT: Tract No. 3633

Dear Sir:

This letter is to inform you that the Board of Supervisors has referred the matter concerning flood control conditions in Tract No. 3633 to the Flood Control District Office and the Planning Department.

We are proceeding with our investigation and will keep you informed of our progress before this matter is returned to the Board of Supervisors in 30 days.

Yours very truly,

RIVERSIDE COUNTY PLANNING COMMISSION
Tyler Suess - Planning Director

William P. Padavick - Associate Planner

WPP:ca

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

12/26

DATE: November 20, 1967

AGENDA ITEM NO.: 73

MEETING DATE: Dec. 26

Planning & Flood Control

Copies of letters from H.C. Brown concerning flood conditions in Tract 3633.

...was referred to your department by the Board of Supervisors for taking the following action:

X ...

RECEIVED
NOV 22 1967
RIVERSIDE COUNTY
PLANNING COMMISSION

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

BOARD OF SUPERVISORS
FILED
NOV 20 1967
DONALD D. SULLIVAN, Clerk
By [illegible] Deputy

CHUCKWALLA VALLEY LANDOWNERS ASSOCIATION, INC.

Riverside County Planning Commission
County Court House
Riverside, California

PROTEST: To Final Approval of Subdivision Tract No. 3633

Gentlemen:

The Chuckwalla Valley Landowners Association, Inc., a corporation duly organized and existing under and by virtue of the laws of the State of California, do hereby file protest to Riverside County Planning Commission that the final map on Subdivision Tract No. 3633 be denied unless a revised flood control plan be developed in order to protect all down stream landowners from diverted storm water. Reasons for protest are as follows:

1. That the flood control plan as filed by the subdivider does not protect the down stream landowners from the storm water diverted around and through the subdivision.

2. That the storm waters diverted by the huge levees and canals pose a far greater threat to the landowners than the natural storm water sheet flow.

3. That the water collected in the canals is directed down stream and is then dumped uncontrolled on down stream landowners.

4. That the existing flood control levees and canals are no more than water diversion channels that gobble the major sheet flow of storm waters of the upper Chuckwalla Valley as far west as Chiriaco Summit and converges this water into a narrow channel that dumps directly on to lower property owners.

5. That Planning Commission be aware of the flood problems of this area as pointed out by Riverside County Flood Control and Water Conservation District in their letter to Planning Commission on April 6, 1967.

6. That the adjacent and down stream landowners have not been contacted and have not agreed to accept the diverted concentrated flows of storm water caused by this subdivision.

7. That damage to down stream landowners has already been caused by diverted waters from a light seasonal half hour rain in early September, 1967.

These levees and diversion canals, as they now exist, pose a serious potential threat to lower landowners. Therefore, we request that an alternate plan of storm control be submitted by developer to assure a proper solution for the control and disposal of converged water, from the now existing levees and canals, that will not cause damage to down stream landowners.

Dated this 14 day of April 1967

Respectfully submitted,

Howard C. Brown, President

Robert E. Anderson, Secretary

cc: Riverside [illegible] Supervisors
Riverside [illegible] Flood Control and
Water Conservation District

Board members: Fred Stowell - Ray Palladino
Darrell Zwang - Charles Carr
Ronald Squires

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

FILED

NOV 20 1967

Riverside County Planning Commission
County Court House
Riverside, California 92501

SUBJECT: Protest to Final Map Approval on Subdivision Tract No. 3633

Gentlemen:

On January 23, 1967 a protest was filed with your office objecting to the approval by your Commission of the tentative map as filed on Subdivision Tract No. 3633. A copy of that protest is attached for reference.

On February 2nd, 1967 Planning Director, Mr. Tyler Sueas, wrote the Board of Supervisors of Riverside County regarding this protest, and a copy of this letter is also attached for reference.

The writer comes again on this date to protest to your Honorable Commission that approval on the final map on Subdivision Tract No. 3633 be suspended for the following reasons:

1: That Stubblefield Construction Co., the Subdivider and Developer of Tract No. 3633, has not provided adequate flood protection for the instant area.

2: That the flood control and drainage plan for this Tract, which is now nearly completed, poses a great threat and increases the flood hazards to the down-flow landowners from storm water being diverted from its natural sheet flow origin into a channelled stream.

3: That future development of all properties lying in the path of the diverted and channelled waters from this Subdivision will be gravely effected forever.

4: That the flood problems of this area are well known to your Board as reported by Riverside County Flood Control and Water Conservation District, which is the advisory agency for this area.

5: That a master flood control plan be developed for the instant area, in order to control the diverted and channelized storm waters created by industrial and housing developments.

Respectfully submitted,

Howard C. Brown

Howard C. Brown
P. O. Box 441
Desert Center, California 92239

Dated this 20 day of Nov 1967

cc Riverside County Board of Supervisors
encs. 2
Riverside County Flood Control

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

Drawing Copy

BOARD OF SUPERVISORS
FILED
NOV 20 1967
DONALD D. SULLIVAN, Clerk
By _____ Deputy

Riverside County Planning Commission
Court House
Riverside, California

Gentlemen:

SUBJECT: Protest
Subdivision Tract No. 3633

On or about January 9, 1967, a tenative map for a subdivision, believed to be identified as Tract No. 3633, located on a portion of the N½ of Sec. 14, T5S, R15E, SBBM, Riverside County, California, was filed with your office for approval.

The writer protests to the allowance of this tenative map as filed, for good and sufficient reasons as outlined herein:

1. That there is insufficient evidence shown on the tenative map to cope with the flood hazards effecting this property, and that the purchasers of homes in this tract, without major flood control measures provided by the subdivider, would place the lives and property of these home owners in jeopardy.

2. That on January 23, 1964 the Riverside County Flood Control advised the Riverside County Planning Commission that Subdivision Tract No. 2867, then on file with the Planning Commission, was unsafe for residential development since it was subject to flooding.

3. That on February 3, 1964 Subdivision Tract No. 2867 was denied by the Planning Commission, due to the flood hazards involved.

4. That Tract No. 2867 is in a portion of the SW¼ of Sec. 7, T5S, R16E, SBBM, Riverside County, California, and lies approximately one mile northeast of Tract No. 3633, and that Tract No. 2867 and Tract No. 3633 are both effected by the same sheet flow and lay in the same path of a 90 square mile drainage area, as described in Flood Control's report of January 23, 1964.

5. That continued effort on the part of the subdivider of Tract No. 2867 was fruitless in their attempt to satisfy Planning Commission, with either raised pads for all dwelling sites or protection levees on the south and westerly boundaries of the subdivision to protect any sheet flood from the westerly direction.

6. That if major flood control was deemed necessary in 1964 for the properties which lay in the path of the 90 square mile drainage area, herein described, it would therefore be inconceivable if the same major flood control regulations were not imposed on any subdivider today.

7. That because of the flood hazards and the need for conservation of the underground waters of the area, the formation of the Chuckawalla Valley Water Conservation District has been petitioned to become the 8th Water District of Riverside County.

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

-2-

8. That because of the 100 year storms in this area, as reported by Riverside County Flood Control, the Subdivision Tract No. 3633 should likewise be denied, unless major flood control measures are required of the subdivider in order to protect not only the owners within the subdivision tract, but the protection of the adjoining landowners and others as well who may become effected by concentrated water diversion, either through or around the subdivision tract.

Respectfully yours,

Howard C. Brown

Howard C. Brown
Box 441
Desert Center, California 92239

Dated this 20 day of January 1967

CC
Riverside County Flood Control
Riverside County Board of Supervisors
Riverside County Subdivision Committee
Real Estate Commission, State of California

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

Ordered filed 3/6/67

37

PLANNING COMMISSION

JOHN M. ROSE, Chairman, Corona
ELMER M. KATZENSTEIN, Vice-Chm., Rubidoux
KAY H. OLESEN, Palm Desert
MAURICE A. PERRY, Hemet
LEONARD M. KIRKPATRICK, SR., Perris
HAROLD L. MOYER, Beaumont
HORACE MILLER, Blythe

Ex-Officio
A. C. KEITH, County Surveyor and Road Commissioner
ERIC L. WAITE, County Assessor
RAY T. SULLIVAN, JR., County Counsel

HAZEL I. EVENSEN, Secretary

TYLER SUESS, PLANNING DIRECTOR
COURT HOUSE, RIVERSIDE, CALIFORNIA 92501
TELEPHONE 688-4800

BOARD OF SUPERVISORS
FILED
MAR 6 - 1967
DONALD O. SULLIVAN, Clerk
By _____ Deputy

February 28, 1967

WCM:32944

The Honorable Board of Supervisors
Court House
Riverside, California

SUBJECT: Protest of Tract No. 3633

Fourth Supervisorial District

Gentlemen:

On January 30, 1967 your honorable Board ordered the Planning Staff to study and to make a report of the protest filed by Mr. Howard C. Brown, Desert Center, California. The protest relates to the filing of Tract No. 3633, which will be considered by the Planning Commission for approval, subject to certain conditions, on March 8, 1967.

Apparently Mr. Brown is of the opinion that Tract No. 3633 located on a portion of the north half of Sections 14 and 15, Township 5 South, Range 15 East in the Desert Center Area, is subject to inundation with no provisions being made to render the tract free from flooding.

Since the filing of Tract No. 3633 the Subdivision Committee has met with the developer and his engineers on the subject map. Numerous special conditions have been written covering the drainage problems of the proposed subdivision. These flood control conditions came to the Planning Commission via the Riverside County Flood Control and Water Conservation District which is the advisory agency for this area. A copy of the conditions is enclosed for your Board's review.

In a letter dated November 18, 1966 by the Flood Control District to Mr. Brown, a copy of which is enclosed, it is indicated that Mr. Brown's property definitely has drainage problems. As a suggestion for remedying this situation, the district advised him to contact a qualified Civil Engineer familiar with flood control and drainage problems to work out solutions to render his property free from flood hazard.

Ordered filed by the Board of Supervisors
AM 3-6-67

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

Board of Supervisors
Protest of Tract No. 3633
February 28, 1967
Page - 2 -

Mr. Brown filed a tentative subdivision map, Tract No. 2867 with the Planning Commission on January 13, 1964. Because this proposed subdivision had a major flooding problem, in the path of a 90 square mile drainage area and no acceptable flood control protection was provided at the time, the Planning Commission denied the map due to flood hazard on January 28, 1964. Furthermore, the subdivider of Tract No. 3633, the Stubblefield Construction Company, submitted a comprehensive drainage plan which provided adequate flood control protection for their proposed subdivision.

Respectfully submitted,

RIVERSIDE COUNTY PLANNING COMMISSION

Tyler Sims, Planning Director

TS:nh
Encls.

cc: Riv. Co. Flood Control
Riv. Co. Road Department
Supervisor Seeley

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

TS:jm481

November 17, 1967

Mr. John W. Bryant, Chief Engineer
Riverside County Flood Control and Water
Conservation District
P. O. Box 1033
Riverside, California

SUBJECT: Tract No. 3633 C/U 944

Dear Mr. Bryant:

Enclosed is a letter from the Chuckwalla Valley Landowners Association, Incorporated requesting the Planning Commission to delay or deny the recordation of tentative Tract No. 3633 for the various reasons listed in their letter.

Our office would like to know if the flood control plan submitted by the developer and approved by your department will create a serious problem for down stream property owners.

Very truly yours,

RIVERSIDE COUNTY PLANNING COMMISSION

Tyler Gibbs - Planning Director

TS:es
Encl.
cc: F. Stout
H. Schmitz

COPY

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

CHUCKWALLA VALLEY LANDOWNERS ASSOCIATION, INC.

Riverside County Planning Commission
County Court House
Riverside, California

PROTEST: To Final Approval of Map for Subdivision Tract No. 3633

Gentlemen:

The Chuckwalla Valley Landowners Association, Inc., a corporation duly organized and existing under and by virtue of the laws of the State of California, do hereby file protest to Riverside County Planning Commission that the final map on Subdivision Tract No. 3633 be denied unless a revised flood control plan be developed in order to protect all down stream landowners from diverted storm water. Reasons for protest are as follows:

1. That the flood control plan as filed by the subdivider does not protect the down stream landowners from the storm water diverted around and through the subdivision.

2. That the storm waters diverted by the huge levees and canals pose a far greater threat to the landowners than the natural storm water sheet flow.

3. That the water collected in the canals is directed down stream and is then dumped uncontrolled on down stream landowners.

4. That the existing flood control levees and canals are no more than water diversion channels that gather the major sheet flow of storm waters of the upper Chuckwalla Valley as far west as Chiriaco Summit and converges this water into a narrow channel that dumps directly on to lower property owners.

5. That Planning Commission is aware of the flood problems of this area as pointed out by Riverside County Flood Control and Water Conservation District in their letter to Planning Commission on April 6, 1967.

6. That the adjacent and down stream landowners have not been contacted and have not agreed to accept the diverted concentrated flows of storm water caused by this subdivision.

7. That damage to down stream landowners has already been caused by diverted waters from a light seasonal half hour rain in early September, 1967.

These levees and diversion canals, as they now exist, pose a serious potential threat to lower landowners. Therefore, we request that an alternate plan of storm control be submitted by developer to assure a proper solution for the control and disposal of converged water, from the new existing levees and canals, that will not cause damage to down stream landowners.

Dated this 14 day of Nov. 1967

Respectfully submitted,

Edward E. Brown

Robert E. Carlson

cc: Riverside Co. Board of Supervisors
Riverside Co. Flood Control and
Water Conservation District

Board Members: [illegible]

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

TS:34481

November 17, 1967

COPY

Mr. John W. Bryant, Chief Engineer
Riverside County Flood Control and Water
Conservation District
P. O. Box 1033
Riverside, California

SUBJECT: Tract No. 3633

Dear Mr. Bryant:

Enclosed is a letter from the Chuckawalla Valley Landowners Association, Incorporated requesting the Planning Commission to delay or deny the recordation of tentative Tract No. 3633 for the various reasons listed in their letter.

Our office would like to know if the flood control plan submitted by the developer and approved by your department will create a serious problem for down stream property owners.

Very truly yours,

RIVERSIDE COUNTY PLANNING COMMISSION

Tyler Suess - Planning Director

TS:es
Encl.
cc: P. Stout
H. Schmitz

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

LAZY G. MOBILE HOME PARK
25-950 RICE ROAD
P.O. BOX 473
DESERT CENTER, CALIF. 92239

Tract 3633

14 NOV. 67
Desert Center,
Calif.

Riverside County Planning Commission
County Court House
Riverside, Calif.

Dear Sir;

This letter is in protest to the flood control in regards to the Kaiser subdivision now under construction in Desert Center.

The excess water from their dikes started new washes and channeled the water across my property. Washing out a two foot dike that has handled the rains forseveral years. Much larger and longer rains. Then dropped down another 300 feet . A new channel and started a wash across my property and washing several thousand yards of soil away. Also washing out my driveways. And starting to undermine the Rice Road. Repairing the dikes and rebuilding the frontage has cost $350.00. The wash thru the property will probably cost another thousand. No doubt this development is needed here and an improvement to the valley. However this flood problem can only cause law suits and hardships. Before we have another heavy storm we ask that you investigate this further.

Ironwood Sales & Service, Inc.,
Charles R. Carr, Pres.

Charles R Carr

RECEIVED
NOV 17 1967
RIVERSIDE COUNTY
PLANNING COMMISSION

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

LAW OFFICES
REID, BABBAGE & COIL

ENOS C. REID
JOHN D. BABBAGE
HORACE O. COIL
WILLIAM R. BAILEY, JR.
MICHAEL H. CLEPPER
DAVID G. MOORE
DONALD F. POWELL
RICHARD A. BROWN

3600 ORANGE STREET
POST OFFICE BOX 1300
RIVERSIDE, CALIFORNIA 92502
TELEPHONE 686-1771
AREA CODE 714
CABLE ADDRESS "REBCO"

RECEIVED
NOV 13 1967
RIVERSIDE COUNTY
PLANNING COMMISSION

November 10, 1967

Riverside County Planning Commission
Riverside County Courthouse
Riverside, California

Re: Tract No. 3633 - Our Clients: Franna Farms and Mr. and Mrs. F. Ronald Squire

Gentlemen:

Our above named clients are the owners of a total of 460 acres of land in the South 1/2 of Section 1 and the North 1/2 of Section 13, Township 5 South, Range 15 East, San Bernardino Base and Meridian. Their land is located on the North side of Rice Road in Desert Center and is directly down stream from and in the path of the ground water and storm run-off channels referred to in the letter of John W. Bryant, Chief Engineer of the Riverside County Flood Control and Water Conservation District to your honorable Commission dated April 6, 1967.

Our clients have sustained substantial damage from ground water run-off from the existing temporary flood control channel which the Kaiser Corporation has installed and they are accordingly greatly opposed to any plan for control of storm run-off which would involve diversion and concentration of waters to flow onto their downstream properties.

Although our clients are in strong support of this development generally it is essential that their lands be protected from ground water flow and storm run-off particularly of the diverted and concentrated flows referred to in Mr. Bryant's letter. Accordingly, it is respectfully requested that you enter their protest to the above referenced map and that such map not be approved until suitable adjustments are made to the plan to protect my clients and other downstream property owners from such storm water run-off.

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

LAW OFFICES
REID, BABBAGE & COIL

Riverside County Planning Commission
November 10, 1967 Page 2

In conclusion therefore, we strongly urge your Commission to direct particular attention to item two of the recommendations of Mr. Bryant as stated in his aforementioned letter and that the tenative map for this tract be denied approval unless and until an alternate plan of ground water control is adopted which will insure that my clients and the other down-stream property owners are not subjected to any diversion or concentration of the normal ground water run-off.

In order that all interested parties will be advised of our position in this regard, we have taken the liberty of directing a copy of this letter to the persons and offices indicated below.

Respectfully yours,

REID, BABBAGE & COIL

Horace O. Coil

HOC:cr

cc: Honorable Floyd McCall, Chairman
Riverside County Board of Supervisors

Honorable Ray Seeley, Supervisor

John W. Bryant, Chief Engineer
Riverside County Flood Control

A. C. Keith, Riverside County
Road Department

Mr. F. Ronald Squire

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

Riverside County Planning Commission
County Court House
Riverside, California 92501

SUBJECT: Protest to Final Map Approval on Subdivision Tract No. 3633

Gentlemen:

On January 23, 1967 a protest was filed with your office objecting to the approval by your Commission of the tentative map as filed on Subdivision Tract No. 3633. A copy of that protest is attached for reference.

On February 28, 1967 Planning Director, Mr. Tyler Suess, wrote the Board of Supervisors of Riverside County regarding this protest, and a copy of this letter is also attached for reference.

The writer comes again on this date to protest to your Honorable Commission that approval on the final map on Subdivision Tract No. 3633 be suspended for the following reasons:

1: That Stubblefield Construction Co., the Subdividor and Developer of Tract No. 3633, has not provided adequate flood protection for the instant area.

2: That the flood control and drainage plan for this Tract, which is now nearly completed, poses a great threat and increases the flood hazzards to the down-flow landowners from storm water being diverted from its natural sheet flow origin into a channelled stream.

3: That future development of all properties lying in the path of the diverted and channelled waters from this Subdivision will be gravely effected forever.

4: That the flood problems of this area are well known to your Board as reported by Riverside County Flood Control and Water Conservation District, which is the advisory agency for this area.

5: That a master flood control plan be developed for the instant area, in order to control the diverted and channelized storm waters created by industrial and housing developments.

Respectfully submitted,

Howard C. Brown

Howard C. Brown
P. O. Box 441
Desert Center, California 92239

Dated this 10 day of Nov. 1967

cc Riverside County Board of Supervisors
encs. 2
CC. Riverside County Flood Control

RECEIVED
NOV 13 1967
RIVERSIDE COUNTY

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

Ordered Filed 3/6/67

37

PLANNING COMMISSION

JOHN M. ROSE, Chairman, Corona
ELMER M. KATZENSTEIN, Vice-Chm., Rubidoux
KAY H. OLESEN, Palm Desert
MAURICE A. PERRY, Hemet
LEONARD M. KIRKPATRICK, SR., Perris
HAROLD L. MOYER, Beaumont
HORACE MILLER, Blythe

Ex-Officio
A. C. KEITH, County Surveyor and Road Commissioner
ERIC L. WAITE, County Assessor
RAY T. SULLIVAN, JR., County Counsel

HAZEL I. EVENSEN, Secretary

TYLER SUESS, PLANNING DIRECTOR
COURT HOUSE, RIVERSIDE, CALIFORNIA 92501
TELEPHONE [illegible]

BOARD OF SUPERVISORS
FILED
MAR 6 - 1967
DONALD O. SULLIVAN, Clerk
By [signature] Deputy

February 28, 1967

WCM:32944

The Honorable Board of Supervisors
Court House
Riverside, California

SUBJECT: Protest of Tract No. 3633

Fourth Supervisorial District

Gentlemen:

On January 30, 1967 your honorable Board ordered the Planning Staff to study and to make a report of the protest filed by Mr. Howard C. Brown, Desert Center, California. The protest relates to the filing of Tract No. 3633, which will be considered by the Planning Commission for approval, subject to certain conditions, on March 8, 1967.

Apparently Mr. Brown is of the opinion that Tract No. 3633 located on a portion of the north half of Sections 14 and 15, Township 5 South, Range 15 East in the Desert Center Area, is subject to inundation with no provisions being made to render the tract free from flooding.

Since the filing of Tract No. 3633 the Subdivision Committee has met with the developer and his engineers on the subject map. Numerous special conditions have been written covering the drainage problems of the proposed subdivision. These flood control conditions came to the Planning Commission via the Riverside County Flood Control and Water Conservation District which is the advisory agency for this area. A copy of the conditions is enclosed for your Board's review.

In a letter dated November 18, 1966 by the Flood Control District to Mr. Brown, a copy of which is enclosed, it is indicated that Mr. Brown's property definitely has drainage problems. As a suggestion for remedying this situation, the district advised him to contact a qualified Civil Engineer familiar with flood control and drainage problems to work out solutions to render his property free from flood hazard.

Ordered Filed by the Board of Supervisors
MAR 6 1967

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

Board of Supervisors
Protest of Tract No. 3633
February 28, 1967
Page - 2 -

Mr. Brown filed a tentative subdivision map, Tract No. 2867 with the Planning Commission on January 13, 1964. Because this proposed subdivision had a major flooding problem, in the path of a 90 square mile drainage area and no acceptable flood control protection was provided at the time, the Planning Commission denied the map due to flood hazard on January 28, 1964. Furthermore, the subdivider of Tract No. 3633, the Stubblefield Construction Company, submitted a comprehensive drainage plan which provided adequate flood control protection for their proposed subdivision.

Respectfully submitted,

RIVERSIDE COUNTY PLANNING COMMISSION

Tyler Summy, Planning Director

TS:nh
Encls.

cc: Riv. Co. Flood Control
Riv. Co. Road Department
Supervisor Seeley

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

Drowers Copy

Riverside County Planning Commission
Court House
Riverside, California

Gentlemen:

SUBJECT: Protest
Subdivision Tract No. 3633

On or about January 9, 1967, a tenative map for a subdivision, believed to be identified as Tract No. 3633, located on a portion of the N½ of Sec. 14, T5S, R15E, SBBM, Riverside County, California, was filed with your office for approval.

The writer protests to the allowance of this tenative map as filed, for good and sufficient reasons as outlined herein:

1. That there is insufficient evidence shown on the tenative map to cope with the flood hazzards effecting this property, and that the purchasers of homes in this tract, without major flood control measures provided by the subdivider, would place the lives and property of these home owners in jeopardy.

2. That on January 23, 1964 the Riverside County Flood Control advised the Riverside County Planning Commission that Subdivision Tract No. 2867, then on file with the Planning Commission, was unsafe for residential development since it was subject to flooding.

3. That on February 3, 1964 Subdivision Tract No. 2867 was denied by the Planning Commission, due to the flood hazzards involved.

4. That Tract No. 2867 is in a portion of the SW¼ of Sec. 7, T5S, R16E, SBBM, Riverside County, California, and lies approximately one mile northeast of Tract No. 3633, and that Tract No. 2867 and Tract No. 3633 are both effected by the same sheet flow and lay in the same path of a 90 square mile drainage area, as described in Flood Control's report of January 23, 1964.

5. That continued effort on the part of the subdivider of Tract No. 2867 was fruitless in their attempt to satisfy Planning Commission, with either raised pads for all dwelling sites or protection levees on the south and westerly boundaries of the subdivision to protect any sheet flood from the westerly direction.

6. That if major flood control was deemed necessary in 1964 for the properties which lay in the path of the 90 square mile drainage area, herein described, it would therefore be inconceivable if the same major flood control regulations were not imposed on any subdivider today.

7. That because of the flood hazzards and the need for conservation of the underground waters of the area, the formation of the Chuckawalla Valley Water Conservation District has been petitioned to become the 8th Water District of Riverside County.

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

-2-

8. That because of the 100 year storms in this area, as reported by Riverside County Flood Control, the Subdivision Tract No. 3633 should likewise be denied, unless major flood control measures are required of the subdivider in order to protect not only the owners within the subdivision tract, but the protection of the adjoining landowners and others as well who may become effected by concentrated water diversion, either through or around the subdivision tract.

Respectfully yours,

Howard C. Brown

Howard C. Brown
Box 441
Desert Center, California 92239

Dated this 20 day of January 1967

CC
Riverside County Flood Control
Riverside County Board of Supervisors
Riverside County Subdivision Committee
Real Estate Commission, State of California

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

SUMMARY OF HEARING

RIVERSIDE COUNTY PLANNING COMMISSION
August 8, 1967 1:30 P.M.

Reel 156 - Side 1 - 562 - 590
CHANGE OF ZONE CASE NO. 802
Union Steel Company (Tract No. 3633)
M-3 to R-1, R-3, W-2, C-1 etc.
Desert Center Area
Fourth Supervisorial District

Mr. Schmitz presented change of zone request together with maps indicating existing land use and zoning and proposed zoning, affecting Tract No. 3633. A conditional use permit was approved for the C-P area shown on the proposed zoning map, for a trailer court. Publication was made in the Enterprise and notices mailed to 2 surrounding property owners. Staff recommends C-P rather than the C-1 requested.

PROPONENTS:

John L. Fremon, representing Stubblefield Construction Company (570) Presented letter from Union Steel authorizing him to appear in their behalf. Urged approval of zone change requested - noting among other changes the C-1 had been requested. Would accept C-P. Propose to build all facilities and either sell or lease them.

OPPONENTS: None

There being no further testimony, the Chairman declared the hearing closed at 1:55 P.M.

See Reel 156 - Side 1 (562 - 590)

Upon motion of Commissioner Miller, seconded by Commissioner Perry and duly carried, the Commission by resolution recommended to the Board change of zone as shown on Exhibit "A" as corrected affecting Tract No. 3630, from M-3, to R-1, R-3, W-2 and C-P (C-1 to C-P and the golf course area and trailer park area at the north being placed in W-2)

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

WRL:33694

June 21, 1967

COPY

Mr. Clyde Hippenstiel
Campbell, Miller and Associates
234 North Arrowhead Avenue
San Bernardino, California 92408

Dear Mr. Hippenstiel: SUBJECT: Tract No. 3633

We have received your letter of June 15, 1967, in which you request that certain walkways, shown on the tentative map as a part of the recreation area, be permitted to show on the record map as easements.

This letter is to inform you that this Department does not object to this request and will permit those walkways to be recorded as easements providing they are maintained by either the proposed services district or some other entity.

Very truly yours,

RIVERSIDE COUNTY PLANNING COMMISSION
Tyler Suess - Planning Director

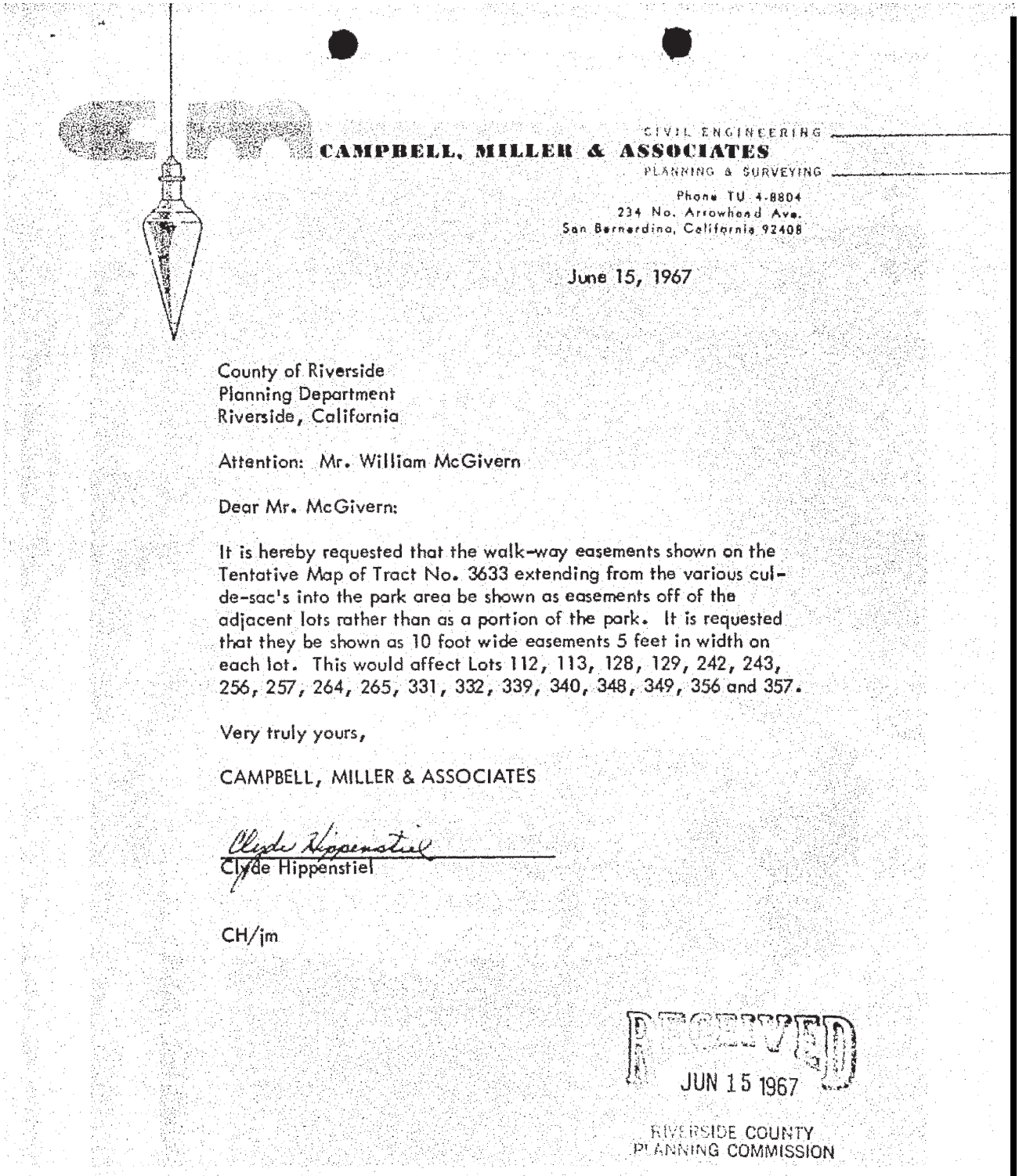
Wm. R. Livingstone - Assistant Planning Director

WRL:nl

cc: Paul Stout - Road Dept.

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)



CIVIL ENGINEERING
CAMPBELL, MILLER & ASSOCIATES
PLANNING & SURVEYING

Phone TU 4-8804
234 No. Arrowhead Ave.
San Bernardino, California 92408

June 15, 1967

County of Riverside
Planning Department
Riverside, California

Attention: Mr. William McGivern

Dear Mr. McGivern:

It is hereby requested that the walk-way easements shown on the Tentative Map of Tract No. 3633 extending from the various cul-de-sac's into the park area be shown as easements off of the adjacent lots rather than as a portion of the park. It is requested that they be shown as 10 foot wide easements 5 feet in width on each lot. This would affect Lots 112, 113, 128, 129, 242, 243, 256, 257, 264, 265, 331, 332, 339, 340, 348, 349, 356 and 357.

Very truly yours,

CAMPBELL, MILLER & ASSOCIATES

Clyde Hippenstiel

Clyde Hippenstiel

CH/jm

RECEIVED
JUN 15 1967
RIVERSIDE COUNTY
PLANNING COMMISSION

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

[redacted] [redacted] Side copy

April 13, 1967

WCH:33310

Stubblefield Construction Company
P. O. Box 188
9769 Larch Avenue
Bloomington, California

SUBJECT: Tract No. 3633

Gentlemen:

The tentative map of Tract No. 3633 together with the attached conditions were approved by the Planning Commission at the regular meeting held on April 11, 1967. Enclosed for your files are copies of the Health Department and Flood Control District letters regarding the subject subdivision.

The State Subdivision Map Act provides that approval of a tentative map shall terminate 18 months after date of approval by the Planning Commission unless an extension of time shall have been granted by the Board of Supervisors. If you find you are unable to record a final map prior to October 11, 1968, you should file a request in this office for one year's extension of time at least 30 days prior to the expiration date.

Amendments to the Subdivision Ordinance, effective January 26, 1967, Section 8.29 Schedule "A" and Section 8.30 Schedule "B" Subdivisions, require that all utilities be placed underground.

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

Stubblefield Construction Company
Tract No. 3633
Page - 2 -

The transfer of ownership or creation of an easement on a portion of any area contained within the boundaries of a tentative map as approved by the Planning Commission, is a violation of Section 11538 of the Subdivision Map Act, and is subject to the penalities contained therein. Such transfer or creation of an easement will be considered a breach of the conditions attached to the filing of a final map of any of the area contained within the tentative map.

The subdivider is warned to note the following: Road improvement standards have been adopted by the County. These standards are on file in the office of the Commission, the Surveyor, and with various engineers and contractors throughout the County. Before entering into any contract or performing any work, the subdivider should review the current standards. The subdivider is further warned that no improvement work will be approved except as it is executed according to specific plans and filed with and approved by the Road Commissioner prior to the commencement of any work.

Very truly yours,

RIVERSIDE COUNTY PLANNING COMMISSION
Tyler Gibbs - Planning Director

Wm. C. McGlivern

Wm. C. McGlivern - Associate Planner

WCM:nh
Encls.
cc: St. Div. of Real Estate
P. Stout (2)
Riv. Co. Health Dept.
Riv. Co. Bldg. Dept.
Riv. Co. Land Use Div. (2)
Riv. Co. Flood Control
Riv. Co. Palm Desert Office
Campbell, Miller and Associates
Title Company
File Copy

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

JOHN W. BRYANT
CHIEF ENGINEER

4600 CRESTMORE AVENUE
P. O. BOX 1033
[redacted]
(714) 787-2019

RIVERSIDE COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT
RIVERSIDE, CALIFORNIA 92502

11 December 1967

Honorable Board of Supervisors
of Riverside County
Courthouse
Riverside, California

Gentlemen:

This is in reply to your referral of agenda item No. 73 dated 20 November 1967 for a report on letters of protest against recording Tract No. 3633 in the Desert Center area of the County.

The subject tract has serious flooding problems as it is located on an alluvial cone that receives storm runoff from an area of about 80 square miles. In order to protect the tract from flooding the developer proposed construction of a diversion dike west of the tract to divert a maximum of 9,250 cubic feet per second north of the tract and a channel along the south boundary of the tract to prevent about 1,100 cubic feet per second from flooding through the tract. The District reviewed and approved the improvement plans as adequately protecting Tract 3633 from flooding.

Because of the nature of the flow on desert alluvial cones, the dike and channel proposed to protect this tract will divert and concentrate flood waters. The flood flows will not be in the same state of sheet flow when they leave the downstream end of the flood control structures as they would otherwise be if the structures were not constructed.

The District feels that a legal determination should be made by County Counsel as to whether the County would incur any liability if they approve the tract and permit the construction of the improvements as proposed.

Very truly yours,

JOHN W. BRYANT
Chief Engineer

cc: Planning Commission

DEC 13 1967

SIDE COUNTY
G COMMISSION

COPY

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

JOHN W. BRYANT
CHIEF ENGINEER

4600 CRESTMORE AVENUE
P. O. BOX 1033
TELEPHONE 683-4000

RIVERSIDE COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT
RIVERSIDE, CALIFORNIA 92502

6 April 1967

Riverside County Planning Commission
Courthouse
Riverside, California

Gentlemen: Re: Tract 3633 (Resubmitted)

The District has reviewed the resubmitted tentative map and submits the following report. The tract is located about one and one-half miles north of Desert Center on the east side of Kaiser Road.

The developer's engineer has submitted hydrology calculations along with a plan to control offsite storm runoff. This plan incorporates some offsite levees and in-tract swales through the golf course. In some areas the levee construction constitutes a diversion and concentration of flows to down-stream properties. Prior to recording the final map the District will check the hydrology based on rainfall data in the area and revisions in the peak flows may be necessary.

Following are the recommendations for approval:

1. The proposed levees must be designed to District standards which include three feet of freeboard.

2. Adjacent and downstream property owners must be agreeable to accept the diverted concentrated flows and offsite construction work, or an alternate plan of control is required.

3. The developer is responsible for maintenance of the levees.

4. The elevations of the lots should be so located so offsite flow from the golf course and other adjacent areas does not enter the lots.

Very truly yours,

John W. Bryant

JOHN W. BRYANT
Chief Engineer

cc: Road Department

RECEIVED
APR 7 1967
RIVERSIDE COUNTY
PLANNING COMMISSION

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

JOHN W. BRYANT
CHIEF ENGINEER

4600 CRESTMORE AVENUE
P. O. BOX 1033
TELEPHONE 683-4000

RIVERSIDE COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT
RIVERSIDE, CALIFORNIA 92502

3 February 1967

Riverside County Planning Commission
Courthouse
Riverside, California

Gentlemen: Re: Tract 3633

The District has reviewed the tentative map and submits the following report. The tract is located about 1½ miles north of Desert Center and east of Kaiser Road.

The developer's engineer has submitted hydrology calculations along with a plan to control offsite storm runoff. This plan incorporates some perimeter levees and in-tract swales through the golf course and raising the lots located along the south side of streets B, W, and C, 2½ feet above the golf course. In some areas the levee construction constitutes a diversion and concentration of flows to downstream properties. Prior to recording the final map the District will check the hydrology based on rainfall data in the area and revisions in the peak flows may be necessary.

Following are the recommendations for approval:

1. The proposed levees must be designed to District standards which include 3 feet of freeboard.

2. Adjacent and downstream property owners must be agreeable to accept the diverted concentrated flows and offsite construction work, or an alternate plan of control is required.

3. The developer is responsible for maintenance of the levees.

Very truly yours,

John W. Bryant

JOHN W. BRYANT
Chief Engineer

cc: Road Department

RECEIVED
FEB 6 1967
RIVERSIDE COUNTY
PLANNING COMMISSION

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

DEPARTMENT OF PUBLIC HEALTH

COUNTY OF RIVERSIDE

Health-Finance Building
Riverside, California 92501

Telephone
683-4000

Everett M. Stone, M.D.
Director of Public Health

January 16, 1967

RECEIVED
JAN 17 1967
RIVERSIDE COUNTY
PLANNING COMMISSION

Riverside County Planning Commission
Court House
Riverside, California

Attention: William C. McGivern, Associate Planner

Gentlemen:

The Department of Public Health has reviewed Tentative Map No. 3633 and recommends that:

A water system shall be installed according to plans and specifications as approved by the water company and the Health Department. Permanent prints of the plans of the water system shall be submitted in triplicate, along with the original drawing, to the County Surveyor. The prints shall show the internal pipe diameter, location of valves and fire hydrants; pipe and joint specifications and the size of the main at the junction of the new system to the existing system. The plans shall comply in all respects with Div. 5, Part 1, Chapter 7 of the California Health and Safety Code, Waterworks Standards (A.W.W.A.) and General Order No. 103 of the Public Utilities Commission of the State of California, when applicable. The plans shall be signed by the water company and a registered engineer and must be submitted to the County Surveyor's Office to review at least two weeks prior to the request for the recordation of the final map. A water company does not exist in this general location to serve the individual lots of this subdivision, therefore, the agents for the owners have agreed in writing to form a water company, obtain the necessary clearances and permits, and to manage and maintain a treatment plant and distribution system for each of the lots of this subdivision.

This Department will permit domestic sewage disposal from the individual lots in this subdivision by means of a sewage collection and disposal system approved by this Department contingent upon the approval of the Regional Water Quality Control Board, State of California, and the obtaining of a suitable permit for the disposal, construction, and location of a sewage collection and treatment system for this tract.

Very truly yours,

EVERETT M. STONE, M.D.
Director of Public Health

D. R. Boling, Ass't. Director
Environmental Sanitation

DRB:jb

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

DEPARTMENT OF PUBLIC HEALTH

COUNTY OF RIVERSIDE

Health-Finance Building
Riverside, California 92501

Telephone
683-4000

Everett M. Stone, M.D.
Director of Public Health

January 30, 1967

Riverside County Planning Commission
Court House
Riverside, California

Attention: Wm. G. McGivern
Associate Planner

Re: Tract No. 3633
Resubmitted

Gentlemen:

This Department has reviewed the resubmitted map for Tract 3633 and has no further recommendations to make at this time. Please refer to our recommendations of January 16, 1967.

Very truly yours,

EVERETT M. STONE, M.D.
Director of Public Health

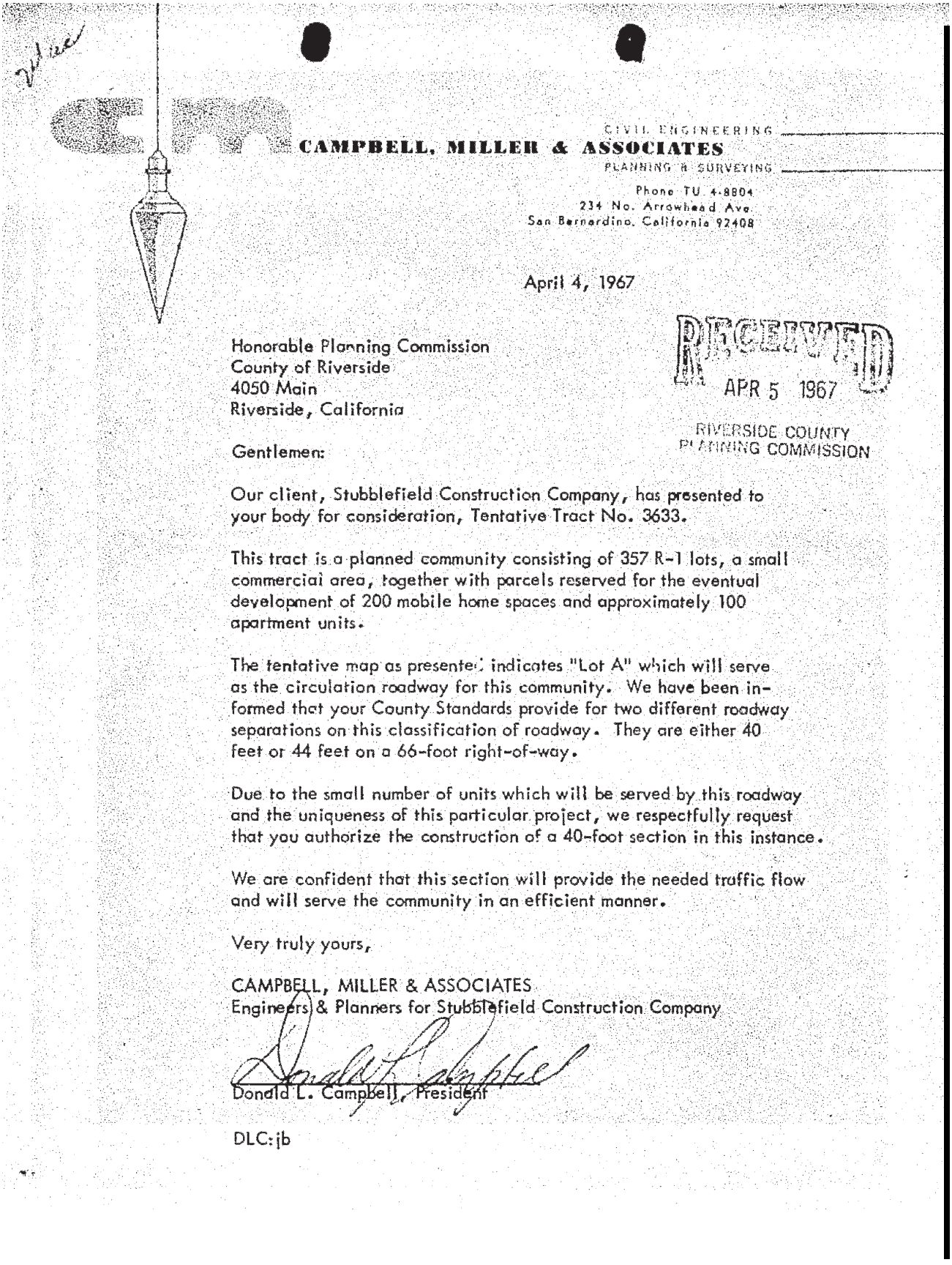
DRB:jb

D. R. Boling, Ass't. Director
Environmental Sanitation

RECEIVED
JAN 30 1967
RIVERSIDE COUNTY
PLANNING COMMISSION

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)



CIVIL ENGINEERING
CAMPBELL, MILLER & ASSOCIATES
PLANNING & SURVEYING

Phone TU 4-8804
234 No. Arrowhead Ave.
San Bernardino, California 92408

April 4, 1967

RECEIVED
APR 5 1967
RIVERSIDE COUNTY
PLANNING COMMISSION

Honorable Planning Commission
County of Riverside
4050 Main
Riverside, California

Gentlemen:

Our client, Stubblefield Construction Company, has presented to your body for consideration, Tentative Tract No. 3633.

This tract is a planned community consisting of 357 R-1 lots, a small commercial area, together with parcels reserved for the eventual development of 200 mobile home spaces and approximately 100 apartment units.

The tentative map as presented indicates "Lot A" which will serve as the circulation roadway for this community. We have been informed that your County Standards provide for two different roadway separations on this classification of roadway. They are either 40 feet or 44 feet on a 66-foot right-of-way.

Due to the small number of units which will be served by this roadway and the uniqueness of this particular project, we respectfully request that you authorize the construction of a 40-foot section in this instance.

We are confident that this section will provide the needed traffic flow and will serve the community in an efficient manner.

Very truly yours,

CAMPBELL, MILLER & ASSOCIATES
Engineers & Planners for Stubblefield Construction Company

Donald L. Campbell, President

DLC:jb

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

February 28, 1967

WCM:32944

The Honorable Board of Supervisors
Court House
Riverside, California

SUBJECT: Protest of Tract No. 3633

Fourth Supervisorial District

Gentlemen:

On January 30, 1967 your honorable Board ordered the Planning Staff to study and to make a report of the protest filed by Mr. Howard C. Brown, Desert Center, California. The protest relates to the filing of Tract No. 3633, which will be considered by the Planning Commission for approval, subject to certain conditions, on March 8, 1967.

Apparently Mr. Brown is of the opinion that Tract No. 3633 located on a portion of the north half of Sections 14 and 15, Township 5 South, Range 15 East in the Desert Center Area, is subject to inundation with no provisions being made to render the tract free from flooding.

Since the filing of Tract No. 3633 the Subdivision Committee has met with the developer and his engineers on the subject map. Numerous special conditions have been written covering the drainage problems of the proposed subdivision. These flood control conditions came to the Planning Commission via the Riverside County Flood Control and Water Conservation District which is the advisory agency for this area. A copy of the conditions is enclosed for your Board's review.

In a letter dated November 18, 1966 by the Flood Control District to Mr. Brown, a copy of which is enclosed, it is indicated that Mr. Brown's property definitely has drainage problems. As a suggestion for remedying this situation, the district advised him to contact a qualified Civil Engineer familiar with flood control and drainage problems to work out solutions to render his property free from flood hazard.

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

Board of Supervisors
Protest of Tract No. 3633
February 28, 1967
Page - 2 -

Mr. Brown filed a tentative subdivision map, Tract No. 2867 with the Planning Commission on January 13, 1964. Because this proposed subdivision had a major flooding problem, in the path of a 90 square mile drainage area and no acceptable flood control protection was provided at the time, the Planning Commission denied the map due to flood hazard on January 28, 1964. Furthermore, the subdivider of Tract No. 3633, the Stubblefield Construction Company, submitted a comprehensive drainage plan which provided adequate flood control protection for their proposed subdivision.

Respectfully submitted,

RIVERSIDE COUNTY PLANNING COMMISSION

Tyler Sharp - Planning Director

TS:nh
Encls.

cc: Riv. Co. Flood Control
Riv. Co. Road Department
Supervisor Seeley

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

RONALD REAGAN, Governor

STATE OF CALIFORNIA—HIGHWAY TRANSPORTATION AGENCY

DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS
DISTRICT XI, P. O. BOX 390, SAN DIEGO 92112

March 31, 1967 11-Riv-Gen

Tyler Suess, Planning Director
Riverside County Planning Commission
Court House
Riverside, California 92501

Attention: W. C. McGivern, Associate Planner

Gentlemen:

Your recent communication requests comment on Tract 3633, a tentative subdivision.

We have no objection to approval of this proposed subdivision.

Very truly yours

J. DEKEMA
District Engineer

By W R Dotson
W. R. Dotson, District
Advance Planning Engineer

ASK:gdej
CC:WRD

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

MAR 28 1967

SUBDIVISION MAP TRANSMITTAL

TRACT NO. 3633 DATE March 27, 1967

FROM: RIVERSIDE COUNTY PLANNING COMMISSION, COURT HOUSE, RIVERSIDE

TO: DESERT CENTER UNIFIED SCHOOL DISTRICT

Attached hereto is a tentative map of a subdivision. Please examine it and return to this office in time for the Subdivision Committee meeting on April 4, 1967 at 10:00 A.M., together with such recommendations as you deem appropriate. Nonreceipt of a recommendation or request for additional time must be considered approval of said map.

RIVERSIDE COUNTY PLANNING COMMISSION
Tyler Suess - Planning Director

By: Wm. C. McGivern

Wm. C. McGivern - Associate Planner

TO: RIVERSIDE COUNTY PLANNING COMMISSION

Returned herewith is the subdivision map together with our recommendations as follows:

At their regular meeting on April 6, 1967, the Desert Center Unified Board of Trustess reviewed the plot of proposed subdivision tract #3633 and expressed no objection, provided there is a suitable school site available.

RECEIVED
APR 25 1967
RIVERSIDE COUNTY
PLANNING COMMISSION

Date April 20, 1967

Otis Mallory
Otis Mallory, Superintendent

FORM NO. 295-B

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

EAGLE MOUNTAIN HIGH SCHOOL
Joseph M. Meier, Jr., Principal
BOX 517 - EXETER 2-4474

DESERT CENTER UNIFIED SCHOOL DISTRICT

DESERT CENTER ELEMENTARY SCHOOL
EAGLE MOUNTAIN ELEMENTARY SCHOOL
John W. Hall, Jr., Principal
BOX 475 - EXETER 2-4277

~~XXXXXXXXXX~~ Superintendent
Otis Mallory
BOX 475 - EXETER 2-4277
EAGLE MOUNTAIN, CALIFORNIA 92241

March 29, 1967

Mr. William C. McGivern
Associate Planner
Riverside County Planning Commission
Courthouse
Riverside, California

Dear Mr. McGivern:

We are in receipt of subdivision map, tract #3633 which you ask to be returned with our recommendations prior to April 4. The next meeting of the Board of Trustees of the Desert Center Unified School District will be on April 6 and I will notify you immediately after this meeting of their recommendation.

Sincerely,

Otis Mallory

Otis Mallory, Superintendent

n

RECEIVED
MAR 31 1967
RIVERSIDE COUNTY
PLANNING COMMISSION

RECEIVED
MAR 31 1967
RIVERSIDE COUNTY
PLANNING COMMISSION

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

SUBDIVISION MAP TRANSMITTAL

TRACT NO. 3611 - Resubmitted DATE April 5, 1967

FROM: RIVERSIDE COUNTY PLANNING COMMISSION, COURT HOUSE, RIVERSIDE

TO: ASSESSOR'S OFFICE

Attached hereto is a tentative map of a subdivision. Please examine it and return to this office in time for the Subdivision Committee meeting on [redacted] at [redacted], together with such recommendations as you deem appropriate. Nonreceipt of a recommendation or request for additional time must be considered approval of said map.

RIVERSIDE COUNTY PLANNING COMMISSION
Tyler Suess - Planning Director

By: [redacted]
Wm. C. Hathaway - Associate Planner

[redacted]

Returned herewith is the subdivision map together with our recommendations as follows:

PLEASE NOTE:

The attached map was considered by the Subdivision Committee and is being recommended for approval subject to the conditions as prescribed by the Committee.

RECEIVED
APR 7 1967
RIVERSIDE COUNTY
PLANNING COMMISSION

Date 4/10/67

FORM NO. 295-5

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

SUBDIVISION MAP TRANSMITTAL

TRACT NO. 3633 DATE March 27, 1967

FROM: RIVERSIDE COUNTY PLANNING COMMISSION, COURT HOUSE, RIVERSIDE

TO: BUILDING DEPARTMENT

Attached hereto is a tentative map of a subdivision. Please examine it and return to this office in time for the Subdivision Committee meeting on April 4, 1967 at 10:00 A.M., together with such recommendations as you deem appropriate. Nonreceipt of a recommendation or request for additional time must be considered approval of said map.

RIVERSIDE COUNTY PLANNING COMMISSION
Tyler Suess - Planning Director

By: Wm. C. McGivern

WM. C. McGivern - Associate Planner

TO: RIVERSIDE COUNTY PLANNING COMMISSION

Returned herewith is the subdivision map together with our recommendations as follows:

This tract is entirely within an M-3 zone.

Because of the circular streets there will be a problem with the county street address system unless street names are cleared with the Land Use Division.

Lot EE does not have the required 20' frontage or access.

Some Cul De Sac lots do not have the required frontage.

This division recommends a change of zone.

RECEIVED
MAR 30 1967
RIVERSIDE COUNTY
PLANNING COMMISSION

William Harvey

Date March 29, 1967

William Harvey
Sr. Land Use Technician

FORM NO. 295-5

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

SUBDIVISION MAP TRANSMITTAL

TRACT NO. 3633 DATE March 27, 1967

FROM: RIVERSIDE COUNTY PLANNING COMMISSION, COURT HOUSE, RIVERSIDE

TO: SOUTHERN CALIFORNIA GAS COMPANY

Attached hereto is a tentative map of a subdivision. Please examine it and return to this office in time for the Subdivision Committee meeting on April 4, 1967 at 10:00 A.M., together with such recommendations as you deem appropriate. Nonreceipt of a recommendation or request for additional time must be considered approval of said map.

RIVERSIDE COUNTY PLANNING COMMISSION
Tyler Suess - Planning Director

By: Wm. C. McGivern

Wm. C. McGivern - Associate Planner

TO: RIVERSIDE COUNTY PLANNING COMMISSION

Returned herewith is the subdivision map together with our recommendations as follows:

1) RECOMMENDATIONS

RECEIVED
MAR 30 1967
RIVERSIDE COUNTY
PLANNING COMMISSION

Date 3-29-67 Paul Weldon

FORM NO. 285-B

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

SUBDIVISION MAP TRANSMITTAL

TRACT NO. 3633 DATE March 27, 1967

FROM: RIVERSIDE COUNTY PLANNING COMMISSION, COURT HOUSE, RIVERSIDE

TO: DON RUSSELL (FORESTRY)

Attached hereto is a tentative map of a subdivision. Please examine it and return to this office in time for the Subdivision Committee meeting on April 4, 1967 at 10:00 A.M., together with such recommendations as you deem appropriate. Nonreceipt of a recommendation or request for additional time must be considered approval of said map.

RIVERSIDE COUNTY PLANNING COMMISSION
Tyler Suess - Planning Director

By: Wm. C. McGivern

Wm. C. McGivern - Associate Planner

TO: RIVERSIDE COUNTY PLANNING COMMISSION

Returned herewith is the subdivision map together with our recommendations as follows:

NO ADDITIONAL RECOMMENDATIONS.

RECEIVED
MAR 30 1967
RIVERSIDE COUNTY
PLANNING COMMISSION

TRUMAN HOLLAND
State Forest Ranger III

DON RUSSELL
Associate State Forest Ranger

Date March 29, 1967

DR:TH:phj

FORM NO. 295-B

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

SUBDIVISION MAP TRANSMITTAL

TRACT NO. 3633 DATE March 27, 1967

FROM: RIVERSIDE COUNTY PLANNING COMMISSION, COURT HOUSE, RIVERSIDE

TO: ASSESSOR

Attached hereto is a tentative map of a subdivision. Please examine it and return to this office in time for the Subdivision Committee meeting on April 4, 1967 at 10:00 A.M., together with such recommendations as you deem appropriate. Nonreceipt of a recommendation or request for additional time must be considered approval of said map.

RIVERSIDE COUNTY PLANNING COMMISSION
Tyler Suess - Planning Director

By: Wm. C. McGivern

Wm. C. McGivern - Associate Planner

TO: RIVERSIDE COUNTY PLANNING COMMISSION

Returned herewith is the subdivision map together with our recommendations as follows:

Boundaries OK.

RECEIVED
MAR 28 1967
RIVERSIDE COUNTY
PLANNING COMMISSION

Date 27 March 1967 W. W. Thetos

FORM NO. 285-B

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

CIVIL ENGINEERING
CAMPBELL, MILLER & ASSOCIATES
PLANNING & SURVEYING
Phone TU 4-8804
234 No. Arrowhead Ave.
San Bernardino, California 92408

March 3, 1967

County of Riverside
Planning Department
Riverside, California

Attention: Mr. William C. McGivern

Dear Mr. McGivern:

It is hereby requested that an additional four week extension of time for the review of Tract No. 3633 in the Desert Center area be granted. This tract was due to be heard by the Riverside County Planning Commission on March 7, 1967.

Very truly yours,

CAMPBELL, MILLER & ASSOCIATES

Clyde Hippenstiel

CH/jm

RECEIVED
MAR 6 1967
RIVERSIDE COUNTY
PLANNING COMMISSION

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

County of Riverside

TO: William C. McGivern - Associate Planner DATE: 1/13/67

FROM: Harry H. Schmitz - Senior Planner

RE: Tract #3633

No intelligent comments can be made until an overall General Plan of the development is received. I would request that such a plan be forwarded and after it is received, a short get-together between the Planning Staff might be in order. Obviously, with a possible city being involved there are more planning problems involved than that of a simple sub-division. Namely, master plan of roads, overall zoning, and other items not completely within the scope of the Sub-Division Section.

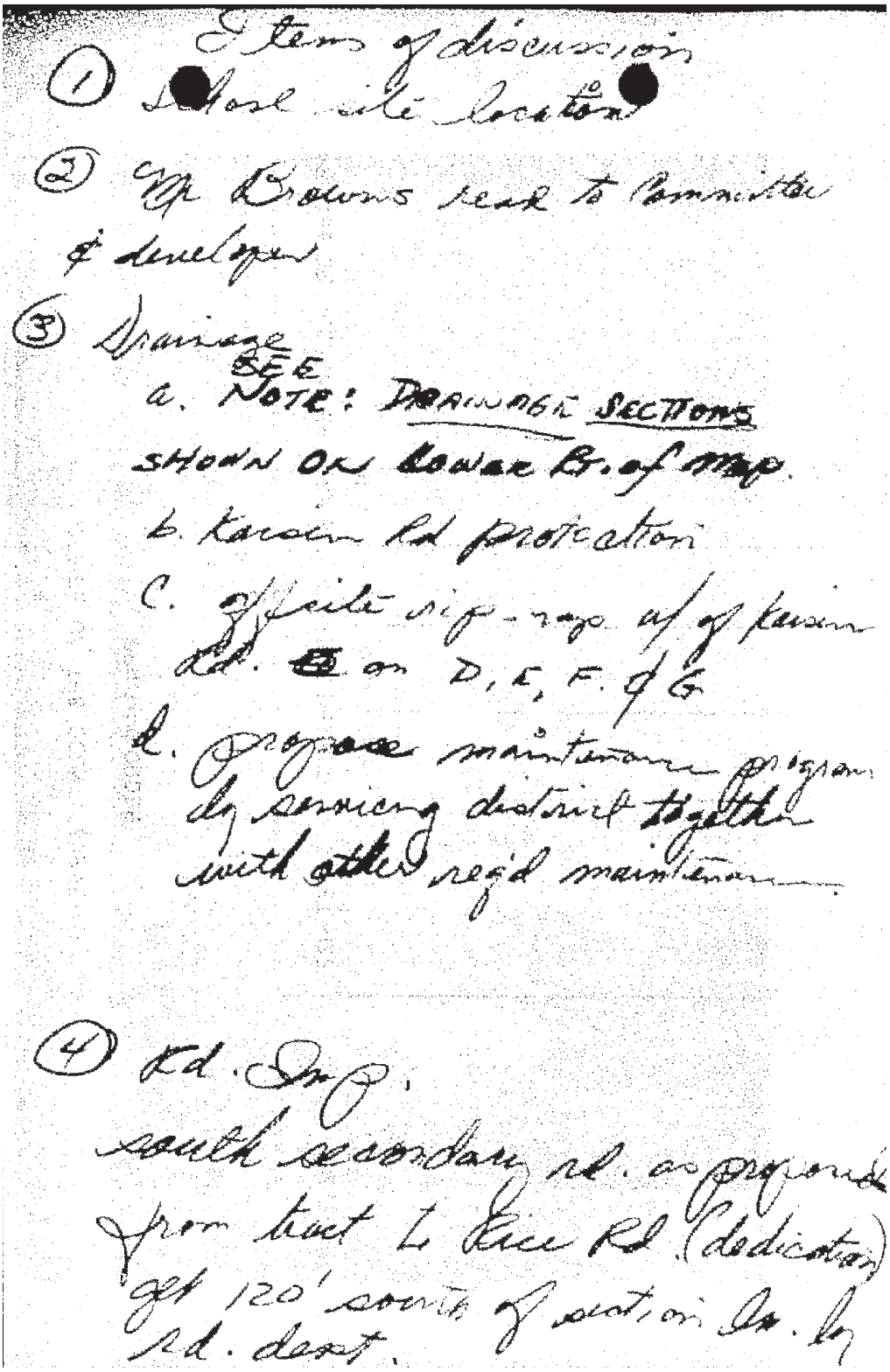
cc: Bill Livingstone

RECEIVED
JAN 16 1967
RIVERSIDE COUNTY
PLANNING COMMISSION

GEN. FORM 4, 3/65

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)



Item of discussion

(1) Road site location

(2) Mr Brown's road to Committee & developer

(3) Drainage

a. NOTE: DRAINAGE SECTIONS SEE shown on lower R. of map.

b. Easem Rd protection

c. Title rip-rap of Easem Rd. on D, E, F, & G

d. Assoc maintenance agreem by servicing district together with other regd maintenance

(4) Rd. Imp.

south secondary rd. as proposed from tract L Lace Rd. (dedication) 1/2 120' south of east, or Co. by Rd. dept.

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

Date 2/17/67

TO: Riverside County Planning Commission - Subdivision Section

I hereby request continuance of consideration of TRACT NO. 3633
for a period of 2 weeks to allow time to submit additional information required by the Subdivision Committee. I understand that if I do not submit this information to the Planning Department by _____, 1966, I am now authorizing a continuance of an additional 2 weeks (2 or 3 weeks).

Signed Clyde Hyperatil (Name)

Agent - Engineer (Title)

234 N. Arrowhead SB (Address)

WRL:jb
8-19-66

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

Date Feb 7, 1967

TO: Riverside County Planning Commission - Subdivision Section

I hereby request continuance of consideration of TRACT NO. 3633
for a period of 2 WEEKS to allow time to submit additional information required by the Subdivision Committee. I understand that if I do not submit this information to the Planning Department by _____, 1966, I am now authorizing a continuance of an additional 2 (2 or 3 weeks).

Signed Clyde Hippenstiel (Name)

Engineer - Agent (Title)

234 N. Arrowhead Ave (Address)
San Bernardino

WRL:jb
8-19-66

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

Date Jan 24 1967

TO: Riverside County Planning Commission - Subdivision Section

I hereby request continuance of consideration of TRACT NO. 3633 for a period of 2 wks (Feb 7, 1967) to allow time to submit additional information required by the Subdivision Committee. I understand that if I do not submit this information to the Planning Department by _____, 1966, I am now authorizing a continuance of an additional _____ (2 or 3 weeks).

Signed _____ (Name)

_____ (Title)

_____ (Address)

WRL:jb
8-19-66

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

SUBDIVISION MAP TRANSMITTAL

TRACT NO. 3633 resubmitted DATE January 20, 1967

FROM: RIVERSIDE COUNTY PLANNING COMMISSION, COURT HOUSE, RIVERSIDE

TO: ASSESSOR

Attached hereto is a tentative map of a subdivision. Please examine it and return to this office in time for the Subdivision Committee meeting on January 31, 1967 at 10:00 A.M., together with such recommendations as you deem appropriate. Nonreceipt of a recommendation or request for additional time must be considered approval of said map.

RIVERSIDE COUNTY PLANNING COMMISSION
Tyler Suess - Planning Director

By: Wm. C. McGivern's Ltr

Wm. C. McGivern - Associate Planner

TO: RIVERSIDE COUNTY PLANNING COMMISSION

Returned herewith is the subdivision map together with our recommendations as follows:

RECEIVED
JAN 26 1967
RIVERSIDE COUNTY
PLANNING COMMISSION

Date 1/25/67

FORM NO. 285-6

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

RECEIVED
JAN 23 1967
RIVERSIDE COUNTY
PLANNING COMMISSION

Riverside County Planning Commission
Court House
Riverside, California

Gentlemen: SUBJECT: Protest Subdivision Tract No. 3633

On or about January 9, 1967, a tenative map for a subdivision, believed to be identified as Tract No. 3633, located on a portion of the N½ of Sec. 14, T5S, R15E, SBBM, Riverside County, California, was filed with your office for approval.

The writer protests to the allowance of this tenative map as filed, for good and sufficient reasons as outlined herein:

1. That there is insufficient evidence shown on the tenative map to cope with the flood hazzards effecting this property, and that the purchasers of homes in this tract, without major flood control measures provided by the subdivider, would place the lives and property of these home owners in jeopardy.

2. That on January 23, 1964 the Riverside County Flood Control advised the Riverside County Planning Commission that Subdivision Tract No. 2867, then on file with the Planning Commission, was unsafe for residential development since it was subject to flooding.

3. That on February 3, 1964 Subdivision Tract No. 2867 was denied by the Planning Commission, due to the flood hazzards involved.

4. That Tract No. 2867 is in a portion of the SW¼ of Sec. 7, T5S, R16E, SBBM, Riverside County, California, and lies appreximately one mile northeast of Tract No. 3633, and that Tract No. 2867 and Tract No. 3633 are both effected by the same sheet flow and lay in the same path of a 90 square mile drainage area, as described in Flood Control's report of January 23, 1964.

5. That continued effort on the part of the subdivider of Tract No. 2867 was fruitless in their attempt to satisfy Planning Commission, with either raised pads for all dwelling sites or protection levees on the south and westerly boundaries of the subdivision to protect any sheet flood from the westerly direction.

6. That if major flood control was deemed necessary in 1964 for the properties which lay in the path of the 90 square mile drainage area, herein described, it would therefore be inconceivable if the same major flood control regulations were not imposed on any subdivider today.

7. That because of the flood hazzards and the need for conservation of the underground waters of the area, the formation of the Chuckawalla Valley Water Conservation District has been petitioned to become the 8th Water District of Riverside County.

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

-2-

8. That because of the 100 year storms in this area, as reported by Riverside County Flood Control, the Subdivision Tract No. 3633 should likewise be denied, unless major flood control measures are required of the subdivider in order to protect not only the owners within the subdivision tract, but the protection of the adjoining landowners and others as well who may become affected by concentrated water diversion, either through or around the subdivision tract.

Respectfully yours,

Howard C. Brown

Howard C. Brown
Box 444
Desert Center, California 92239

Dated this 20 day of January 1967

CC
Riverside County Flood Control
Riverside County Board of Supervisors
Riverside County Subdivision Committee
Real Estate Commission, State of California

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

Noted JEA

Riverside County Planning Commission
Court House
Riverside, California

Gentlemen: SUBJECT: Protest
Subdivision Tract No. 3633

On or about January 9, 1967, a tentative map for a subdivision, believed to be identified as Tract No. 3633, located on a portion of the N½ of Sec. 14, T5S, R15E, SBBM, Riverside County, California, was filed with your office for approval.

The writer protests to the allowance of this tentative map as filed, for good and sufficient reasons as outlined herein:

1. That there is insufficient evidence shown on the tentative map to cope with the flood hazards effecting this property, and that the purchasers of homes in this tract, without major flood control measures provided by the subdivider, would place the lives and property of these home owners in jeopardy.

2. That on January 23, 1964 the Riverside County Flood Control advised the Riverside County Planning Commission that Subdivision Tract No. 2867, then on file with the Planning Commission, was unsafe for residential development since it was subject to flooding.

3. That on February 3, 1964 Subdivision Tract No. 2867 was denied by the Planning Commission, due to the flood hazards involved.

4. That Tract No. 2867 is in a portion of the SW¼ of Sec. 7, T5S, R16E, SBBM, Riverside County, California, and lies approximately one mile northeast of Tract No. 3633, and that Tract No. 2867 and Tract No. 3633 are both effected by the same sheet flow and lay in the same path of a 90 square mile drainage area, as described in Flood Control's report of January 23, 1964.

5. That continued effort on the part of the subdivider of Tract No. 2867 was fruitless in their attempt to satisfy Planning Commission, with either raised pads for all dwelling sites or protection levees on the south and westerly boundaries of the subdivision to protect any sheet flood from the westerly direction.

6. That if major flood control was deemed necessary in 1964 for the properties which lay in the path of the 90 square mile drainage area, herein described, it would therefore be inconceivable if the same major flood control regulations were not imposed on any subdivider today.

7. That because of the flood hazards and the need for conservation of the underground waters of the area, the formation of the Chuckawalla Valley Water Conservation District has been petitioned to become the 8th Water District of Riverside County.

RECEIVED
JAN 23 1967
RIVERSIDE COUNTY
SURVEYOR

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

-2-

8. That because of the 100 year storms in this area, as reported by Riverside County Flood Control, the Subdivision Tract No. 3633 should likewise be denied, unless major flood control measures are required of the subdivider in order to protect not only the owners within the subdivision tract, but the protection of the adjoining landowners and others as well who may become effected by concentrated water diversion, either through or around the subdivision tract.

Respectfully yours,

Howard C. Brown
Box 444
Desert Center, California 92239

Dated this 20 day of January 1967

CC
Riverside County Flood Control
Riverside County Board of Supervisors
Riverside County Subdivision Committee
Real Estate Commission, State of California

RECEIVED
JAN 23 1967
RIVERSIDE COUNTY
SURVEYOR

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

SUBDIVISION MAP TRANSMITTAL

TRACT NO. 3633 resubmitted DATE January 20, 1967

FROM: RIVERSIDE COUNTY PLANNING COMMISSION, COURT HOUSE, RIVERSIDE

TO: Don Russell - State Division of Forestry

Attached hereto is a tentative map of a subdivision. Please examine it and return to this office in time for the Subdivision Committee meeting on January 31, 1967 at 10:00 A.M., together with such recommendations as you deem appropriate. Nonreceipt of a recommendation or request for additional time must be considered approval of said map.

RIVERSIDE COUNTY PLANNING COMMISSION
Tyler Suess - Planning Director

By: _____

Wm. C. McGivern - Associate Planner

TO: RIVERSIDE COUNTY PLANNING COMMISSION

Returned herewith is the subdivision map together with our recommendations as follows:

No additional comments.

RECEIVED
JAN 24 1967
RIVERSIDE COUNTY
PLANNING COMMISSION

Date January 23, 1967

Don Russell - Associate State Forest Ranger

27.10

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

MC

EAGLE MOUNTAIN HIGH SCHOOL
Joseph M. Meier, Jr., Principal
BOX 517 - EXETER 2-4474

DESERT CENTER UNIFIED SCHOOL DISTRICT

DESERT CENTER ELEMENTARY SCHOOL
EAGLE MOUNTAIN ELEMENTARY SCHOOL
John W. Hall, Jr., Principal
BOX 475 - EXETER 2-4277

XXXXXXXXX, Superintendent
Otis Mallory,
BOX 475 - EXETER 2-4277
EAGLE MOUNTAIN, CALIFORNIA 92241

January 20, 1967

Mr. William C. McGivern, Associate Planner
Riverside County Planning Commission
Court House
Riverside, California

Dear Mr. McGivern:

This is to advise you that the Board of Trustees of the Desert Center Unified School District took under consideration the proposed Desert Center Community Development (Tract #3633) last evening. We are returning the sub-division map.

It is recommended by this school board that a school site of at least ten usable acres, acceptable to the local board and the State of California, be made available to our district. It is hoped that the developer will consider the distance that the children must walk, the proximity to park and recreation areas, as well as safety factors, in selecting such a site.

Sincerely,

Otis Mallory

Otis Mallory, Superintendent

RECEIVED
JAN 23 1967
RIVERSIDE COUNTY
PLANNING COMMISSION

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA
1111 SUNSET BOULEVARD
LOS ANGELES, CALIFORNIA

MAILING ADDRESS
POST OFFICE BOX 54153
LOS ANGELES, CALIF. 90054
PHONE 626-4282
AREA CODE 213

OFFICE OF
GENERAL MANAGER

Mr. Tyler Suess
Planning Director
Riverside County Planning Commission
Court House
Riverside, California

JAN 16 1967

Attention Mr. William C. McGivern
Associate Planner

Dear Mr. Suess:

Re: Tentative Tract No. 3633
Desert Center area

This will acknowledge receipt of your Subdivision Map Transmittal dated January 9, 1967, transmitting one print of a map of Tentative Tract No. 3633, being a subdivision of a portion of the north one-half of Sections 14 and 15, T.5S., R.15E., S.B.B. & M., Riverside County, California.

Our District has no facilities within the area shown on the print of the subdivision map.

We are returning the print of the subdivision map herewith as requested.

Very truly yours,

R. A. Skinner
General Manager

Encl. 9356

RECEIVED
JAN 17 1967
RIVERSIDE COUNTY
PLANNING COMMISSION

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

STATE OF CALIFORNIA—HIGHWAY TRANSPORTATION AGENCY

RONALD REAGAN, Governor

DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS
DISTRICT XI, P. O. BOX 390, SAN DIEGO 92112

January 16, 1967 11-Riv-Gen

Tyler Suess, Planning Director
Riverside County Planning Commission
Court House
Riverside, California 92501

Dear Mr. Suess:

Your memorandum of January 9, requests comment on a tentative map, tract 3633.

We have no objection to approval of this tentative map.

Very truly yours

J. DEKEMA
District Engineer

By W. R. Dotson

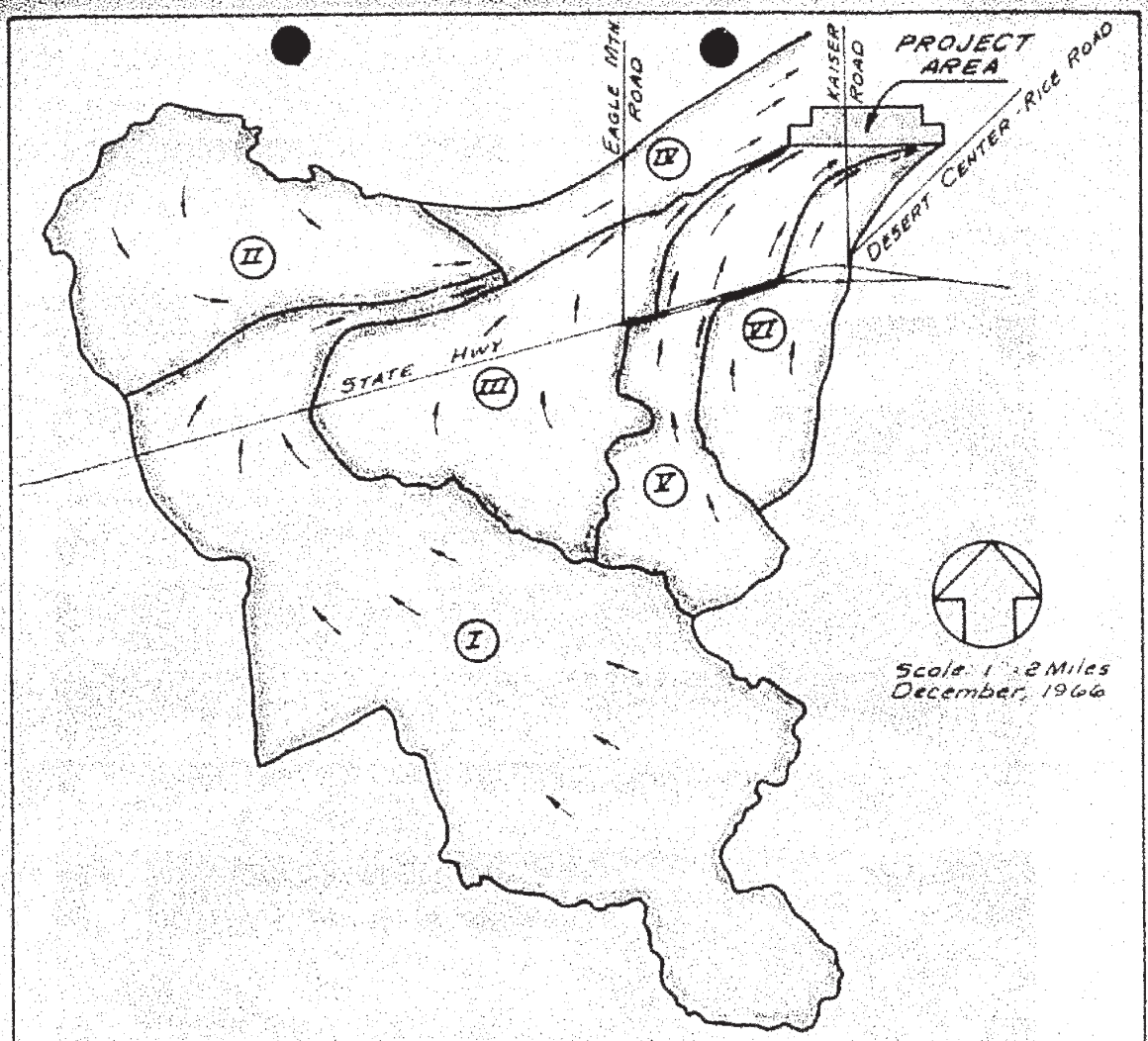
W. R. Dotson, District
Advance Planning Engineer

ASK:gdej
CC:WRD

RECEIVED
JAN 17 1967
RIVERSIDE COUNTY
PLANNING COMMISSION

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)



P_{60} : 1.7 C : 0.65

BASIN	"H" feet	"L" miles	Tc hours	I in./hr.	AREA sq. mi.	AREA Acres	Q100 c.f.s.
I	2,520	17.5	3.50 + 1.28	1.1	35.76	22,890	16,400
II	2,170	7.5	1.42 + 1.28	1.5	11.84	7,580	7,400
III	2,960	7.5	1.25	1.6	12.13	7,760	8,100
IV	480	5.0	1.58*	1.4	5.24	3,350	3,000
V	2,960	7.5	1.25	1.6	7.82	5,000	5,200
VI	1,650	5.5	1.07	1.7	6.22	3,980	4,400

PLATE 1

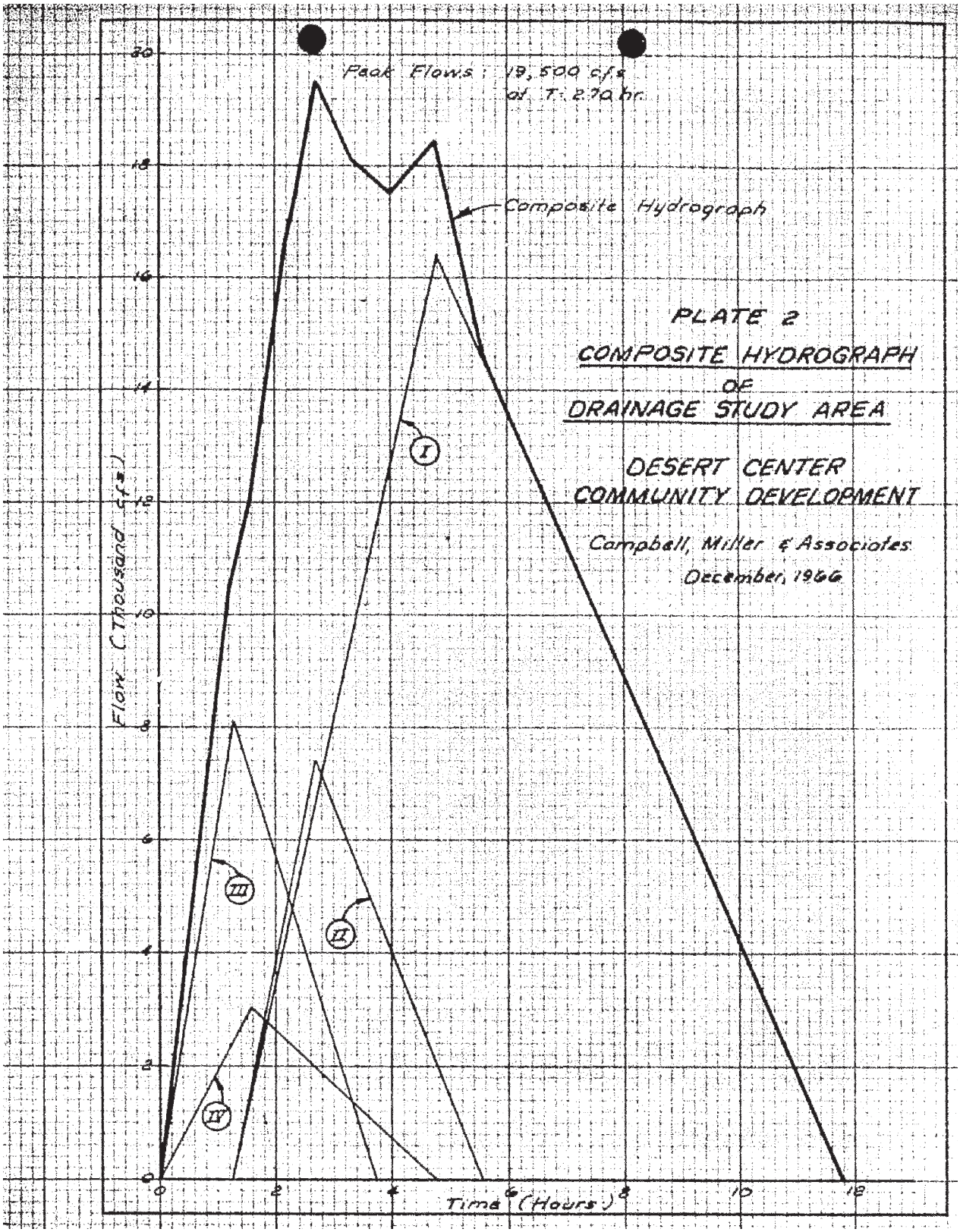
COMPUTATIONS OF DRAINAGE STUDY AREA

DESERT CENTER COMMUNITY DEVELOPMENT

Campbell, Miller & Associates

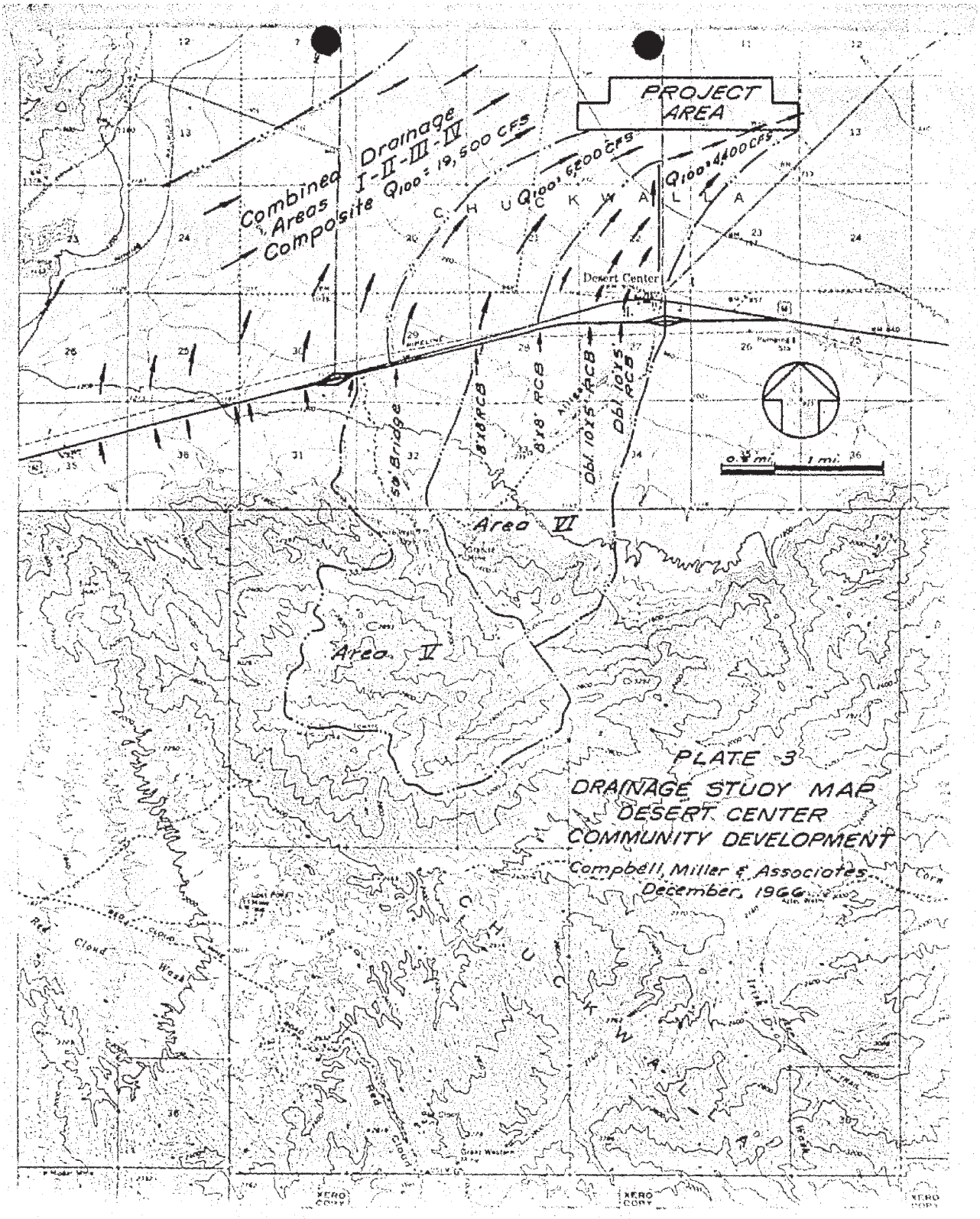
Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)



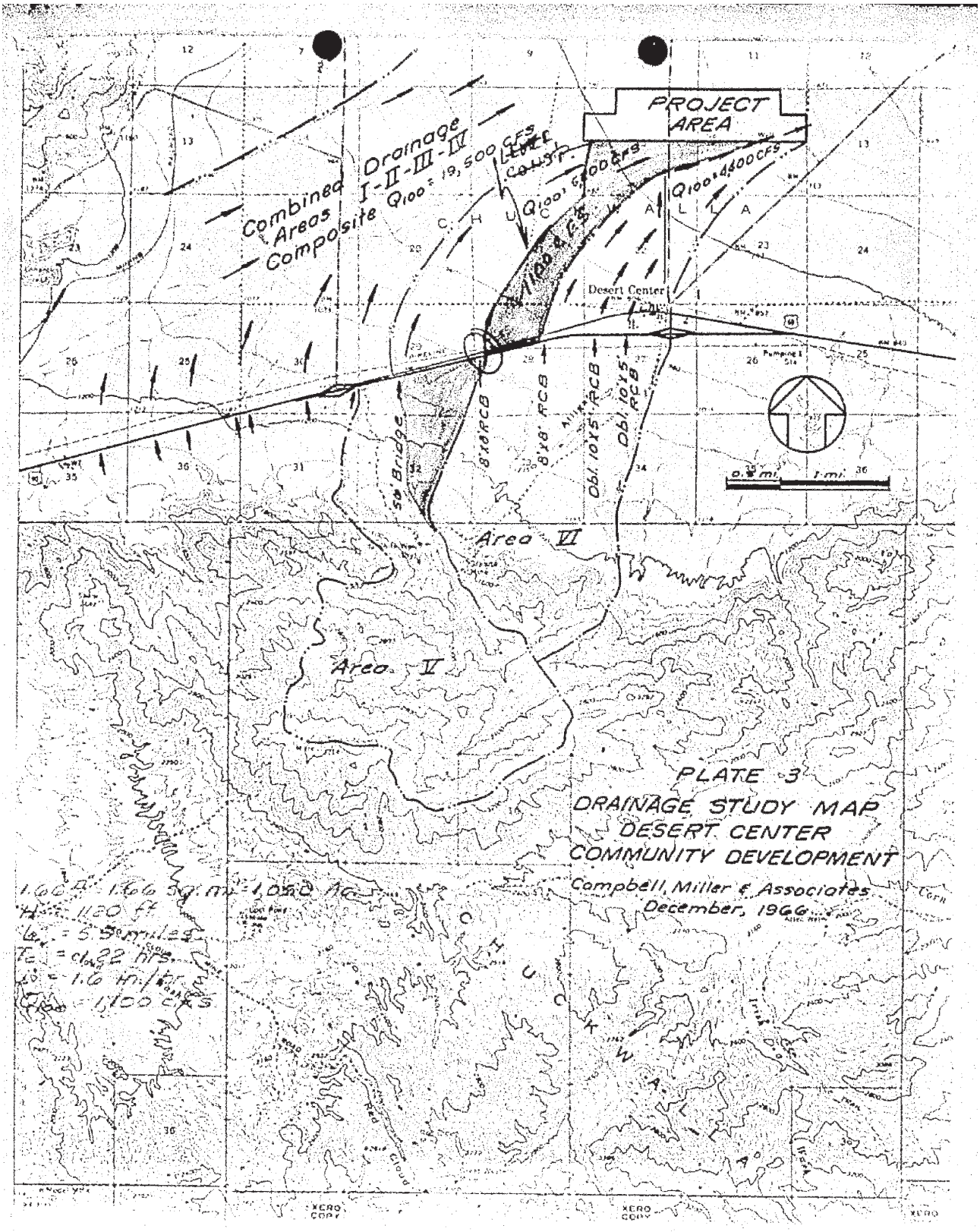
Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)



Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)



Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

SUBDIVISION MAP TRANSMITTAL

TRACT NO. 3633 DATE January 9, 1967

FROM: RIVERSIDE COUNTY PLANNING COMMISSION, COURT HOUSE, RIVERSIDE

TO: DIVISION OF FORESTRY

Attached hereto is a tentative map of a subdivision. Please examine it and return to this office in time for the Subdivision Committee meeting on January 17, 1967 at 10:00 A.M., together with such recommendations as you deem appropriate. Nonreceipt of a recommendation or request for additional time must be considered approval of said map.

RIVERSIDE COUNTY PLANNING COMMISSION
Tyler Suess - Planning Director

By: Wm. C. McGivern for DR

Wm. C. McGivern - Associate Planner

TO: RIVERSIDE COUNTY PLANNING COMMISSION

Returned herewith is the subdivision map together with our recommendations as follows:

No forest fire hazard in this area. Schedule "A" fire hydrant system should be installed.

RECEIVED
JAN 13 1967
RIVERSIDE COUNTY
PLANNING COMMISSION

Date January 11, 1967

FORM NO. 295-8

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

SUBDIVISION MAP TRANSMITTAL

TRACT NO. 3633 DATE January 9, 1967

FROM: RIVERSIDE COUNTY PLANNING COMMISSION, COURT HOUSE, RIVERSIDE

TO: ASSESSOR

Attached hereto is a tentative map of a subdivision. Please examine it and return to this office in time for the Subdivision Committee meeting on January 17, 1967 at 10:00 A.M., together with such recommendations as you deem appropriate. Nonreceipt of a recommendation or request for additional time must be considered approval of said map.

RIVERSIDE COUNTY PLANNING COMMISSION
Tyler Suess - Planning Director

By: Wm. C. McGivern, Jr.

Wm. C. McGivern - Associate Planner

TO: RIVERSIDE COUNTY PLANNING COMMISSION

Returned herewith is the subdivision map together with our recommendations as follows:

RECEIVED
JAN 11 1967
RIVERSIDE COUNTY
PLANNING COMMISSION

Owner

Date 1/10/67

FORM NO. 285-5

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

SUBDIVISION MAP TRANSMITTAL

TRACT NO. 3633 DATE January 9, 1967

FROM: RIVERSIDE COUNTY PLANNING COMMISSION, COURT HOUSE, RIVERSIDE

TO: BUILDING DEPARTMENT

Attached hereto is a tentative map of a subdivision. Please examine it and return to this office in time for the Subdivision Committee meeting on January 17, 1967 at 10:00 A.M., together with such recommendations as you deem appropriate. Nonreceipt of a recommendation or request for additional time must be considered approval of said map.

RIVERSIDE COUNTY PLANNING COMMISSION
Tyler Suess - Planning Director

By: Wm. C. McGivern

Wm. C. McGivern - Associate Planner

TO: RIVERSIDE COUNTY PLANNING COMMISSION

Returned herewith is the subdivision map together with our recommendations as follows:

This tract is within an M-3 Zone.

All lots appear to have the required area depth and frontage.

There should be no problem with the County Street Address system.

This office questions the feasability of lot R along the northerly line of proposed tract.

This division recommends a change of zone.

RECEIVED
JAN 12 1967
RIVERSIDE COUNTY
PLANNING COMMISSION

Date January 11, 1967

William Harvey,
Sr. Land Use Technician

FORM NO. 285-5

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

County of Riverside

TO: William C. McGivern - Associate Planner DATE: 1/13/67

FROM: Harry H. Schmitz - Senior Planner

RE: Tract #3633

No intelligent comments can be made until an overall General Plan of the development is received. I would request that such a plan be forwarded and after it is received, a short get-together between the Planning Staff might be in order. Obviously, with a possible city being involved there are more planning problems involved than that of a simple sub-division. Namely, master plan of roads, overall zoning, and other items not completely within the scope of the Sub-Division Section.

cc: Bill Livingstone

RECEIVED
JAN 16 1967
RIVERSIDE COUNTY
PLANNING COMMISSION

GEN. FORM 4, 3/65

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

EAGLE MOUNTAIN HIGH SCHOOL
Joseph M. Meier, Jr., Principal
BOX 517 - EXETER 2-4474

DESERT CENTER UNIFIED SCHOOL DISTRICT

DESERT CENTER ELEMENTARY SCHOOL
EAGLE MOUNTAIN ELEMENTARY SCHOOL
John W. Hall, Jr., Principal
BOX 475 - EXETER 2-4277

Edward E. Hawkins, Superintendent
BOX 475 - EXETER 2-4277
EAGLE MOUNTAIN, CALIFORNIA 92241

January 13, 1967

Mr. William C. McGivern, Associate Planner
Riverside County Planning Commission
Court House
Riverside, California

Dear Mr. McGivern:

This is to acknowledge receipt of subdivision map of Tract #3633 and to advise you that the Board does not meet again until January 19. I will place this item on the agenda for action and will advise you of the Board's feelings toward this project shortly after the meeting.

Very sincerely,

Otis Mallory

Otis Mallory, Superintendent

OBM/n

RECEIVED
JAN 16 1967
RIVERSIDE COUNTY
PLANNING COMMISSION

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

DECLARATION OF ESTABLISHMENT OF

CONDITIONS AND RESTRICTIONS

PART A -- PREAMBLE

Stubblefield Construction Company, a California Corporation, hereinafter referred to as "Declarant" developer of the real property in the County of Riverside, State of California, hereinafter referred to as "tract", and particularly described as follows:

> Lots 1 through 393, inclusive, of Tract No. 3633, as per map recorded in Book , pages and of Maps, in the office of the County recorder of Riverside County, California,

hereby certify and declare that it has established and does hereby establish a general plan for the improvement and development of said tract and does hereby establish the provisions, conditions, restrictions and covenants upon and subject to which all lots in said tract shall be improved or sold and conveyed by him as such owner, each and all of which is and for the benefit of each owner of land in said tract or any interest herein, and shall inure to and pass with each and every parcel of said tract and shall apply to and bind the respective successors in interest of the present owner or owners thereof, and are and each thereof is imposed upon said tract, as a servitude in favor of each and every such parcel of land therein as the dominant tenements as follows, to wit:

PART B -- AREA OF APPLICATION

B-1. Fully protected residential area

The residential area covenants in Part C in their entirety shall apply to all lots in the subdivision above described in Part A.

PART C -- RESIDENTIAL AREA COVENANTS

C-1. Land use and building type

That all lots hereinabove described shall be known and described as residence lots, and shall be used for private first class residential purposes exclusively.

-1-

XERO COPY XERO COPY OFFICE Copy XERO COPY

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

C-2. That no building or structures other than one detached private single family residence, together with the customary outbuildings, including a private garage, or carport for not more than three automobiles (which garage or carport may be incorporated in and made a part of the residence building), shall be erected, altered, placed or permitted to remain on any lot in said tract hereinabove described.

C-3. That the minimum ground floor area of any residential building constructed or erected, altered, placed or permitted to remain in said tract shall be 900 square feet.

C-4. Location of building

That no building shall be located nearer to any side lot line, front lot line, side street line or rear lot line than as permitted by the Building Setback Ordinances of the County of Riverside, California.

C-5. Nuisances

No noxious or offensive activity shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood. That no kennel, dairy, hutch or warren shall be erected or maintained on any lot in said tract, nor shall dogs, cats, birds, cows, burros, hogs, rabbits, poultry or other wild or domestic animals, fowl or livestock ever to be kept thereon, except that this restriction shall not be construed to prohibit an ordinary household domestic pet, which does not constitute an annoyance to neighbors.

C-6. Temporary structures

That no basement, tent, shack, garage, barn or other outbuilding shall be constructed, moved onto or erected on any lot in said tract, at any time and be used as a residence temporarily or permanently, nor shall any structure of a temporary character be used as a residence and no building or structure built or constructed elsewhere, shall be moved onto, placed or maintained on any lot in said tract, except for a period not to exceed one year during construction.

C-7. Building regulation

That after the commencement of construction of any dwelling, outbuilding, private garage, structure, fence or wall permitted to be constructed on any lot in said tract, according to the regulations of any building ordinance in effect by the County of Riverside and any amendments thereto, the same shall be prosecuted to completion, or remodeling finished with reasonable diligence.

-2-

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

DECLARATION OF ESTABLISHMENT OF

CONDITIONS AND RESTRICTIONS

PART A -- PREAMBLE

Stubblefield Construction Company, a California Corporation, hereinafter referred to as "Declarant" developer of the real property in the County of Riverside, State of California, hereinafter referred to as "tract", and particularly described as follows:

> Lots 1 through 393, inclusive, of Tract No. 3633, as per map recorded in Book , pages and of Maps, in the office of the County recorder of Riverside County, California,

hereby certify and declare that it has established and does hereby establish a general plan for the improvement and development of said tract and does hereby establish the provisions, conditions, restrictions and covenants upon and subject to which all lots in said tract shall be improved or sold and conveyed by him as such owner, each and all of which is and for the benefit of each owner of land in said tract or any interest herein, and shall inure to and pass with each and every parcel of said tract and shall apply to and bind the respective successors in interest of the present owner or owners thereof, and are and each thereof is imposed upon said tract, as a servitude in favor of each and every such parcel of land therein as the dominant tenements as follows, to wit:

PART B -- AREA OF APPLICATION

B-1. Fully protected residential area

The residential area covenants in Part C in their entirety shall apply to all lots in the subdivision above described in Part A.

PART C -- RESIDENTIAL AREA COVENANTS

C-1. Land use and building type

That all lots hereinabove described shall be known and described as residence lots, and shall be used for private first class residential purposes exclusively.

-1-

OFFICE Copy

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

C-2. That no building or structures other than one detached private single family residence, together with the customary outbuildings, including a private garage, or carport for not more than three automobiles (which garage or carport may be incorporated in and made a part of the residence building), shall be erected, altered, placed or permitted to remain on any lot in said tract hereinabove described.

C-3. That the minimum ground floor area of any residential building constructed or erected, altered, placed or permitted to remain in said tract shall be 900 square feet.

C-4. Location of building

That no building shall be located nearer to any side lot line, front lot line, side street line or rear lot line than as permitted by the Building Setback Ordinances of the County of Riverside, California.

C-5. Nuisances

No noxious or offensive activity shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood. That no kennel, dairy, hutch or warren shall be erected or maintained on any lot in said tract, nor shall dogs, cats, birds, cows, burros, hogs, rabbits, poultry or other wild or domestic animals, fowl or livestock ever to be kept thereon, except that this restriction shall not be construed to prohibit an ordinary household domestic pet, which does not constitute an annoyance to neighbors.

C-6. Temporary structures

That no basement, tent, shack, garage, barn or other outbuilding shall be constructed, moved onto or erected on any lot in said tract, at any time and be used as a residence temporarily or permanently, nor shall any structure of a temporary character be used as a residence and no building or structure built or constructed elsewhere, shall be moved onto, placed or maintained on any lot in said tract, except for a period not to exceed one year during construction.

C-7. Building regulation

That after the commencement of construction of any dwelling, outbuilding, private garage, structure, fence or wall permitted to be constructed on any lot in said tract, according to the regulations of any building ordinance in effect by the County of Riverside and any amendments thereto, the same shall be prosecuted to completion, or remodeling finished with reasonable diligence.

-2-

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

C-8. Sanitation

That the residential dwelling structures shall be so erected and constructed on any lot, in said tract, that all toilets and plumbing fixtures pertaining to sewage shall be within the residence building. That no outside toilets shall be permitted on any lot in said tract, except during a period not to exceed the first 180 days of actual house construction.

C-9. Dwelling use

That the use for a public boarding house, lodging house, sanatorium, hospital, asylum or institution of any kind or anything, which may become a nuisance to the neighborhood, is hereby expressly excluded from the definition of residential as used in Part C-1, but residential purposes shall be deemed to indicate and include an appurtenant private garage building or other attached appurtenance structure.

C-10. Drilling equipment

No derrick or other structure designed for use in boring, mining or quarrying for water, oil or natural gas or precious minerals shall ever be erected, maintained or permitted upon any lot in said tract.

C-11. That nothing contained herein shall operate or be construed to prevent the use of any part of said tract for a temporary office, together with suitable advertising signs for the purpose of conducting the proper development, sale and management of all the property in said tract. That immediately upon completion of all residential structures within the tract such temporary office, together with all advertising signs shall be removed from the premises.

C-12. That each grantee of a lot in said tract agrees for himself, his heirs, assigns or successors in interest that he will permit free access by owners of adjacent or adjoining lots to slopes or drainageways located on his property which affect said adjacent or adjoining lots, when such access is essential for the maintenance of permanent stabilization on said slopes, or maintenance of the drainage facilities for the protection and use of property other than the lot on which the slope or drainageway is located.

C-13. That each grantee of a lot in said tract agrees for himself and his assigns that he will not in any way interfere with the established drainage pattern over his lot from adjoining or other lots in said tract, or that he will make adequate provisions for proper drainage in the event it is necessary to change the established drainage over his lot. For the purposes hereof, "established" drainage is defined as the drainage which occurred at the time the overall grading of said tract, including the landscaping of each lot in said tract, was completed by the undersigned Declarant or his assigns.

-3-

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

PART D -- GENERAL PROVISIONS

D-1. That these covenants, conditions and restrictions are to run with the land and shall be binding on all parties and persons claiming under them for a period of 30 years from the date of recording of these restrictions in the office of the Recorder of Riverside County, California.

D-2. Enforcement

If the owners hereto, or their heirs and assigns, or any person or persons, firm or corporation deriving title from or through them, shall violate or attempt to violate any of the covenants, conditions and restrictions herein, it shall be lawful for any other person or persons, firm or corporation owning real property situated within the bounds of said tract, to prosecute any proceedings at law or in equity against the person or persons, firm or corporation violating or attempting to violate said covenants and restrictions or any of them, and either to prevent him or them from so doing or to recover damages or other dues for such violation.

D-3. Severability

Invalidation of any of these covenants, conditions and restrictions by judgment or court order, shall in no way affect any of the other provisions which shall remain in full force and effect.

D-4. Breach of restrictions

Provided further, that a breach of any of the foregoing provisions, conditions, restrictions or covenants or any re-entry by reason of such breach shall not defeat or render invalid the lien of any mortgage or deed of trust made in good faith and for value as to any lot in said tract or any part thereof and any improvements thereon, but said provisions, conditions, restrictions and covenants, shall be binding upon and effective against any owner thereof whose title thereto is acquired by foreclosure of any mortgage or deed of trust or otherwise.

By: _____
STUBBLEFIELD CONSTRUCTION COMPANY

-4-

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

DECLARATION OF ESTABLISHMENT OF

CONDITIONS AND RESTRICTIONS

PART A -- PREAMBLE

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hereby certify and declare that it has established and does hereby establish a general plan for the improvement and development of said tract and does hereby establish the provisions, conditions, restrictions and covenants upon and subject to which all lots in said tract shall be improved or sold and conveyed by him as such owner, each and all of which is and for the benefit of each owner of land in said tract or any interest herein, and shall inure to and pass with each and every parcel of said tract and shall apply to and bind the respective successors in interest of the present owner or owners thereof, and are and each thereof is imposed upon said tract, as a servitude in favor of each and every such parcel of land therein as the dominant tenements as follows, to wit:

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B-1. Fully protected residential area

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C-1. Land use and building type

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-1-

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Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

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-2-

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

C-8. Sanitation

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-3-

XERO COPY XERO COPY XERO COPY XERO COPY

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

PART D -- GENERAL PROVISIONS

D-1. That these covenants, conditions and restrictions are to run with the land and shall be binding on all parties and persons claiming under them for a period of 30 years from the date of recording of these restrictions in the office of the Recorder of Riverside County, California.

D-2. Enforcement

If the owners hereto, or their heirs and assigns, or any person or persons, firm or corporation deriving title from or through them, shall violate or attempt to violate any of the covenants, conditions and restrictions herein, it shall be lawful for any other person or persons, firm or corporation owning real property situated within the bounds of said tract, to prosecute any proceedings at law or in equity against the person or persons, firm or corporation violating or attempting to violate said covenants and restrictions or any of them, and either to prevent him or them from so doing or to recover damages or other dues for such violation.

D-3. Severability

Invalidation of any of these covenants, conditions and restrictions by judgment or court order, shall in no way affect any of the other provisions which shall remain in full force and effect.

D-4. Breach of restrictions

Provided further, that a breach of any of the foregoing provisions, conditions, restrictions or covenants or any re-entry by reason of such breach shall not defect or render invalid the lien of any mortgage or deed of trust made in good faith and for value as to any lot in said tract or any part thereof and any improvements thereon, but said provisions, conditions, restrictions and covenants, shall be binding upon and effective against any owner thereof whose title thereto is acquired by foreclosure of any mortgage or deed of trust or otherwise.

By: _____
STUBBLEFIELD CONSTRUCTION COMPANY

-4-

XERO COPY XERO COPY XERO COPY

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

DEPARTMENT OF PUBLIC HEALTH
RIVERSIDE COUNTY

Date 1-5-67

Re: Subdivision No. 3633

Record of Survey

Riverside County Planning Commission
Court House
Riverside, California

Gentlemen:

The Riverside County Department of Public Health herewith approves:

1. Domestic sewage disposal for the individual lots of this subdivision or record of survey by means of:

   [X] Connection to a community sewage disposal system. to be constructed

   [ ] Septic Tanks with

   _____sq. ft. of leaching line per 100 gallons.

   _____ft./gals. of seepage pit (below the inlet) per 100 gallons.

2. Domestic Water

   [ ] The _____Water Company has agreed in writing to furnish domestic water to each and every lot within this subdivision.

   [ ] An acceptable application is on file with this Department to form the _____Water Company.

   [X] The owners, or their agents, of this subdivision have agreed in writing to form a water company under permit by the Health Department and furnish water to the individual lots of this subdivision.

EVERETT M. STONE, M.D.
Director of Public Health

By D R Bailey
Division of Sanitation

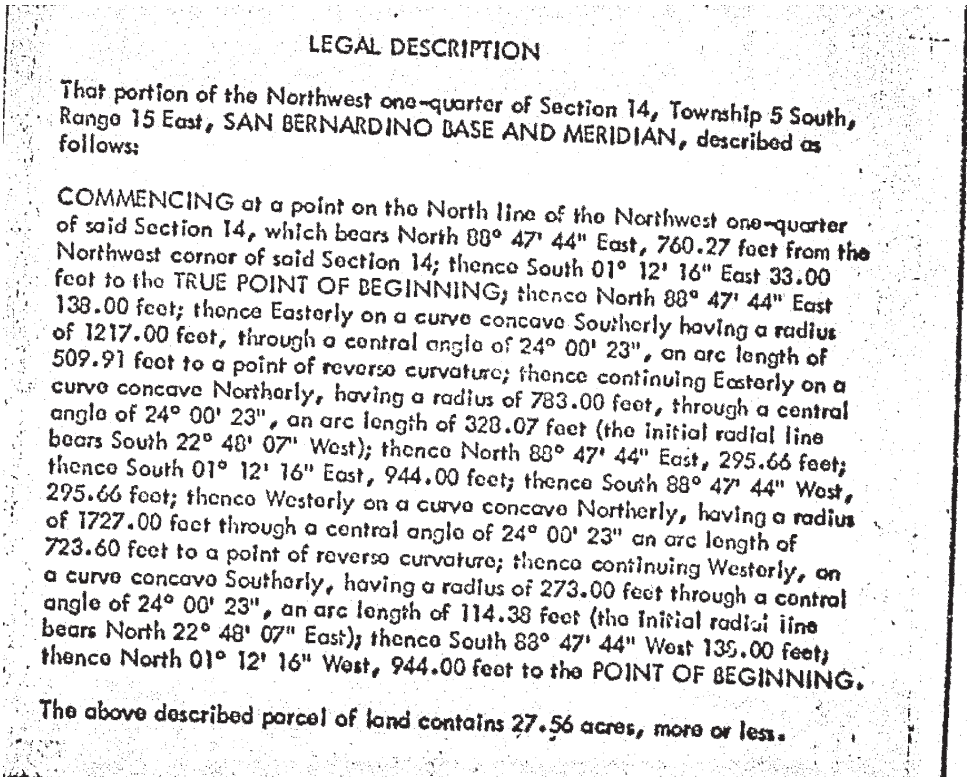
DRB:jb

cc: Dept. of Bldg. & Safety

SAN 53 (1000 copies-8-24-64)

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)



LEGAL DESCRIPTION

That portion of the Northwest one-quarter of Section 14, Township 5 South, Range 15 East, SAN BERNARDINO BASE AND MERIDIAN, described as follows:

COMMENCING at a point on the North line of the Northwest one-quarter of said Section 14, which bears North 88° 47' 44" East, 760.27 feet from the Northwest corner of said Section 14; thence South 01° 12' 16" East 33.00 feet to the TRUE POINT OF BEGINNING; thence North 88° 47' 44" East 138.00 feet; thence Easterly on a curve concave Southerly having a radius of 1217.00 feet, through a central angle of 24° 00' 23", an arc length of 509.91 feet to a point of reverse curvature; thence continuing Easterly on a curve concave Northerly, having a radius of 783.00 feet, through a central angle of 24° 00' 23", an arc length of 328.07 feet (the initial radial line bears South 22° 48' 07" West); thence North 88° 47' 44" East, 295.66 feet; thence South 01° 12' 16" East, 944.00 feet; thence South 88° 47' 44" West, 295.66 feet; thence Westerly on a curve concave Northerly, having a radius of 1727.00 feet through a central angle of 24° 00' 23" an arc length of 723.60 feet to a point of reverse curvature; thence continuing Westerly, on a curve concave Southerly, having a radius of 273.00 feet through a central angle of 24° 00' 23", an arc length of 114.38 feet (the initial radial line bears North 22° 48' 07" East); thence South 88° 47' 44" West 139.00 feet; thence North 01° 12' 16" West, 944.00 feet to the POINT OF BEGINNING.

The above described parcel of land contains 27.56 acres, more or less.

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

OASIS ROAD
Fourth Supervisorial District

tr. 3633
Fil.

DEC 20 1967

RIVERSIDE COUNTY
BOARD OF SUPERVISORS

RESOLUTION

WHEREAS, by the provisions of R.S. 2477 (43 U.S.C. 932), the United States of America grants the right of way for the construction of highways over public lands, not reserved for public uses, and

WHEREAS, the public convenience and necessity require that the hereinafter described strip of land be made and constituted a county highway of the County of Riverside; now, therefore,

BE IT RESOLVED by the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on December 18,1967, that the strip of land hereinafter referred to and hereinafter particularly described, be, and hereby is declared open for the uses and purposes of County highways.

BE IT FURTHER RESOLVED that the Clerk of this Board is directed to cause a certified copy of this resolution to be recorded in the Office of the County Recorder of the County of Riverside, State of California.

Said real property is in the County of Riverside, State of California, and is described as follows:

A portion of the southeast quarter of Section 15, of the southwest quarter together with the southeast quarter of Section 14, and of the southwest quarter of Section 13, all in T. 5 S., R. 15 E., S.B.M., described by metes and bounds as follows:

Beginning at the intersection of the easterly line of the County Highway (now known as Kaiser Road) as shown by map of survey on file in Book 39, pages 52, 53 and 54 of Record of Surveys, records of the Recorder of Riverside County, California, with the northerly line of said southeast quarter of Section 15;

Thence N. 89°43'29" E., along said northerly line, a distance of 1242.52 feet to the northeast corner of said southeast quarter of Section 15;

Thence N. 88°55'02" E., along the mid-section line of said Section 14, a distance of 5304.35 feet to the east quarter corner of said Section 14;

Thence continuing N. 88°55'02 E., along the mid-section line of said Section 13, a distance of 100.00 feet;

Thence at right angles, S. 1°04'58" E., a distance of 26.19 feet to a point on a non-tangent curve having a radius of 1194 feet and being concave

A. C. KEITH
COUNTY SURVEYOR &
ROAD COMMISSIONER
RIVERSIDE COUNTY
CALIFORNIA

1 Copy - Farm Dept

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

southwesterly, also from which point a radial line of said curve bears S. 18°39'38" W.;

Thence southeasterly along the arc of said curve, through an angle of 27°25'37", a distance of 571.56 feet;

Thence S. 43°54'45" E., along a line hereinafter referred to as Line "A", a distance of 475.00 feet to the northwesterly line of the Desert Center - Rice Road, as per map on file in Book 12, page 81 of Record of Surveys, records of said Riverside County Recorder;

Thence S. 46°05'15" W., (formerly recorded S. 45°30' W.) along said northwesterly line, a distance of 88.00 feet;

Thence N. 43°54'45" W., parallel with and distant 88.00 feet southwesterly from said Line "A", a distance of 475.00 feet;

Thence northwesterly along the arc of a tangent curve having a radius of 1106 feet, being concave southwesterly, through an angle of 47°10'13", a distance of 910.54 feet;

Thence S. 88°55'02" W., parallel with and distant 44.00 feet southerly from said mid-section line of Section 14, a distance of 1293.53 feet;

Thence at right angles, S. 1°04'58" E., a distance of 76.00 feet;

Thence S. 88°55'02" W., parallel with and distant 120.00 feet southerly from said mid-section line, a distance of 3708.33 feet;

Thence S. 89°43'29" W., parallel with and distant 120.00 feet southerly from said northerly line of the southeast quarter of Section 15, a distance of 1243.39 feet to said easterly line of Kaiser Road;

Thence N. 0°16' W., along said easterly line, a distance of 120.00 feet to the point of beginning.

Containing 17.62 acres, more or less.

Reference is hereby made to Right of Way Map of Oasis Road, File No. 786-HH, records of the County Surveyor of Riverside County, California.

Roll Call resulted as follows:
Ayes: Supervisors Jones, Anderson, Davis, Seeley & McCall
Noes: None.
Absent: None.

JCR:fj
10/13/67
A. C. KEITH
COUNTY SURVEYOR &
ROAD COMMISSIONER
RIVERSIDE COUNTY
CALIFORNIA

The foregoing is certified to be a true copy of a resolution duly adopted by said Board of Supervisors on the date therein set forth.
DONALD D. SULLIVAN, Clerk of said Board
By Anne Howe

FORM APPROVED
OCT 17 1967
RAY T. SULLIVAN, JR.
COUNTY COUNSEL

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

SHASTA DRIVE
Fourth District

3633
1-6-67

RECEIVED
AUG 8 1967
RIVERSIDE COUNTY
PLANNING COMMISSION

RESOLUTION

WHEREAS, by the provisions of R.S. 2477 (43 U.S.C. 932), the United States of America grants the right of way for the construction of highways over public lands, not reserved for public uses, and

WHEREAS, the public convenience and necessity require that the hereinafter described strip of land be made and constituted a county highway of the County of Riverside; now, therefore,

BE IT RESOLVED by the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on August 7, 1967, that the strip of land hereinafter referred to and hereinafter particularly described, be, and hereby is declared open for the uses and purposes of County highways.

BE IT FURTHER RESOLVED that the Clerk of this Board is directed to cause a certified copy of this resolution to be recorded in the Office of the County Recorder of the County of Riverside, State of California.

Said real property is in the County of Riverside, State of California, and is described as follows:

A portion of Section 11, Township 5 South, Range 15 East, SAN BERNARDINO BASE AND MERIDIAN, in the County of Riverside, State of California, being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 11; thence North 88°47'44" East along the South line of said Section 11, a distance of 248.34 feet to the TRUE POINT OF BEGINNING; thence continuing along the South line of said Section 11 on a bearing of North 88°47'44" East, a distance of 939.04 feet; thence leaving the South line of said Section 11 on the arc of a curve concave to the Southwest and having a radius of 1283.00 feet from an initial tangent bearing of North 78°10'53" West through a central angle of 13°01'23", a distance of 291.62 feet; thence South 88°47'44" West along a line parallel to and 33.00 feet Northerly of the South line of said Section 11, measured at right angles thereto, a distance of 425.00 feet to the beginning of a curve concave to the Southeast and having a radius of 783.00 feet; thence Southwesterly along the arc of said curve through a central angle of 16°41'38" a distance of 228.14 feet to the TRUE POINT OF BEGINNING.

Roll Call resulted as follows:
Ayes: Supervisors Jones, Anderson, Davis, Seeley and McCall.
Noes: None.
Absent: None.

cc-J. C. Ruth

The foregoing is certified to be a true copy of a resolution duly adopted by said Board of Supervisors on the date therein set forth.
DONALD D. SULLIVAN, Clerk of said Board
By Virginia Hughes Deputy

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

File Copy

SUBDIVISION COMMITTEE MEETING
APRIL 4, 1967 AS AMENDED BY
THE PLANNING COMMISSION ON
APRIL 11, 1967

TRACT NO. 3633

1. All improvements shall conform with County Subdivision Standards Schedule "A" unless modified by these conditions.

2. Street improvements shall include road-mix paving with Class "C" sealcoat and concrete curbs and gutters. Street improvement widths shall be as follows: 32 feet on 50 foot rights of way, 36 feet on 60 foot rights of way, and 40 feet on 66 foot rights of way. Other street improvements shall be as follows:

   a. Lot "A" shall be improved with 40 feet of paving and concrete curb and gutter on a 66 foot right of way. At the intersection of Lot "A" and Kaiser Road proper tie-in paving shall be constructed as required by the Riverside County Road Commissioner. That portion of Lot "A" outside the boundary of the subdivision shall be conveyed and improved by the subdivider.

   b. Golf cart crossings shall be constructed on those streets as shown on Exhibit "A" of the tentative map. These crossings shall be designed and constructed as required by the Riverside County Road Commissioner.

   c. Lot "V" shall be shown on the final map as a 66 foot "Future Roadway Easement".

   d. All walkways from cul-de-sac sections to the greenbelt areas shall be paved with concrete to a section as required by the Riverside County Road Commissioner.

   e. Standard cul-de-sacs shall be used throughout the subdivision.

   f. Adequate drainage facilities shall be designed and constructed as required by the Riverside County Road Commissioner.

   g. The strip of land between the northerly subdivision boundary line and Lots 205 and 206 shall be a minimum of 10 feet.

   h. The subdivider shall provide a roadway dedication of a 44 foot half right of way along the southerly boundary line of the tract as shown on Exhibit "A".

3. Prior to recordation of any final subdivision map, the applicant shall submit to the Commission the following documents which shall demonstrate to the satisfaction of the Commission that the total project will be developed and maintained in accordance with the intent and purposes of this approval:

   (a) The document to convey title.

   (b) The covenants and restrictions to be recorded.

   (c) The management and maintenance agreement to be entered into with the owners of the lots within the project for the maintenance of the open areas.

   The approved documents shall be recorded at the same time that the subdivision map is recorded.

4. A management company with the unqualified right to assess the owners of the individual lots for reasonable maintenance costs shall be established and continuously maintained. The management company shall have the right to lien the lots of the owners who default in the payment of their assessments. Such lien shall not be subordinate to any encumbrance other than an encumbrance made in good faith and for value, and is of record prior to the recordation of the lien of the management company.

5. The subdivider shall submit to the Riverside County Surveyor's Office a comprehensive grading plan to include one reproducible brownline and four prints.

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

Stubblefiled Const. Co.
Tract No. 3633
Page - 2 -

6. The subdivider shall submit a soils report for stability and geological study to the Riverside County Surveyor's Office, prior to recordation of the final map, unless waived by the Director of Building and Safety.

7. At the time of first filing of the final map for checking in the office of the County Surveyor, the subdivider shall make application for change of zone to conform with the proposed land use of the property. If all the proposed land use is R-1 (One Family Dwellings), the Commission will initiate change of zone proceedings, upon written request of the subdivider, at the time of filing of the final map. The approval of the tentative map does not include approval of a change of zone, or imply the approval of any proposed change of zone shown on the tentative map.

8. Street names for the proposed subdivision shall be subject to approval by the County Road Commissioner.

9. A water system shall be installed in accordance with the provisions set forth in the Riverside County Health Department letter dated January 16, 1967, a copy of which is enclosed. The subdivider's attention is directed to the domestic sewage disposal requirements indicated for individual lots.

10. The subdivider must comply with County Grading and Sand Blowing Ordinance. A grading permit shall be applied for at the County Building and Safety Department prior to any cut and fill operation in the subdivision.

11. The subdivider shall conform substantially to the general plan as submitted to the Riverside County Planning Commission.

12. In regard to flood control protection the following shall apply:

    a. The proposed levees shall be designed to District standards which include three feet of freeboard.

    b. Adjacent and downstream property owners shall be agreeable to accept the diverted concentrated flows and offsite construction work, or an alternate plan of control shall be required.

    c. The developer shall be responsible for maintenance of the levees.

    d. The elevations of the lots shall be so located so offsite flow from the golf course and other adjacent areas does not enter the lots.

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

SUBDIVISION COMMITTEE ~~RECOMMENDED~~ APPROVAL ~~APRIL 4, 1967 AS AMENDED BY~~ THE PLANNING COMMISSION ON APRIL 11, 1967

TRACT NO. 3633

1. All improvements shall conform with County Subdivision Standards Schedule "A" unless modified by these conditions.

2. Street improvements shall include road-mix paving with Class "C" sealcoat and concrete curbs and gutters. Street improvement widths shall be as follows: 32 feet on 50 foot rights of way, 36 feet on 60 foot rights of way, and 40 feet on 66 foot rights of way. Other street improvements shall be as follows:

   a. Lot "A" shall be improved with 40 feet of paving and concrete curb and gutter on a 66 foot right of way. At the intersection of Lot "A" and Kaiser Road proper tie-in paving shall be constructed as required by the Riverside County Road Commissioner. That portion of Lot "A" outside the boundary of the subdivision shall be conveyed and improved by the subdivider.

   b. Golf cart crossings shall be constructed on those streets as shown on Exhibit "A" of the tentative map. These crossings shall be designed and constructed as required by the Riverside County Road Commissioner.

   c. Lot "V" shall be shown on the final map as a 66 foot "Future Roadway Easement".

   d. All walkways from cul-de-sac sections to the greenbelt areas shall be paved with concrete to a section as required by the Riverside County Road Commissioner.

   e. Standard cul-de-sacs shall be used throughout the subdivision.

   f. Adequate drainage facilities shall be designed and constructed as required by the Riverside County Road Commissioner.

   g. The strip of land between the northerly subdivision boundary line and Lots 205 and 206 shall be a minimum of 10 feet.

   h. The subdivider shall provide a roadway dedication of a 44 foot half right of way along the southerly boundary line of the tract as shown on Exhibit "A".

3. Prior to recordation of any final subdivision map, the applicant shall submit to the Commission the following documents which shall demonstrate to the satisfaction of the Commission that the total project will be developed and maintained in accordance with the intent and purposes of this approval:

   (a) The document to convey title.

   (b) The covenants and restrictions to be recorded.

   (c) The management and maintenance agreement to be entered into with the owners of the lots within the project for the maintenance of the open areas.

   The approved documents shall be recorded at the same time that the subdivision map is recorded.

4. A management company with the unqualified right to assess the owners of the individual lots for reasonable maintenance costs shall be established and continuously maintained. The management company shall have the right to lien the lots of the owners who default in the payment of their assessments. Such lien shall not be subordinate to any encumbrance other than an encumbrance made in good faith and for value, and is of record prior to the recordation of the lien of the management company.

5. The subdivider shall submit to the Riverside County Surveyor's Office a comprehensive grading plan to include one reproducible brownline and four prints.

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

Stubblefiled Const. Co.
Tract No. 3633
Page - 2 -

6. The subdivider shall submit a soils report for stability and geological study to the Riverside County Surveyor's Office, prior to recordation of the final map, unless waived by the Director of Building and Safety.

7. At the time of first filing of the final map for checking in the office of the County Surveyor, the subdivider shall make application for change of zone to conform with the proposed land use of the property. If all the proposed land use is R-1 (One Family Dwellings), the Commission will initiate change of zone proceedings, upon written request of the subdivider, at the time of filing of the final map. The approval of the tentative map does not include approval of a change of zone, or imply the approval of any proposed change of zone shown on the tentative map.

8. Street names for the proposed subdivision shall be subject to approval by the County Road Commissioner.

9. A water system shall be installed in accordance with the provisions set forth in the Riverside County Health Department letter dated January 16, 1967, a copy of which is enclosed. The subdivider's attention is directed to the domestic sewage disposal requirements indicated for individual lots.

10. The subdivider must comply with County Grading and Sand Blowing Ordinance. A grading permit shall be applied for at the County Building and Safety Department prior to any cut and fill operation in the subdivision.

11. The subdivider shall conform substantially to the general plan as submitted to the Riverside County Planning Commission.

12. In regard to flood control protection the following shall apply:

    a. The proposed levees shall be designed to District standards which include three feet of freeboard.

    b. Adjacent and downstream property owners shall be agreeable to accept the diverted concentrated flows and offsite construction work, or an alternate plan of control shall be required.

    c. The developer shall be responsible for maintenance of the levees.

    d. The elevations of the lots shall be so located so offsite flow from the golf course and other adjacent areas does not enter the lots.

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

PROPOSED CONDITIONS
SUBDIVISION COMMITTEE MEETING
JANUARY 31, 1967

TRACT NO. 3633

1. All improvements shall conform with County Subdivision Standards Schedule "A" unless modified by these conditions.

2. Street improvements shall include road-mix paving with Class "C" sealcoat and concrete curbs and gutters. Street improvement widths shall be as follows: 32 feet on 50 foot rights of way, 36 feet on 60 foot rights of way, and 40 feet on 66 foot rights of way. Other street improvements shall be as follows:

✓ a. Street "A" shall be improved with two 32 foot paved sections and median strip and concrete curb and gutter on an 100 foot right of way. Proper tie-in paving shall be provided at the intersection of the paved section of Kaiser Road and Street "A" as required by the Riverside County Road Commissioner.

b. Street "B" shall be improved with 40 feet of paving and concrete curb and gutter on a 66 foot right of way.

c. Street "D" shall be improved with 40 feet of paving and concrete curb and gutter on a 66 foot right of way. The improvement section of Street "D" shall terminate at the westerly boundary line of Lots 111 and 112. The subdivider shall provide a temporary turn-around at the end of Street "D" until such time that a future extension is provided connecting with Street "B" to the southwest.

✓ d. Golf cart crossings shall be established on all of the areas as provided on Exhibit "A" of the tentative map. These crossings shall be designed and constructed as required by the Riverside County Road Commissioner.

e. Adequate drainage facilities shall be designed and constructed as required by the Riverside County Road Commissioner.

f. Standard cul-de-sacs shall be used throughout the subdivision.

g. Street "W" shall be improved with 36 feet of paving and concrete curb and gutters on a 60 foot right of way. The extension of Street "W" to the south shall be designed to intersect at right angles with the proposed East-West secondary highways.

3. The kinked lot lines as shown on the tentative map shall be permitted.

✓ 4. Prior to recordation of any final subdivision map, the applicant shall submit to the Commission the following documents which shall demonstrate to the satisfaction of the Commission that the total project will be developed and maintained in accordance with the intent and purposes of this approval:

(a) The document to convey title.

(b) The covenants and restrictions to be recorded.

(c) The management and maintenance agreement to be entered into with the owners of the units within the project for the maintenance of the open areas.

The approved documents shall be recorded at the same time that the subdivision map is recorded.

✓ 5. A management company with the unqualified right to assess the owners of the individual units for reasonable maintenance costs shall be established and continuously maintained. The management company shall have the right to lien the units of the owners who default in the payment of their assessments. Such lien shall not be subordinate to any encumbrance other than a first deed of trust provided such deed of trust is made in good faith and for value.

✓ 6. The subdivider shall submit to the Riverside County Surveyor's Office a comprehensive grading plan to include one reproducible brownline and four prints.

✓ 7. The subdivider shall submit a soils report for stability and geological study to the Riverside County Surveyor's Office, prior to recordation of the final map, unless waived by the Director of Building and Safety.

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

PROPOSED CONDITIONS
SUBDIVISION COMMITTEE MEETING
JANUARY 31, 1967
PAGE -2-

8. At the time of first filing of the final map for checking in the office of the County Surveyor, the subdivider shall make application for change of zone to conform with the proposed land use of the property. If all the proposed land use is R-1 (One Family Dwellings), the Commission will initiate change of zone proceedings, upon written request of the subdivider, at the time of filing of the final map. The approval of the tentative map does not include approval of a change of zone, or imply the approval of any proposed change of zone shown on the tentative map.

9. Street names for the proposed subdivision shall be subject to approval by the Riverside County Road Commissioner.

10. A water system shall be installed in accordance with the provisions set forth in the Riverside County Health Department letter dated January 16, 1967, a copy of which is enclosed. The subdivider's attention is directed to the domestic sewage disposal requirements indicated for individual lots.

11. The subdivider must comply with County Grading and Sand Blowing Ordinance. A grading permit should be applied for at the County Building and Safety Department prior to any cut and fill operation in the subdivision.

12. The subdivider shall conform substantially to the general plan as submitted to the Riverside County Planning Commission.

13. In regard to flood control protection the following shall apply:

a. The proposed levees shall be designed to District standards which include 3 feet of freeboard.

b. Adjacent and downstream property owners shall be agreeable to accept the diverted concentrated flows and offsite construction work, or an alternate plan of control is required.

c. The developer is responsible for maintenance of the levees.

NEW LETTER FROM NEAL

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)

WR

PROPOSED CONDITIONS
SUBDIVISION COMMITTEE MEETING
JANUARY 17, 1967

TRACT NO. 3633

1. All improvements shall conform with County Subdivision Standards Schedule "A" unless modified by these conditions.

2. Street improvements shall include asphalt concrete paving and concrete curbs and gutters. Street improvement widths shall be as follows; 32 feet on 50 foot rights of way, 36 feet on 60 foot rights of way, and 44 feet on 66 foot rights of way. Other street improvements shall be as follows:

   a. Street "A" shall be improved with 64 feet of paving and concrete curb and gutter on an 88 foot right of way. Proper tie-in paving shall be provided at the intersection of the paved section of Kaiser Road and Street "A" as required by the Riverside County Road Commissioner.

   b. Street "B" shall be improved with 64 feet of paving and concrete curb and gutter on a 88 foot right of way. The stub-out extension as located northerly of the right of way line of Street "A" shall be deleted on the final map. A minimum of a 500 foot radius shall be used from the beginning of curve located at approximately Lot 11 through a series of reverse curves to the southerly boundary tangent point as shown on Exhibit "A" of the tentative tract map.

   c. Street "D" shall be improved with 44 feet of paving and concrete curb and gutter on a 66 foot right of way. The improvement section of Street "D" shall terminate at the westerly boundary line of Lots 111 and 112. The subdivider shall provide a temporary turn-around at the end of Street "D" until such time that a future extension is provided connecting with Street "B" to the southWEST.

   d. Golf cart crossings shall be established on all of the areas as provided on Exhibit "A" of the tentative map. These crossings shall be designed and constructed as required by the Riverside County Road Commissioner.

   e. Adequate drainage facilities shall be designed and constructed as required by the Riverside County Road Commissioner.

   f. Standard cul-de-sacs shall be used throughout the subdivision.

   g. A 300 foot minimum centerline radius shall be used for all streets throughout the subdivision with the exception of those radii provided on Street "B".

3. Prior to recordation of any final subdivision map, the applicant shall submit to the Commission the following documents which shall demonstrate to the satisfaction of the Commission that the total project will be developed and maintained in accordance with the intent and purposes of this approval:

   (a) The document to convey title.

   (b) The covenants and restrictions to be recorded.

   (c) The management and maintenance agreement to be entered into with the owners of the units within the project. FOR THE MAINT. OF THE COMM. AREAS.

   The approved documents shall be recorded at the same time that the subdivision map is recorded.

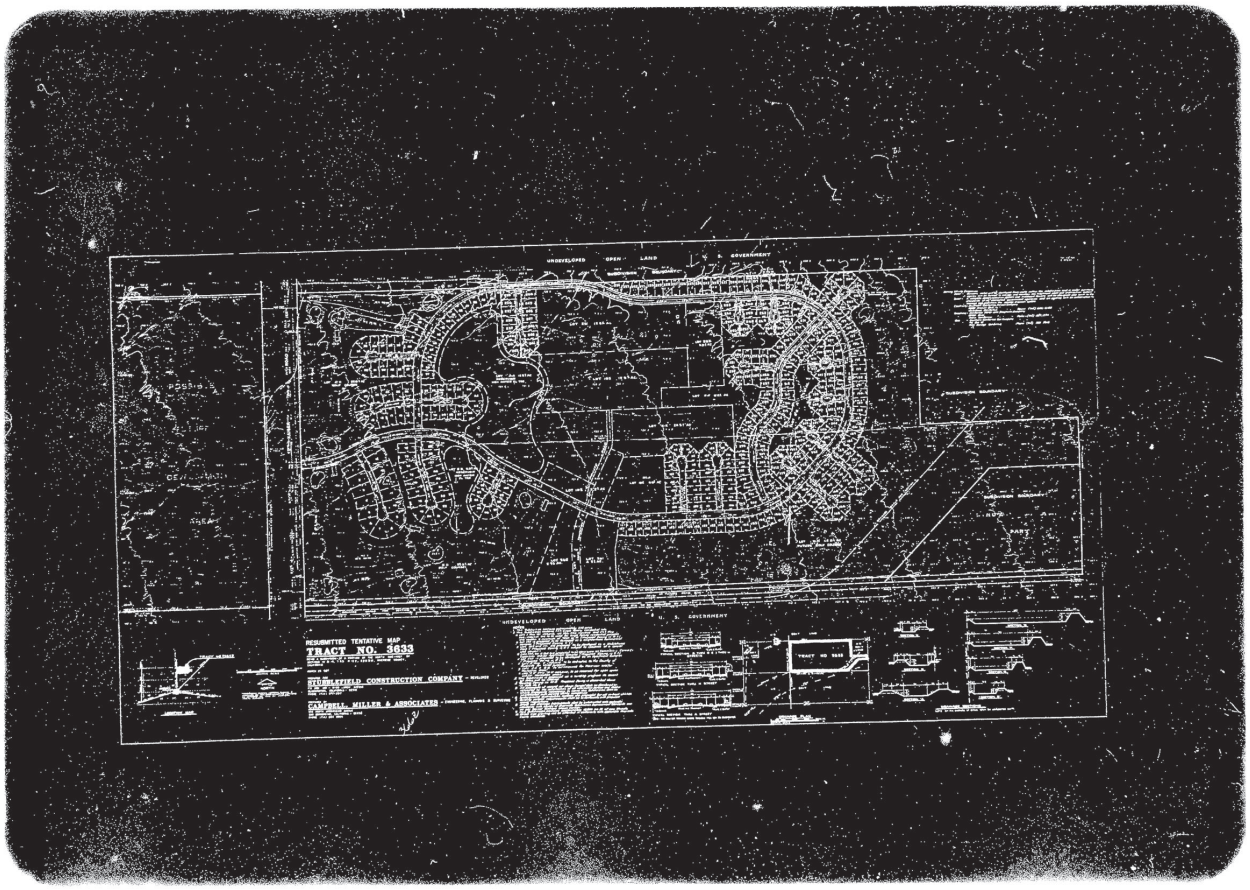
4. A management company with the unqualified right to assess the owners of the individual units for reasonable maintenance costs shall be established and continuously maintained. The management company shall have the right to lien the units of the owners who default in the payment of their assessments. Such lien shall not be subordinate to any encumbrance other than a first deed of trust provided such deed of trust is made in good faith and for value.

5. The subdivider shall submit to the Riverside County Surveyor's Office a comprehensive grading plan to include one reproducible brownline and four prints.

6. The subdivider shall submit a soils report for stability and geological study to the Riverside County Surveyor's Office, prior to recordation of the final map, unless waived by the Director of Building and Safety.

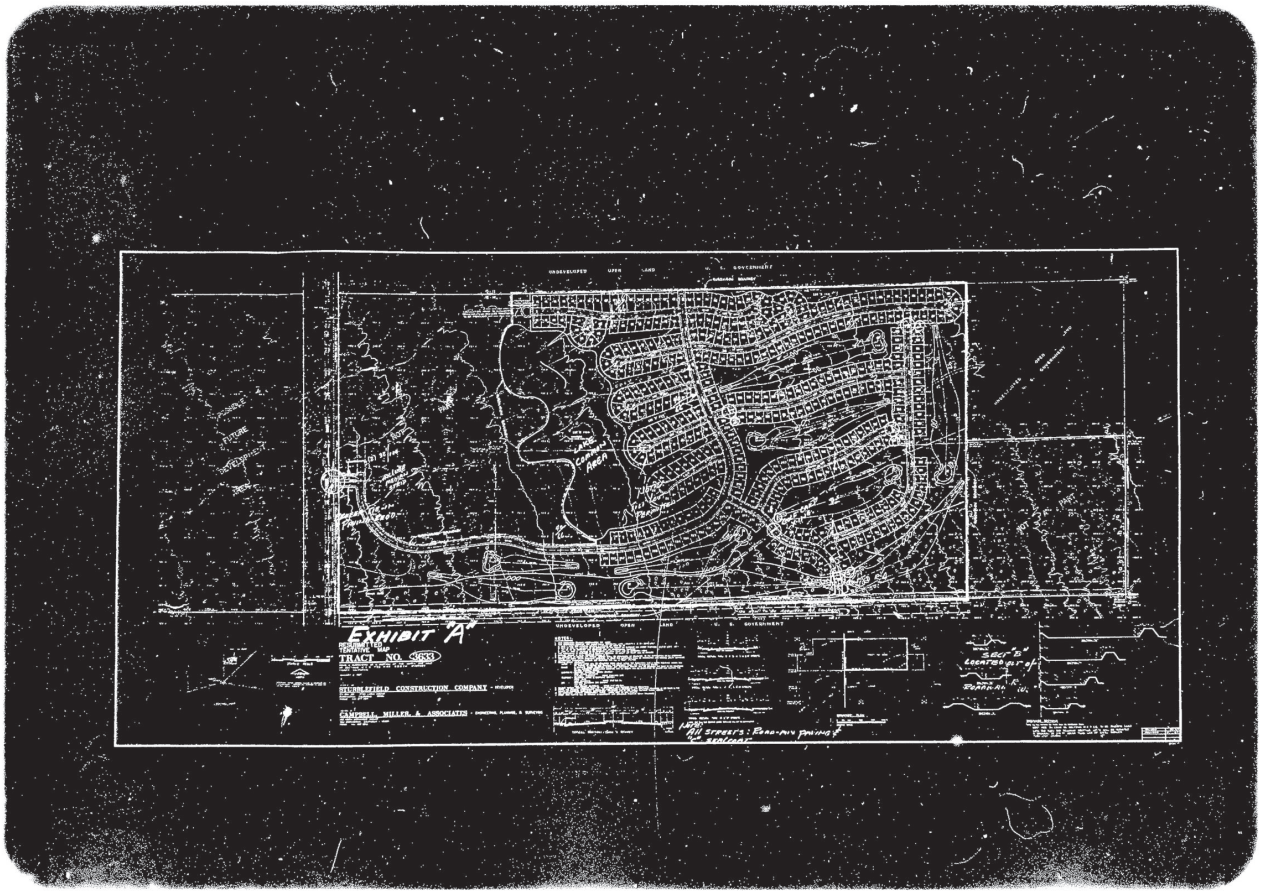
Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)



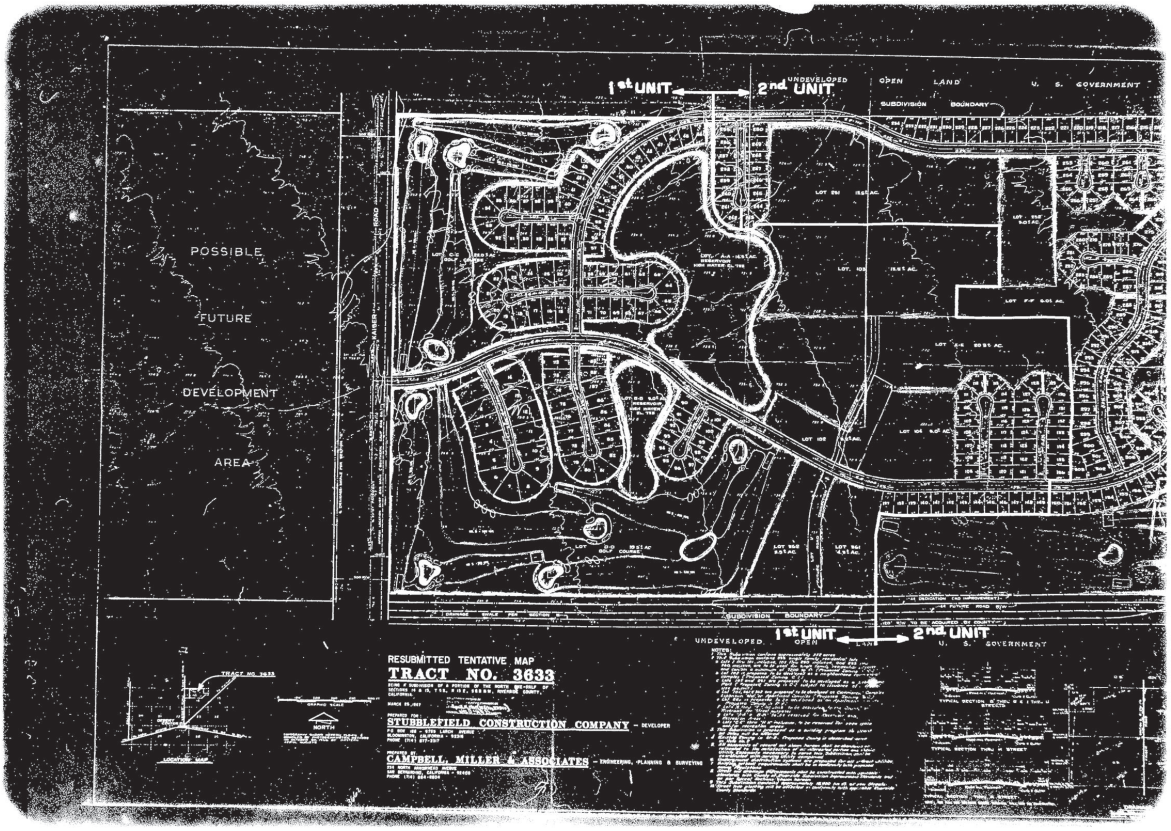
Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)



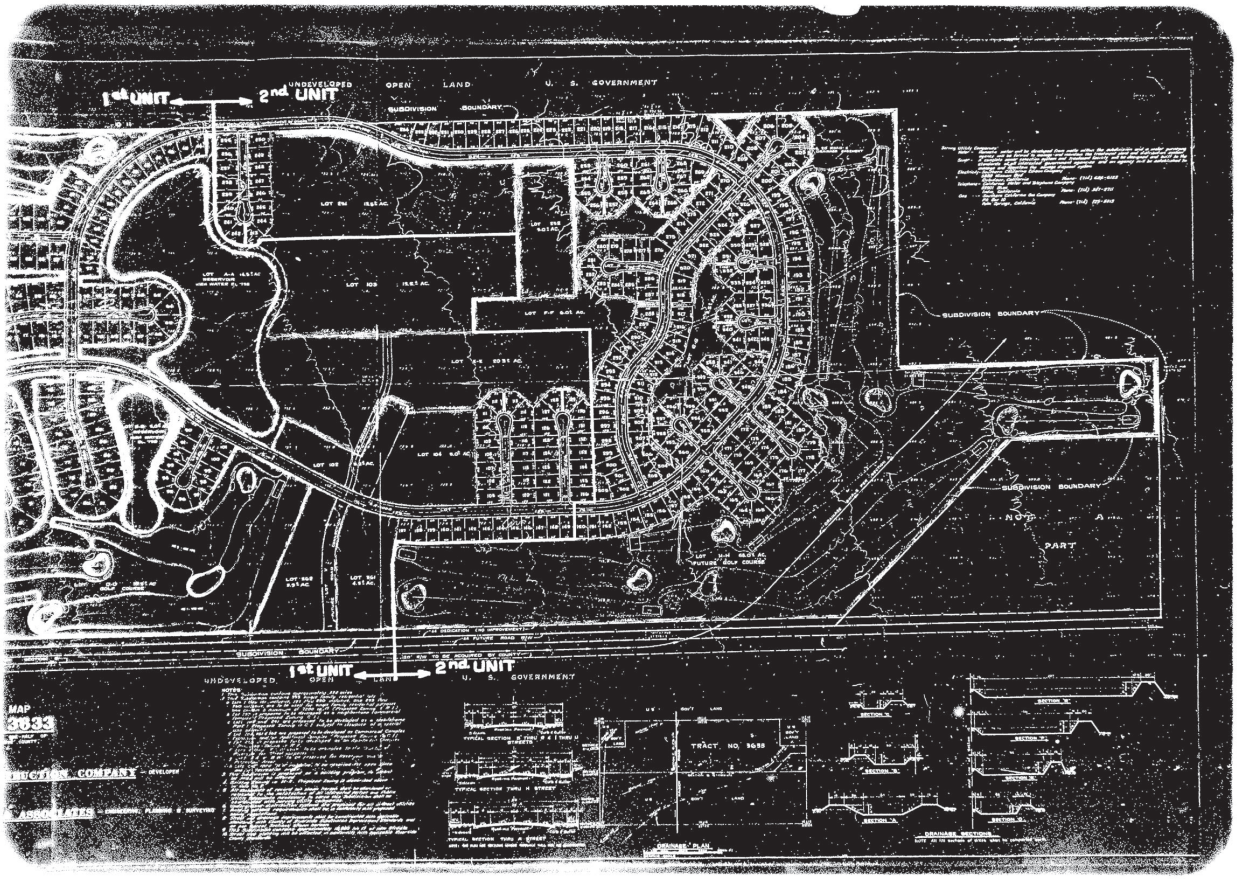
Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)



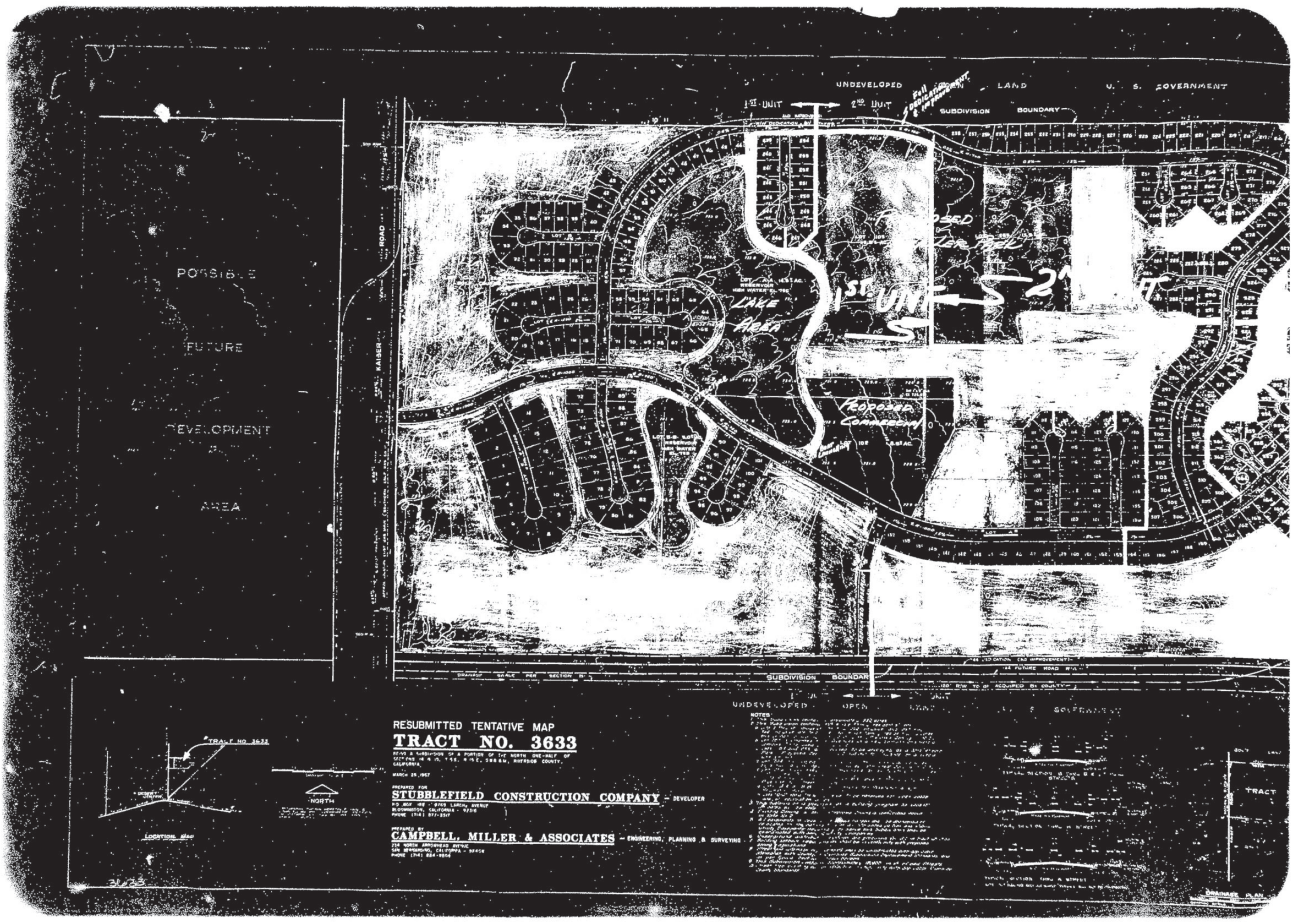
Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)



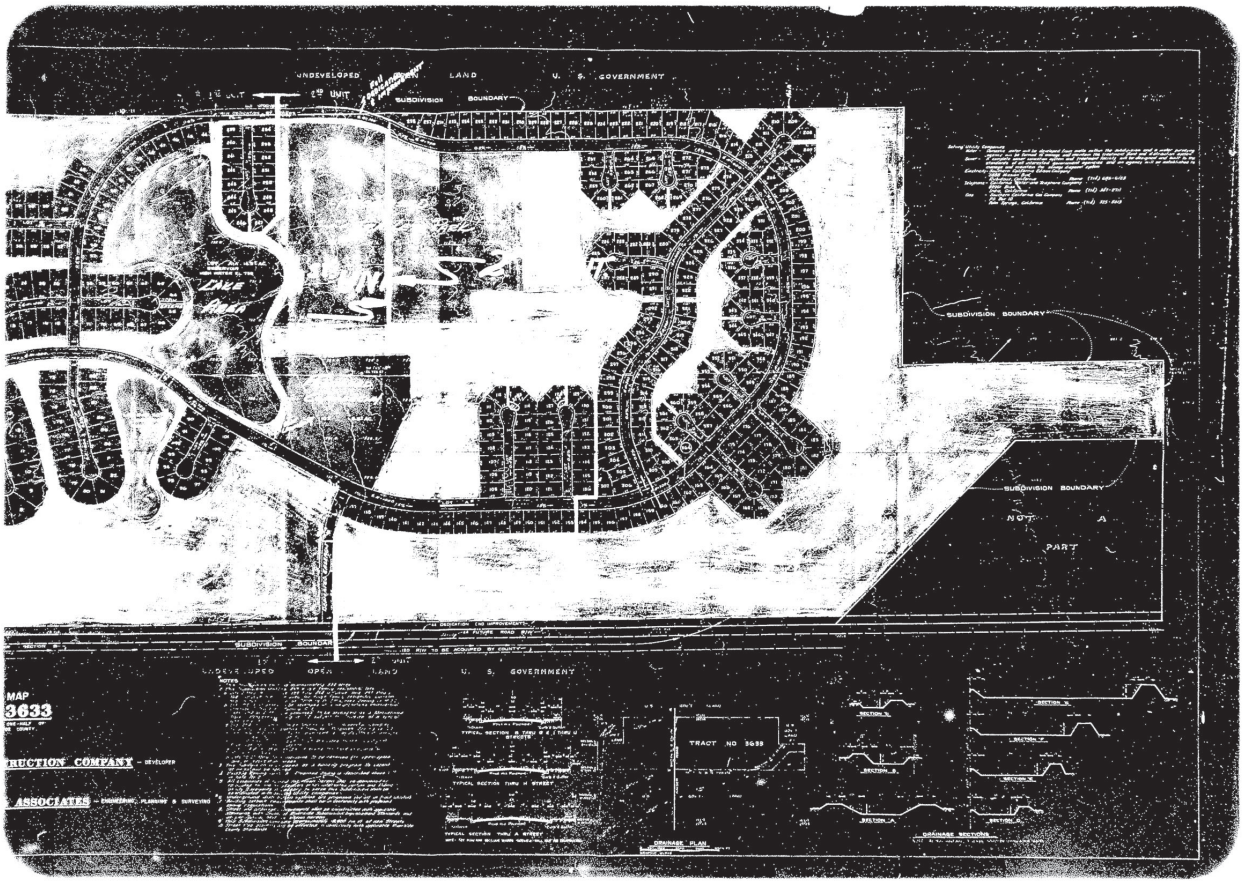
Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)



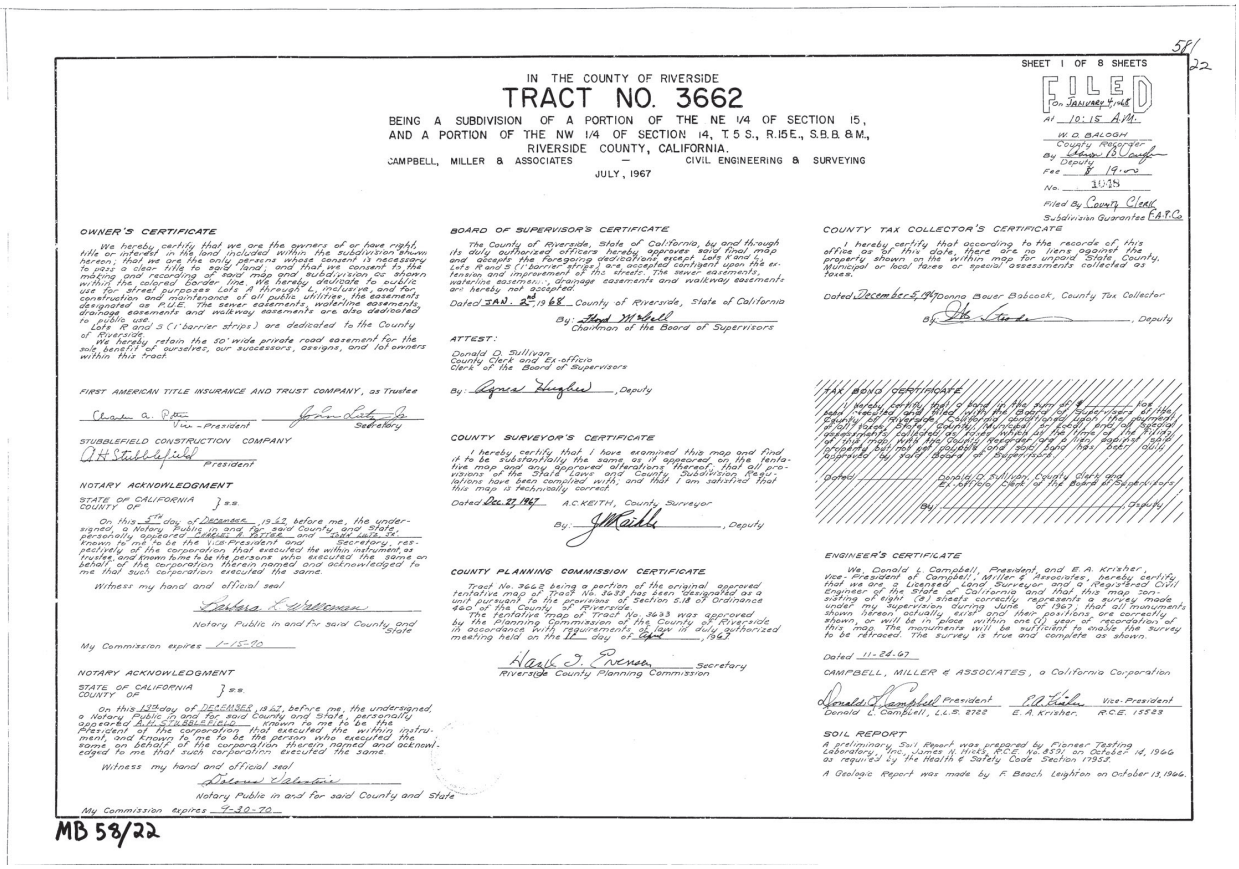
Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)



Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)



58/22

SHEET 1 OF 8 SHEETS

IN THE COUNTY OF RIVERSIDE

TRACT NO. 3662

BEING A SUBDIVISION OF A PORTION OF THE NE 1/4 OF SECTION 15, AND A PORTION OF THE NW 1/4 OF SECTION 14, T.5 S., R.15E., S.B.B. &M., RIVERSIDE COUNTY, CALIFORNIA.

CAMPBELL, MILLER & ASSOCIATES — CIVIL ENGINEERING & SURVEYING

JULY, 1967

FILED
On JANUARY 5 1968
At 10:15 A.M.
W. O. BALOGH
County Recorder
By Deputy
Fee $ 19.00
No. 1018
Filed By County Clerk
Subdivision Guarantee C.A.T.Co.

OWNER'S CERTIFICATE

We hereby certify that we are the owners of or have right, title or interest in the land included within the subdivision shown hereon, that we are the only persons whose consent is necessary to pass a clear title to said land, and that we consent to the making and recording of said map and subdivision as shown within the colored border line. We hereby dedicate to public use for street purposes Lots A through G, inclusive, and for construction and maintenance of all public utilities, the easements designated as P.U.E. The sewer easements, waterline easements, drainage easements and walkway easements are also dedicated to public use.
Lots R and S (1' barrier strips) are dedicated to the County of Riverside.
We hereby retain the 50' wide private road easement for the sole benefit of ourselves, our successors, assigns, and lot owners within this tract.

FIRST AMERICAN TITLE INSURANCE AND TRUST COMPANY, as Trustee

Vice-President — Secretary

STUBBLEFIELD CONSTRUCTION COMPANY

President

NOTARY ACKNOWLEDGMENT

STATE OF CALIFORNIA } ss.
COUNTY OF

On this 5th day of December 1967 before me, the undersigned, a Notary Public in and for said County and State, personally appeared HERMES B. PATTEN and ____ known to me to be the Vice-President and Secretary, respectively, of the corporation, that executed the within instrument, as Trustee, and known to me to be the persons who executed the same on behalf of the corporation therein named and acknowledged to me that such corporation executed the same.

Witness my hand and official seal

Barbara K. Williamson
Notary Public in and for said County and State

My Commission expires 1-15-70

NOTARY ACKNOWLEDGMENT

STATE OF CALIFORNIA } ss.
COUNTY OF

On this 13th day of DECEMBER 1967 before me, the undersigned, a Notary Public in and for said County and State, personally appeared A.H. STUBBLEFIELD known to me to be the President of the corporation that executed the within instrument, and known to me to be the person who executed the same on behalf of the corporation therein named and acknowledged to me that such corporation executed the same.

Witness my hand and official seal

Deborah Valentine
Notary Public in and for said County and State

My Commission expires 4-30-70

BOARD OF SUPERVISOR'S CERTIFICATE

The County of Riverside, State of California, by and through its duly authorized officers hereby approves said final map and accepts the foregoing dedications, except Lots R and S (1' barrier strips), as accepted contingent upon the extension and improvement of the streets. The sewer easements, waterline easements, drainage easements and walkway easements are hereby not accepted.

Dated JAN. 2nd 1968 County of Riverside, State of California

By: Floyd McDaniel
Chairman of the Board of Supervisors

ATTEST:
Donald D. Sullivan
County Clerk and Ex-officio
Clerk of the Board of Supervisors

By: Agnes Hughes, Deputy

COUNTY SURVEYOR'S CERTIFICATE

I hereby certify that I have examined this map and find it to be substantially the same as it appeared on the tentative map and any approved alterations thereof, that all provisions of the State Laws and County Subdivision Regulations have been complied with, and that I am satisfied that this map is technically correct.

Dated Dec 27 1967 A.C. KEITH, County Surveyor

By: J. Keith, Deputy

COUNTY PLANNING COMMISSION CERTIFICATE

Tract No. 3662 being a portion of the original approved tentative map of Tract No. 3662 has been designated as a unit pursuant to the provisions of Section 5.18 of Ordinance 460 of the County of Riverside.
The tentative map of Tract No. 3662 was approved by the Planning Commission of the County of Riverside in accordance with requirements of law in duly authorized meeting held on the 1st day of Sept, 1967

Hazel J. Pierson, Secretary
Riverside County Planning Commission

COUNTY TAX COLLECTOR'S CERTIFICATE

I hereby certify that according to the records of this office as of this date, there are no liens against the property shown on the within map for unpaid State, County, Municipal or local taxes or special assessments collected as taxes.

Dated December 5, 1967 Donna Bauer Babcock, County Tax Collector

By: Ida Steele, Deputy

TAX BOND CERTIFICATE

I, Notary, certify that I have on the ____ day of ____ 19__ filed with the Board of Supervisors of the County of Riverside, California, a bond in the sum of $____ to pay the taxes, penalties and costs that may be collected as taxes against the property shown on the within map, and the Clerk of said Board has endorsed his certificate thereon.

Dated: ____ Donald D. Sullivan, County Clerk and Ex-officio Clerk of the Board of Supervisors

By: ____, Deputy

ENGINEER'S CERTIFICATE

We, Donald L. Campbell, President, and E.A. Krisher, Vice-President of Campbell, Miller & Associates, hereby certify that we are a Licensed Land Surveyor and a Registered Civil Engineer of the State of California and that this map consisting of eight (8) sheets correctly represents a survey made under my supervision during June, 19 67, that all monuments shown hereon actually exist and their positions are correctly shown, or will be in place within one (1) year of recordation of this map, the monuments will be sufficient to enable the survey to be retraced. The survey is true and complete as shown.

Dated 11-24-67

CAMPBELL, MILLER & ASSOCIATES, a California Corporation

Donald L. Campbell, President — E. A. Krisher, Vice-President
Donald L. Campbell, L.L.S. 2782 — E. A. Krisher, R.C.E. 15583

SOIL REPORT

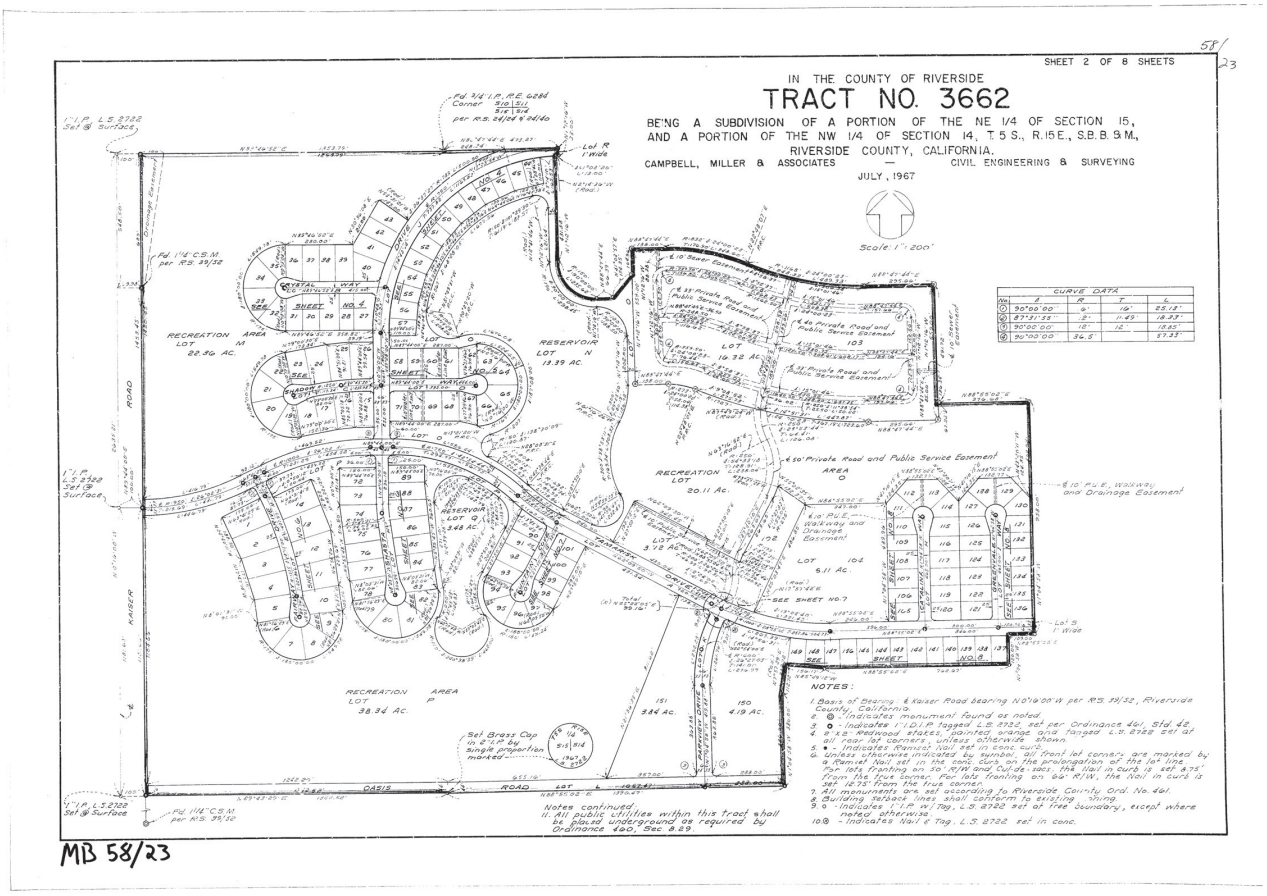
A preliminary Soil Report was prepared by Pioneer Testing Laboratory, Inc. (James H. Hicks, R.C.E. No. 8531) on October 14, 1966 as required by the Health & Safety Code Section 17953.

A Geologic Report was made by F. Beach Leighton on October 13, 1966.

MB 58/22

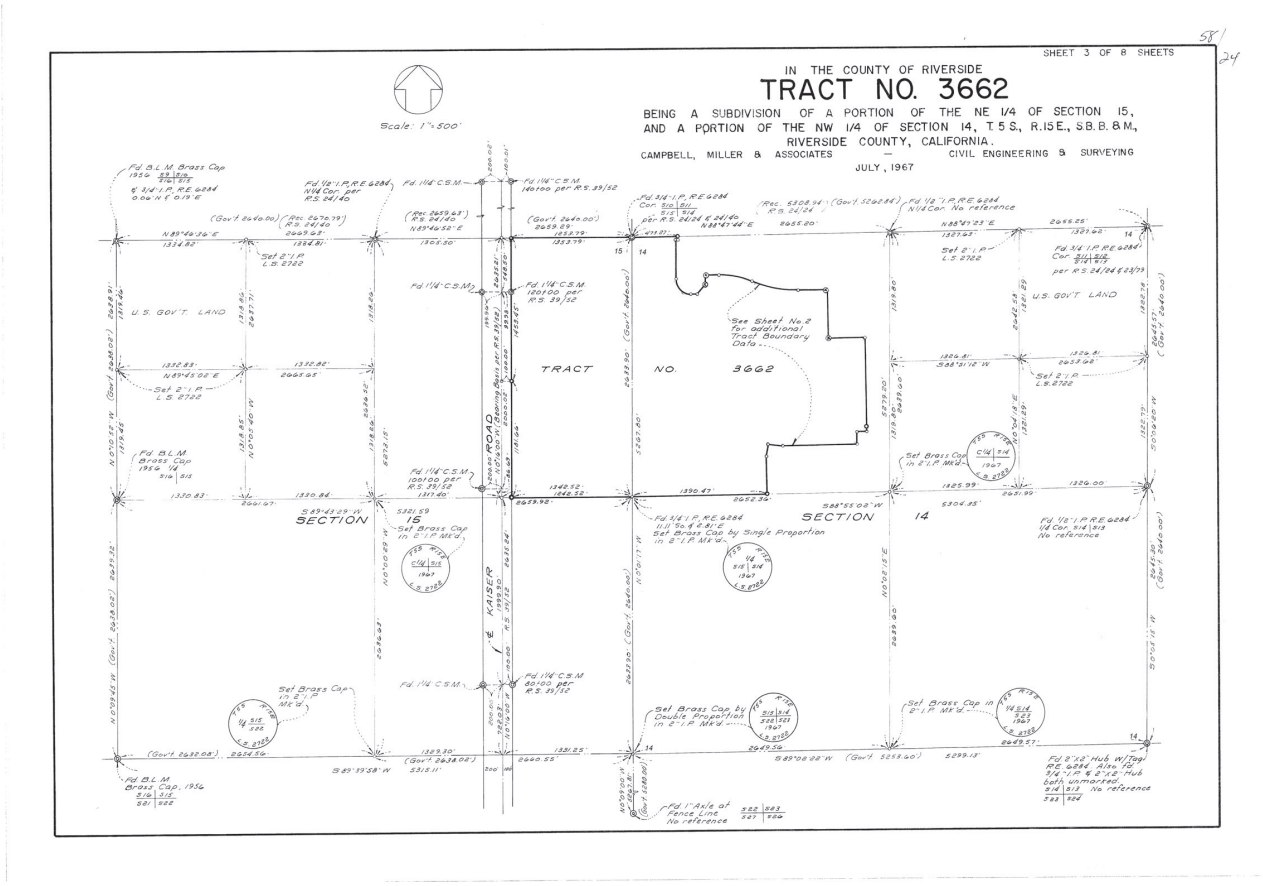
Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)



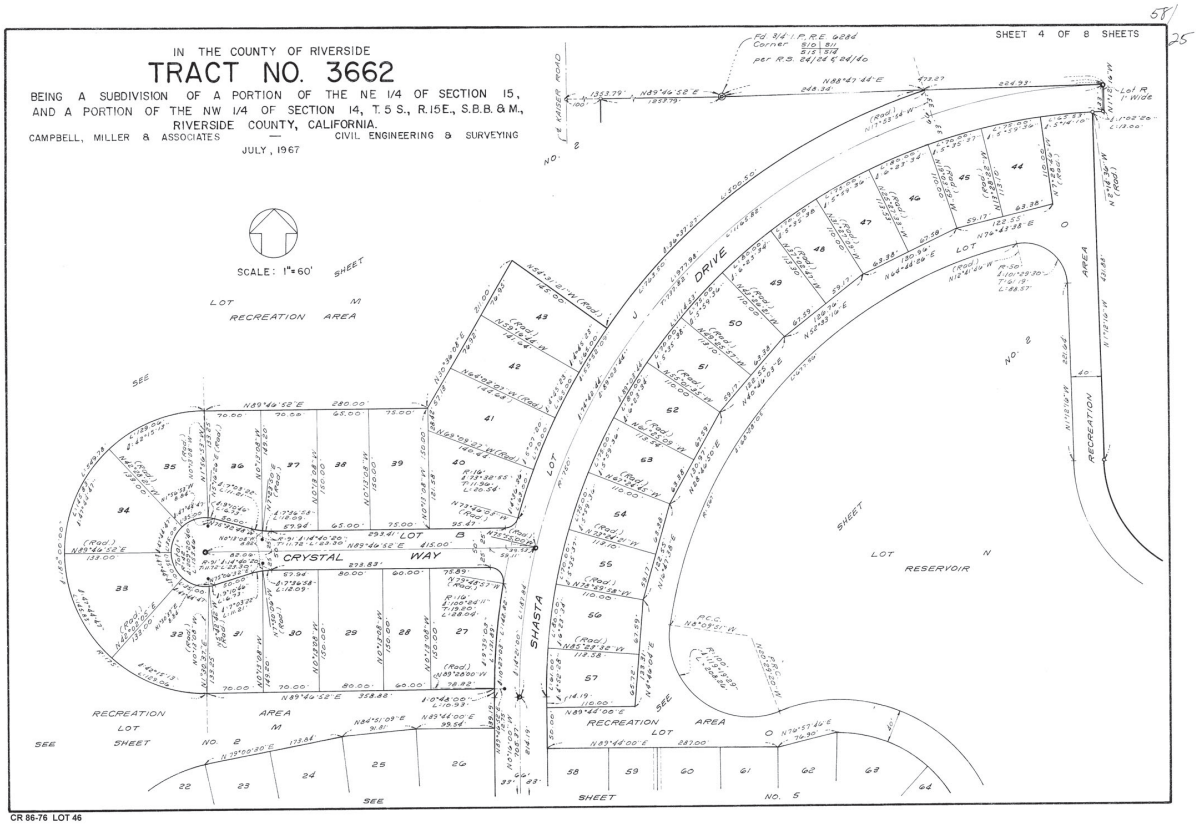
Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)



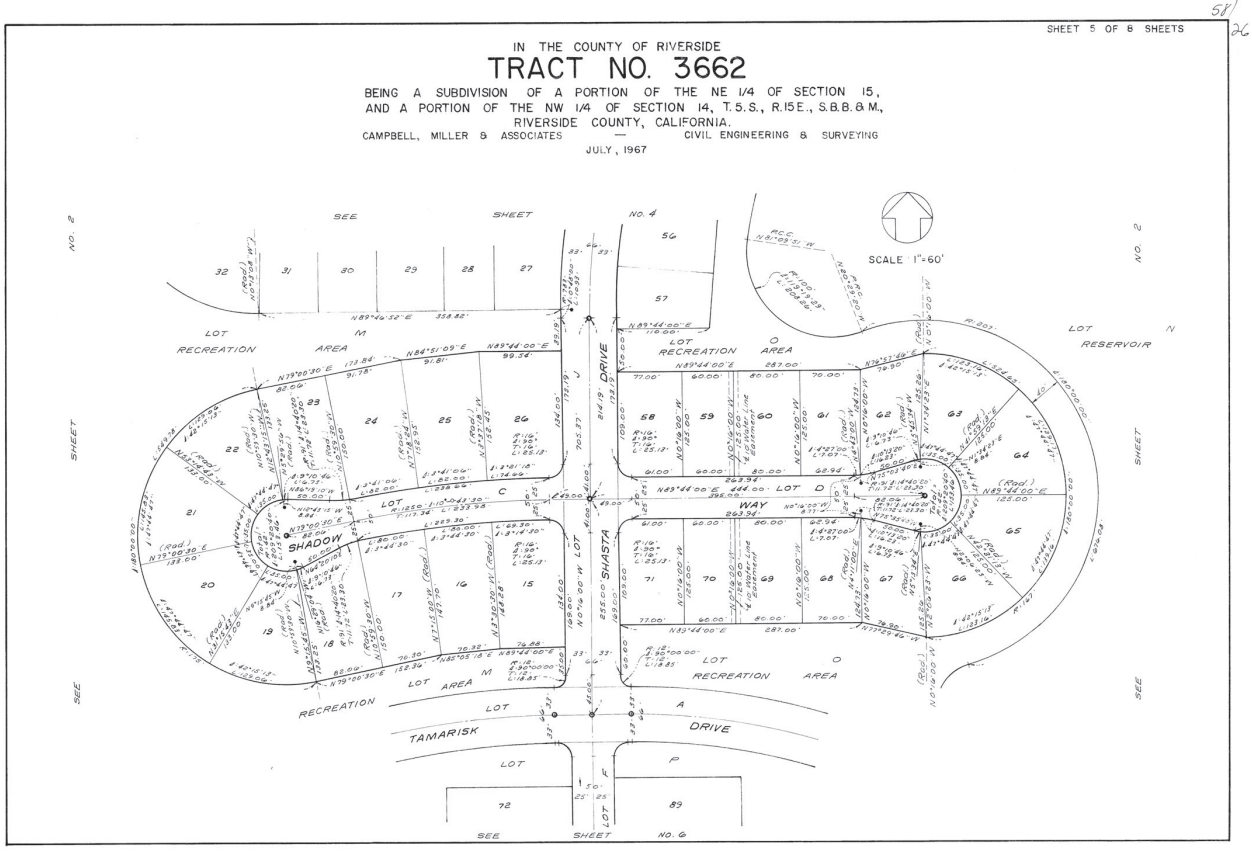
Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)



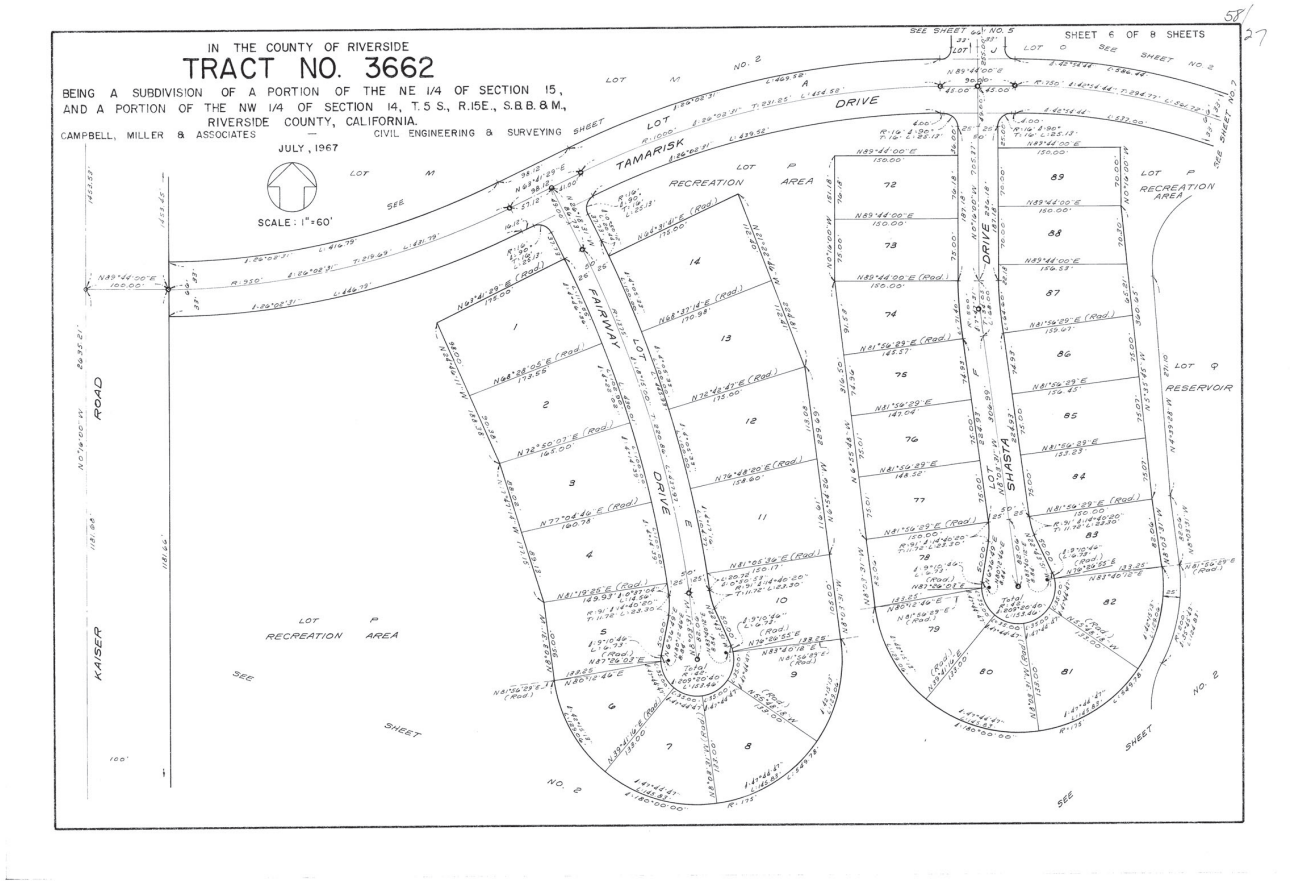
Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)



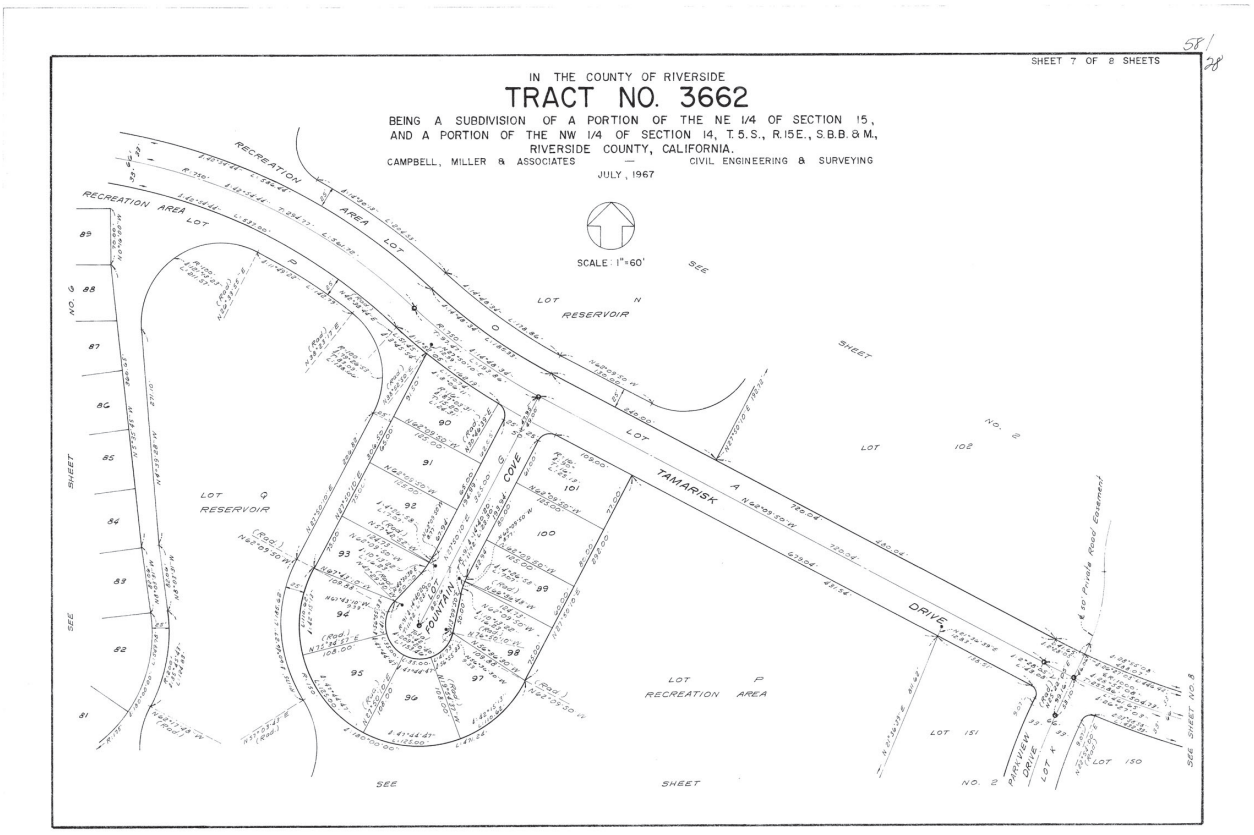
Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)



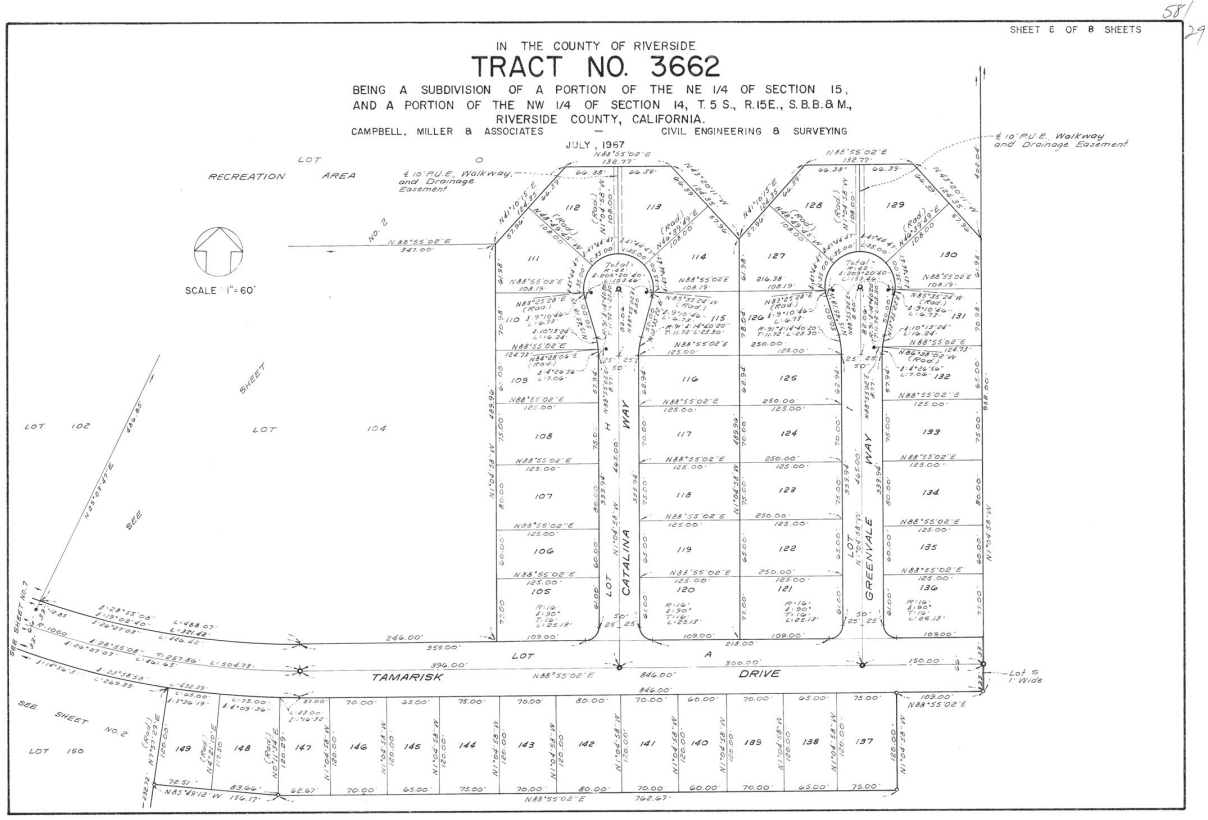
Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)



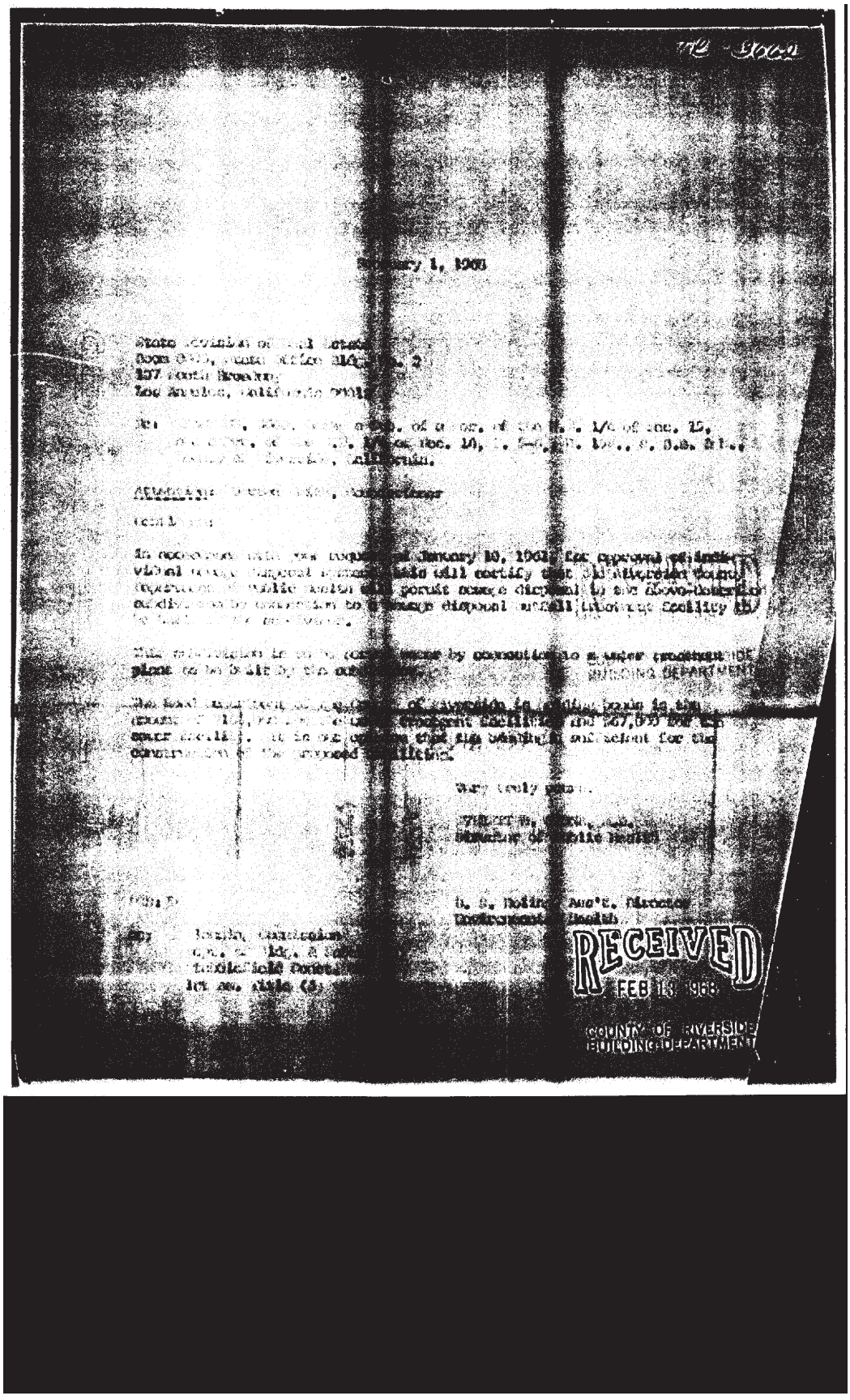
Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)



Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

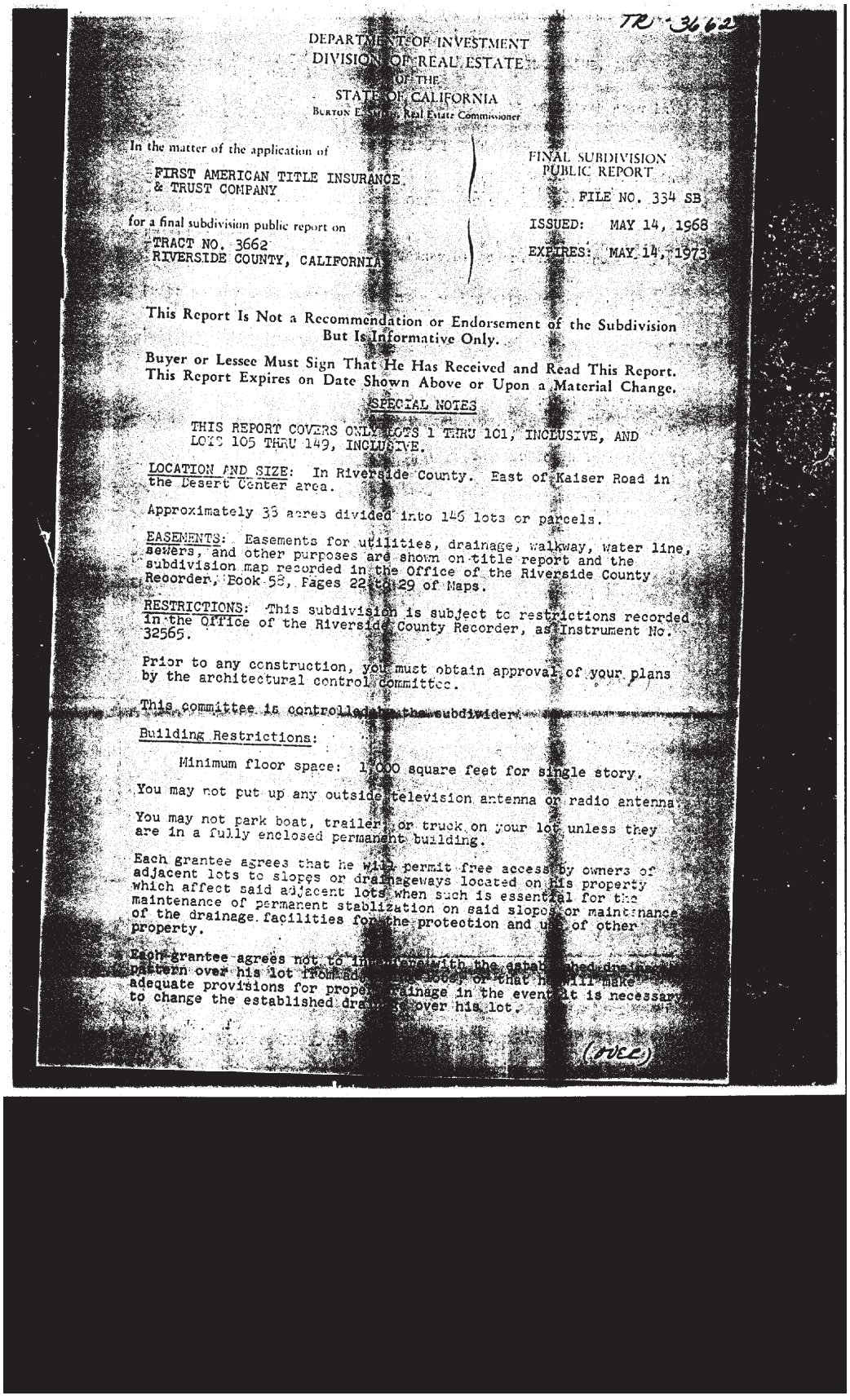
D5-86 (cont'd)



RECEIVED
FEB 13 1968
COUNTY OF RIVERSIDE
BUILDING DEPARTMENT

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)



TR-3662

DEPARTMENT OF INVESTMENT
DIVISION OF REAL ESTATE
OF THE
STATE OF CALIFORNIA
BURTON [illegible], Real Estate Commissioner

In the matter of the application of

FIRST AMERICAN TITLE INSURANCE & TRUST COMPANY

for a final subdivision public report on

TRACT NO. 3662
RIVERSIDE COUNTY, CALIFORNIA

FINAL SUBDIVISION PUBLIC REPORT

FILE NO. 334 SB

ISSUED: MAY 14, 1968

EXPIRES: MAY 14, 1973

This Report Is Not a Recommendation or Endorsement of the Subdivision But Is Informative Only.

Buyer or Lessee Must Sign That He Has Received and Read This Report. This Report Expires on Date Shown Above or Upon a Material Change.

SPECIAL NOTES

THIS REPORT COVERS ONLY LOTS 1 THRU 101, INCLUSIVE, AND LOTS 105 THRU 149, INCLUSIVE.

LOCATION AND SIZE: In Riverside County. East of Kaiser Road in the Desert Center area.

Approximately 33 acres divided into 146 lots or parcels.

EASEMENTS: Easements for utilities, drainage, walkway, water line, sewers, and other purposes are shown on title report and the subdivision map recorded in the Office of the Riverside County Recorder, Book 58, Pages 22 to 29 of Maps.

RESTRICTIONS: This subdivision is subject to restrictions recorded in the Office of the Riverside County Recorder, as Instrument No. 32565.

Prior to any construction, you must obtain approval of your plans by the architectural control committee.

This committee is controlled by the subdivider.

Building Restrictions:

Minimum floor space: 1,000 square feet for single story.

You may not put up any outside television antenna or radio antenna.

You may not park boat, trailer, or truck on your lot unless they are in a fully enclosed permanent building.

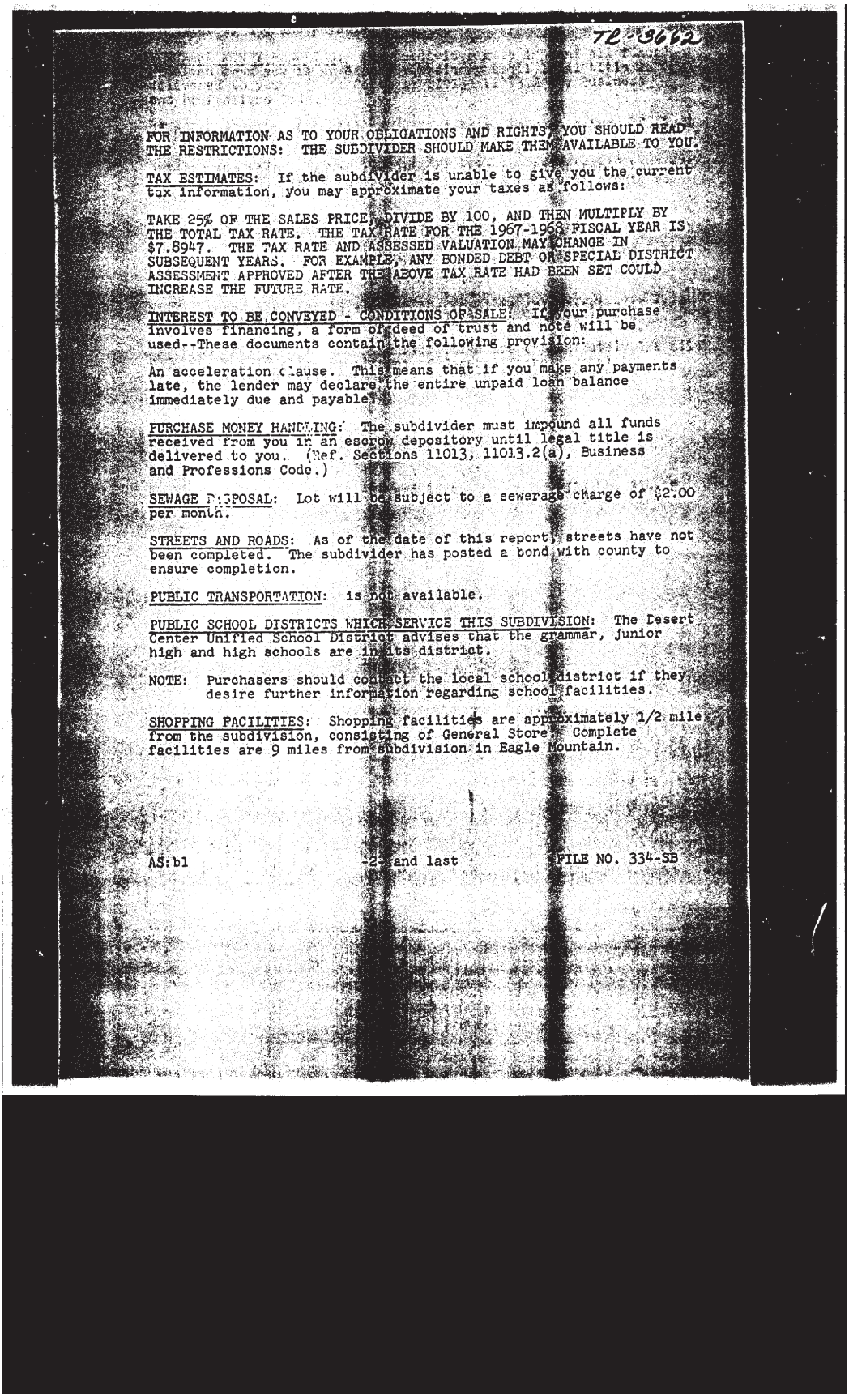
Each grantee agrees that he will permit free access by owners of adjacent lots to slopes or drainageways located on his property which affect said adjacent lots when such is essential for the maintenance of permanent stablization on said slopes or maintenance of the drainage facilities for the protection and use of other property.

Each grantee agrees not to interfere with the established drainage pattern over his lot from adjoining or other lots, or that he will make adequate provisions for proper drainage in the event it is necessary to change the established drainage over his lot.

(over)

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)



TR-3662

FOR INFORMATION AS TO YOUR OBLIGATIONS AND RIGHTS, YOU SHOULD READ THE RESTRICTIONS: THE SUBDIVIDER SHOULD MAKE THEM AVAILABLE TO YOU.

TAX ESTIMATES: If the subdivider is unable to give you the current tax information, you may approximate your taxes as follows:

TAKE 25% OF THE SALES PRICE, DIVIDE BY 100, AND THEN MULTIPLY BY THE TOTAL TAX RATE. THE TAX RATE FOR THE 1967-1968 FISCAL YEAR IS $7.8947. THE TAX RATE AND ASSESSED VALUATION MAY CHANGE IN SUBSEQUENT YEARS. FOR EXAMPLE, ANY BONDED DEBT OR SPECIAL DISTRICT ASSESSMENT APPROVED AFTER THE ABOVE TAX RATE HAD BEEN SET COULD INCREASE THE FUTURE RATE.

INTEREST TO BE CONVEYED - CONDITIONS OF SALE: If your purchase involves financing, a form of deed of trust and note will be used--These documents contain the following provision:

An acceleration clause. This means that if you make any payments late, the lender may declare the entire unpaid loan balance immediately due and payable.

PURCHASE MONEY HANDLING: The subdivider must impound all funds received from you in an escrow depository until legal title is delivered to you. (Ref. Sections 11013, 11013.2(a), Business and Professions Code.)

SEWAGE DISPOSAL: Lot will be subject to a sewerage charge of $2.00 per month.

STREETS AND ROADS: As of the date of this report, streets have not been completed. The subdivider has posted a bond with county to ensure completion.

PUBLIC TRANSPORTATION: is not available.

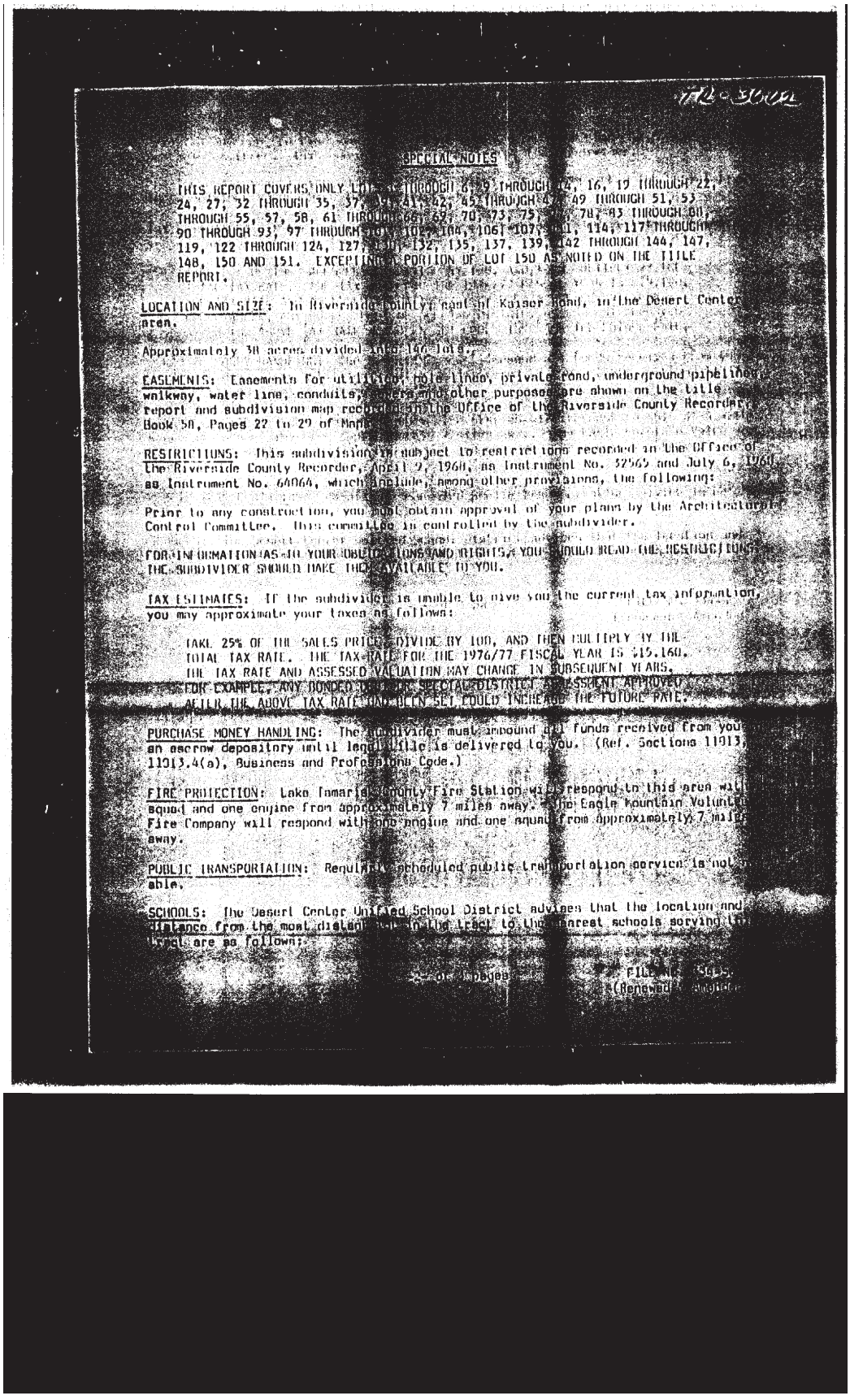
PUBLIC SCHOOL DISTRICTS WHICH SERVICE THIS SUBDIVISION: The Desert Center Unified School District advises that the grammar, junior high and high schools are in its district.

NOTE: Purchasers should contact the local school district if they desire further information regarding school facilities.

SHOPPING FACILITIES: Shopping facilities are approximately 1/2 mile from the subdivision, consisting of General Store. Complete facilities are 9 miles from subdivision in Eagle Mountain.

AS:bl -2- and last FILE NO. 334-SB

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)



SPECIAL NOTES

THIS REPORT COVERS ONLY LOTS 1 THROUGH 8, 10 THROUGH 14, 16, 19 THROUGH 22, 24, 27, 32 THROUGH 35, 37, 39, 41, 42, 45 THROUGH 47, 49 THROUGH 51, 53 THROUGH 55, 57, 58, 61 THROUGH 66, 69, 70, 73, 75, 77, 78, 83 THROUGH 88, 90 THROUGH 93, 97 THROUGH 101, 103, 104, 106, 107, 111, 114, 117 THROUGH 119, 122 THROUGH 124, 127, 130, 132, 135, 137, 139, 142 THROUGH 144, 147, 148, 150 AND 151. EXCEPTING A PORTION OF LOT 150 AS NOTED ON THE TITLE REPORT.

LOCATION AND SIZE: In Riverside County, east of Kaiser Road, in the Desert Center area.

Approximately 38 acres divided into 140 lots.

EASEMENTS: Easements for utilities, pole lines, private road, underground pipelines, walkway, water line, conduits, [illegible] and other purposes are shown on the title report and subdivision map recorded in the Office of the Riverside County Recorder, Book 50, Pages 22 to 29 of Maps.

RESTRICTIONS: This subdivision is subject to restrictions recorded in the Office of the Riverside County Recorder, April 2, 1968, as Instrument No. 52565 and July 6, 1970, as Instrument No. 64064, which include, among other provisions, the following:

Prior to any construction, you must obtain approval of your plans by the Architectural Control Committee. This committee is controlled by the subdivider.

FOR INFORMATION AS TO YOUR OBLIGATIONS AND RIGHTS, YOU SHOULD READ THE RESTRICTIONS. THE SUBDIVIDER SHOULD MAKE THEM AVAILABLE TO YOU.

TAX ESTIMATES: If the subdivider is unable to give you the current tax information, you may approximate your taxes as follows:

TAKE 25% OF THE SALES PRICE, DIVIDE BY 100, AND THEN MULTIPLY BY THE TOTAL TAX RATE. THE TAX RATE FOR THE 1976/77 FISCAL YEAR IS $15.160. THE TAX RATE AND ASSESSED VALUATION MAY CHANGE IN SUBSEQUENT YEARS. FOR EXAMPLE, ANY BONDED DEBT OR SPECIAL DISTRICT ASSESSMENT APPROVED AFTER THE ABOVE TAX RATE HAS BEEN SET COULD INCREASE THE FUTURE RATE.

PURCHASE MONEY HANDLING: The subdivider must impound all funds received from you in an escrow depository until legal title is delivered to you. (Ref. Sections 11013, 11013.4(a), Business and Professions Code.)

FIRE PROTECTION: Lake Tamarisk County Fire Station will respond to this area with squad and one engine from approximately 7 miles away. The Eagle Mountain Volunteer Fire Company will respond with one engine and one squad from approximately 7 miles away.

PUBLIC TRANSPORTATION: Regularly scheduled public transportation service is not available.

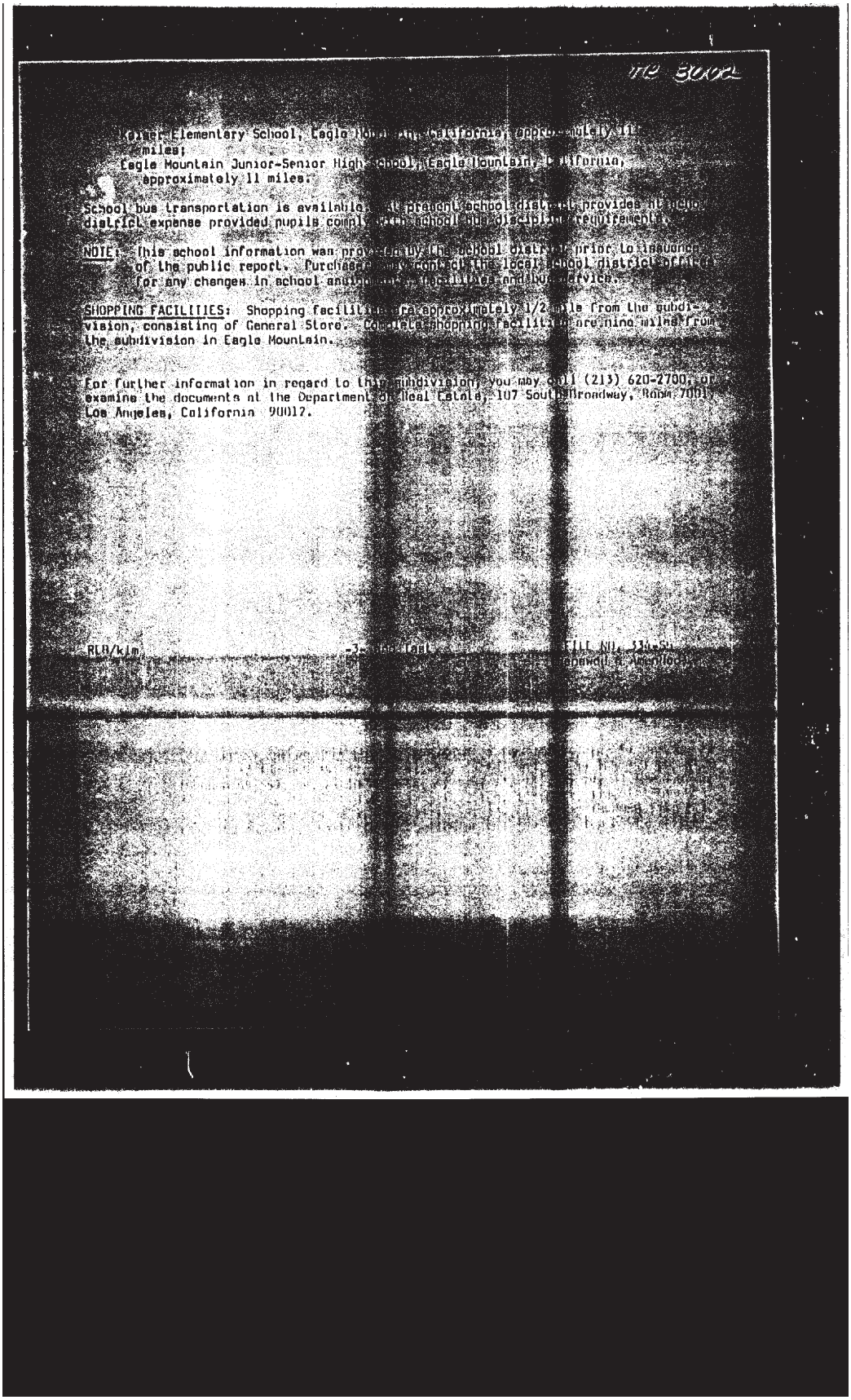
SCHOOLS: The Desert Center Unified School District advises that the location and distance from the most distant point on this tract to the nearest schools serving this tract are as follows:

[illegible] Miles [illegible] Miles
[illegible] (Renewed [illegible])

D5-86 (cont'd)

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-86 (cont'd)



miles;
Eagle Mountain Junior-Senior High School, Eagle Mountain, California,
approximately 11 miles.

School bus transportation is available. At present school district provides at no
district expense provided pupils comply with school bus discipline requirements.

NOTE: This school information was provided by the school district prior to issuance
of the public report. Purchaser should contact the local school district office
for any changes in school assignments, facilities and bus service.

SHOPPING FACILITIES: Shopping facilities are approximately 1/2 mile from the subdi-
vision, consisting of General Store. Complete shopping facilities are nine miles from
the subdivision in Eagle Mountain.

For further information in regard to this subdivision, you may call (213) 620-2700, or
examine the documents at the Department of Real Estate, 107 South Broadway, Room 7011,
Los Angeles, California 90012.

RLB/kim

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

Easley Renewable Energy Project

From: MARK C <mcarrington81@gmail.com>
Sent: Monday, April 1, 2024 7:47:12 AM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Cc: Planning <Planning@RIVCO.ORG>; Garcia Jr., Rafael <RafGarci@Rivco.org>; Hernandez, Steven <SAHERNAN@RIVCO.ORG>; Gonzalez, Guillermo <GuiGonzalez@Rivco.org>; Greene, Jeffrey <JTGreene@RIVCO.ORG>; Paule, Philip <PPaule@Rivco.org>; Brock, Robyn <RBrock@RIVCO.ORG>; District 5 <District5@rivco.org>; Don and Marta Sneddon Lake Tamarisk # 131 <sneddon_don@yahoo.com>; Vicki and James Bucklin #14 Lake Tamarisk <vickibucklin@pugetisland.com>; Teresa. Lake Tamarisk. #141 Lake Tamarisk. #141 <teresapierce52@gmail.com>; MARK C (BBG) <mcarrington81@gmail.com>; Allen Grant Lake Tamarisk <allen@grantdevelopment.com>; Kim Kimberlee Marie Grant Nelson Nelson <kim@grantdevelopment.com>; Frank Angel <fangel@angellaw.com>
Subject: Riverside County Vision (RCIP Vision) vs Easley Solar Project

Good morning Tim,

D5-87

The Easley Solar Project, as currently designed, violates virtually every aspect of the Riverside County Vision Statement.

The purpose of the Planning Department and ultimately the Board of Supervisors is to make sure that All development enhances this Vision and in no way violates it.

As you re-read the Riverside County Vision, it will become obvious that to allow Intersect Power to construct the Easley Solar Project as they desire would not only violate this Vision Statement but also violate the purpose of the Planning Department.

Intersect Power needs to be told Now that our County Planners and Supervisors are dedicated to preserving the RCIP Vision Statement. The Planning Department can require the project to be redesigned to meet the minimum requirements of the Respect Lake Tamarisk Alternative plan of development in order to receive any CUPs or PUPs or permissions of any kind.

Thank you

Mark

Active Communities/Desert Center
Lake Tamarisk

_____
"General Plan
September 28, 2021 1
Vision Summary

The County of Riverside General Plan and Area Plans have been steered by the RCIP Vision.

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-87 (cont'd)

Following is a summary of the Vision Statement that includes many of the salient points brought forth by the residents of The Desert Center Area as well as the rest of the County of Riverside.
The RCIP Vision reflects the County of Riverside
in the year 2020.
So, fast forward yourself to 2020 and here is what it will be like.

"Riverside County is a family of special communities in a remarkable environmental setting."

It is now the year 2020. This year (incidentally, also a common reference to clear vision), is an appropriate time to check our community vision. Twenty years have passed since we took an entirely new look at how the County of Riverside was evolving. Based on what we saw, we set bold new directions for the future. As we now look around and move through the County of Riverside, the results are notable. They could happen only in response to universal
values strongly held by the people. Some of those values are:

- Real dedication to a sense of community;

- Appreciation for the diversity of our people and places within this expansive landscape;

- Belief in the value of participation by our people in shaping their communities;

- Confidence in the future and faith that our long term commitments will pay off;

- Willingness to innovate and learn from our experience;

- Dedication to the preservation of the environmental features that frame our communities;

- Respect for our differences and willingness to work toward their resolution;

- Commitment to quality development in partnership with those who help build our communities; and

- The value of collaboration by our elected officials in conducting public business.

Those values and the plans they inspired have brought us a long way. True, much remains to be done. But our energies and resources are being invested in a unified direction, based on the common ground we have affirmed many times during the last 20 years. Perhaps our achievements will help you understand why we believe we are on the right path.

The County of Riverside General Plan and Area Plans have been steered by the RCIP Vision."

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

Email: Easley Renewable Energy Project

From: MARK C <mcarrington81@gmail.com>
Sent: Tuesday, April 9, 2024 12:28 PM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Cc: Allen Grant Lake Tamarisk <allen@grantdevelopment.com>; Garcia Jr., Rafael <RafGarci@Rivco.org>; Planning <Planning@RIVCO.ORG>; MARK C (BBG) <mcarrington81@gmail.com>; Teresa. Lake Tamarisk. #141 Lake Tamarisk. #141 <teresapierce52@gmail.com>; Vicki and James Bucklin #14 Lake Tamarisk <vickibucklin@pugetisland.com>
Subject: Fwd: Meaning of Governor's Environmental Leadership Development Certification

D5-88

Hi Tim,

Please add this Email chain to the official record for the Easley Solar Project.
It's an important clarification of the Environmental Leadership Development Certification.

Thank you

Mark

---------- Forwarded message ---------
From: **MARK C** <mcarrington81@gmail.com>
Date: Tue, Apr 9, 2024 at 12:10 PM
Subject: Fwd: Meaning of Governor's Environmental Leadership Development Certification
To: Frank Angel <fangel@angellaw.com>
CC: Cooper Kass <ckass@angellaw.com>, Lake McManus <lmcmanus@angellaw.com>, MARK C (BBG) <mcarrington81@gmail.com>

---------- Forwarded message ---------
From: **MARK C** <mcarrington81@gmail.com>
Date: Tue, Apr 9, 2024 at 12:10 PM
Subject: Fwd: Meaning of Governor's Environmental Leadership Development Certification
To: Gonzalez, Guillermo <GuiGonzalez@rivco.org>
CC: Allen Grant Lake Tamarisk <allen@grantdevelopment.com>, MARK C (BBG) <mcarrington81@gmail.com>, Pedro Aceves Board Assistant <paceves@rivco.org>, Steven Hernandez Chief Of Staff - Supervisor Perez' <SAHERNAN@rivco.org>, Teresa. Lake Tamarisk. #141 Lake Tamarisk. #141 <teresapierce52@gmail.com>, V. Manuel Perez RC Supervisor <district4@rivco.org>, Vicki and James Bucklin #14 Lake Tamarisk <vickibucklin@pugetisland.com>

Hi Guillermo,

Please pass this explanation on to Supervisor Perez.

From the Governor's standpoint the Easley Project is desirable but can be modified in any way without impacting the certification.

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-88 (cont'd)

Constructed to meet the Requirements of the Respect Lake Tamarisk Alternative will meet All the Project Objectives stated in the Draft EIR while projecting the Community of Lake Tamarisk.

Additionally we have found nearby land for sale just north of the project that will hold well over 100 megawatts of Solar panels. I will send the details on this available land.

Thanks

Mark

---------- Forwarded message ---------
From: **Saharnaz Mirzazad** <saharnaz.mirzazad@opr.ca.gov>
Date: Tue, Apr 9, 2024 at 11:51 AM
Subject: RE: Meaning of Governor's Environmental Leadership Development Certification
To: MARK C <mcarrington81@gmail.com>, Russell Fong <Russell.Fong@opr.ca.gov>
CC: Vicki and James Bucklin #14 Lake Tamarisk <vickibucklin@pugetisland.com>, Don and Marta Sneddon Lake Tamarisk # 131 <sneddon_don@yahoo.com>, Teresa. Lake Tamarisk. #141 Lake Tamarisk. #141 <teresapierce52@gmail.com>, Allen Grant Lake Tamarisk <allen@grantdevelopment.com>, Kent and laura Madison Lake Tamarisk <kmadison@eoni.com>, Skip Pierce Lake Tamarisk #141 <walterskipie@aol.com>

Hello Mark,

When the Governor certifies a project for judicial streamlining, the certification provides expedited rules of court in the event that the project is sued under the California Environmental Quality Act (CEQA). The certification does not affect the lead agency's discretion over the project.

Best,

Saharnaz Mirzazad, AICP
Executive Director of State Planning and Policy Development
Governor's Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814
Phone: 916-717-8826
www.opr.ca.gov

From: MARK C <mcarrington81@gmail.com>
Sent: Friday, April 5, 2024 11:23 AM
To: Russell Fong <russell.fong@opr.ca.gov>
Cc: Saharnaz Mirzazad <saharnaz.mirzazad@opr.ca.gov>; Vicki and James Bucklin #14 Lake Tamarisk <vickibucklin@pugetisland.com>; MARK C (BBG) <mcarrington81@gmail.com>; Don and Marta Sneddon Lake Tamarisk # 131 <sneddon_don@yahoo.com>; Teresa. Lake Tamarisk. #141 Lake Tamarisk. #141 <teresapierce52@gmail.com>; Allen Grant Lake Tamarisk <allen@grantdevelopment.com>; Kent and laura Madison Lake Tamarisk <kmadison@eoni.com>; Skip Pierce Lake Tamarisk #141 <walterskipie@aol.com>
Subject: Meaning of Governor's Environmental Leadership Development Certification

Comment Set D5 – Mark Carrington: Supplemental Comments (continued)

D5-88 (cont'd)

Hello Russell,

> On February 8, 2024, the Easley Solar Project in East Riverside County was awarded the Governor's Environmental Leadership Development Certification. There has been much misunderstanding about what this certification means.
>
> Would you be kind enough to confirm that the certification in no way infringes upon the discretionary power of the Riverside County Board of Supervisors to approve, conditionally approve, or deny discretionary entitlements for the project, or, for that matter, the power to certify or deny certification of the environmental impact report (EIR) under the California Environmental Quality Act (CEQA)?
>
> This project adjoins our Community's border on two sides. Another Intersect Power project (500 MW Oberon) is to the south of us. We bear the brunt of Intersect Power's industrial expansionism in the desert and its drawing down the Chuckwalla Valley Groundwater Basin, our sole water source. This latest Intersect Power project has significant negative environmental impacts on our Community that are inappropriately mitigated by the Applicant, and incorrectly dismissed as "unavoidable."
>
> We have developed a grassroots alternative plan that will effectively mitigate the project's significant impacts, protect ecologically valuable desert resources, and still allow ALL of the Applicant's Project Objectives to be fulfilled. This is the Respect Lake Tamarisk Alternative :
>
> https://docs.google.com/document/d/1P8PeYfb9lBEyifLyBMV-deN6e_JJCPPH6qVm-KuqNdc/edit?usp=drivesdk
>
> We are anxious to hear back from you.
>
> Thank you.

Mark Carrington

Active Communities/Desert Center

mcarrington81@gmail.com

(509) 537-2266

Responses to Comment Set D5 – Mark Carrington

D5-1 The commenter's opposition to the proposed Project is noted. The commenter support for the commenter-requested "Respect the Lake Tamarisk Alternative," which incorporates a minimum one-mile buffer zone around the community, among other requirements, is also noted. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

The commenter states that Riverside County Planning Department has said that it has "no authority over public land and will not comment on them or address any input that we have related to these lands as they relate to the Environmental Impacts of proposed Easley Project and that the County Supervisors will only be viewing and deciding on the Environmental Impacts on the Private Lands." The commenter states that per the Land Use Ordinance, the County does have the responsibility on how the entire Project impacts Communities under their care.

Chapter 1 of the Draft EIR lays out the California Environmental Quality Act requirements (see Section 1.2), as all as the Anticipated Permits and Approval required for the Easley Project by other agencies such as the U.S. Bureau of Land Management (BLM) (see Section 1.9). Section 1.5 (Summary of the Project Evaluated in this EIR) describes the specific governmental approvals from the County of Riverside to implement the Project.

While Riverside County does not have approval authority over the portions of the Easley Project on BLM-administered land, Section 15378(a) of the CEQA Guidelines defines a "project" as the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

Please see Responses to Comments D5-2 through D5-85, which address the attachments submitted describing and documenting the commenter-requested "Respect the Lake Tamarisk Alternative."

Attachment 1 - "Respect the Lake Tamarisk Alternative" (Comments D5-2 – D5-19)

D5-2 The commenter lists as a minimum requirement of the commenter-requested Respect Lake Tamarisk Alternative a Minimum Buffer Zone Setback of at least 1 mile from the Lake Tamarisk Community borders, including the Phase II extension area. (ESD p.11-15, 44-47) (RLTAM). The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

Please see General Response GR-8 for a discussion of a minimum 1-mile setback of solar installation from the Lake Tamarisk community.

Regarding the Phase II extension area, please see Response to Comment D12-1.

D5-3 The commenter lists as a minimum requirement of the requested Respect Lake Tamarisk Alternative screening berms at 2 locations. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1. Berms have been incorporated into Alternative C in the Partially Recirculated Draft EIR.

D5-4 The commenter lists as a minimum requirement of the requested Respect Lake Tamarisk Alternative a water usage plan modified to exclude water from the Chuckwalla Aquifer without equal metered potable water replacement. The analysis of Project Alternatives has been revised and

recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

Please see General Response GR-3 discussing sustainable yield, overdraft, and the results of the proposed Easley Solar Project Water Supply Assessment (EIR Appendix G).

D5-5 The commenter lists as a minimum requirement of the requested Respect Lake Tamarisk Alternative an aggressive fugitive dust management plan to include specific elements included in an attached Fugitive Dust Management Plan (Supplemental). The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

See General Response GR-2 and Response to Comment B3-18.

See also Responses to Comments D5-51 through D5-55.

D5-6 The commenter lists as a minimum requirement of the requested Respect Lake Tamarisk Alternative a requirement for a site preparation plan following the recommendations in the Scoping Comments for the Easley Renewable Energy Project submitted by the U.S. Environmental Protection Agency (EPA) (October 23, 2023). The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

See Responses to Comments D5-56 through D5-82.

D5-7 The commenter lists as a minimum requirement of the requested Respect Lake Tamarisk Alternative a Fugitive Dust Abatement Plan that includes hydro-seeding native vegetation over any and all disturbed soils. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

See Response to Comment D5-54 and General Response GR-2.

D5-8 The commenter lists as a minimum requirement of the requested Respect Lake Tamarisk Alternative relocation of the substation, as described in an attached description and map. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

See also General Response GR-8.

D5-9 The commenter lists as a minimum requirement of the requested Respect Lake Tamarisk Alternative that all transmission lines north of Oasis Road be installed underground. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

The Applicant anticipates undergrounding the Easley collector lines except for short segments where overhead lines may be required due to environmental avoidance areas, engineering, or other feasibility constraints.

See EIR Section 2.9.6 regarding underground 500 kV gen-tie lines.

D5-10 The commenter lists as a minimum requirement of the requested Respect Lake Tamarisk Alternative that the hydrology plan be modified to minimize flooding impacts to downstream properties. The analysis of Project Alternatives and Hydrology and Water Quality has been revised and

recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 (Alternatives) and Section 3.11 (Hydrology and Water Quality) of the Partially Recirculated Draft EIR and to General Response GR-1. See also Response to Comment PRB11-104.

D5-11 The commenter lists as a minimum requirement of the requested Respect Lake Tamarisk Alternative that all night lighting be shielded to eliminate light leakage outside of construction areas, including temporary work lighting. The commenter asks BLM to protect valuable Dark Skies resources and references the DCAP (page 24) and its NEPA scoping letter (page 12). The analysis of Project Alternatives and Aesthetics has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 (Alternatives) and Section 3.2 (Aesthetics) of the Partially Recirculated Draft EIR and to General Response GR-1.

Please see also Response to Comment PRB11-113 for a discussion of night lighting management.

D5-12 The commenter lists as a minimum requirement of the requested Respect Lake Tamarisk Alternative that OHV access routes north to Joshua Tree National Park (JTNP) boundary road and east to Highway 177/Rice Road. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

EIR Section 3.17, Recreation, discusses in detail the existing access routes within the Easley Project site and in the Project vicinity. Only minor impacts would occur to currently authorized trails through the Project property. Providing OHV routes to the JTNP boundary road and east of State Route 177 would involve lands not under the control of the Applicant or the County. Those lands are either BLM-administered land or private holdings.

D5-13 The commenter lists as a minimum requirement of the requested Respect Lake Tamarisk Alternative that a noxious weed plan be modified. The analysis of Project Alternatives and Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 (Alternatives) and Section 3.5 (Biological Resources) of the Partially Recirculated Draft EIR, EIR Appendix N (Integrated Weed Management Plan), and to General Response GR-1.

D5-14 The commenter lists as a minimum requirement of the requested Respect Lake Tamarisk Alternative modifications to the Noise Plan, which are described on page 38 of the Lake Tamarisk Desert Resort's NEPA scoping comments. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

Please see Response to Comment D5-42.

D5-15 The commenter lists as a minimum requirement of the requested Respect Lake Tamarisk Alternative modifications to the Fire Plan to include automatic suppression systems on BESS and Inverter units. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

EIR Section 3.19, Wildfire, discusses the operation of the BESS, which would be within enclosures with remote communication systems that monitor for internal conditions such as temperature and smoke. The BESS would be installed following all applicable design, safety, and fire standards for the installation of energy storage systems, including, but not limited to, National Fire Protection Association (NFPA) 855 (Standard for the Installation of Stationary Energy Storage Systems) and the current California Fire Code (CFC). NFPA 855 includes criteria for fire prevention and suppression associated with BESS installations, and Section 1206 of the CFC includes

requirements to minimize the risk of fire and life safety hazards specific to BESSs used for load shedding, load sharing, and other grid services (Chapter 12 Section 1206 of the 2019 CFC). In accordance with the CFC, the battery enclosure and site installation design must be approved by the State Fire Marshal.

D5-16 The commenter lists as a minimum requirement of the requested Respect Lake Tamarisk Alternative that the waste generation plan be modified to include weekly pickup around fence line during construction. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

The Draft EIR does not include a Waste Generation Plan as such. EIR Section 2.4.9 notes that construction sites would be kept in an orderly condition throughout the construction period by using approved enclosed refuse containers. All refuse and trash would be removed from the sites and disposed of in accordance with BLM and County requirements. As part of project approvals, permits require "project related" trash to be contained at all times, and it is standard practice for trash to be collected on a daily basis. Also, the project's Worker Environmental Awareness Program (WEAP) includes training on trash collect and disposal as well as other topics.

D5-17 The commenter lists as a minimum requirement of the requested Respect Lake Tamarisk Alternative a compliance monitoring plan that coordinates between Riverside County and BLM In conjunction with "Active Communities /Desert Center (AC/DC)." The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

Preparation and adoption of a Mitigation Monitoring and Reporting Program (MMRP), which is included as Appendix L in the Final EIR, is a CEQA-required component of the EIR process for the Project. (CEQA Guidelines, § 15097.) The MMRP is to ensure that approved mitigation measures are implemented following project approval.

As part of the CEQA environmental review procedures, Public Resources Code Section 21081.6 requires a public agency to adopt a monitoring and reporting program to ensure efficacy and enforceability of any mitigation measures applied to the proposed Project. The lead agency (Riverside County) must adopt an MMRP for mitigation measures incorporated into the project or proposed as conditions of approval. The MMRP must be designed to ensure compliance during project implementation. As stated in Section 21081.6(a)(1):

> *The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required to incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead agency or a responsible agency, prepare and submit a proposed reporting or monitoring program.*

Riverside County will be responsible for monitoring the implementation of Applicant Proposed Measures, CEQA mitigation measures, and County Conditional of Approval for lands under its jurisdiction, and BLM will be responsible for monitoring implementation of Desert Renewable Energy Conservation Plan (DRECP) Conservation and Management Actions (CMAs), NEPA mitigation measures, and stipulations of the BLM Right-of-Way Grant on public lands. Plan review and approvals by BLM and Riverside County at a minimum are stated requirements in mitigation

measures. To ensure successful implementation of mitigation and other permitting requirements, the agencies will communicate throughout pre-construction compliance, construction, operations, and decommissioning.

To ensure that nearby properties, such as those in the Lake Tamarisk Desert Resort and Desert Center area, are aware of the construction schedule and activities, several of the mitigation measures also require public coordination. For instance, Mitigation Measure (MM) N-2 (Public Notification Process) requires the Project owner to notify all residents within one mile of the Project site and the linear facilities, by mail or by other effective means, of the commencement of Project construction. At the same time, the Project owner is required to establish a telephone number for use by the public to report any undesirable noise conditions associated with the construction and operation of the Project. A noise complaint process is dictated under MM N-3 (Noise Complaint Process) in Section 3.13 (Noise and Vibration) in the Draft EIR. Likewise, MM TRA-1 (Construction Traffic Control Plan) requires that the Project owner provides written notification to property owners and tenants at properties affected by access restrictions to inform them about the timing and duration of obstructions and to arrange for alternative access if necessary. These required public communications will be included and tracked in the final MMRP.

In addition to the existing compliance requirements and hotlines implemented by the BLM, Riverside County, and other permitting agencies, the Applicant has informed the County that it has committed to sending courtesy notifications to the local community and other interested parties in advance of notable construction and operations milestones, as well as maintaining a community email/phone hotline throughout the Project's life.

D5-18 The commenter lists as a minimum requirement of the requested Respect Lake Tamarisk Alternative that no employee site access be allowed from Kaiser Road, that speed limits be obeyed, and that flaggers be at key road junctions. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

A Construction Traffic Control Plan required under MM TRA-1 would be prepared for the Easley project prior to construction. It would be established in consultation with the County, Caltrans, and BLM and subject to their approval. It would include travel routes, site access, use of traffic controls, and other actions as approved to minimize traffic conflicts and enhance safety. Points of access from public roads would be identified in the plan.

D5-19 The commenter includes links to the following references:

- Final BLM Easley Solar Formal Scoping Input Document (ESD)
- RIVCO General Plan/DCAP (DACP)
- Fugitive Dust Abatement Plan (FDAP)
- EPA Guidelines Submission for Easley Project (EPA)
- Crimson Solar ROW/ROD (CS)
- Substation Relocation (SR)
- Respect Lake Tamarisk Alternative Map (RLTAM – 2 files)

Please see Responses to Comments D5-20 through D5-85, which respond to the specific content of the supporting documentation.

Attachment 2 - Final BLM Easley Solar Formal Scoping Input Document (Comments D-20 – D5-49)

D5-20 The commenter provides a copy of a statement he provided to BLM regarding scoping of the NEPA evaluation of the Easley project by BLM. The statement describes in detail the Lake Tamarisk community and the desert environment. The statement calls for preservation of federal lands around Lake Tamarisk in a natural state. The commenter describes the Lake Tamarisk/Desert Center area and the Chuckwalla Valley, and refers to the Desert Center Area Plan's description of the area. The commenter also points to the proposed Chuckwalla National Monument which, if designated, would surround the Chuckwalla Valley and border the Community of Lake Tamarisk, making the community "the most prominent jumping off point into the National Monument."

The County acknowledges receipt of a copy of the information provided to BLM. Specific comments summarized in this document are addressed in responses to other comments by this commenter.

The proposed Chuckwalla National Monument is included in Table 3.1-2 (Probable Future Projects in the Project Area), which describes the cumulative scenario of past, present and reasonably foreseeable future related projects considered in the cumulative impact analysis of each applicable issue area in Section 3 of the Draft EIR and Partially Recirculated Draft EIR.

Balancing the revenue value to Riverside County of the Chuckwalla National Monument and community expansions compared to the solar fees from the Easley Project is outside of the scope of CEQA but may be considered by the Board of Supervisors during hearings on the approval of Conditional Use Permit 220021. A discussion of perceived property value impacts related to nearby solar installations is included in Section 4.5.1 (Property Values) of the Draft EIR. See also Response to Comment B4-7.

Comments regarding the National Environmental Policy Act (NEPA) regulations, NEPA Rule Change, NEPA Environmental Assessment, and development of and tiering to the Desert Renewable Energy Conservation Plan (DRECP) Final Environmental Impact Statement (EIS) are outside of the scope of CEQA. Preservation of the federal lands surrounding Lake Tamarisk is outside of the jurisdiction of Riverside County (see also Response to Comment D5-49).

The commenter states that there are over 100,000 acres still left to build out Solar Installations east of State Route 177, within both the East Riverside County Solar Energy Zone and Development Focus Area of the BLM Desert Renewable Conservation Plan. Please see General Response GR-8.

D5-21 The commenter provides a copy of a statement he provided to BLM regarding scoping of the NEPA evaluation of the Easley project by BLM. The commenter states that the community of Lake Tamarisk is a place of historical significance and is currently in the process of being documented as "National Historic Site for the State of California" (Comment C5-20). Additionally, the commenter argues that the preservation of the desert environment surrounding the Community of Lake Tamarisk is a requirement for BLM to adhere to NEPA section 106 of the National Historic Preservation Act compliance with 36 CFR 800.8(c). The analysis of Cultural and Tribal Cultural Resources, including historical resources, has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.6 of the Partially Recirculated Draft EIR and to General Response GR-1.

Comments related to BLM's compliance with Section 106 of the National Historic Preservation Act are outside of the scope of CEQA.

D5-22 The commenter provides a copy of a statement he provided to BLM regarding scoping of the NEPA evaluation of the Easley project by BLM. The commenter provides maps showing the extent of existing and proposed solar projects in the area as well as acreages of projects. The commenter also identifies various requirements of NEPA, including consideration of cumulative effects.

Tables 3.1-1 and 3.1-2 in Section 3.1.2 of the Draft EIR list all of the solar projects considered in the EIR cumulative scenario. The Sapphire Solar Project, proposed by EDF Renewables Development, Inc., is undergoing a separate CEQA environmental review process with the Riverside County Planning Department (Conditional Use Permit No. 220035/Public Use Permit No. 220002/ Development Agreement No. 2200018), in addition to a NEPA environmental review process by BLM. The Sapphire Solar Project is included in the cumulative scenario in Section 3.1.2 of the Draft EIR and analyzed as applicable in the cumulative analysis for each environmental issue area in Chapter 3 of the Draft EIR.

Please refer to General Response GR-8 for a discussion of alternatives, including sites east of State Route 177/Rice Road. See Responses to Comments D5-2 and D12-1 regarding a Phase II expansion of Lake Tamarisk Desert Resort.

Comments regarding NEPA regulations and the NEPA Rule Change are outside of the scope of CEQA.

D5-23 The commenter provides a copy of a statement he provided to BLM regarding scoping of the NEPA evaluation of the Easley project by BLM. The commenter says the Easley Solar POD Appendix Q: Visual Resources and Management visual simulation from Alligator Ridge is missing the Oberon Solar installation, thereby misrepresenting the impact of the proposed Project. The commenter also states that the Lake Tamarisk panoramic visual simulation was taken from 5 feet above the ground facing east, and that the simulation needs to be taken from 10 feet above the ground to represent home and deck height viewing, and further observes that no simulation was done for north views.

The analysis of Aesthetics has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.2 of the Partially Recirculated Draft EIR and to General Response GR-1.

D5-24 The commenter provides a copy of a statement he provided to BLM regarding scoping of the NEPA evaluation of the Easley project by BLM. The commenter identifies issues regarding visual impacts created by utility-scale solar projects, including glare. The commenter also notes the proposal for the Chuckwalla National Monument which would border the solar project areas and the use designations on BLM lands south of the project area that have higher VRM classifications. The analysis of Aesthetics has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.2 of the Partially Recirculated Draft EIR and to General Response GR-1.

Please see Response to Comment D5-20 for a discussion of the proposed Chuckwalla National Monument.

D5-25 The commenter provides a copy of a statement he provided to BLM regarding scoping of the NEPA evaluation of the Easley Project by BLM. The commenter's request for a one-mile setback of the solar infrastructure from the Lake Tamarisk Community, installation of berms with vegetative screening, and relocation of the project east of Highway 177/Rice Road are noted. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1.Please see General Response GR-8.

D5-26 The commenter provides a copy of a statement he provided to BLM regarding scoping of the NEPA evaluation of the Easley project by BLM. The commenter says that Population, Housing, and Socioeconomics were left out of the Easley POD provided to BLM. The comment describes the Lake Tamarisk community (LTC), noting that the demographics are 70% senior citizens and children, who are the most sensitive segments of the population. The commenter states that if the Easley Project is built, there would be solar projects on three sides of the community, which would affect the community identity by diminishing quality of life. The commenter is concerned about property values. The commenter notes that there have not been studies on communities with solar developments on three sides. The commenter states the people in the community cannot afford to sell their home and buy elsewhere, as it is too expensive, and mentions that litigation is the only way to attach a financial liability to the loss. The commenter states that higher local temperatures due to the solar fields nearby will raise electricity costs. The commenter states that the LTC is of unique value and should be protected by Public Agencies.

The commenter lists reasons as justification for a detailed study: Loss of quality of life, loss of investment. The DCAP guaranteed a natural desert environment. No other communities In the Riverside East SEZ or the DRECP DFA has been encroached upon like LTC. The combined impact of the existing Oberon and planned Easley Projects will completely cover the desert environment. Current available studies do not discuss property values for communities surrounded by three sides of solar at the distances that would occur here, nor do the studies include a Resort Community.

A discussion of perceived property value impacts related to nearby solar installations is included in Section 4.5.1 (Property Values) of the Draft EIR. Although it is conceivable that there could be some reduction in property value owing to the proximity of a large-scale solar project, based on the LBNL study, the effect on properties in California appears to be small, if any. Given the CEQA guidance regarding social and economic impacts, this would not be considered a significant effect on the environment. Please see Response to Comment D5-17 regarding the Project's required mitigation monitoring and reporting program (Appendix L in the Final EIR), as well as EIR mitigation measures that would require notification and coordination with the Lake Tamarisk community.

Heat island effects are analyzed in the Partially Recirculated Draft EIR's revised and recirculated analysis of biological resources. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR, as well as to General Response GR-6 and General Response GR-1.

Section 4.1.2 (Significant Cumulative Effects) in the Draft EIR summarizes the cumulative analysis which addresses the significant impacts of the Project in context of the past, present and reasonably foreseeable future development in the area.

D5-27 The commenter provides a copy of a statement he provided to BLM regarding scoping of the NEPA evaluation of the Easley project by BLM. The commenter provides links to articles related to increasing temperatures surrounding solar arrays. The commenter states that residents will suffer higher power bills and general discomfort, that placing arrays surrounding rural communities is irresponsible and unethical, and that a study is needed to track kilowatt usage of Lake Tamarisk residents to document changes in energy usage to cool homes over the past 10 years.

Heat island effects are analyzed in the Partially Recirculated Draft EIR's revised and recirculated analysis of biological resources. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR. See also General Response GR-6 and General Response GR-1.

A study of past electrical usage would not identify whether any increases in usage can be attributed to the presence of solar panels in the vicinity. There would be no way to control for myriad

undocumented variables that affect past electric use such as when homes were occupied (day/ night, season, number of days/months), the behavior patterns of residents with regard to electrical usage and conservation, whether additional electric-powered equipment, vehicles, or appliances were being added over time, the natural variation in ambient temperature year to year and day to night, whether insulation was added or removed from structures, climate change, etc.

D5-28 The commenter provides a copy of a statement he provided to BLM regarding scoping of the NEPA evaluation of the Easley project by BLM. The commenter notes various changes in NEPA regulations. He also requests a one-mile setback and to relocate the project to other DFA lands east of State Route 177.

Comments related to NEPA and NEPA Rule Changes are outside of the scope of CEQA.

The commenter's request for a one-mile setback of the solar infrastructure from the Lake Tamarisk Community, installation of berms with vegetative screening, and relocation of the project east of State Route 177/Rice Road are noted. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1. Please see General Response GR-8.

D5-29 The commenter provides a copy of a statement he provided to BLM regarding scoping of the NEPA evaluation of the Easley project by BLM. The commenter cites Appendix BB of the BLM Plan of Development (POD) (Hydrological Study; GSI, 2024), and states that the configuration of the solar panels can alter surface hydrology and cause local flooding. The analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR and to General Response GR-1.

D5-30 The commenter provides a copy of a statement he provided to BLM regarding scoping of the NEPA evaluation of the Easley project by BLM. The commenter states that the POD includes a groundwater appendix that shows any groundwater use by the project will endanger the future growth and survival of the Desert Center area, and that further study is needed. The analysis of Hydrology and Water Quality, including water supply, has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR and to General Response GR-1. Please see also Response to Comment B3-17 and General Response GR-3.

D5-31 The commenter provides a copy of a statement he provided to BLM regarding scoping of the NEPA evaluation of the Easley project by BLM. The commenter cites Appendix T of the Easley Solar POD and states that there is no discussion or plan to protect their community from Health effects due to fugitive dust. The commenter further states that according to the World Health Organization (WHO) that there is a health risk of electromagnetic hypersensitivity associated with the solar invertor boxes and transmission line, and that the proposed and existing solar farms have caused severe stress and anxiety in the senior community.

EIR Appendix T (also Appendix T of the Easley Solar POD) does not address fugitive dust health issues for the local community. Appendix T is the Health, Safety, and Noise Plan for the workers and visitors on the Project site. EIR Appendix U (also Appendix U of the Easley Solar POD) is the Dust Control Plan prepared by the Applicant and includes measures to minimize generation of fugitive dust during Project construction and operation. Health effects of fugitive dust are discussed in Easley Solar Draft EIR Section 3.4 – Air Quality, in Response to Comments D1-1, and in General Response GR-2.

The WHO online discussion of electromagnetic hypersensitivity, and other online discussions of electromagnetic hypersensitivity, are related to solar panels and inverters on and within residences/homes and does not apply to the Project. The commenter's concern regarding stress and anxiety of the senior community related to solar farms is noted.

Refer to Response to Comment D9-3 regarding EMF and health impacts.

D5-32 The commenter provides a copy of a statement he provided to BLM regarding scoping of the NEPA evaluation of the Easley project by BLM. The commenter notes concern that disturbing stabilized soils for the Project will result in airborne particles and dust and that fugitive dust from the Project may lead to exposure of the community to silica dust and valley fever. The commenter provided a copy of a communication with a person regarding what her doctor characterized as an asthma attack, but is concerned about Valley Fever.

Health issues related to inhalation of silica dust are primarily found in workers exposed to large quantities and repeated exposures to silica dust. Refer to General Response GR-2 and Response to Comment D1-1 regarding fugitive dust, silica dust, and valley fever.

D5-33 The commenter provides a copy of a statement he provided to BLM regarding scoping of the NEPA evaluation of the Easley project by BLM. The commenter provides a December 11, 2022 photograph said to be showing dust to be from the Oberon Project during a windstorm.

The commenter provides no comment for response. See General Response GR-2 regarding fugitive dust.

D5-34 The commenter provides a copy of a statement he provided to BLM regarding scoping of the NEPA evaluation of the Easley project by BLM. The commenter notes concerns related to health issues faced by the community, that solar farms have caused stress which impacts their health.

The commenter's concerns about stress resulting from insecurity and frustration are noted. Refer to General Response GR-2 and Response to Comment D1-1 regarding potential health issues related to fugitive dust.

D5-35 The commenter provides a copy of a statement he provided to BLM regarding scoping of the NEPA evaluation of the Easley project by BLM. The commenter identifies that dust and wind have increased from vegetation removal and carries silica and herbicides, creating impacts on the young and elderly. It is suggested that a 1-mile buffer and relocation of the project to the east of State Route 177 are warranted.

General Response GR-2 identifies the strategies that would be implemented for dust control and responds to concerns about silica and Valley Fever. Please refer to Response to Comment D5-32 regarding the commenter's concerns about silica in the sand and Response to Comment D1-1, which addresses Valley Fever.

The commenter's request for a greater than one-mile setback of the solar infrastructure from the Lake Tamarisk Desert Resort and relocation of the project east of State Route 177/Rice Road are noted. Please see General Response GR-8, Chapters 2 and 5 of the Partially Recirculated Draft EIR, and General Response GR-1.

D5-36 The commenter provides a copy of a statement he provided to BLM regarding scoping of the NEPA evaluation of the Easley project by BLM. The commenter states that desert flora and fauna need protection for residents and visitors and that conversion of land to solar panels impacts habitat for wildlife and plants. The commenter states that Lake Tamarisk is in the Colorado River Flyway for over 300 migratory birds and that research shows they are affected by solar arrays and transmission lines. The commenter states that solar projects mimic lakes resulting in bird

mortality. The commenter states that desert dry wash woodlands support desert animals and plants and that solar panels would destroy wildlife access to these habitats.

The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR, General Response GR-7, and to General Response GR-1.

D5-37 The commenter provides a copy of a statement he provided to BLM regarding scoping of the NEPA evaluation of the Easley project by BLM. The commenter states that project solar panels mimic water resulting in collision and mortality. The commenter references that a federally endangered Yuma clapper rail was killed on the Desert Sunlight Solar Project in 2015 and that many birds killed at large solar sites are water birds. The commenter lists mitigation for impacts including relocating the Easley Solar Project east of State Route 177, a minimum 1-mile setback from the Lake Tamarisk Community, and equal mitigation lands to replace natural habitat.

The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR, General Response GR-7, and to General Response GR-1.

The commenter's request for a one-mile setback of the solar infrastructure from the Lake Tamarisk Community and relocation of the project east of State Route 177/Rice Road are noted. Please see General Response GR-8, Chapters 2 and 5 of the Partially Recirculated Draft EIR, and General Response GR-1.

D5-38 The commenter provides a copy of a statement he provided to BLM regarding scoping of the NEPA evaluation of the Easley project by BLM. The commenter states that residents are experiencing termite swarms and more sightings of rattlesnakes due to soil disturbance and construction vibration.

The commenter provides anecdotal observations not shown to be related to solar project construction, which are some distance from Lake Tamarisk. It is unknown if there is a relationship to solar project construction or to other variables, such as natural life cycle fluctuations, weather, or climate change.

Climate change has impacted the behavior of wildlife species. EPA has determined that termites flourish and expand with increased temperatures and wetter and or drier climates. As temperatures increase, rattlesnakes have decreased hunting activity at night and increased movement activity during the day (Putman and Clark, 2017).

D5-39 The commenter provides a copy of a statement he provided to BLM regarding scoping of the NEPA evaluation of the Easley project by BLM. The commenter notes concern regarding soil sterilization from use of chemicals and carbon sequestration in the desert soils.

Refer to Response to Comment B9-14 regarding Project herbicide use and impacts on vegetation and animals. The limited use of herbicide to control noxious weeds would not result in sterilization of the area soils and herbicides would not be used in environmentally sensitive areas. A Spill Prevention, Control, and Countermeasures Plan will be prepared for the Project that will minimize the risk of spill of herbicides and other chemicals to the soil and include measures to quickly and fully clean up any spills.

Refer to Response to Comment B2-27, B9-36, and D10-3 regarding carbon sequestration.

D5-40 The commenter provides a copy of a statement he provided to BLM regarding scoping of the NEPA evaluation of the Easley project by BLM. The commenter notes concern regarding hazardous materials use at the Project site including chemical sprays for vegetation and weed control, chemicals in solar panels, and silica sand and silicosis.

Refer to Response to Comment D5-39 regarding use of herbicide (chemicals) for vegetation control. Refer to General Response GR-2 and Response to Comment D5-32 regarding silica dust and health concerns. Sections 3.10.1.2 Hazardous Materials and Impact HAZ-1 of the Easley Solar Draft EIR discuss hazardous materials in solar panels and disposal of broken panels.

The commenter's request for a one-mile setback of the solar infrastructure from the Lake Tamarisk Community and relocation of the project east of Highway 177/Rice Road are noted. Please see General Response GR-8, Chapters 2 and 5 of the Partially Recirculated Draft EIR, and General Response GR-1.

D5-41 The commenter provides a copy of a statement he provided to BLM regarding scoping of the NEPA evaluation of the Easley project by BLM. The commenter states that there is no appendix in the POD for preserving Cultural Resources. He states that the development of the Resort Community of Lake Tamarisk is tied to the development and operation of the historic Eagle Mountain Mine (referred to by commenter as "Kaiser Mine") and was established as a recreational outpost for mine management personnel.

The commenter also ties the area surrounding the community to General Patton's training area, presumably meaning the Desert Training Center-California-Arizona Maneuver Area (DTC/C-AMA). The analysis of Cultural and Tribal Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.6 of the Partially Recirculated Draft EIR and to General Response GR-1.

The commenter additionally requests a one-mile setback of the solar infrastructure from the Lake Tamarisk Community and relocation of the project east of Highway 177/Rice Road. The commenter's request for a one-mile setback of the solar infrastructure from the Lake Tamarisk Community and relocation of the project east of Highway 177/Rice Road are noted. Please see General Response GR-8, Chapters 2 and 5 of the Partially Recirculated Draft EIR, and General Response GR-1.

D5-42 The commenter provides a copy of a statement he provided to BLM regarding scoping of the NEPA evaluation of the Easley project by BLM. This comment concerns compliance with the noise ordinance, noise from inverters within the solar PV component of the Project, and increased noise from roadways and the raceway due to vegetation removal. The EIR includes a discussion of the applicable noise standards and demonstrates compliance considering the effects of inverters and other permanent stationary sources of noise (Draft EIR pp. 3.13-11 to -13). Calculation details appear in EIR Appendix K, Noise Calculations.

Noise levels from other baseline activities in the region would not change as a result of the Easley Project, and noise propagation across the Project site would not be substantially altered by the Project.

EIR Section 3.13 (Noise and Vibration) analyzes the potential change in traffic noise caused by the Project. Vegetation removal would be minimized, in order to protect soils and vegetation, in accordance with MM BIO-5 (Vegetation Resources Management Plan) (see also EIR Appendix S, Vegetation Resources Management Plan).

EIR Section 3.13 (Noise and Vibration) impact analysis results are based on calculations that consider noise propagation occurring across hard (reflective) surfaces. This approach provides conservatively higher predictions of noise levels experienced by receptors, because the ability of vegetation to absorb sound and the ability of the built environment to obstruct sound waves are assumed in the EIR analysis to be negligible.

The commenter's request for a minimum 1-mile setback of the solar infrastructure from the Lake Tamarisk Community and relocation of the project east of State Route 177/Rice Road are noted. Please see General Response GR-8, Chapters 2 and 5 of the Partially Recirculated Draft EIR, and General Response GR-1.

Please also see General Response GR-8 regarding the commenter's recommendation for the use vegetative screening. Berms have been incorporated into Alternative C in the Partially Recirculated Draft EIR.

D5-43 The commenter provides a copy of a statement he provided to BLM regarding scoping of the NEPA evaluation of the Easley project by BLM. The commenter is concerned about wildfires and the Project's construction water needs and asserts that the local water pumping system cannot handle construction water usage and that the projects create the need for additional fire protection. The commenter identifies water infrastructure the community needs unrelated to the project.

Mitigation Measure MM FIRE-1 in EIR Section 3.19 describes the required fire plan. EIR section 2.3.13 addresses fire safety during construction; Section 2.5.3 addresses fire safety during operations. A Fire Management and Prevention Plan would be in place for construction and operation of the facility.

The analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR, General Response GR-3, and to General Response GR-1.

D5-44 The commenter provides a copy of a statement he provided to BLM regarding scoping of the NEPA evaluation of the Easley project by BLM. The commenter says recreation was not included in the Easley POD and that OHV routes from Lake Tamarisk north to Joshua tree boundary road and east to Highway 177 would be eliminated, and solar farms create reduced access to designated trails and public lands. Reduced access adversely affects the quality of life and property values. The commenter calls for no Project access from Kaiser Road.

See Response to Comment D5-12 and EIR Section 3.17, Recreation, regarding OHV routes in the project area and vicinity. The Easley project would have minor effects on designated open trails. By definition, access to some public lands where solar facilities are located would be limited. This is necessary for safety and security and was anticipated as part of the DRECP designation of development focus areas. Access through the Easley project (as well as other solar projects) would continue to be available on open trails and areas not contained within fences. See Response to Comment D9-2 regarding property values. Section 4.5.1 (Property Values) of the Draft EIR addresses the potential loss of property value as a result of solar projects being developed nearby. The required Construction Traffic Control Plan to be approved by the County, Caltrans, and BLM will address site access.

"Quality of life" is standard of health, comfort, and happiness experienced by an individual or group. This is a subjective concept used to assess personal and group conditions relative to others and relative to their own standards and desires. However, CEQA focuses on environmental impacts and does not rely on consideration of social and economic factors when determining environmental impacts.

D5-45 The commenter provides a copy of a statement he provided to BLM regarding scoping of the NEPA evaluation of the Easley Project by BLM. The commenter requests that the Project be moved east of State Route 177 and east of the proposed EDF Renewables Lycan Project. The commenter states that the Oberon Project passed through the NEPA process without notification or community input.

The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 2.9.1 of the Partially Recirculated Draft EIR, which addresses sites east of the Lycan Solar Project. Please also see Response to General Response GR-8.

Residents of the Lake Tamarisk Desert Resort and the community of Desert Center have been notified for the proposed Easley Project, as summarized in Section 1.6 (Public Review and Noticing) of the Draft EIR. The BLM notification process for the Oberon Renewable Energy Project is outside the scope of the CEQA analysis for the Easley Renewable Energy Project.

D5-46 The commenter provides a copy of a statement he provided to BLM regarding scoping of the NEPA evaluation of the Easley Project by BLM. The commenter suggests an alternative where all infrastructure and PV panels would only be permitted for construction at a minimum distance of 1 mile from the borders of the current and future expansion area of the Lake Tamarisk community. The commenter states that PV panels lost by this setback could be placed on the relinquished permit lands east of State Route 177 or the project would generate approximately 20 % to 25% less renewable energy. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

Please refer to General Response GR-8 regarding suggested alternatives.

D5-47 The commenter provides a copy of a statement he provided to BLM regarding scoping of the NEPA evaluation of the Easley project by BLM. The commenter discusses NEPA rule changes.

Comments regarding NEPA regulations and NEPA Rule Changes are outside of the scope of CEQA.

The commenter suggests vegetative screening in addition to a one-mile setback, both of which are addressed in General Response GR-8. The commenter also suggests the use of soil binders and other dust management and site preparation techniques, which are addressed in General Response GR-2.

The commenter recommends that the substation be located along State Route 177 on the site designated in the Intersect Power's "Lake Tamarisk Alternative Site." The substation should be painted with light absorption paint in the same or similar color as on the inverters, and screened with vegetation such as tamarisk trees which should be established and maintained to block the entire substation from view of Lake Tamarisk.

The analysis of Project Alternatives and Aesthetics has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 (Alternatives) and Section 3.2 (Aesthetics) of the Partially Recirculated Draft EIR and to General Response GR-1.

Please see General Response GR-8 regarding vegetative screening.

D5-48 The commenter provides a copy of a statement he provided to BLM regarding scoping of the NEPA evaluation of the Easley project by BLM. The commenter reiterates objections to the project.

The commenter's opposition to the proposed Project is noted. Please see Response to Comment D5-49 regarding the BLM DRECP.

D5-49 The commenter provides a copy of a statement he provided to BLM regarding scoping of the NEPA evaluation of the Easley project by BLM. The commenter describes the Federal Land Policy and Management Act (FLPMA), California Desert Conservation Area (CDCA), and DRECP LUPA

process, and states that the Lake Tamarisk community was not considered in the DRECP Final Environmental Impact Statement, and a buffer should be implemented around the community.

The DRECP was developed as an interagency plan in 2016, and Development Focus Areas (DFAs) were designated, by the BLM, the U.S. Fish and Wildlife Service (USFWS), the California Energy Commission (CEC), and the California Department of Fish and Wildlife (CDFW). As a land use plan applicable to BLM-administered lands, it is outside of the jurisdiction of Riverside County and the scope of CEQA to amend the DRECP LUPA or add/revise the existing DRECP Conservation and Management Actions (CMAs).

As part of the Federal Land Policy and Management Act (FLPMA), Congress designated the California Desert Conservation Area (CDCA) within which the Easley Renewable Energy Project is located. The BLM has a responsibility under FLPMA and the management principles of the CDCA to act as a steward for the development, conservation, and protection of federal lands. The BLM implements multiple use principles and recognizes, among other values, the Nation's need for development of renewable energy from the public lands. Section 501(a)(4) of FLPMA specifically authorizes the BLM to issue right-of-way (ROW) grants for the generation, transmission, and distribution of electric energy; this authorization would also be consistent with the Development Focus Area (DFA) within which the proposed Project is located. An Environmental Assessment will be prepared by the BLM separately to disclose impacts of the proposed Project per NEPA.

Photographs, submitted by the commenter to depict the negative impacts or solar farms and the proximity of the Athos Project to residences, are noted.

The Athos Renewable Energy Project is an existing solar project that has been included as a project in the cumulative scenario described in Section 3.1.2 of the Draft EIR and analyzed as part of the cumulative impact analysis in each issue area in Chapter 3.

The type of fencing is described in Section 2.3.10.2 (Fencing) of the Draft EIR. To reduce operational impacts of the Project, the Applicant has proposed Applicant Proposed Measure (APM) VIS-1 (Weathering Coating of Security Fencing), which would require application of a weathering coating) to the Project security fencing located closest to the Community.

The analysis of Aesthetics has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.2 of the Partially Recirculated Draft EIR and to General Response GR-1. See Response to Comment D2-4, as well as Responses to Comments D5-24, D5-69, and PRB11-113 regarding night lighting impacts and management.

Please see General Response GR-2, which addresses fugitive dust.

Finally, please see Response to Comment D5-49 regarding the Save Lake Tamarisk Oasis petition, which has been noted by the County.

SAVE LAKE TAMARISK OASIS Petition. Riverside County also notes the list of petitioners who signed a petition for a moratorium to stop all permitting and rights-of-ways for development of industrial solar farms within 5 miles of the Lake Tamarisk Community until the revision of the 2012 BLM Western Solar Plan defined setbacks and exclusion zones around communities is finalized.

As described in Section 4.5.2 (Solar Moratorium) in the Draft EIR, establishing a moratorium or buffer is beyond the scope of the CEQA review for the proposed Project. That would require specific actions by the County for lands under its jurisdiction and by BLM for lands under its jurisdiction. Furthermore, in February 2023, BLM announced that it chose not to include the area under the DRECP in its update to the 2012 Western Solar Plan, as "the BLM continues to believe the DRECP supports an acceptable balance between conservation and renewable energy

opportunities within its planning area boundary." [https://www.blm.gov/press-release/bureau-land-management-announces-end-public-comment-period-utility-scale-solar-review]

Attachment 3 – Desert Center Area Plan

D5-50 The commenter provided a copy of Riverside County's Desert Center Area Plan (DCAP).

Receipt of a copy of the DCAP is acknowledged. The DCAP was considered during preparation of the EIR. See especially EIR Section 3.12, Land Use and Planning.

Attachment 4 – Fugitive Dust Management Plan (Comments D5-51 – D5-55)

D5-51 This comment requests consideration of an aggressive fugitive dust management plan.

See General Response GR-2 and Response to Comment B3-18.

D5-52 The commenter references an attached letter from the U.S. Environmental Protection Agency and guidelines followed by the Crimson Solar Project.

Please see Responses to Comments D5-56 to D5-83, which address each of the attachments in detail.

D5-53 The commenter states that scarifying and rolling are not necessary for most of the project and are environmentally destructive.

Scarifying and rolling would not occur as part of the Project. The Project would include mowing and limited grubbing and grading. Refer to Section 2.4.4.1 (Construction-Related Grading and Vegetation Management) of the Partially Recirculated Draft EIR and Responses to Comments B2-4 and B4-10 regarding vegetation moving, removal, and ground disturbance.

D5-54 The commenter states that disturbed soils will require soil stabilizers approved by BLM and Riverside County, that mulches are an option on previously disturbed lands. The commenter states that berms require soil stabilization and hydroseeding with natives. The commenter states that disturbed soils should be stabilized as the disturbance occurs prior to construction.

Refer to MM BIO-5 (Vegetation Resources Management Plan), which requires a plan to direct revegetation of temporarily disturbed areas to minimize dust and erosion and to improve post-construction habitat values (Appendix S). The plan would specify revegetation methods including soil preparation, erosion control methods, soil stabilization, planting and seeding, cactus salvage procedures, a planting schedule, irrigation and maintenance guidelines, a vegetation monitoring and reporting program, and quantitative success criteria to measure the recovery of vegetation post-construction. Plant palettes for revegetation would be comprised of locally occurring and locally sourced plant material. Erosion control shall be implemented as described in the Drainage Erosion and Sedimentation Control Plan (DESCP) (MM HWQ-1). Seeding and revegetation, soil decompaction, and erosion control would stabilize soils post-construction and promote native habitat recovery.

General Response to Comments GR-2 provides a discussion of fugitive dust and dust control, including use of soil stabilization. MM AQ-1 requires preparation and implementation of a fugitive dust control plan which requires stabilization of disturbed soils during Project construction. Additionally, as described in the Easley Solar POD, Appendix U, the Applicant will implement a Dust Control Plan which also requires stabilization of disturbed soils during project construction and Project operation.

Hydroseeding is one method of soil re-seeding and stabilization that could be used to meet the Project's revegetation requirements in MM BIO-5 and dust control requirements in MM AQ-1.

D5-55 The comment calls for single-track access between piling rows and perimeter routes and notes that spot application of soil stabilizers may be required.

The width of access routes is determined by what is required for access and safety, including access by first responders. The final design of Project roads will be subject to review by responsible agencies. Any use of soil stabilizers will be dictated by BLM on federal lands and by the County on lands under its jurisdiction.

Attachment 5 – U.S. Environmental Protection Agency Scoping Comments for the Easley Renewable Energy Project, Riverside County, California

D5-56 The commenter submitted National Environmental Policy Act (NEPA) scoping comments from the United States Environmental Protection Agency (U.S. EPA), a NEPA Cooperating Agency for the Easley Project (dated October 23, 2023). The U.S. EPA describes the proposed Project and U.S. EPA's support for renewable energy development is noted. The U.S. EPA letter does not comment upon the environmental analysis in the County's EIR.

The U.S. EPA also recommends that the BLM consider the design elements that were adopted in the Record of Decision for the Crimson Solar Project in eastern Riverside County. The U.S. EPA recommends incorporating best management practices (BMPs) and mitigation measures from other BLM-approved projects and utilizing the latest environmental guidelines and policies to inform impact analyses and decision makers and to ensure project resilience over the expected 35- to 50-year project life. These BMPs, if utilized, can reduce significant project impacts by preserving soil structure, seed banks, and a set percentage of vegetation (including cacti and yucca), maintaining hydrologic flow patterns on site, and conserving wildlife habitat. Using construction techniques that have less impact will also result in the retention of biological soil crusts, and reduce air quality impacts from dust, potential exposure to Valley Fever and water use during construction.

The Crimson Solar Project Record of Decision has been submitted as Comment D5-83. Riverside County agrees that it is important to use adaptive management to ensure that the project incorporates successful and current BMPs and mitigation measures from approved projects, as has been done in the Easley Project EIR.

The U.S. EPA raises general concerns about surface hydrology. The analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR and to General Response GR-1.

Implementation of project-specific mitigation measures and DRECP CMAs, which would include offsite compensation, would maintain the biological and hydrological function of the most valuable (desert dry wash woodland) onsite habitat. See General Response GR-2 for a discussion regarding dust control and Valley Fever. See also Responses to Comments D5-59 to D5-82 regarding specific concerns.

The U.S. EPA is also concerned about potential cumulative impacts to the western side of the Riverside East Solar Energy Zone (now East Riverside Development Focus Area under the DRECP LUPA), namely to groundwater availability. An analysis of the projects included in the cumulative scenario in Section 3.1.2 of the Draft EIR is included under each environmental issue area in Chapter 3 of the Draft EIR. Regarding groundwater, the analysis of Hydrology and Water Quality, including groundwater, has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR and to General Response GR-1, as well as General Response GR-3.

The requested comparison of impacted acreages within the East Riverside Development Focus Area compared to DRECP thresholds applies is outside of the scope of the California Environmental Quality Act.

D5-57 The U.S. EPA letter commenting on the BLM's NEPA Scoping Notice does not comment on the environmental analysis in the County's EIR. The U.S. EPA letter, submitted by the commenter, states that the Draft Environmental Assessment (EA) must clearly identify the underlying purpose and need for the project in accordance with 40 CFR 1502.13.

As part of the Federal Land Policy and Management Act (FLPMA), Congress designated the California Desert Conservation Area (CDCA) within which the Easley Renewable Energy Project is located. The BLM has a responsibility under FLPMA and the management principles of the CDCA to act as a steward for the development, conservation, and protection of federal lands. The BLM implements multiple use principles and recognizes, among other values, the Nation's need for development of renewable energy from the public lands. Section 501(a)(4) of FLPMA specifically authorizes the BLM to issue ROW grants for the generation, transmission, and distribution of electric energy; authorization of the Easley Project would also be consistent with the DFA within which the proposed project is located.

The Project's purpose and need in accordance with NEPA will be addressed in the BLM's Environmental Assessment. The stated Project Objectives under CEQA are discussed in Section ES.2, Section 1.3, and 5.3.1 (Ability to Meet Project Objectives) of the Partially Recirculated Draft EIR and Final EIR. Each alternative's ability to meet Project Objective is discussed in Section 5.3.3 of the Partially Recirculated Draft EIR and Final EIR.

D5-58 The U.S. EPA letter commenting on the BLM's NEPA Scoping Notice does not comment on the environmental analysis in the County's EIR. The U.S. EPA letter, submitted by the commenter, states that a reasonable range of alternatives will include options for avoiding significant environmental impacts, and could include, but are not necessarily limited to, alternative configurations and mountings, alternative capacities, alternative site preparation techniques, alternative energy storage options, and gen-tie interconnection options. The Draft EA should also provide a discussion of the reasons for the elimination of alternatives which are not evaluated in detail.

The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1. An EIR must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. An EIR is not required to consider alternatives that are infeasible. The CEQA Guidelines state that factors that may be considered when determining the feasibility of alternatives are "site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context) and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site (or the site is already owned by the proponent)" [CEQA Guidelines Section 15126.6(f)(1)]."

The U.S. EPA requests that environmental impacts of the proposed action and alternatives are presented in the BLM's EA in comparative form in accordance with NEPA. The U.S. EPA's request for consideration of both short- and longer-term effects, beneficial and adverse effects, as well as effects on public health and safety, is noted.

The U.S. EPA requests that BLM evaluate an action alternative that would fully comply with the DRECP Conservation Management Actions (CMAs). For consistency and resource protection, U.S. EPA recommends CMA compliance on the private land acreage as well. DRECP CMA

applicability and compliance will be determined by the BLM during the NEPA process. However, the Applicant has stated in its BLM Plan of Development (September 2023) that the proposed Project and alternatives will comply with all BLM DRECP CMAs on BLM-administered land for the Easley Project[4]. The Applicant further commits to voluntarily complying with all applicable DRECP CMAs on private lands as well. The proposed Project has been designed to comply with the DRECP CMAs, including implementing the required avoidance and buffer areas, and will avoid all cultural resources eligible for the National Register of Historic Places (NRHR). Within the 3,735-acre Project application area, approximately 2,100 acres would be impacted by the solar and BESS facility and associated components.

Additionally, the U.S. EPA states that a reduced size alternative would allow the Applicant greater flexibility to avoid any environmentally sensitive areas and should be considered, if necessary. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

See also Response to Comment B9-52.

D5-59 The U.S. EPA letter commenting on the BLM's NEPA Scoping Notice does not comment on the environmental analysis in the County's EIR. The U.S. EPA letter, submitted by the commenter, states that it supports an alternative that minimizes environmental impacts, preserves function and habitat, and that they support design elements that have been adopted into the Record of Decision for the Crimson Solar Project, "less impact" construction techniques being developed in the BLM Southern Nevada District Office, and maintaining desert washes and buffers across solar arrays to preserve their value as wildlife passageways conduits supporting sensitive resources such as microphyll woodlands. The U.S. EPA notes that site preparation like "grading and disk and roll" be minimized and replaced with less intrusive measures such as "overland travel."

Refer to Response to Comments B2-4 and B4-10 regarding vegetation management during Project construction. Response to Comment PRB10-12 discusses required avoidance of desert dry wash woodland, which will help preserve sensitive habitat and maintain wildlife movement across the site. The analysis of Project Alternatives and Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 (Alternatives) and Section 3.5 (Biology) of the Partially Recirculated Draft EIR, EIR Appendix S (Vegetation Resources Management Plan), and to General Response GR-1.

D5-60 The letter commenting on the BLM's NEPA Scoping Notice does not comment on the environmental analysis in the County's EIR. The U.S. EPA letter, submitted by the commenter, references the BLM Southern Nevada District Office's Restoration Plan Template (2022-23), and requests that the Draft EA discuss the applicability of the approach. The commenter encourages working closely with BLM to consider incorporating these techniques in the POD and Draft EA.

Refer to MM BIO-5, which describes the Vegetation Resources Management Plan (VRMP). The VRMP requires a description of revegetation methods, monitoring, quantitative success criteria, and adaptive management measures.

As part of the separate NEPA process, the Easley POD appendices are published for public review. The Draft EA will be released for public review and comment as part of the NEPA process, separate from CEQA.

[4] https://eplanning.blm.gov/eplanning-ui/project/2025816/510

D5-61 The U.S. EPA letter commenting on the BLM's NEPA Scoping Notice does not comment on the environmental analysis in the County's EIR. The U.S. EPA letter, submitted by the commenter, cites the NEPA regulations for a cumulative impacts analysis and raises specific concerns related to groundwater availability.

The CEQA requirements for a cumulative impacts analysis are described in Section 3.1.2.1 (CEQA Requirements for Cumulative Impact Analysis) of the Draft EIR. The analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR and to General Response GR-1. See Response to Comment D5-56 for a discussion about cumulative and groundwater impacts in the East Riverside DFA and DRECP thresholds.

D5-62 The U.S. EPA letter commenting on the BLM's NEPA Scoping Notice does not comment on the environmental analysis in the County's EIR. The U.S. EPA letter, submitted by the commenter, suggests various water resources analyses that should be completed for the proposed Easley Solar Project (Project). The analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR and to General Response GR-1, as well as General Response GR-3.

D5-63 The letter commenting on the BLM's NEPA Scoping Notice does not comment on the environmental analysis in the County's EIR. The U.S. EPA letter, submitted by the commenter, commenter recommends micro-siting of the Project components to avoid and protect ephemeral drainages, desert washes, and dry wash woodlands and states they are encouraged that the Project was refined to adhere to buffer sized as prescribed by the DRECP CMAs to protect these resources. The commenter includes recommendations to minimize erosion and impacts to site hydrology. The commenter has requested that these protections be included in the Draft EA and that the BLM consider and discuss whether increased buffer around the channels is appropriate.

Refer to Response to Comments B2-4 and B4-10 regarding vegetation management, preservation and avoidance of desert dry washes and desert dry wash woodland, and impacts to site topography and hydrology. The 200-foot buffer around the desert dry wash woodland was designed to be in compliance with the BLM DRECP LUPA.

The analysis of Hydrology and Water Quality and Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 (Biological Resources) and 3.11 (Hydrology and Water Quality) of the Partially Recirculated Draft EIR and to General Response GR-1.

D5-64 The letter commenting on the BLM's NEPA Scoping Notice does not comment on the environmental analysis in the County's EIR. The U.S. EPA letter, submitted by the commenter, requests that the BLM's Draft EA consider changing precipitation patterns in its impact analysis, that it discusses anticipated extent and depth of overland flow for the 500-year flood event, and whether the 200-foot DRECP CMA-prescribed buffers would protect against a 100-year and a 500-year storm event. The commenter also noted that the Draft EA should provide information on CWA Section 303(d) impaired water in the Project area and whether the Project would contribute to impairment.

The analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR, EIR Appendix BB, and to General Response GR-1.

There are no CWA Section 303(d) impaired waters in the vicinity of the Project.

Comments regarding what should be included in the BLM NEPA evaluation are outside of the scope of CEQA.

D5-65 The letter commenting on the BLM's NEPA Scoping Notice does not comment on the environmental analysis in the County's EIR. The U.S. EPA letter, submitted by the commenter, supports design features that will minimize grading, soil disturbance, and vegetation removal during project construction and provides a list of 'less intrusive' measures from the Crimson Solar and Gemini Solar Projects that includes utilizing "overland travel" instead of grading or disk and roll; assembling as much racking material in laydown yards as possible; construction monitors to ensure construction/vehicle trips are minimized; limit grading to specific area, utilize smaller rubber wheeled vehicles to minimize soil disturbance; keep soils out of drainages, buffers along washes, and preserve hydrology; mount batteries, transformers, and inverters on elevated platforms to allow underlying soils to remain pervious. The analysis of Hydrology and Water Quality and Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 (Biological Resources) and 3.11 (Hydrology and Water Quality) of the Partially Recirculated Draft EIR and to General Response GR-1.

In response to comments raised during the original Draft EIR comment period, the Applicant also commits to the best management practices (BMPs) during site preparation and construction that have been added in EIR Section 2.7.2 in the PRDEIR and Final EIR. Additional BMPs identified in the Project's Fugitive Dust Control Plan would also be implemented during all grading and vegetation removal activities.

The Project will minimize vegetation and soil disturbance as discussed in Responses to Comments B2-4 and B4-10. Grading will be primarily limited to access roads, the laydown yard, a parking area, at the transmission tower locations, at the substation, BESS and O&M facilities, and minor grubbing may occur at invertor locations. Vegetation in the solar array areas would be mowed and rolled to a height of 12-inches, with some grubbing and grading in areas where root balls need to be removed. MM BIO-3 and BIO-5, which describes measures to be taken to minimize vegetation and habitat impacts including avoidance, minimization of soil and root system disturbance and impacts, and low impact site preparation.

Designated laydown yards/pre-fabrication areas, shown in Figures 2.3 and 2-14, would be employed for Project construction.

MM BIO-1 requires the presence of a biological monitoring team during construction and decommissioning and text has been added to MM BIO-3 to include minimization of onsite construction/vehicle trips to minimize impacts to soil and vegetation root systems.

Rubber-tired vehicles would be used for much of the solar array construction. A rubber-tired backhoe excavator with a boom would be used to drive the array anchors. Underground cable would be installed using rubber-tired backhoe excavator or trencher. Additionally, at the request of comments on the original Draft EIR, a list of Best Management Practices (BMPs) that the Applicant commits to during site preparation and construction were added to Section 2.7.2 of the Partially Recirculated Draft EIR, including "[u]tilize smaller rubber-wheeled vehicles, lightweight skid steers, small cranes, tractors, and rubber-tired forklifts where possible to minimize soil disturbance."

Overhead 34.5kV poles would be installed using a line truck, crane, or helicopter, and would be strung using a wire truck, crane, or helicopter.

Grading and mowing equipment would be required for site preparation, excavators and grading equipment would be needed for substation, O&M, BESS, and the 500 kV gen-tie line

construction. Equipment assumptions is listed and incorporated into the Greenhouse Gas Emissions Analysis (EIR Appendix J).

Refer to Response to Comments B2-4 and B4-10 regarding vegetation management, preservation and avoidance of desert dry washes and desert dry wash woodland, and impacts to site topography and hydrology. The 200-foot buffer around the desert dry wash woodland was designed to be in compliance with the BLM DRCP. Refer to Response to Comment D5-63 regarding surface hydrology. MM HWQ-1 of the DEIR requires preparation and implementation of a Drainage Erosion and Sedimentation Control Plan to minimize erosion and sedimentation in drainages.

The commenter requests to mount batteries, transformers, and inverters on elevated platforms. All electrical equipment in the Project will be elevated to maintain freeboard above the 100-year 24-hour flood depth. The transformers and other electrical equipment within the substation, the BESS containers, and the PV inverters would either be placed on steel skids and elevated as necessary with steel piles or would be placed on concrete foundations surrounded by gravel, allowing the remaining area to remain pervious.

D5-66 The letter commenting on the BLM's NEPA Scoping Notice does not comment on the environmental analysis in the County's EIR. The U.S. EPA letter, submitted by the commenter, states that, as part of site preparation and minimizing impacts to soils and vegetation, desert tortoise fencing should be bent and pinned and not trenched along fence lines where possible, undisturbed habitat islands should be maintained, the project should be constructed in phases for dust reduction, and vegetation recovery should be monitored after construction with a Restoration Plan and in accordance with the Biological Opinion.

In response to comments raised during the original Draft EIR comment period, the Applicant also commits to the best management practices (BMPs) during site preparation and construction that have been added in EIR Section 2.7.2 in the PRDEIR and Final EIR. Additional BMPs identified in the Project's Fugitive Dust Control Plan would also be implemented during all grading and vegetation removal activities.

Refer to EIR Section 2.4.3.5 regarding desert tortoise fence installation, which would be performed per USFWS protocol. Refer to Section 2.5.4 regarding use of wildlife-friendly fencing.

The Project will avoid desert dry wash woodland and a 200-foot buffer except for minor incursion or where there is intervening existing infrastructure in accordance with DRECP CMA LUPA-BIO-RIPWET-1. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

Please see Response to Comment GR-2 regarding fugitive dust.

Refer to MM BIO-5, which describes the Vegetation Resources Management Plan (VRMP). The VRMP requires a description of revegetation methods, monitoring, quantitative success criteria, and adaptive management measures.

The BLM would coordinate with USFWS on a Biological Opinion as part of the separate NEPA process and Section 7 Consultation under the federal Endangered Species Act, as required.

D5-67 The letter commenting on the BLM's NEPA Scoping Notice does not comment on the environmental analysis in the County's EIR. The U.S. EPA letter, submitted by the commenter, includes recommendations for the BLM's EA to analyze air quality, reduce construction and operations emissions, fugitive dust control measures, mobile and stationary source controls, and administrative controls. The County's EIR complies with the requirements of CEQA with respect to

analysis of air quality impacts. See General Response GR-2 for consideration of dust monitoring equipment as a component of mitigation.

D5-68 The letter commenting on the BLM's NEPA Scoping Notice does not comment on the environmental analysis in the County's EIR. The U.S. EPA letter, submitted by the commenter, expresses concerns about Valley Fever.

Please see General Response GR-2 and Response to Comment D1-1.

D5-69 The letter commenting on the BLM's NEPA Scoping Notice does not comment on the environmental analysis in the County's EIR. The U.S. EPA letter, submitted by the commenter, requests consideration of the impact of night lighting on dark skies viewing and identifies a number of lighting pollution control strategies.

The analysis of Aesthetics has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.2 of the Partially Recirculated Draft EIR and to General Response GR-1. See also Response to Comment PRB11-113.

D5-70 The letter commenting on the BLM's NEPA Scoping Notice does not comment on the environmental analysis in the County's EIR. The U.S. EPA letter, submitted by the commenter, recommends coordination with USFWS on species and habitat protection.

The commenter states that the Draft EA should include a description of ESA Section 7 consultation and that BLM should coordinate with USFWS and CDFW on surveying, monitoring, reporting, and mitigation measures. The commenter states that impacts and mitigation for listed species should be analyzed.

The Project is being developed in coordination with USFWS in accordance with regulations as listed in Section 3.5.2.1. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

The BLM would coordinate with USFWS on Section 7 Consultation requirements under the federal Endangered Species Act, as required. The Draft EA will be released for public review as part of the NEPA process, separate from CEQA.

D5-71 The letter commenting on the BLM's NEPA Scoping Notice does not comment on the environmental analysis in the County's EIR. The U.S. EPA letter, submitted by the commenter, requests that the Draft EA discuss increased fatality risk to birds from the "lake effect" and that the transmission lines be designed in accordance with APLIC guidelines. The commenter recommends the development of Bird and Bat Conservation Strategies (BBCS) plan.

The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1. Refer to GR-7 regarding impacts due to the "lake effect". The draft BBCS has been included as EIR Appendix M in the PRDEIR and Final EIR.

D5-72 The letter commenting on the BLM's NEPA Scoping Notice does not comment on the environmental analysis in the County's EIR. The U.S. EPA letter, submitted by the commenter, states that increasing site permeability and maintaining vegetation on site can provide short-term and long-term benefits for wildlife. The commenter lists options for maintaining permeability across project boundaries and states that preserving desert washes and microphyll woodlands protects wildlife passageways.

The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

D5-73 The letter commenting on the BLM's NEPA Scoping Notice does not comment on the environmental analysis in the County's EIR. The U.S. EPA letter, submitted by the commenter, recommends avoiding disturbance of desert pavement/cryptobiotic soil crusts in the Project area and adopting methods and installation techniques to minimize impacts to the maximum extent feasible.

Desert pavement with intermittent cryptogamic crust was identified and mapped on the Project site during the biological survey for the Project. Areas of desert pavement mapped within the desert washes and associated buffer zones will not be disturbed. Areas of planned Project related ground disturbance underlain by desert pavement are within the solar array where primarily mowing would occur and areas along the gen-tie line that were previously disturbed by the Oberon Solar Project. The identified desert pavement is entirely located on public land overseen by the BLM. See Sections 3.5 – Biological Resources and 3.8 – Geology, Soils, and Mineral Resources for discussion of desert soils and impacts due to ground disturbance. Additionally, refer to Response to Comment B5-17 regarding disturbance of desert pavement.

General Response GR-2 provides more information on how the Project would maintain the soil crust while avoiding and reducing windblown dust. Additionally, the Project would include measures to protect biological resources through minimizing vegetation and habitat impacts, integrated weed management, and preventing the loss of desert pavement, which promotes maintenance of native plants and soils.

D5-74 The letter commenting on the BLM's NEPA Scoping Notice does not comment on the environmental analysis in the County's EIR. The U.S. EPA letter, submitted by the commenter, references EO 13112 on Invasive Species (1999) and recommends including an invasive plant management plan for the monitoring and control of noxious weeds.

The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR, EIR Appendix N (Integrated Weed Management Plan), and to General Response GR-1.

D5-75 The letter commenting on the BLM's NEPA Scoping Notice does not comment on the environmental analysis in the County's EIR. The U.S. EPA letter, submitted by the commenter, supports agency actions to bolster resilience to climate change for information on climate change-related impacts. The State of California has a robust scientific basis and wide range of policies in place to support action on climate change and to foster development of renewable energy and energy storage. The discussion of the Environmental Setting and Regulatory Framework in EIR Section 3.9, Greenhouse Gas Emissions, provides a brief overview of the effects of climate change and the policy background.

D5-76 The letter commenting on the BLM's NEPA Scoping Notice does not comment on the environmental analysis in the County's EIR. The U.S. EPA letter, submitted by the commenter, states the importance of government-to-government consultation efforts with Tribal Governments during Project scoping to ensure tribal concerns are adequately addressed in the Environmental Assessment.

EIR Section 3.6.3 (Cultural and Tribal Cultural Resources – Methodology for Analysis) describes the steps taken by the County of Riverside, in compliance with CEQA, to conduct government-to-government consultation as part of compliance with AB 52 for the Easley Project. The analysis of Cultural and Tribal Cultural Resources has been revised and recirculated in the Partially

Recirculated Draft EIR. Please refer to the revised analysis at Section 3.6 of the Partially Recirculated Draft EIR and to General Response GR-1.

Relating to government-to-government consultation address tribal concerns specifically in an Environmental Assessment to be produced for the Project, the BLM is responsible for carrying out those consultation efforts, as well as addressing any tribal concerns to be expressed from said consultation.

D5-77 The letter commenting on the BLM's NEPA Scoping Notice does not comment on the environmental analysis in the County's EIR. The U.S. EPA letter, submitted by the commenter, describes the federal environmental justice regulations and requirements.

There are currently no formal requirements or procedures to evaluate potential environmental justice impacts under CEQA. However, while not covered by CEQA, tribal consultation under Assembly Bill 52 provides for special consideration of these interests. See also Response to Comment C3-20.

D5-78 The letter commenting on the BLM's NEPA Scoping Notice does not comment on the environmental analysis in the County's EIR. The U.S. EPA letter, submitted by the commenter, recommends that the Project be designed to include an environmental inspection and monitoring program to ensure compliance with all mitigation measures and assess their effectiveness. The U.S. EPA asks that the monitoring program have an effective feedback mechanism (i.e., adaptive management) so that any needed adjustments can be made to the project to meet environmental objectives throughout the life of the project.

Preparation and adoption of a Mitigation Monitoring and Reporting Program (MMRP), which is included as Appendix L in the Final EIR, is a CEQA-required component of the EIR process for the Project. Please see Response to Comment D5-17.

Due to the relatively short timeframe for construction, adaptive management is most beneficial during Project operations and is addressed through management plans. For instance, MM BIO-8 (Bird and Bat Conservation Strategy) in Section 3.5.9 of the Partially Recirculated Draft EIR would require the Applicant to prepare a BBCS with provisions for adaptive management to monitor the death and injury of birds, based on the results of similar monitoring at other solar project sites in the vicinity. Resulting data would be used to inform adaptive measures needed to mitigate or minimize Project-related avian impacts. Adaptive management during O&M would minimize adverse impacts to birds flying over the Project site. The draft BBCS has been added to the PRDEIR and Final EIR as EIR Appendix M.

In addition, the resource agencies (U.S. Fish and Wildlife Service and California Department of Fish and Wildlife) track improvements to species' protection and conservation and have authority through their respective permits to require a change in practices during operations. Also, at the time of Project decommissioning, the Closure, Decommissioning, and Reclamation Plan (EIR Appendix Y) would be updated to reflect current best management practices to minimize impacts, and the plan would be subject to review and approval by Riverside County and BLM.

D5-79 The letter commenting on the BLM's NEPA Scoping Notice does not comment on the environmental analysis in the County's EIR. The U.S. EPA letter, submitted by the commenter, noted that the Draft EA should discuss potential impacts of waste generation, including hazardous waste, for construction and operations activities and the battery storage facilities. Further the commenter notes that the Draft EA should identify projected waste types and volumes, storage, disposal and management; how hazardous waste would be minimized; hazardous material used in the panels; and whether pesticides, herbicides, or rodenticides will be used.

Comments regarding what should be included in the BLM NEPA evaluation are outside of the scope of CEQA. However, the Draft EIR does include discussion of hazardous material transport, use, and disposal, including herbicide and pesticides, in Section 3.10.1.2 (Hazardous Materials) and Impacts HAZ-1 and HAZ-2. Hazards related to the BESS are discussed in Draft EIR Section 3.10.1.6 (Battery Energy Storage Systems) and Impact HAZ-2. The potential for hazardous materials in the PV panels and disposal of the panels is discussed POD Appendix W (Hazardous Materials Management Plan) and in Impact HAZ-1.

Appendix W of the Easley Solar POD is the Hazardous Materials Management Plan for the Project and includes information related to hazardous material handling, storage, and disposal for the Project. The Project will prepare an Hazardous Materials Business Plan and a Spill, Prevention, Control, and Countermeasure Plan which will identify specific hazardous materials on the Project site during construction and operation and measures for handling, storage, and disposal of hazardous materials and cleanup of any spills.

Additionally, refer to Response to Comment D5-80 regarding hazardous and non-hazardous waste.

D5-80 The letter commenting on the BLM's NEPA Scoping Notice does not comment on the environmental analysis in the County's EIR. The U.S. EPA letter, submitted by the commenter, states that small quantities of hazardous materials are contained within materials used for solar development. The commenter suggests that the document discuss who is responsible for recycling/managing products and safely disposing of them. The commenter suggested that solar companies can facilitate collection and recycling through buyback programs or collection and recycling guarantees. The commenter states that the EPA has published recommendations on recycling/reuse of these materials, and recommended that the BLM's EA evaluate existing state and federal solar recycling programs that address methodologies for the management of end of life.

Section 2.6, Decommissioning and Repowering, explains that at the end of the Project's useful life, decommissioning would occur per an agency-approved Closure and Decommissioning Plan. This section states that a majority of Project components would be suitable for recycling or reuse, and that decommissioning would be designed to salvage as much as possible. This process would follow all local, State, and federal laws and regulations in effect at the time of decommissioning.

Section 2.3.1 describes that the process of choosing the panel types would be informed by the recycling potential of the panels, among other factors. The Applicant anticipates installation of solar PV modules manufactured by First Solar for the Easley Project. First Solar modules are designed to maximize material recovery at end-of-life and recover more than 90% of module materials for reuse, providing high-quality secondary resources for new solar panels, glass, rubber, and aluminum products. According to First Solar[5]:

> *While most PV recycling processes focus only on recovering high-mass fraction materials such as glass and frames (i.e., bulk recycling), First Solar's high-value recycling process goes further by recovering more than 90% of the semiconductor material for reuse in new First Solar panels and 90% of the glass for use in new glass container products. Due to the shredding and crushing involved in the recycling process, material losses are inevitable, and the recovery ratio is always less than 100%. The remaining 5-10% of the recycled module scrap consists primarily of glass fines which are captured by dust control systems and High Efficiency Particulate Air (HEPA) filtration systems.*

[5] First Solar. 2024. High-Value Recycling Services. https://www.firstsolar.com/Solutions/Recycling. Accessed July 23, 2024.

Section 2.3.12 states that hazardous waste and electronic waste would be transported to a hazardous waste handling facility, and all contractors and workers would be educated about waste sorting, to ensure that hazardous materials are disposed of properly.

Section 2.6 (Decommissioning and Repowering) of the Partially Recirculated Draft EIR states that procedures would be designed to ensure public health and safety, environmental protection, and compliance with all applicable laws, ordinances, regulations, and standards. Upon ultimate decommissioning, a majority of Project components would be suitable for recycling or reuse, and Project decommissioning would be designed to optimize such salvage as circumstances allow and in compliance with all local, State, and federal laws and regulations in effect at the time of decommissioning. A discussion of the components planned for recycling is included in Section 2.6. In addition, the Partially Recirculated Draft EIR and Final EIR include EIR Appendix Y, a Closure, Decommissioning, and Reclamation Plan. See General Response GR-4 regarding mitigation plans.

D5-81 The U.S. EPA letter commenting on the BLM's NEPA Scoping Notice does not comment on the environmental analysis in the County's EIR. The U.S. EPA letter, submitted by the commenter, suggested that the BLM's EA include an analysis of the potential energy needs of the proposed BESS and discuss to what extent such needs can be met by the energy generated on site by solar facility, including air emission estimates as needed.

The solar generation component of the Project would provide energy for charging the storage component, with no indirect emissions for this supply of electricity. EIR Section 3.7.5, Impact E-1 discusses the energy required by the BESS, and that the energy generated by the proposed Project is much greater than the amount of energy required for the BESS. Section 3.9 analyzed the GHG emissions and energy produced by the Project, including the BESS. In considering the energy topic, the proposed Project would generate up to about 1.4 million megawatt-hours (MWh) of electricity each year, which would avoid emissions by approximately 527,800 MT of CO2 per year (Draft EIR, p. 3.7-4). The overall effect on GHG emissions quantifies a conservatively lower effect (EIR Table 3.9-1) of avoided GHG emissions. Individually, the BESS would use electricity, but overall, the proposed Project produces much more renewable electricity than the BESS would consume, and the overall effect of the Project would be avoided GHG emissions.

D5-82 The U.S. EPA letter commenting on the BLM's NEPA Scoping Notice does not comment on the environmental analysis in the County's EIR. The U.S. EPA letter, submitted by the commenter, recommends that all technical reports that lead to conclusions regarding environmental consequences be included as appendices to the Draft EA available at the BLM National NEPA Register website. Please see EIR Appendices A through CC, which support the EIR analysis and conclusions.

Attachment 6 - Record of Decision, Crimson Solar Project

D5-83 The commenter has submitted the BLM Record of Decision for the Crimson Solar Project and requests that similar site preparation techniques be implemented for the Easley Project, as detailed by the U.S. Environmental Protection Agency in its NEPA scoping letter.

Please see Responses to Comment D5-56 through D5-82, which address the U.S. EPA's NEPA scoping letter in detail.

Attachment 7 - Relocate the Easley Solar Substation

D5-84 The commenter's opposition to the proposed and alternative substation sites is noted.

The commenter requests consideration of an alternative substation location on private land (abandoned jojoba field) within the Project footprint, located less than 0.5 miles to the northeast of the alternative substation locations. The commenter suggests that the gen-tie transmission line could be installed underground in Oasis Road.

The analysis of Project Alternatives, including analysis of an underground 500 kV gen-tie line, has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR regarding the addition of Alternative C (Further Reduced Footprint Alternative with Berms), General response GR-8, and to General Response GR-1.

Attachment 8 - "Respect Lake Tamarisk Alternative" Map & Legend

D5-85 The commenter includes a map of the commenter-requested "Respect Lake Tamarisk Alternative" and accompanying legend showing a minimum 1-mile Buffer Zone setback, screening berms, and substation relocation.

The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR regarding the addition of Alternative C (Further Reduced Footprint Alternative with Berms) and to General Response GR-1. Please refer to General Response GR-8.

Supplemental Information - CSA 51 Formation

D5-86 The commenter submitted supplemental comments on March 29, 2024. Consistent with the requirements of CEQA Guidelines Section 15105, the County provided a 45-day comment period on the Draft EIR. The public comment period began on January 26, 2024, and ended on March 11, 2024. All comment letters received after expiration of the public review and comment period ending on March 11, 2024, are considered late comments. A lead agency is required to consider comments on the Draft EIR and to prepare written responses if a comment is received within the public comment period. (Pub. Res. Code § 21091(d); CEQA Guidelines § 15088.) When a comment letter is received after the close of the public comment period, however, a lead agency does not have an obligation to respond. (Pub. Res. Code § 21091(d)(1); Pub. Res. Code § 21092.5(c).) Accordingly, the County is not required to provide a written response to late comment letters, including the March 29, 2024, letter from the commenter. (CEQA Guidelines § 15088(a).) Nonetheless, for information purposes, the County has elected to response to the late comment, but without waiving its position that written responses to late comment letters are not required by law.

The commenter submitted a Resolution forming County Service Area (CSA) 51 and a news release by Kaiser Steel Corporation (dated August 1, 1968) as evidence that the Phase ll land to the east of is and always has been part of the Lake Tamarisk Community.

Please see Response to Comment D12-1 regarding the Phase II expansion of the Lake Tamarisk Desert Resort.

D5-87 The commenter submitted supplemental comments on April 1, 2024. Consistent with the requirements of CEQA Guidelines Section 15105, the County provided a 45-day comment period on the Draft EIR. The public comment period began on January 26, 2024, and ended on March 11, 2024. All comment letters received after expiration of the public review and comment period

ending on March 11, 2024, are considered late comments. A lead agency is required to consider comments on the Draft EIR and to prepare written responses if a comment is received within the public comment period. (Pub. Res. Code § 21091(d); CEQA Guidelines § 15088.) When a comment letter is received after the close of the public comment period, however, a lead agency does not have an obligation to respond. (Pub. Res. Code § 21091(d)(1); Pub. Res. Code § 21092.5(c).) Accordingly, the County is not required to provide a written response to late comment letters, including the April 1, 2024, comment from the commenter. (CEQA Guidelines § 15088(a).) Nonetheless, for information purposes, the County has elected to response to the late comment, but without waiving its position that written responses to late comment letters are not required by law. The commenter states that the Easley Solar Project, as currently designed, would violate the values listed in the Riverside County Integrated Project (RCIP) Vision Statement.

The RCIP addresses the region's future conservation, transportation, housing, economic and agricultural needs in a single integrated project, with the County General Plan and Area Plans, such as the Desert Center Area Plan, as a primary component of RCIP. Please refer to Responses to Comments B3-21, D2-5, and D6-1 regarding policy consistency with the Desert Center Area Plan. Regarding the commenter-proposed Respect Lake Tamarisk Alternative, the analysis of Project alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR, General Response GR-8, and to General Response GR-1.

D5-88 The commenter submitted supplemental comments on April 9, 2024. Consistent with the requirements of CEQA Guidelines Section 15105, the County provided a 45-day comment period on the Draft EIR. The public comment period began on January 26, 2024, and ended on March 11, 2024. All comment letters received after expiration of the public review and comment period ending on March 11, 2024, are considered late comments. A lead agency is required to consider comments on the Draft EIR and to prepare written responses if a comment is received within the public comment period. (Pub. Res. Code § 21091(d); CEQA Guidelines § 15088.) When a comment letter is received after the close of the public comment period, however, a lead agency does not have an obligation to respond. (Pub. Res. Code § 21091(d)(1); Pub. Res. Code § 21092.5(c).) Accordingly, the County is not required to provide a written response to late comment letters, including the April 9, 2024, comment from the commenter. (CEQA Guidelines § 15088(a).) Nonetheless, for information purposes, the County has elected to response to the late comment, but without waiving its position that written responses to late comment letters are not required by law. The commenter states that from the Governor's standpoint, the Easley Project is desirable but can be modified in any way without impacting its certification as an Environmental Development Leadership Project. The comment does not relate to the environmental analysis in the Project EIR. The commenter's support for the commenter-requested Respect Lake Tamarisk Alternative is noted. Please see General Response GR-8 regarding lands north of the Project area.

Comment Set D6 – Vicki Bucklin

Email: Easley Renewable Energy Project

From: Vicki Bucklin <vickibucklin@pugetisland.com>
Sent: Thursday, February 29, 2024 8:02 AM
To: Hernandez, Steven <SAHERNAN@RIVCO.ORG>; Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Cc: mcarrington81@gmail.com; Frank Angel <fangel@angellaw.com>
Subject: FW: Please DENY Easley Solar as Currently Planned - We Offer REASONABLE Alternatives.

Input to the Draft EIR for the Easley Solar Project at Desert Center

From: Vicki Bucklin
Sent: Thursday, February 29, 2024 7:45 AM
To: guigonzalez@rivco.org
Cc: mark carrington <mcarrington81@gmail.com>
Subject: Fwd: Please DENY Easley Solar as Currently Planned - We Offer REASONABLE Alternatives.

Guillermo,

D6-1

I'm so glad you came to Desert Center.

I just realized your email was entered incorrectly in my recent message from Feb 18.

We've worked very hard to make a plan that will give Intersect Power the ability to meet their goals and still protect our community with a 1 mile buffer of Natural Desert.

This decision made by the 5 Riverside County Supervisors will affect me personally for the rest of my life.

I want to be sure you see my message below. Please acknowledge that you received it.

Vicki Bucklin

Begin forwarded message:
From: Vicki Bucklin <vickibucklin@pugetisland.com>
Date: February 18, 2024 at 4:24:14 PM PST
To: Vicki Bucklin <vickibucklin@pugetisland.com>, district2@rivco.org
Subject: RE: Please DENY Easley Solar as Currently Planned - We Offer REASONABLE Alternatives.

From: Vicki Bucklin
Sent: Sunday, February 18, 2024 4:23 PM
To: vmperez@rivco.org
Cc: district1@rivco.org; district2@rivco.or; Genie Cary <geniesue@aol.com>; d3email@rivco.org; district5@rivco.org; esperez@rivco.org; guigonzalea@rivco.org; paceves@rivco.org; mcarrington81@gmail.com; shayra.hernandez@mail.house.gov; fangel@angellaw.com
Subject: Please DENY Easley Solar as Currently Planned - We Offer REASONABLE Alternatives.

Comment Set D6 – Vicki Bucklin (continued)

D6-1 (cont'd)

From: Vicki Bucklin
26250 Parkview Dr. #14
Desert Center, CA 92239

February 13, 2024

To: Riverside County Supervisor V. Manuel Perez (4)

Kevin Jeffries (1), Karen Spiegel (2), Chuck Washington (3) Yxstian Gutierrez (5)
Steven Hernandez – Chief of Staff, Guillermo Gonzalez - Legislative Specialist,
Pedro Aceves – Board Assistant

Subject: **DENY the Current Easley Solar Plan – It Will Destroy Lake Tamarisk Natural Oasis**

Dear County Supervisors:

Please DENY the Easley Solar Project as currently planned at Lake Tamarisk. We are not against Solar Power, but this project will surround us on three sides of our property as close as 650'. We have researched their NOP very carefully and found **reasonable alternatives** that can be implemented successfully, as proven by other developers. We encourage you to visit so we can take you for tours to explain our plight.

We're asking that you uphold the promises you made in the Desert Center Area Plan. We bought our homes with this plan in mind.

Quote from DCAP:

"The intent is to enhance and/or preserve the identity, character and features of this unique area."

Quoted from P. 23 DCAP. This Plan is a lawful section of the current Riverside County General Plan.

Solar array placement next to our community is a direct violation of your stated intent for this area.

Please carefully review our "Respect Lake Tamarisk Alternative Minimum Requirements".

https://www.dropbox.com/scl/fi/0wxr7efne49y4y7g6ckgz/Respect-Lake-Tamarisk-Alternative.pdf?rlkey=zgv17zf7aau03w7smqjvs5dvn&dl=0

We are very concerned about water. **If this project is approved, it will take our Ancient Aquifer below our Sustainable Annual Yield** (see above link, document pg. 20-28) We know our aquifer is in severe overdraft and this will degrade our drinking water quality based on recent studies and local experience. Water for Clean Energy should come from sustainable sources. LA's allotment from the Colorado River Canal should be used for LA Solar instead of our aquifer.

Respectfully,

Vicki Bucklin

Comment Set D6 – Vicki Bucklin (continued)

Email: Easley Renewable Energy Project

From: Vicki Bucklin <vickibucklin@pugetisland.com>
Sent: Thursday, March 28, 2024 10:51 AM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Cc: teresapierce52@gmail.com; TracyBob Brooks <bbbrks@gmail.com>; sneddon_don@yahoo.com; katie.kuplevich@edf-re.com; mcarrington81@gmail.com; Vicki Bucklin <vickibucklin@pugetisland.com>
Subject: Supplemental Input to Easley Solar EIR

D6-2

Hi Tim,

Please consider all information in and attached to this email as supplemental input for the Easley Solar EIR.

The above attachment relates to glare that occurs daily into my living room.
The second is Valley Fever "The Deadly and Incurable Disease Terrifying the West Coast". (9280 cases with onset dates in 2023 reported in CA)

https://docs.google.com/document/d/1szAyhwRJHTBJ89RmJZOTGzzRAvah5OCXjuIcfg9braM/edit?usp=drivesdk

As you must know**, this project is directly north of us and will send all dust created directly to our community.**
That is a key reason we need the distance of 1 mile for protection.

Vicki Bucklin

From: Vicki Bucklin <vickibucklin@pugetisland.com>
Sent: Thursday, March 28, 2024 10:25 AM
To: Vicki Bucklin <vickibucklin@pugetisland.com>
Subject: FW: Solar Glare From Oberon

On Mar 25, 2024, at 4:14 PM, Vicki Bucklin <vickibucklin@pugetisland.com> wrote:

It's impossible to get the actual effect in a photograph. You can LOOK at the glare in a photograph and it looks like no big deal.

You literally cannot even look at the glare of the panels from my place because it hurts your eyes even to accidentally glance. This time of year it lasts about 20 minutes starting around 2:15pm Daylight time. As the days get longer, so does the glare. Maybe we need a light meter.

Comment Set D6 – Vicki Bucklin (continued)



D6-2 (cont'd)

Comment Set D6 – Vicki Bucklin (continued)

D6-3

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The Independent

Valley Fever: The deadly and incurable disease terrifying the west coast

By Mike Bedigan,
1 day ago

Sarris Baker sat by her daughter's hospital bed, held her hand, and asked the question she most feared: "Honey, do you want to keep fighting?"

For seven years Cheyenne Baker had been in and out of hospital, after receiving a diagnosis of Valley Fever – a fungal disease which attacks the lungs, caused by the inhalation of airborne spores. Cheyenne's health issues started back in 2011, when she was just 19.

Sarris had watched Valley Fever slowly steal Cheyenne's life. Her baby son Eli had been born premature and she suffered from severe memory loss and epilepsy. Every day her symptoms worsened.

Comment Set D6 – Vicki Bucklin (continued)

D6-3 (cont'd)

"I said, 'if you're done fighting, I will support you in that," Sarris said, recalling that moment in March 2018. "If you are done fighting, I need you to squeeze my hand'... And she squeezed my hand."

Cheyenne died on Friday 13 April 2018, just days shy of her 27th birthday.

The incidence of Valley Fever – known scientifically as Coccidioidomycosis, and colloquially as "Cocci" – has increased substantially over the past 20 years on the US west coast , with the most epidemic regions found in Arizona and Southern California.

Some experts believe the increase is related to the climate crisis, with extreme weather making conditions more likely for the fungus to spread.

Last August the California Department of Public Health (CDPH) warned of potential increased risk of Valley Fever statewide after winter's heavy rains and summer's increasingly hot temperatures. In January the CDPH said that a total of 9,280 cases with onset dates in 2023 had been reported in California, higher than any other year on record.

Comment Set D6 – Vicki Bucklin (continued)

D6-3 (cont'd)



UCLA Health clinical microbiologist Dr Shaun Yang predicts that due to the climate crisis and global heating, the currently endemic fungus will become "more widespread and cause more infections."

Though public discussion about the dangers of the disease – which is incurable – may be relatively recent, concerns have been raised for over two decades, with an Arizona Senate health committee hearing in 2003 that Valley Fever could be used "as an agent of bioterrorism".

Comment Set D6 – Vicki Bucklin (continued)

D6-3 (cont'd)

Despite this, there is a perception from those with first-hand experience of the disease that awareness about its devastating effects is still shockingly minimal, even within the medical community.

"The one promise I told my daughter was that I'd be her voice," Sarris tells *The Independent.* "I understand about being sensitive but I just don't want it sugar-coated. I just want it laid out."

A growing problem

Most people have no idea when exactly they get Valley Fever, since it usually happens from breathing in some dust or dirt while outside.

Valley Fever spores are activated through a confluence of extreme dry and extreme wet weather. The fungus grows and thrives in wet conditions, then dries out into spores and can become airborne along with dust particles – which people then inhale unknowingly.

Once inhaled, the spores can infect the lungs and cause symptoms such as cough, fever, chest pain, night sweats or tiredness. In rare cases, the infection can spread beyond the lungs to other parts of the body – which is known as "disseminated Valley Fever".

Comment Set D6 – Vicki Bucklin (continued)

D6-3 (cont'd)

An astonishing 97 per cent of Valley Fever cases across the entire US are reported in Arizona and California, according to a report by the California Department of Public Health (CDPH) released earlier this year.

But despite the rising numbers in the Golden State — each year around 1,000 people in California are hospitalized from it — it has been estimated that over 60 per cent of US Valley Fever cases occur in Arizona.



In Maricopa County alone, which encompasses the state capital of Phoenix and the surrounding area, annual cases regularly match those of the whole of California. Provisional data from the CDC showed that as of 2 March 2024, there were already 2,929 recorded cases in Arizona.

Comment Set D6 – Vicki Bucklin (continued)

D6-3 (cont'd)

The mortality rate remains thankfully low – with an average of approximately 200 deaths associated with Valley Fever each year for the past 25 years, according to National Multiple Cause of Death data.

However, even milder disease can affect people's ability to work and function well in the long term, and also spawn multiple other serious conditions and illnesses.

"I had never heard of Valley Fever"

Tim Armstrong had been a truck driver for 32 years, operating in the area between Tucson and Phoenix, Arizona. In late 2016 he began getting severe headaches, which culminated one evening the following June.

"I was slumping in my seat and I finally got to my destination, and I couldn't fill out the paperwork that I needed," he tells *The Independent.* "I could barely walk."

In the months that followed, Tim, 62, experienced constant headaches, night sweats and trouble breathing. At some points he was sleeping up to 20 hours a day. He still struggles.

Comment Set D6 – Vicki Bucklin (continued)

D6-3 (cont'd)

"I drove hundreds of miles per day, every day… Now I rarely leave a five mile radius of my home," he tells *The Independent* . "For 32 years I probably drove up to four and a half million miles. And that that was gone overnight, literally."

In late 2001, Sharon Filip woke up feeling like she was being hit repeatedly with a baseball bat. The pain was so severe that Sharon woke her husband and asked him to say goodbye to her children for her.

Like Tim and many others, she too exhibited all the signs of Valley Fever, though had never heard of the disease.



Comment Set D6 – Vicki Bucklin (continued)

D6-3 (cont'd)

"Something drastic was happening inside of me, and I didn't know what it was," Sharon told *The Independent.* "It was like nothing I've ever experienced before. I really didn't think I was going to make it to morning."

Sharon was later given an official diagnosis. Usually doctors find Valley Fever through blood work that shows antibodies, although sometimes chest X-Rays or CT scans of the lungs are needed to spot Valley fever pneumonia. Sharon believes she picked up the disease while taking her son to start college in Arizona.

Sharon and her other son David are now co-authors of the book Valley Fever Epidemic, and began the Valley Fever Survivor group, which has brought those affected by the disease together.

The group receives new members every month. Very few, if any, have heard about the disease prior to being exposed to it – either through personal experience or via a loved one – though it is not long before it consumes their entire lives.

Cheyenne Baker's case escalated very quickly, her mother says. After first experiencing symptoms in December 2010, she was given an official diagnosis on 6 April 2011. Her son, Eli, was born extremely prematurely – after only 25 weeks – 18 days later.

Comment Set D6 – Vicki Bucklin (continued)

D6-3 (cont'd)

In May 2015, she was diagnosed with epilepsy and by the winter of 2017 had developed severe memory loss, which was later determined to be a symptom of early-onset dementia.

"She had told me 'Mom, I am a 20-something year-old girl in a 70-year-old body.' That's what she felt like," Sarris tells *The Independent.*

She says despite her ordeal, Cheyenne remained positive and even retained a "sick" sense of humour, even when it came to discussing her own death.

"Every time [Cheyenne] was sick, even when she was little, everybody would be saying 'oh, you're just a hypochondriac.' None of us really believed her as she was young and growing up.

"Of course I believed her when she got the Valley Fever, but she showed me this headstone she wanted. It said, 'I told you I was sick'."

Insufficient warning

Comment Set D6 – Vicki Bucklin (continued)

Misdiagnosis and underreporting of Valley Fever cases is one of the biggest frustrations for Dr John Galgiani, director of the Valley Fever Center for Excellence at the University of Arizona (UoA).

D6-3 (cont'd)



He tells *The Independent* that because of its low prevalence, Valley Fever is considered an "orphan disease" and so often does not receive funding from the Food and Drug Administration (FDA) to develop treatments.

Comment Set D6 – Vicki Bucklin (continued)

D6-3 (cont'd)

"The diagnosed cases are [currently] 20,000 per year," Dr Galgiani says. "But that is the tip of the iceberg in terms of what the real problem is. There's so many things that can be done about it but it just doesn't get the attention it deserves."

Dr Galgiani says that despite progress in recent years, up to 80 per cent of potential Valley Fever patients are still not being tested, due to a lack of knowledge or inaction from medical professionals.

"Part of it is that many people don't train where this disease is common," he says. "So they learned their craft and it wasn't to include Valley Fever as part of the things to look for… there's a lot of resistance. Not bad people, just inertia.

"Then a lot of doctors don't know how to treat it or manage it again so... you know, if they get a positive test, they don't know what to do with it. So that's a good reason not to test."

By the time Shirley Paulson, from Lancaster, California, was given a diagnosis of Valley Fever in January 2019, she was already in a coma.

Comment Set D6 – Vicki Bucklin (continued)

Her experience had started with a general “not-well” feeling that had persisted until, like Sharon Filip, she had woken her husband in the middle of the night. She had demanded he take her to the hospital.

D6-3 (cont'd)

Despite undergoing significant testing, Shirley was put on incorrect medication, typically used – she said – to treat cancer patients. “It almost killed me,” she says. “I had an allergic reaction to that. All my skin peeled off, I gained 100 pounds of water… My kidneys started to fail so they had to put me on dialysis.”

She believes it would have been easy to have avoided such an ordeal. “I think that testing on me sooner, the first time I wasn’t feeling well – a blood test – would have made it so I didn’t get to the point I got to,” Shirley tells *The Independent.*

Comment Set D6 – Vicki Bucklin (continued)



D6-3 (cont'd)

Comment Set D6 – Vicki Bucklin (continued)

D6-3 (cont'd)

"A simple blood test would have determined that I had Valley Fever, and I wouldn't have gone into a coma, I wouldn't have lost five months of my life, and I wouldn't be in the situation I'm in. It's a simple darn blood test!"

Sharon and David Filip share a similar sentiment. "When you see the public service campaigns… they have things like *Are you coughing* ? *Are you feeling sick? Talk to your doctor about Valley Fever* ," David says.

"That's kind of like saying, 'Are you passing through the windshield of your car?' Maybe you should fight against drunk driving and have someone else drive.

"We're talking about things after the fact which is allowing the people to come in and get infected rather than warning people ahead of time. There are no warnings."

The spread of Valley Fever

Both the CDPH and CDC note that the climate crisis is likely a factor in the spread of Valley Fever, but opinion is divided among experts – with some arguing that despite all the signs, there is no explicit link as of yet.

Comment Set D6 – Vicki Bucklin (continued)

Drought, aridity, dust storms, winds, and wildfires – all linked to climate change – create favorable conditions for the fungus to proliferate and be disseminated.

D6-3 (cont'd)

"Maybe in a few decades, half of the United States will be endemic for Cocci," says UCLA Health's Dr Yang.

However, others who have spent years attempting to link rising Valley Fever cases to the climate crisis say that there is still no concrete proof of causality.

"The reality is there is no science that shows explicit links," Dr Andrew Comrie, climate scientist and Chief Academic Officer of the Arizona Board of Regents at UA tells *The Independent.* "There's plenty of associations and you know, correlations and things but the actual causal path is not well understood. It's maddening."

Comment Set D6 – Vicki Bucklin (continued)

D6-3 (cont'd)



Sarris Baker has since moved from Gustine, in California, to Michigan. She wants people to know what Cheyenne getting sick with this little-known illness meant for their family, physically, financially and emotionally, so that it might receive more national attention and support.

"I want everyone to know how devastating this was on her, and what a wonderful, vibrant woman she was through it all," she tells *The Independent.*

Comment Set D6 – Vicki Bucklin (continued)

D6-3 (cont'd)

"I want to go to Congress and show them 26 pictures of my daughter, one for every year she was alive and ask them what would you do if this was your child?

"I bet they would get funding if one of their kids ended up with it. But my daughter couldn't get that help. And thousands of others cannot get that help."

Next month marks the sixth anniversary of Cheyenne Baker's death. Just over a week later, Eli will celebrate his 13th birthday.

Responses to Comment Set D6 – Vicki Bucklin

D6-1 The commenter requests review of the "Respect Lake Tamarisk Alternative" document, which lists 17 minimum requirements requested by the residents of Lake Tamarisk Desert Resort and accompanying attachments/documents. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR, General Response GR-8, and to General Response GR-1.

The commenter quotes page 23 of the Desert Center Area Plan, which explains the intent of the DCAP policies, and states that the solar array placement would be a direct violation of the DCAP's stated intent.

Applicable DCAP policies and consistency determinations are included in the "Proposed Project Impact Analysis" sections of the Draft EIR for Land Use (Section 3.12.5) and the Partially Recirculated Draft EIR for Aesthetics (Section 3.2), Biological Resources (Section 3.5). For the other issue areas where policy consistency is not addressed under a specific Impact, applicable DCAP policies and a consistency determination are included under the "Local Laws, Regulations, and Policies" sections in Chapter 3 of the Draft EIR and Partially Recirculated Draft EIR. As described in the aforementioned sections of the Draft EIR and Partially Recirculated Draft EIR, the Easley Project would be a conditionally permitted use that would not conflict with any applicable land use plan, policies, policy, or regulations.

The commenter expresses concern that development of the Project will take the Ancient Aquifer below Sustainable Annual Yield. The commenter states that the aquifer is in severe overdraft and that the project will degrade drinking water quality based on recent studies and local experience. The commenter suggests utilizing Los Angeles's allotment of water from the Colorado River Canal. The analysis of Hydrology and Water Quality, including groundwater availability, has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR and to General Response GR-1. Please see Response to Comment D2-3, which raises a similar comment, and General Response GR-3.

D6-2 The commenter submitted supplemental comments on March 28, 2024. Consistent with the requirements of CEQA Guidelines Section 15105, the County provided a 45-day comment period on the Draft EIR. The public comment period began on January 26, 2024, and ended on March 11, 2024. All comment letters received after expiration of the public review and comment period ending on March 11, 2024, are considered late comments. A lead agency is required to consider comments on the Draft EIR and to prepare written responses if a comment is received within the public comment period. (Pub. Res. Code § 21091(d); CEQA Guidelines § 15088.) When a comment letter is received after the close of the public comment period, however, a lead agency does not have an obligation to respond. (Pub. Res. Code § 21091(d)(1); Pub. Res. Code § 21092.5(c).) Accordingly, the County is not required to provide a written response to late comment letters, including the March 28, 2024, comment from the commenter. (CEQA Guidelines § 15088(a).) Nonetheless, for information purposes, the County has elected to response to the late comment, but without waiving its position that written responses to late comment letters are not required by law. The commenter submitted supplemental comments that include a photograph that the commenter states illustrates the glare from the existing Oberon solar project from her living room.

The analysis of Aesthetics, including glare, has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recir-

culated Draft EIR, EIR Appendix I (Visual Resources Report and Glare Assessment), and to General Response GR-1. See Response to Comment D2-4.

The comment also includes a link to an article about Valley Fever and states that there have been 9,280 cases with onset dates in 2023 reported in California.

The referenced article is discussed in Response to Comment D6-3.

The 9,280 Valley Fever cases in 2023 that is cited by the commenter is from a provisional monthly CPDH report from February 2024, which includes data for 2023. The data has not been included in the Final EIR, because it is provisional and often changes in the final year-end reports. The year-end report for 2023 has not yet been published on the CDPH website.

However, Section 3.10 (Hazards and Hazardous Materials) of the Final EIR has been updated to include data through 2022 and notes that the data show a general increasing trend in case numbers and incidence rates. Therefore, see Section 3.10.1.4, Impact AQ-3 (Section 3.4.5), and Impact HAZ-2 (Section 3.10.5) in the Final EIR for a discussion on the increasing trend of Valley fever cases in California and Riverside County. Please also refer to General Response GR-2 and Response to Comment D1-1.

D6-3 The commenter submitted supplemental comments on March 28, 2024. Consistent with the requirements of CEQA Guidelines Section 15105, the County provided a 45-day comment period on the Draft EIR. The public comment period began on January 26, 2024, and ended on March 11, 2024. All comment letters received after expiration of the public review and comment period ending on March 11, 2024, are considered late comments. A lead agency is required to consider comments on the Draft EIR and to prepare written responses if a comment is received within the public comment period. (Pub. Res. Code § 21091(d); CEQA Guidelines § 15088.) When a comment letter is received after the close of the public comment period, however, a lead agency does not have an obligation to respond. (Pub. Res. Code § 21091(d)(1); Pub. Res. Code § 21092.5(c).) Accordingly, the County is not required to provide a written response to late comment letters, including the March 28, 2024, comment from the commenter. (CEQA Guidelines § 15088(a).) Nonetheless, for information purposes, the County has elected to response to the late comment, but without waiving its position that written responses to late comment letters are not required by law. The commenter includes an article on Valley Fever entitled “The Deadly and Incurable Disease Terrifying the West Coast.”

Please see Response to Comment D1-1 and General Response GR-2.

Comment Set D7 – Bruce and June McArthur

March 1, 2024

Dear Supervisors,

We live at Lake Tamarisk Desert Resort at Desert Center. We are being encroached on three sides of our community by solar projects. Easley Solar and the authorities have done studies on how the projects would affect the environment, their employees and everything under the sun, except how it would affect the residents of our community. We are now learning that Easley may be allowed to build within 650 feet from our boundary. **D7-1**

It is obvious that the State of California and the Federal Government have decided that our area will be one of the areas sacrificed for the movement towards environmentally friendly electric power. We have no problem with solar power in our area, but we ask that you respect our request to leave a one mile buffer zone around our community. We ask that you put yourself in the situation that if you had a residence in this community, what your concerns would be? We know you would be upset with what is being allowed.

We are also very concerned about our water supply from the aquifer. These projects are allowed to draw down water below sustainable levels This will not only jeopardize water supply, but also the water quality in the future.

The committee that represents us has put forward a list of minimum requirements for this project entitled “Respect Lake Tamarisk Alternatives for the Easley Solar Project”. Please sincerely address these concerns so that we can have an environmentally responsible solar project in our area.

Thank you for your time,

Yours truly,

Bruce and June McArthur
26250 Parkview Dr Space 68
Lake Tamarisk Desert Resort
Desert Center CA 92239
Phone 403 888-2107

Responses to Comment Set D7 – Bruce and June McArthur

D7-1 The commenters are residents of Lake Tamarisk Desert Resort and support a minimum one-mile buffer zone around the community and the requirements in the commenter-requested "Respect Lake Tamarisk Alternative." The commenters also express concerns about water supply, sustainable water levels, and water quality.

The analysis of Project Alternatives and Hydrology and Water Quality, including water supply, has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 (Alternatives) and Section 3.11 (Hydrology and Water Quality) of the Partially Recirculated Draft EIR and to General Response GR-1. Please also see General Response GR-8 regarding alternatives and General Response GR-3 regarding groundwater concerns.

Comment Set D8 – Lynne Miller

Email: Easley Renewable Energy Project

From: Lynne Miller <goseahawks12@gmail.com>
Sent: Monday, March 4, 2024 3:23 PM
To: Distric1@rivco.org; Office of 2nd District Supervisor <District2@rivco.org>; District3 Information <D3Email@RIVCO.ORG>; District 4 Supervisor V. Manuel Perez <District4@RIVCO.ORG>; District 5 <District5@rivco.org>; Aceves, Pedro <PAceves@Rivco.org>; Gonzalez, Guillermo <GuiGonzalez@Rivco.org>; Hernandez, Steven <SAHERNAN@RIVCO.ORG>; shayra.hernandez@mail.house.gov
Cc: mcarrington81@gmail.com; Perez, Esmeralda <ESperez@rivco.org>; fangel@angellaw.com; Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Subject: Solar Development at Lake Tamarisk/Desert Center, CA

To whom this letter is addressed to,

D8-1

Please do not blow me off as unimportant. I am one of many in Lake Tamarisk and Desert Center that are being adversely affected by your decisions..

The Easley Solar Project that is currently being planned will destroy our natural desert oasis. It will surround our property on 3 sides, as close as 650'. We have looked at their NOP very carefully and found that there are reasonable alternatives that they could do successfully, as PROVEN by other developers that will not have the devastating effects on our community.

I am asking that you uphold the promises that we made by you in the Desert Center Area Plan.

Quote from the DCAP, " The intent is to enhance and/or preserve the identity, character and features of this unique area" Quoted from P.23 DCAP. This Plan is a lawful section of the current Riverside County General Plan. This mass solar array panel placement almost on top of our community is a direct violation of your intent for this area.

Please carefully review our "Respect Lake Tamarisk Alternative Minimum Requirements" ,as submitted.

https://www.dropbox.com/scl/fi/0wxr7efne49y4y7g6ckgz/Respect-Lake-Tamarisk-Alternative.pdf?rlkey=zgv17zf7aau03w7smqjvs5dvn&dl=0

I am very concerned about the loss of wild animal and bird habitat. We are seeing only a few of the varieties of birds that were abundant before, I believe the solar fields not only take up and destroy their natural environment, but confuses them as to where it is safe to land. The fields from a distance look like a base of water. When they land on the sunbaked panels,not only do they not find water but can fry in the heat.

I am also more than concerned about the water that will be used to install this project,if it is approved. They are planning to take it from our Aquifer, which will take the water below our sustainable annual yield. As noted in the link above, document pages # 20-28.

Water for clean energy should come from sustainable sources. Our aquifer is in severe overdraft and this draw on it will degrade our drinking water quality based on recent studies and local experience. Easley LA solar project could (and should !) come out of the LA allotment of water from the Colorado River Canal.

Please take our concerns seriously.

Respectfully submitted,
Lynne Miller
Lake Tamarisk Desert Resort
Space # 98

Responses to Comment Set D8 – Lynne Miller

D8-1 The commenter requests a careful review of the commenter-requested "Respect Lake Tamarisk Alternative." The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR, General Response GR-8, and to General Response GR-1. Please refer to Responses to Comment Set D5, which address the documents and attachments associated with the commenter-requested "Respect Lake Tamarisk Alternative."

In addition, the commenter cites page 23 of the Desert Center Area Plan, which is addressed under Response to Comment D6-1.

The commenter also raises concerns regarding wild animal and bird habitat, including the lake effect and heat island effect. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1. See General Response GR-7, which addresses the lake effect and impacts to biological resources, as well as General Response GR-6 regarding the heat island effect.

Finally, the commenter raises concerns about groundwater usage and supply. The analysis of Hydrology and Water Quality, including groundwater supply, has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR, General Response GR-3, and to General Response GR-1.

Comment Set D9 – Rick and Dalene Thomson c/o Vicki Bucklin

Email: Easley Renewable Energy Project

From: Vicki Bucklin <vickibucklin@pugetisland.com>
Sent: Saturday, March 2, 2024 10:45 AM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Cc: Frank Angel <fangel@angellaw.com>; mcarrington81@gmail.com
Subject: FW: IP EASLEY RENEWABLE ENERGY PROJECT See Below -Input for Easley Draft EIR From Lot 53 Resident Lake Tamarisk

From: Elizabeth Knowles <elizabeth@intersectpower.com>
Sent: Monday, January 9, 2023 3:07 PM
To: Rick Thomson <drthomson15@gmail.com>
Cc: tim@torontoroofingindustries.com; tfaust@blm.gov; camille@intersectpower.com; Teresa Pierce <teresapierce52@gmail.com>; Vicki Bucklin <vickibucklin@pugetisland.com>
Subject: Re: IP EASLEY RENEWABLE ENERGY PROJECT

Rick,

Thank you for reaching out. I have reviewed your email and have noted your concerns regarding the Easley project. I would appreciate the opportunity to connect with you in the near future as we finalize additional project details - we are very early in the planning process at this time. We are planning a February open house with you and your neighbors in the Lake Tamarisk area. Please expect to see more information on that meeting soon.

Thank you for your time,

Elizabeth Knowles
Director of Community Engagement
Intersect Power
elizabeth@intersectpower.com

On Wed, Jan 4, 2023 at 2:15 PM Rick Thomson <drthomson15@gmail.com> wrote:

> Good Morning Tim, Elizabeth, Tamera, and Camille:
>
> My purpose in writing today is to reconfirm my **concerns** regarding the Easley Project, and how the project as proposed will **impact our personal, economic, and physical well being.** These concerns are in reference to your "NOTICE OF PREPARATION, ATTACHMENT A, EASLEY RENEWABLE ENERGY PROJECT" notification document, pages 5 thru 16.
>
> **Project Description:**
> The 16 listed major components are technical detail and are such that they are difficult, and technologically written so that we find it impossible to fully understand. Delaying our Community session until mid February seems almost by design, as many residents *usually* leave the Resort by mid March. **The impact is** - our feedback is too late as the project is to be fully built out by early 2024.
>
> **Project Maps:**
> Thus far provided are reduced in size to 8 1/2" x 11"., lack critical detail such as where the 750' property lines around our perimeter will fall, and from all concerned, **impact is** they are

D9-1

Comment Set D9 – Rick and Dalene Thomson c/o Vicki Bucklin (continued)

impossible for a senior to understand as the sizing, and the poor colors (faded) **have added to our personal and Community confusion.** D9-1 (cont'd)

Economic Impact: D9-2
The economic value of all 150 lots at Lake Tamarisk Desert Resort have already been impacted by the *proposed* Easley Project. **Ask yourselves,** would you send your retired parents out to buy a lot at Lake Tamarisk Desert Resort? Health wise, can they afford to spend their retirement years living in the middle of an Industrial electro-magnetic zone, void of Nature?

Health Impact: So far, residents report that when they ask the questions regarding Health Effects, the response has been "we don't know". Oddly enough, the Project written Information, abundant in so many technical areas, is silent on the effects and **impacts** of living in such close proximity to: The arrays, D9-3
Inverter-transformer stations,
Up to two on-site sub-station yards and the associated systems within,
Various K.V. distribution lines,
The BESS storing up to 650 MW of power,
Overhead Lighting Systems for security to illuminate previously dark areas of nature.

Errors and Ommissions: D9-4
Within the Applicant's Project Objectives (page 7), bullet 1 " to support the achievement of President Biden's goal of a zero-carbon power sector by 2035 and further zero carbon economy by 2050 through development of clean electricity (power sector)". Bullet 7 "Minimize environmental impacts and land disturbance associated with solar energy development by siting the facility on relatively flat, contiguous lands with high solar insolation,in close proximity to established utility corridors, existing transmission lines with available capacity to facilitate interconnection, and road access, etc. **Impact:** Lake Tamarisk Desert Resort and the surrounding community of Desert Center populations are not considered within the scope of Attachment A. Everything Scientific is within the scope, where human consideration is completely void within the plan.

In general terms, I can see where all other Solar fields that are completed or are well under construction are not immediately next door to a community. However, regarding the Easley Project this clearly is not the case. This oversight requires immediate attention.

Recent Major Energy News Items:

1. First ever successful Thermo Nuclear Fusion Test within California by Department of Energy's Dr. Niel de Gressey Tyson.
2. CBS 60 Minutes (Jan. 01, 2023) "Earth is currently experiencing a 6th Mass Extinction, according to Scientists...."

Impact: These two issues may have the ability to collide head on with any further reallocation of Riverside County lands for Solar Field Developments.

Thank-you for your consideration,

Rick and Dalene Thomson
Lot #53,
Lake Tamarisk Desert Resort.

Responses to Comment Set D9 – Rick and Dalene Thomson c/o Vicki Bucklin

D9-1 The commenter forwards an email from January 4, 2023, before the Draft EIR was published, which states that the major components are technical detail and difficult to understand, the maps in the Notice of Preparation lack critical detail, and delaying a community outreach session to mid-February seems like it is by design with the project to be fully built out by early 2024. The comment does not discuss the analysis in the Draft EIR.

For a description of the Easley Project aside from its technical appendices, please refer to the Executive Summary and Section 2 (Project Description and Alternatives) in the Partially Recirculated Draft EIR, along with accompanying maps in EIR Appendix A.

The community session referenced by the commenter is outside of the California Environmental Quality Act (CEQA) environmental review process underway by Riverside County.

The commenter's concern about the project being fully built out by early 2024 is not accurate. The proposed Project is currently under environmental review by the Riverside County Planning Department. As described in Section 1.6 (Public Review and Noticing) of the Draft EIR, following consideration of the comments received during this Draft EIR comment period, the Final EIR will be prepared and circulated per CEQA requirements and will include responses to all comments that raise significant environmental issues. The County Board of Supervisors will consider all comments on the Draft EIR before deciding whether to certify the Final EIR and make a decision whether or not to approve the Project (see Section 1.5 of the Draft EIR for County approvals necessary to implement the Project). Should the Easley Project be approved, the Applicant would then need to comply with all applicable mitigation measures and Conditions of Approval contained in a Mitigation Monitoring and Reporting Program prior to issuance of a Notice to Proceed by Riverside County. Project construction is estimated to take approximately 20 months and be completed in 2026.

D9-2 The commenter forwards an email from January 4, 2024, before the Draft EIR was published, which expresses concerns about the economic value of the lots at Lake Tamarisk Desert Resort. The comment does not discuss the analysis in the Draft EIR.

Section 4.5.1 (Property Values) of the Draft EIR addresses the potential loss of property value as a result of solar projects being developed nearby. Economic effects, including effects on property value, are not a topic included in CEQA assessments of proposed projects. However, State CEQA Guidelines §15131 notes that "[e]conomic or social information may be included in an EIR or may be presented in whatever form the agency desires." The Guidelines also note that "[e]conomic or social effects of a project are not to be treated as significant effects on the environment" (§15131(a)), although "[e]conomic or social effects of a project may be used to determine the significance of physical changes caused by the project" (§15131(b)). The Guidelines also note that "CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project." (§15093(a))

Based on a review of a studies by Lawrence Berkeley National Laboratory and others, the Draft EIR concludes that although it is conceivable that there could be some reduction in property value owing to the proximity of a large-scale solar project, the effect on properties in California appears to be small, if any. Given the CEQA guidance, this would not be considered a significant effect on the environment.

D9-3 The commenter forwards an email from January 4, 2024, before the Draft EIR was published, which expresses concern about health effects of living in proximity to the solar facility, BESS, and electrical lines. The comment does not discuss the analysis in the Draft EIR.

Section 3.10.1.10 (Electric and Magnetic Fields) in the Draft EIR explains that electric voltage and electric current from transmission lines, including medium voltage collector and distribution lines, create electric and magnetic fields (EMF). Possible health effects associated with exposure to EMF have been the subject of scientific investigation since the 1970s, and there continues to be public concern about the health effects of EMF exposure, such as from the commenter. EMF is not recognized as not an environmental impact required to be analyzed in the context of CEQA. There is no agreement among scientists that EMF creates a potential health risk, and there are no defined or adopted CEQA standards for defining health risks from EMF.

D9-4 The commenter forwards an email from January 4, 2024, before the Draft EIR was published, which cites the Project Objectives, and states that the Lake Tamarisk Desert Resort and surrounding community of Desert Center are not considered within the scope of Attachment A. The comment does not discuss the analysis in the Draft EIR. It is unclear to what attachment the commenter is referring. However, aside from minimizing environmental impacts, several of the Project objectives listed in Section 1.3 of the Draft EIR address human populations through meeting local, state, and federal climate change policies and goals, delivering wholesale renewable energy to California rate payers under long-term contracts, and bringing sales tax revenues and living wage jobs to Riverside County.

The commenter cites two energy news items related to the first ever successful thermos nuclear fusion test within California, and a 60 Minutes segment about Earth currently experiencing a 6th mass extinction. The commenter states that these issues may have the ability to collide head on with any further reallocation of Riverside County lands for solar field developments.

The commenter is correct that nuclear fusion is an energy source that does not produce green-house gases or long-lived radioactive waste. According to the U.S. Department of Energy (DOE) website[6], U.S. government support for fusion energy research and development began in the 1950's at the Atomic Energy Commission, the predecessor to the DOE. Support for fusion continues in the DOE Office of Science, which directs continuing research on the scientific basis for plasma confinement and other fusion-energy-related areas. Despite interest and research underway, nuclear fusion is not expected to be a viable option to replace solar generation for several decades[7].

[6] DOE Explains...Fusion Energy Science. https://www.energy.gov/science/doe-explainsfusion-energy-science

[7] Ball, Philip. What Is the Future of Fusion Energy? Scientific American. June 1, 2023. https://www.scientificamerican.com/article/what-is-the-future-of-fusion-energy/#:~:text=Most%20experts%20agree%20that%20we,might%20add%20on%20another%20decade).

Comment Set D10 – Teresa Pierce

March 3rd, 2024 My Formal comments for the draft EIR for Easley Solar Project

Dear Supervisors,

Two of us have been the main writers of all the Scoping documents. We have been under constant pressure dealing with the bureaucracy of wading through how to respond to everything required. The most recent document we received from the Draft EIR for Easley was over 500 pages long with hundreds of links and addendums to respond to. It is overwhelming to say the least. **D10-1**

When we started out initially, with our crusade to protect our Community, we wanted a five-mile buffer zone around our community. This is due to a few of the situations we dealt with Oberon/ Intersect Power during construction. There were horrible dust storms that came into our community. The noise and smell of fumes from all the diesel equipment while working for several months, and delivering all their construction products, we could smell and hear all of this from our community. The pounding sound of the Pile drivers putting in the posts into the ground, that the panels sit on, was relentless day after day, along with all the other construction and traffic noise. Our once peaceful desert Oasis that we came here to enjoy became an Industrial complex within one third mile of our community to the south of us. This destroyed the whole reason we live here; it was once a beautiful, thriving natural desert Oasis environment, which was peaceful and serene. Now it is growing solar panels instead of the flora and fauna, for that period of time. We initially asked for a moratorium to stop building so close to our community. We had plenty of people who signed the petition. Of course, we never heard a peep from any of the many agencies we sent that to. So, over the last 18 months of seeing 20,000 plus acres of solar fields going in our beautiful desert we still desire a five-mile buffer zone and feel that is still a reasonable request, since there are several thousands of acres available away from our community. However, we have relented to a mile one buffer zone with several stipulations that we feel are a very reasonable compromise. We are hoping to save the rest of our beautiful desert surroundings to the North and East of us.

What we have experienced is total disregard for our Community from the very beginning, as if we didn't exist or matter at all. We, as the Lake Tamarisk Community, were never mentioned in the Easley Solar plans. The workers, plants, and animals were considered and how to protect them, but there was nothing about protecting our community. We didn't receive any communication or notice about Oberon or Easley going in. **D10-2**

We began our research and found what a bureaucratic mess we were dealing with. We wrote letters to all five County Supervisors in the beginning trying to get a response to our

Comment Set D10 – Teresa Pierce (continued)

plight here in our desert Oasis and never received any responses. We sent reasonable requests for someone to come out here and visit with us and witness the degradation of our beautiful natural desert Environment supposedly protected for us by the Desert Center Area Plan. With the Proposed Easley and Sapphire projects we will be surrounded on three sides in our thriving HUMAN community from within 650 feet to one third mile. Instead of beautiful desert plants and trees that capture and sequester carbon our desert land is now growing a dead sea of solar panels. The land has been scraped and raped to the point that we experience horrible dust storms which is a concern for Valley Fever and silicosis, both deadly diseases from the dust. When we do get rain, the rain landing on the solar panels immediately evaporates, therefore it never replenishes our aquifer. The land underneath the panels remains dry and that is where the dust comes from during and after completion of the projects. We have a variety of pictures and videos of this. That is why the proposal by EPA for dealing with dust abatement is so important. We have documented evidence of the temperatures rising in the desert because of the solar panels.

D10-2 (cont'd)

D10-3

D10-4

D10-5

After several months of trying to get someone to respond to us, it wasn't until our plight was written about in several newspapers, the cumulative effect of all these stories helped, but when the Guardian newspaper broke our story, then we were finally in the radar in Riverside County and BLM. It still took several months before Steven Hernadez finally came to visit us, and we took him on a tour. He got to see with his own eyes what our nightmare is. His parting statement was, "We need to seek **a balance** between the solar and the community survival." The buffer zone is critical to our welfare of this community as described in our Respect the Lake Tamarisk. Then Guilllermo Gonzalez came out to listen and observe and his parting statement was, "**We need to be respected as a community."** We are very appreciative of them visiting our community and for their support. Now is the time for them to act on behalf of our community and for the rest of the supervisors to do the same.

That is when we started writing our new "Respect Lake Tamarisk Alternative Plan".

Our big question to all five supervisors and Tim Wheeler in the planning department is how on Earth can you decide the fate about the life and vitality of our HUMAN community without knowing anything about us or seeing with your own eyes what we are experiencing. How can you decide without all the real facts. It is infeasible for the planning department to only check boxes in response to the draft EIR from Easley and send it to the supervisors without our comments. It is infeasible that the CEQA and Nepa do not work in unison to make the final decision.

D10-6

We have written up a viable alternative that is a win-win situation for all parties involved. We just ask that you please considered that and that everyone involved in the decision-

D10-7

Comment Set D10 – Teresa Pierce (continued)

D10-7 (cont'd)

making process take the time to come and visit our community and see with your own eyes and listen to us as human beings not just written words in a scoping EIR that considered everything out here as "**less than insignificant**".

We have real concerns here for the survival of our community. We are concerned about our aquifer being overdraft already and being depleted of good drinkable water. As water levels recede due to over extraction beyond the sustainable annual yield, the water quality declines and eventually is untreatable for human consumption. This would be the death nail, to the communities in our area. Our health is in jeopardy, our beautiful desert view aesthetics availability of the natural desert environment that makes us an Oasis is being destroyed. We have concerns about the hydrology being followed correctly. We are concerned about current and future value losses of our properties and most importantly our identity as an Oasis in a natural desert environment and our way of life, being threatened with extinction. Please respect our community and create a balance of all this solar invasion and help protect our Desert Oasis. This is our home and our refuge. The reason why we came here in the first place. This tiny portion that we want protected in no way is going to make a difference in the whole scheme of things to save our planet.

Respectfully,

Teresa Pierce

Responses to Comment Set D10 – Teresa Pierce

D10-1 The commenter states that the Lake Tamarisk community initially requested a 5-mile buffer of solar development from the community and signed a petition for a moratorium on solar development, but now would accept a 1-mile buffer zone. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR, General Response GR-8, and to General Response GR-1. Please see also General Response GR-8 regarding the request for a one-mile buffer. A 5-mile buffer and solar moratorium are discussed in Section 4.5.2 (Solar Moratorium) of the Draft EIR.

The commenter states that the community experienced dust, noise, and fumes impacts during construction of the nearby Oberon Renewable Energy Project.

Prior to its approval by the by the Colorado River Basin Regional Water Quality Control Board and the U.S. Bureau of Land Management (BLM), the Oberon Project underwent environmental reviews under the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA), respectively. The Oberon environmental review processes and project approvals are separate from this Easley Project CEQA process, and Riverside County has no jurisdiction over the Oberon Project.

The Easley Draft EIR analyzes impacts and presents mitigation measures to address fugitive dust in Section 3.4 (Air Quality). See also Response to Comments D10-3 and General Response GR-2.

To address diesel fumes, Section 3.4 of the Draft EIR includes MM AQ-2 (Control On-Site Off-Road Equipment Emissions), which limits heavy construction equipment idling to less than 5 minutes, in accordance with 13 California Code of Regulations, Chapter 10, Section 2449.

Section 3.13 (Noise and Vibration) of the Draft EIR analyzes impacts and presents mitigation measures to address noise and vibration, including establishing a noise complaint hotline for the public. Response to Comment D5-17 explains the hotline and other coordination with the community during Project construction, operations, and decommissioning.

Finally, the Applicant has proposed Applicant Proposed Measure (APM) NOISE-1 (Construction Timing) as part of the Project, which will restrict or minimize use of any impact hammer for pile driving or other equipment similarly capable of producing disruptive noise during construction activities within a one-mile radius from the residential parcel on the northeast corner of the Lake Tamarisk Desert Resort community during the winter months of highest residency (November 1 to March 31) (see Figure 2-13 in the Draft EIR). If based on the final construction schedule, use of such equipment is necessary within this geographic area during the aforementioned time period, APM NOISE-1 states that the Applicant will avoid or minimize this construction activity prior to 7:00 am and after 6:00 pm, and the Applicant will also avoid nighttime equipment deliveries between 10:00pm and 7:00am.

In addition to the existing compliance requirements and hotlines implemented by the BLM, Riverside County, and other permitting agencies, the Applicant has informed the County that the Applicant has committed to sending courtesy notifications to the local community and other interested parties in advance of notable construction and operations milestones, as well as maintaining a community email/phone hotline throughout the Project's life.

D10-2 The commenter states that the community was not notified about the Oberon or Easley Projects and that the community sent letters to all five County Supervisors requesting a visit.

Residents of the Lake Tamarisk Desert Resort and the community of Desert Center have been notified for the proposed Easley Project, as summarized in Section 1.6 (Public Review and

Noticing) of the Draft EIR. BLM notification process for the Oberon Renewable Energy Project is outside of the CEQA analysis for the Easley Renewable Energy Project.

See Response to Comment D10-1 regarding a discussion of impacts and mitigation measures related to construction nuisances, such as dust, fumes, and noise. Comment D10-6 summarizes visits by the County Supervisors to the Lake Tamarisk community.

D10-3 The commenter states that with the Easley and Sapphire projects their community will be surrounded on three sides and instead of beautiful desert plants and trees that capture and sequester carbon the land will be a dead sea of solar panels.

The analysis of Biological Resources and Aesthetics has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.2 (Aesthetics) and Section 3.5 (Biological Resources) of the Partially Recirculated Draft EIR and to General Response GR-1. Impact GEO-3 of the Easley Draft EIR discusses carbon sequestration and retention of vegetation on the Project site and includes implementation of MMs BIO-3 and BIO-5 to minimized soil and vegetation disturbance and revegetation temporarily disturbed areas. Please refer to Response to Comment B2-27 and B9-36 regarding carbon sequestration.

D10-4 The commenter states precipitation that lands on the proposed solar panels would evaporate and never reach the aquifer. The analysis of Hydrology and Water Quality, including groundwater recharge, has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR and to General Response GR-1.

D10-5 The commenter states that there is documented evidence of temperatures rising in the desert because of solar panels and stresses the importance of dust abatement.

Refer to General Response GR-6 on heat island effect Heat island effects are analyzed in the Partially Recirculated Draft EIR's revised and recirculated analysis of biological resources. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

Please also see General Response GR-2 regarding dust mitigation.

D10-6 The commenter provides a summary of the visits by the County Supervisors to the Lake Tamarisk community and explanation of the origin of the commenter-requested "Respect Lake Tamarisk Alternative" are noted.

The commenter states that it is infeasible the CEQA and NEPA do not work in unison to make the final decision.

Coordination and integration of related environmental reviews is encouraged to the fullest extent possible, but a joint CEQA-NEPA document is not required. The BLM and Riverside County have coordinated throughout the CEQA and NEPA processes, but based on agency timelines at the start of the NEPA and CEQA processes, a decision was made to prepare separate environmental documents for the Easley Project. All public input and review timeframes by Riverside County and BLM have been in accordance with CEQA and NEPA requirements, respectively.

D10-7 The commenter's support for the commenter-requested "Respect Lake Tamarisk Alternative" is noted. Please see Comment Sets D5 (Mark Carrington), B3 (Active Communities/Desert Center), and B9 (Angel Law on behalf of Active Communities/Desert Center), which detail the Respect Lake Tamarisk Alternative and address similar concerns.

The analysis of Aesthetics and Hydrology and Water Quality, including groundwater, has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised

analysis at Section 3.2 (Aesthetics) and Section 3.11 (Hydrology and Water Quality) of the Partially Recirculated Draft EIR and to General Response GR-1.

Regarding Aesthetics, see also Response to Comment D2-4.

The commenter expresses concerns about current and future property value losses. A discussion of perceived property value impacts related to nearby solar installations is included in Section 4.5.1 (Property Values) of the Draft EIR. See also Responses to Comments D5-26 and D9-2.

Comment Set D11 – Bob Brooks

Easley Renewable Energy Project

From: Bob Brooks <bbbrks@gmail.com>
Sent: Monday, March 11, 2024 12:44 PM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Subject: IP Easley Solar Plant Project (CUP220021) Draft EIR Comment Submission

Dear Mr. Wheeler,

Following up on my email to you dated February 22, 2024, please see the attached document (RLT Alternative dated 3/11/24) listing what I see are inadequacies of the analyses found throughout the draft EIR. **D11-1**

While I take exception to the multiple subjective opinions in the EIR and lack of clear means and methods proposed by Aspen and IP Easley, I focused on what I consider to the most important matters with the highest levels of concerns.

Alternative mitigation measures are suggested to allow the project to move forward while being environmentally and socially responsible. I do support renewable energy installations provided they do not impose offsetting burdens on the community and environment they are intended to help.

Respectfully submitted,

Bob Brooks

Comment Set D11 – Bob Brooks (continued)

COMMENTS TO DRAFT EIR FOR IP EASLEY LLC'S EASLEY RENEWABLE ENERGY PROJECT
(SCH No. 2022-11-0240)

Submitted by Bob Brooks March 11, 2023

D11-1 (cont'd)

1. Aesthetics

Request minimum buffer setback of 1 mile from the Lake Tamarisk Community borders including the Phase II extension areas.

Ref. EIR 3.2 Aesthetics

KOP 4 – Lake Tamarisk Desert Resort. Figure 3.2-5A presents the existing view from KOP 4 at the playground area near the eastern boundary of the Lake Tamarisk Desert Resort.

…results in a moderate rating for overall visual change, which would degrade the existing visual character and quality of the landscape as viewed from KOP 4 and similar locations in the eastern portion of the resort.

This is all the more reason to move the panels back for a one mile buffer. If the panels are up close and in the foreground there will appear to be continuous black wall that does not blend into the landscape in any way, shape or form. If moved one mile away the wall will be more obscured by the ironwood trees and other vegetation in addition to the berms.

Paragraph 3 states "Potentially affected viewers within the Project area include Lake Tamarisk Desert Resort".

The subjective word "potentially" needs to be removed from this statement. This view will without a doubt affect viewers/residents of Lake Tamarisk. However, it can be mitigated with a one mile buffer zone and berms to screen the perimeter where solar panels abut the adjacent sections.

This is a view residents of Lake Tamarisk could have without mitigation efforts by Easley:

Comment Set D11 – Bob Brooks (continued)



D11-1 (cont'd)

This can be mitigated with a 1 mile setback and two strategically located berms.

Changing the site of panels within 1 mile of Lake Tamarisk will show respect for the people residing in Lake Tamarisk and still allow the project to meet its objectives.

D11-2

Ref. Figure 2-6 "Typical Single Axis Tracker with Portrait Module Orientation" includes numerous horizontal dimensions. However vertical dimensions are missing so how is one to conclude the panels in near vertical position will not appear to be a solid 10' high black wall extending hundreds or thousands of feet across the landscape.

Ref. Figure 2-7 "Typical Tracker Structure" has dimension leaders however the actual dimensions have been omitted. Resubmit with dimensions.

D11-3

Ref EIR 2.9.6

"2.9.6. Earthen Berms During scoping, members of Lake Tamarisk Desert Resort requested installation of earthen berms to be used for visual screening of the solar and energy storage facility from the community. As described in Section 2.4.4.1 (Construction-Related Grading and Vegetation Management), mass grading is not proposed, and the onsite hydrology would be maintained to the maximum extent feasible. Installation of earthen berms would change stormwater flow on and offsite, which could affect surface water flow and flooding of adjacent parcels and could also alter vegetation patterns (Nichols et al., 2023). Furthermore, given the desert environment and sandy soil, an earthen berm would be difficult to stabilize with vegetation, and therefore, could become a source of erosion and sediment. The changed water flow paths due to adding berms would also have the potential to increase erosion due to water in new areas. Due to creation of greater hydrological and erosion concerns, use of earthen berms as a project design feature has been eliminated from consideration."

Comment Set D11 – Bob Brooks (continued)

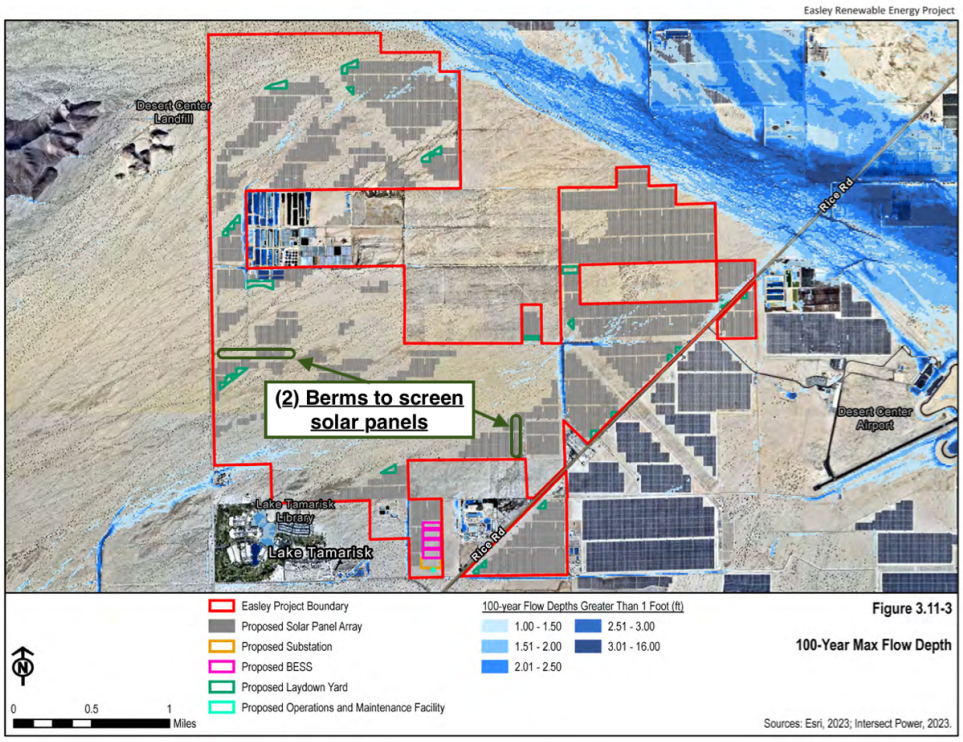
D11-3 (cont'd)

The Respect Lake Tamarisk Alternative requires screening at two locations based on the 1 mile buffer being implemented. The berms can be constructed of sand 10 ft. high and, with a 1:1 slope, 20 ft. across.

One berm would be positioned in an east west direction north of Lake Tamarisk. This is generally parallel to the drainage pattern for the area. If erosion is a concern, a feasible countermeasure is to use rock riprap along the base of the berm similar to what DOT uses at road drainage swales. The engineer of record would make the final determination during the design process.

The second berm would be positioned in a north south direction at the east end of the 1 mile buffer. If deemed necessary the engineer of record could provide drainage provisions via metal culverts or simple gaps in the berm. However, one can visually inspect the area and find numerous berms already in place for various reasons.

The 1 mile buffer area is not prone to significant rainfall or flooding so the stated implication of creation of greater hydrological and erosion concerns is less than significant. Berms as indicated are a fair and reasonable solution.



Comment Set D11 – Bob Brooks (continued)

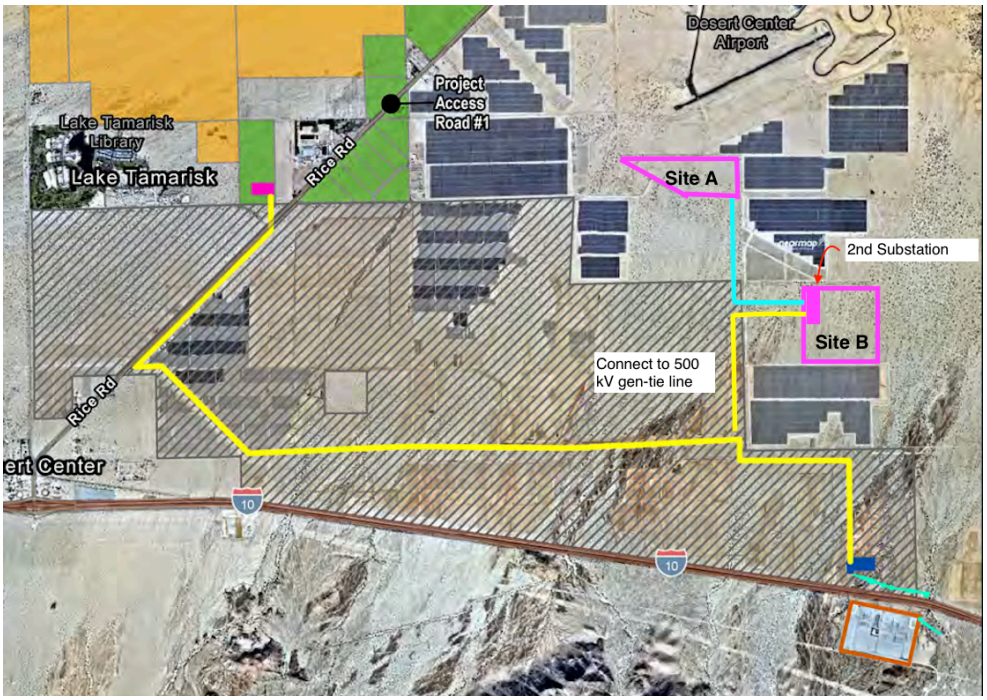
D11-4

If desired, the panels from the Lake Tamarisk buffer zone can be re-sited on land East of SR-177. The EIR references 10,000 acres initially considered by Easley:

From EIR ES.5.3
"Federal Land Alternative. An alternative site on BLM-managed lands farther from the community of Lake Tamarisk Desert Resort would *not likely* reduce any potentially significant impacts from the proposed Project, as the proposed Project is sited primarily on previously disturbed private lands and BLM-administered lands within a DFA. Also, it *may not be* feasible to find an alternative site on BLM managed lands, because most of the land within the DFA is in use, proposed for other solar energy projects, have constraints with implementation of DRECP Conservation and Management Actions (CMAs), or are within mountainous areas and areas with hydrological concerns. The Federal Land Alternative would not present significant environmental advantages over the proposed Project and has thus been eliminated from consideration."

The above paragraph contains various subjective opinions but does not rule out being able to identify 500 acres suitable for solar installation.

The approximately 500 acres of panels removed for the 1 mile buffer zone can be reasonably constructed north and/or east of the Intersect Power Oberon project. It would require a second substation but that is within the project scope of installing at least 1 and up to 2 substation yards (ref. 2.3.3). It can then be connected to the new 500 kV gen-tie line that will run nearby.



Comment Set D11 – Bob Brooks (continued)

2. Water Usage **D11-5**

Ref. EIR Table 3.11-2

Using conservative estimates, the Chuckwalla Valley Groundwater Basin is running a deficit of negative 4,400 acre-feet per year. The Easley project estimates that 1,000 acre-feet will be used during construction.

Typical solar projects in the region have estimates of water consumption for construction of 1,000 acre-feet. Assume a typical project size is 2,000 acres. There are approximately 100,000 acres available in the Development Focus Area of the Desert Renewable Energy Conservation Plan in our valley. If allowed to continue, the cumulative effect will be consuming (100,000 acres/2,000 acres per project) x 1,000 acre-feet per project = 50,000 acre-feet of water. This would result in a significant and unacceptable depletion of the aquifer.

To mitigate this major aquifer drawdown alternate sources must be utilized such as trucking it in or pulling from the Colorado River aqueduct.

3. Fugitive dusts **D11-6**

Ref. EIR 2.4.4.1 "*Best management practices identified in the Project's Fugitive Dust Control Plan would be implemented during all grading and vegetation removal activities, including the possibility of using mulch. To reduce water usage, calcium chloride or a similar soil binder may be applied to dirt roadways for dust abatement purposes.*"

This paragraph commits Easley to nothing other than water. Suggestive words such as "possibly "and "may" imply to the reader/approver that these abatement countermeasures will be implemented. However, by avoiding commitments such as shall and will, Easley will do as they wish and utilize the lowest cost approach regardless of the impact to our water quality and quantity.

From page 3.4-16
"The main access roads through the site shall be either paved or stabilized using soil binders, or equivalent methods, to provide a stabilized surface that is similar for the purposes of dust control to paving, that may or may not include a crushed rock (gravel or similar material with fines removed) top layer, prior to commencing construction."

Again, this paragraph implies what may or may not be done such as may or may not include a crushed rock base. Why even make such a statement other than to mislead the reader. The author needs to expressly state what shall be done if the project is approved.

Comment Set D11 – Bob Brooks (continued)

D11-7

Ref. MM AQ-1 Fugitive Dust Control Plan.

From 3.4.9 "*During construction, all unpaved roads, disturbed areas (e.g., areas of scraping, excavation, backfilling, grading, and compacting), and loose materials generated during construction activities shall be stabilized with a non-toxic soil stabilizer or soil weighting agent or watered two times daily or as frequently as necessary to minimize fugitive dust generation.*"

Again, the dust control plan does not commit to using soil binders for fugitive dust control. Watering as frequently as necessary is not making a commitment to conserve water.

Table 3.4-3. SCAQMD Rules and Regulations
Rule 403 – Fugitive Dust Requires submitting a Large Operation Notification form to the SCAQMD and requires compliance with best available control measures listed in the rule. Limits fugitive emissions from certain bulk storage, earthmoving, construction and demolition, and manmade conditions that may cause wind erosion.

D11-8

Ref. MM AQ-1 Fugitive Dust Control Plan.

"*The Project owner, its contractor, or its subcontractor shall prepare and implement a Fugitive Dust Control Plan to address fugitive dust emissions during Project construction, operation, maintenance, and decommissioning.*"

This plan does not designate who is responsible for adhering to an approved dust control plan. An Intersect Power executive should be identified and held responsible to adhere to the plan if the plan is to have any teeth to it. The same way executives are ultimately responsible for health and safety of employees.

"*In the case where the contractor obtains permit coverage under SCAQMD Rule 403, that permit and associated plan will be incorporated into the final Fugitive Dust Control Plan prepared by the Project owner*."

What does this mean? "In the case" doesn't say if Rule 403 will be part of the plan. This is not acceptable. The EIR dances around who is responsible for what and how it will be accomplished.

What about air monitoring? Per Rule 403 …

(3) No person shall cause or allow PM_{10} levels to exceed 50 micrograms per cubic meter when determined, by simultaneous sampling, as the difference between upwind and downwind samples collected on high-volume particulate matter samplers or other U.S.

Comment Set D11 – Bob Brooks (continued)

EPA-approved equivalent method for PM_{10} monitoring. If sampling is conducted, samplers shall be:

1. (A) Operated, maintained, and calibrated in accordance with 40 Code of Federal Regulations (CFR), Part 50, Appendix J, or appropriate U.S. EPA-published documents for U.S. EPA-approved equivalent method(s) for PM_{10}.
2. (B) Reasonably placed upwind and downwind of key activity areas and as close to the property line as feasible, such that other sources of fugitive dust between the sampler and the property line are minimized.

D11-8 (cont'd)

The draft EIR, while specifically referencing parts of Rule 403 conveniently leaves out commitments to set up air particulate monitoring stations and having a person of authority monitoring the data and stopping all work should conditions exceed allowable levels.

End of comments

Responses to Comment Set D11 – Bob Brooks

D11-1 The commenter requests a minimum buffer setback of 1 mile from the Lake Tamarisk community in order to mitigate aesthetics impacts on the Lake Tamarisk community and provides comments on the Draft EIR analysis of Aesthetics. The analysis of Aesthetics has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.2 of the Partially Recirculated Draft EIR and to General Response GR-1.

Please see General Response GR-8 for more discussion regarding a setback buffer from the Lake Tamarisk Desert Resort and the use of screening vegetation.

D11-2 The commenter states that Figure 2-6 "Typical Single Axis Tracker with Portrait Module Orientation" includes numerous horizontal dimensions, but the vertical dimensions are missing.

The analysis of Aesthetics has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.2 of the Partially Recirculated Draft EIR, an updated EIR Appendix A, and to General Response GR-1.

D11-3 The commenter quotes Section 2.9.6 (Earthen Berms) of the original Draft EIR, which explains that installation of earthen berms was considered as an alternative and eliminated from consideration in the Draft EIR. The commenter also describes and includes a map of the location and construction materials of two berms requested as part of the commenter-requested "Respect Lake Tamarisk Alternative."

The analysis of Project Alternatives and Aesthetics has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 (Project Alternatives) and Section 3.2 (Aesthetics) of the Partially Recirculated Draft EIR and to General Response GR-1. Please see General Response GR-8 for a discussion of the Respect Lake Tamarisk Alternative, including a setback to address visual impacts that have been incorporated into the Further Reduced Footprint Alternative with Berms (Alternative C), which has been fully analyzed in the PRDEIR and Final EIR (see EIR Section 2.8 and Chapter 5).

D11-4 The commenter states that the panels from the Respect Lake Tamarisk Alternative one-mile buffer zone could be re-sited on land east of State Route 177 since the Draft EIR references 10,000 acres initially considered by Easley. The commenter quotes Draft EIR Section ES.5.3 regarding the Federal Land Alternative and states that identification of 500 acres suitable for solar installation if feasible and can be reasonably constructed north and/or east of the Oberon Project. Using lands east of State Route 177 would require a second substation, which is within the project scope of installing at least 1 and up to 2 substation yards (Draft EIR Section 2.3.3) that can then connect into the new 500 kV gen-tie line that would run nearby.

Please see General Response GR-8 regarding the Federal Land Alternative (Section 2.9.1 of the Draft EIR) and availability of lands suitable for solar development east of State Route 177, including Sites A and B referenced by the commenter. The analysis of Project Alternatives and Aesthetics has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 (Project Alternatives) and Section 3.2 (Aesthetics) of the Partially Recirculated Draft EIR and to General Response GR-1. The lands within the original Easley application area have been incorporated into the Offsite Alternative (Alternative D), which has been fully analyzed in the PRDEIR and Final EIR.

D11-5 The commenter provides values for the Chuckwalla Valley Groundwater Basin (CVGB) annual yield as well as estimates of solar development water usage in the CVGB if there is buildout with the Development Focus Area of the Desert Renewable Energy Conservation Plan (DRECP). The comment suggested use of an alternative water source such as the Colorado River aqueduct.

The analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR and to General Response GR-1. Please also see General Response GR-3.

D11-6 The comment concerns the potential use of water by the proposed Project for dust control. The analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR and to General Response GR-1. The range of measures for complying with SCAQMD Rule 403 allows flexibility in strategies and approaches for dust control. Detailed information on dust control measures under consideration for the Project appears in General Response GR-2.

D11-7 The comment concerns use of soil binders for dust control. The range of measures for complying with SCAQMD Rule 403 allows flexibility in strategies and approaches for dust control. Detailed information on dust control measures under consideration for the Project appears in General Response GR-2.

D11-8 The comment requests identification of individuals responsible for verifying compliance with SCAQMD Rule 403 and suggests revisions for MM AQ-1 for specifying particulate matter monitoring or sampling. The Final EIR includes revisions to MM AQ-1 to clarify the requirement to designate at least one individual on-site as the trained Dust Control Supervisor for monitoring the activities for visible dust plumes.

General Response GR-2 provides detailed discussion of the dust control responsibilities and consideration of real-time PM10 monitoring equipment for evaluating compliance with SCAQMD Rule 403(d)(3) and the 50 $\mu g/m^3$ standard.

Comment Set D12 – Allen Grant

Email: Easley Renewable Energy Project

From: MARK C <mcarrington81@gmail.com>
Sent: Monday, March 11, 2024 4:22 PM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Cc: MARK C (BBG) <mcarrington81@gmail.com>; Teresa. Lake Tamarisk. #141 Lake Tamarisk. #141 <teresapierce52@gmail.com>; Frank Angel <fangel@angellaw.com>; Planning <Planning@RIVCO.ORG>
Subject: Fwd: Secure the Lake Tamarisk Desert Oasis Community's Future by mandating a 1-Mile Buffer Zone

Hello Tim

This is Allen's additional comments on the Easley Solar Draft EIR: **D12-1**

To whom it may concern,

As a long time successful residential developer, Allen Grant sees a valuable future for the Lake Tamarisk Oasis Community.

The Community of Lake Tamarisk must retain it's Identity as an Oasis in a Natural Desert Environment in order to encourage new residents to reside here whether working locally as Desert Center develops under new ownership or commuting to work in the Coachella Valley. To be able to live affordably in a Desert Oasis Community is highly desirable.

The Community's unique desirability is dependent upon retaining its character as an Oasis in a natural Desert Environment. The 1 Mile Buffer Zone, defined in the "Respect Lake Tamarisk Alternative", will help maintain that Identity.

Additionally, availability of good quality water is essential for any residential development. Intersect Power's continued extraction of vast quantities of groundwater from the Chuckwalla Basin Aquifer is unnecessarily risking that availability. The "Respect Lake Tamarisk Alternative" identifies alternative sources of water for all Renewable Energy construction, thus protecting the quality of water available to residents throughout the Desert Center Area.

I currently own 54 finished lots in Lake Tamarisk Phase I. Grant Development is currently in the processes of finalizing the plans for affordable housing. Grant Development plans on starting construction as soon as possible. I also own 161.5 acres adjacent to the East which will be Phase II and will contain 210 lots. The sewer main lines are currently installed in Phase II land. Phase II is adjacent to the existing sewer treatment plant. This plant was designed and built to service both Phase I and Phase II of The Lake Tamarisk Subdivision

The Easely Solar Project as currently proposed is only 25 feet from Phase II of my Lake Tamarisk Subdivision. THIS IS TOTALLY UNACCEPTALBE! A MILE BUFFER ZONE IS ESSENTIAL!

https://drive.google.com/file/d/1LG4kFGdff4IsZbzkZBeFjh31G0TcQuZo/view?usp=drivesdk

Comment Set D12 – Allen Grant (continued)

D12-1 (cont'd)

The aging freshwater system is due for upgrade or replacement and grants are currently available to the County for this purpose. Congressman Ruiz has pledged his support for this Community and has staff ready to assist the County in pursuing grant monies to upgrade or replace the drinking water system entirely.

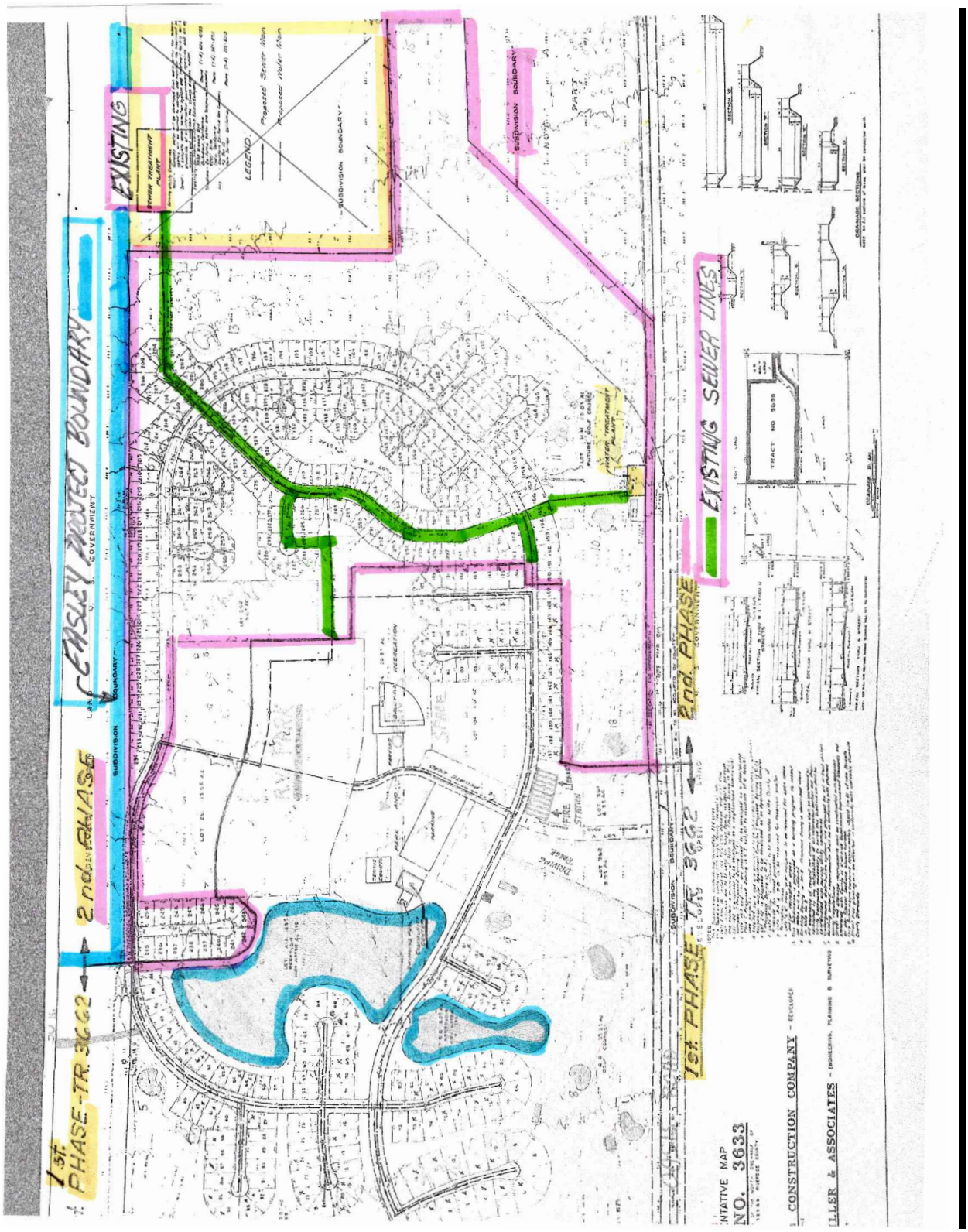
The Lake Tamarisk Desert Oasis Community is on the cusp of a bright future. With Desert Center, Eagle Mountain and the Chuckwalla Raceway all in the process of business development, Lake Tamarisk has become the focus point for employee residences. The choice to commute or reside locally becomes clear when affordable housing is available in an Oasis Community.

It is the responsibility of the Riverside County Board of Supervisors to protect the present and future health and welfare of the unincorporated Communities under their jurisdiction. Lake Tamarisk must retain its identity as a Desert Oasis Community in order to see a healthy future. The Supervisors can guarantee that this identity remains by adopting the 1-Mile Buffer Zone for Solar development described in the Respect Lake Tamarisk Alternative for the Easley Solar Project.

Thank you

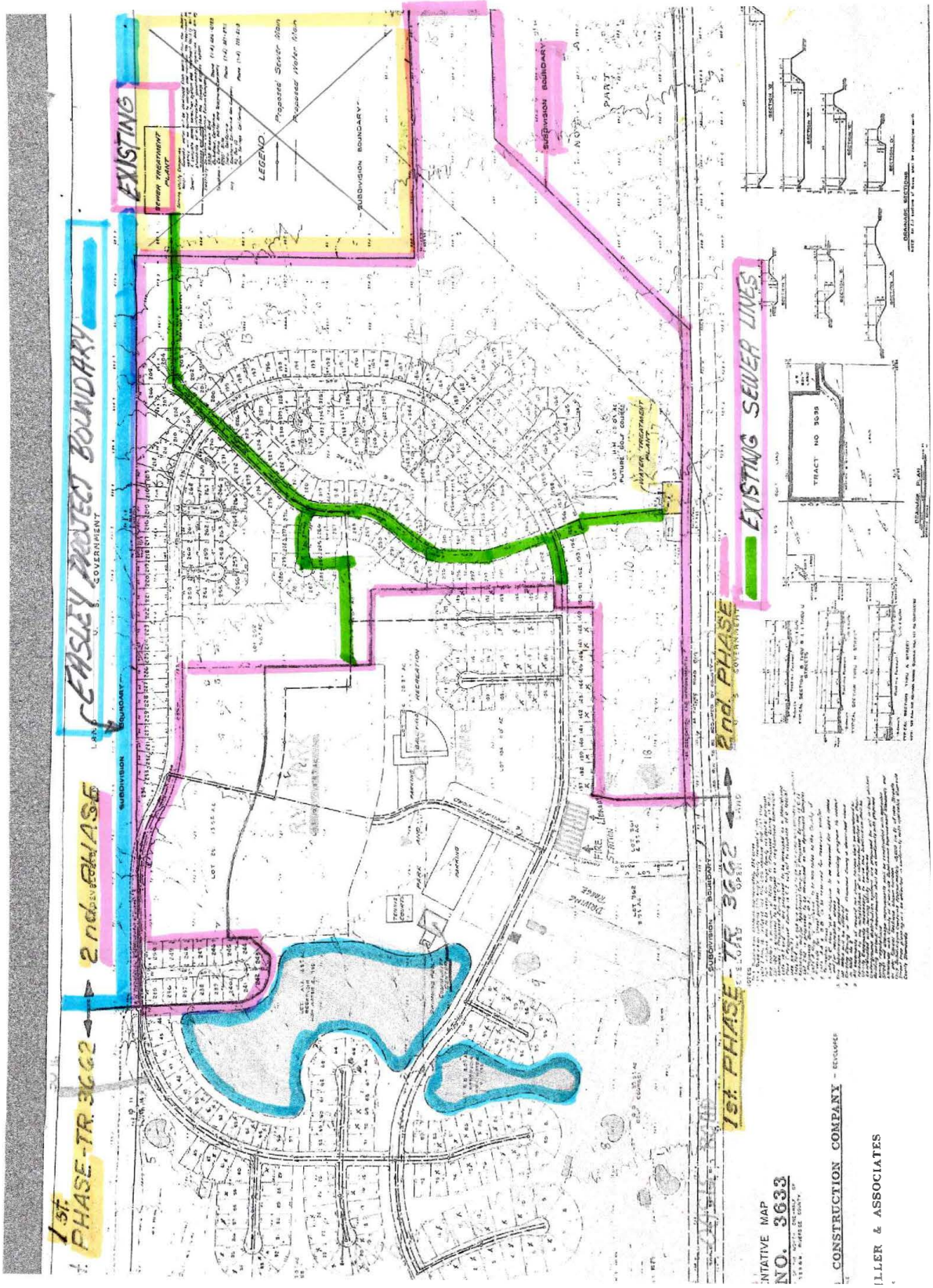
Comment Set D12 – Allen Grant (continued)

D12-1 (cont'd)



Comment Set D12 – Allen Grant (continued)

D12-1 (cont'd)



Responses to Comment Set D12 – Allen Grant

D12-1 The commenter states that the Community of Lake Tamarisk must retain its identity as an Oasis in a Natural Desert Environment in order to encourage new residents to reside here whether working locally as Desert Center develops under new ownership or commuting to work in the Coachella Valley. The commenter's support for a 1-Mile Buffer Zone defined in the commenter-requested "Respect Lake Tamarisk Alternative" is noted. Please see General Response GR-8.

The commenter expresses concern about the quality and quantity of groundwater due to extraction. The analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR and to General Response GR-1.

Finally, the commenter includes a Tentative Map No. 3633 and states that he owns 54 finished lots in Lake Tamarisk Phase I and is finalizing plans for affordable housing. The commenter also states that he owns 161.5 acres adjacent to the community to the east on which is proposed a Phase II development, which would contain 210 lots. The commenter states that the sewer main lines are installed on the Phase II lands adjacent to the existing sewer treatment plan.

The County has reviewed the proposed "Phased II" Lake Tamarisk Desert Resort expansion and under the original Tract Maps (TR3662 and TR3633) and provides the following determination:

Tentative Tract Map No. 3633 (TR3633) – was originally proposed for an estimated 343 lot sub-division in Desert Center (also known as the Lake Tamarisk Community). TR3633 was tentatively approved by the Planning Commission in April 1967 and by the Board in August 1967. In October 1968, a request was made to grant an extension of time (EOT) and that was approved by the Planning Commission for one (1) year until October 1969. Again, in October 1969, another EOT request was filed. No action was made on that EOT request and no final map for TR3633 was recorded; so Tentative Tract Map No. 3633 expired in October 1969.

Tentative Tract Map No. 3662 (TR3662) – was proposed for an estimated 151 lot subdivision in Desert Center (also known as the Lake Tamarisk Community). It appears TR3662 was for the western portion of TR3633. It appears through documents with the subdivision for TR3633, there were issues regarding flooding to southern properties, roadway development, and other concerns that may have stalled the finalizing of TR3633. So TR3662 was processed at the same time with TR3633 processing. TR3662 received tentative approval and then a final map was recorded on January 4, 1968. This tract, TR3662, is what is currently known as Lake Tamarisk Desert Resort today.

Again, no map was recorded for TR3633, and no other subdivision/development was processed and/or approved for the undeveloped eastern portion next to recorded map TR3662. No change of zone (CZ) approved for the eastern portion next to recorded map TR3662 to residential. Currently the undeveloped eastern portion of TR3662 has a zoning classification of Natural Assets (N-A) zone. Unless other documentation is provided to the County, if development is to occur on the undeveloped eastern portion next to TR3662; a new tentative tract map would need to be filed and approved at a public hearing or any other project entitlement would need to be filed and approved at a public hearing. A zoning change would be required for residential development on land zoned N-A.

Given no documentation is on file with Riverside County regarding an expansion to Lake Tamarisk Desert Resort, the boundary of the Lake Tamarisk community is analyzed in the EIR according to approved TR3662, and no changes have been made to the Final EIR.