Appendix DD

COMMENT LETTERS AND RESPONSES TO COMMENT LETTERS

Appendix DD
Comments and Responses to Comments

1. INTRODUCTION TO COMMENTS AND RESPONSES APPENDIX

The Final Environmental Impact Report (EIR) includes the Easley Renewable Energy Project Draft EIR (January 2024) as revised, the Partially Recirculated Draft EIR (PRDEIR) as revised, comments received on the Draft EIR and PRDEIR, and responses to those comments. The Final EIR has been prepared pursuant to CEQA, Public Resources Code section 21000 et seq., and in accordance with the Guidelines for the Implementation of CEQA, California Code of Regulations, tit. 14., section 15000 et seq. Receiving and responding to comments on the Draft EIR and PRDEIR is an essential part of the environmental review process, with comments and responses becoming part of the Final EIR. The Riverside County Board of Supervisors will determine whether to certify the Final EIR and approve the proposed Project or any of the evaluated Project alternatives.

1.1 Organization of this Appendix

This Appendix is organized as follows:

- Section 1, Introduction to Comments and Responses Appendix
- Section 2, General Responses to Common Comments
- Section 3, Comment Letters and Responses to Comments on the Original Draft EIR
- Section 4, Comment Letters and Responses to Comments on the Partially Recirculated Draft EIR

1.2 Summary of Comments Received

This section presents responses to the comments received during the public review period for the Easley Renewable Energy Project Draft EIR (January 26 to March 11, 2024) and Partially Recirculated Draft EIR (May 24 to July 8, 2024). Riverside County received public comments from various State agencies, organizations, tribes, and the public.

Consistent with CEQA Guidelines Section 15088.5(f)(2), the County has responded to: (i) comments received during the initial circulation period (January 26 to March 11, 2024) that relate to chapters or portions of the Original Draft EIR that were not revised and recirculated as part of the PRDEIR, and (ii) comments received during the recirculation period (May 24 to July 8, 2024) that relate to the chapters or portions of the Original Draft EIR that were revised and recirculated as part of the Partially Recirculated Draft EIR. Riverside County has not responded to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text.

Table 1-1 lists the agencies, businesses/organizations, tribes, and persons that submitted comments on the Draft EIR and Table 1-2 lists the agencies, businesses/organizations, tribes, and persons that submitted comments on the PRDEIR. The individual comments are numbered, and responses immediately follow the comments. It is important to note that only the substantive comments raised on the merits of the environmental analysis are identified, numbered, and responded to, while comments such as those related to the commenter's interest in or opinions about the project, or a summary of the project itself were noted but not included.

If revisions were made to the EIR based on the comments, the revisions are summarized with the response to the specific comment and are indicated in the text of this Final EIR with ~~strikeout~~ for deletions of text, and in <u>underline</u> for new text for sections of the original Draft EIR and ~~double strikeout~~ and <u>double underline</u> indicating revisions made to the Partially Recirculated Draft EIR.

Table 1-1. Comments Received on the Easley Draft EIR

COMMENTER	DATE	COMMENT SET
Agencies		
South Coast Air Quality Management District	3/8/2024	A1
Metropolitan Water District of Southern California	3/13/2024	A2
Businesses and Organizations		
Coachella Valley Economic Partnership	3/8/2024	B1
Desert Tortoise Council	3/11/2024	B2
Active Communities/Desert Center	3/11/2024	B3
Basin and Range Watch	3/11/2024	B4
California Native Plant Society and Defenders of Wildlife	3/11/2024	B5
Morongo Basin Conservation Association	3/11/2024	B6
EDF Renewables Development, Inc. on behalf of Sapphire Solar, LLC	3/11/2024	B7
Chiriaco Summit	3/11/2024	B8
Angel Law on behalf of Active Communities-Desert Center	3/11/2024	B9
International Brotherhood of Electrical Workers	3/15/2024	B10
Laborers' International Union of North America, Local No. 1184	4/5/2024	B11
Native American Tribes		
Cahuilla Band of Mission Indians	1/29/2024	C1
Agua Caliente Band of Cahuilla Indians	2/1/2024	C2
Colorado River Indian Tribes	3/11/2024	C3
Individuals		
Mark Goddard	2/12/2024	D1
Julie and Lars Anderson	2/15/2024	D2
Patti Cockcroft and Ken Stamp	2/13/2024	D3
Bob and Tracy Brooks	2/22/2024	D4
Mark Carrington	2/28/2024	D5
	4/1/2024	D5 cont.
	4/16/2024	D5-cont.
Vicki Bucklin	2/18/2024	D6
	3/28/24	D6 cont.
Bruce and June McArthur	3/1/2024	D7
Lynne Miller	3/4/2024	D8
Rick and Dalene Thomson c/o Vicki Bucklin	3/2/2024	D9
Teresa Pierce	3/8/2024	D10
Bob Brooks	3/11/2024	D11
Allen Grant c/o Mark Carrington	3/11/2024	D12

Table 1-2. Comments Received on the Easley Partially Recirculated Draft EIR

COMMENTER	DATE	COMMENT SET
Agencies		
United States Fish and Wildlife Service	7/2/2024	PRA1
Riverside County Department of Waste Resources	7/3/2024	PRA2
Mojave Water Agency	5/31/2024	PRA3

COMMENTER	DATE	COMMENT SET
Businesses and Organizations		
LiUNA Local Laborers 1184	6/7/2024	PRB1
Audubon	6/26/2024	PRB2
Sierra Club	6/28/2024	PRB3
Basin and Range Watch	7/5/2024	PRB4
Indivisible California, Green Team	7/6/2024	PRB5
Desert Tortoise Council	7/7/2024	PRB6
Morongo Basin Conservation Association	7/7/2024	PRB7
California Native Plant Society, Center for Biological Diversity, and Defenders of Wildlife	7/8/2024	PRB8
Center for Biological Diversity and California Native Plant Society	7/8/2024	PRB9
Angel Law on behalf of Active Communities/Desert Center	7/8/2024	PRB10
Active Communities/Desert Center	7/8/2024	PRB11
Native American Tribes		
Agua Caliente Band of Cahuilla Indians	7/3/2024	PRC1
Colorado River Indian Tribes	7/9/2024	PRC2
Individuals		
Vicki Bucklin	7/1/2024	PRD1
	7/8/2024	PRD1 cont'd
Mark Goddard	7/11/2024 (orig. 7/5/2024)	PRD2
Dennis Morrison	7/6/2024	PRD3
Julie and Lars Anderson	7/6/2024	PRD4
	7/6/2024	PRD4 cont'd
Kent Madison	7/6/2024	PRD5
Ann Godsey	7/6/2024	PRD6
	7/9/2024	PRD6 cont'd
	7/9/2024	PRD6 cont'd
Kevin Kingma	7/6/2024	PRD7
Cal Roden	7/7/2024	PRD8
Sharon Dilley	7/7/2024	PRD9
Ron Simmons	7/8/2024	PRD10
Darby DeKay	7/8/2024	PRD11
Tim LeForge	7/8/2024	PRD12
Vickie and Steve H. Jones	6/24/2024	PRD13
David and Arlene Gallegos	7/10/2024	PRD14
Jerry and Veronica Grey	7/12/2024	PRD15
Margit F. Chiriaco Rusche	7/13/2024	PRD16

Recipients of the Final EIR include the commenters listed in Table 1-1 and Table 1-2.

The Final EIR will also be sent to the State Clearinghouse and posted on the Project website at https://planning.rctlma.org/projects.

2. GENERAL RESPONSES TO COMMON COMMENTS

This section presents detailed responses to comments that were made by multiple commenters. General Responses address the following topics:

- GR-1: Partial Recirculation of Draft EIR
- GR-2: Fugitive Dust Control and Site Preparation
- GR-3: Groundwater Impacts
- GR-4: Mitigation Plans
- GR-5: DRECP-Designated Development Focus Areas
- GR-6: Photovoltaic (PV) Heat Island Effect
- GR-7: Lake Effect
- GR-8: Alternatives
  - Respect Lake Tamarisk Alternative Natural Buffer Setback
  - Vegetative Screening
  - Alternatives East of Highway 177/Rice Road

2.1 General Response GR-1: Partial Recirculation of Draft EIR

In compliance with the California Environmental Quality Act (CEQA), the County of Riverside (County) prepared and circulated a Draft EIR and a Partially Recirculated Draft EIR for the Easley Renewable Energy Project (Easley or Project).

The Original Draft EIR was published on January 26, 2024, for a 45-day comment period ending on March 11, 2024. The Original Draft EIR was distributed to agencies, organizations, and interested individuals, and made publicly available for review and comment in accordance with Section 15087 of the CEQA Guidelines and PRC 21092(b)(3). Comments received during the Original Draft EIR comment period include: 3 from agencies, 11 from businesses/organizations, 3 from tribes, and 13 from individuals (see Table 1-1). Issues raised included concerns about impacts to the residents of the Lake Tamarisk Desert Resort related to air emissions/dust, Valley Fever/silica (health), noise, visual resources, traffic, water quantity and quality, as well as impacts to biological resources, namely impacts to desert tortoise, desert dry wash woodland and its buffer, the multi-species linkage corridor, cultural and tribal resources, project description, alternatives, impact significance, compliance with the DRECP CMAs, and the environmentally superior alternative. Many commenters requested consideration of and expressed support for a "Respect Lake Tamarisk Alternative," including a 1-mile natural buffer, substation relocation, and development of sites east of State Route 177/Rice Road.

The County determined that new or clarified information required recirculation of certain chapters of the Original Draft EIR in accordance with Section 15088.5 of the CEQA Guidelines. CEQA requires recirculation of an EIR when the lead agency adds "significant new information" to an EIR regarding changes to the project description or the environmental setting or other data or information after public notice is given of the availability of a draft EIR for public review (State CEQA Guidelines Section 15087) but before EIR certification (State CEQA Guidelines Section 15088.5[a]). Recirculation is not required unless the EIR is changed in a way that would deprive the public of the opportunity to comment on significant new information, including a new significant impact for which no feasible mitigation is available to fully mitigate the impact (thus resulting in a significant and unavoidable impact), a substantial increase in the severity of a disclosed environmental impact, or development of a new feasible alternative or mitigation measures that would clearly lessen environmental impacts but that the project proponent declines to adopt (State CEQA Guidelines Section 15088.5[a]). Recirculation is not required when the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR (State CEQA Guidelines Section 15088.5[b]).

The Partially Recirculated Draft EIR was published on May 24, 2024, for public review for a 45-day comment period ending on July 8, 2024. The Partially Recirculated Draft EIR updated 6 chapters of the Original Draft EIR and updated or added 21 appendices. The Partially Recirculated Draft EIR was distributed directly to agencies, organizations, and interested individuals, and made publicly available for review and comment in accordance with Section 15087 of the CEQA Guidelines and PRC 21092(b)(3). Pursuant to procedures set forth in Section 15088.5(f)(2) of the State CEQA Guidelines, reviewers of the Partially Recirculated Draft EIR were directed to limit their comments to the revised information contained in the Partially Recirculated Draft EIR. Comments received during the Partially Recirculated Draft EIR comment period are listed in Table 1-2. Issues raised include concerns about the residents of the Lake Tamarisk Desert Resort related to air emissions/dust, Valley Fever/silica (health), noise, visual resources, traffic, water quantity and quality, as well as impacts to biological resources, namely impacts to desert tortoise, desert dry wash woodland and its buffer, the multi-species linkage corridor, cultural and tribal resources, project description, alternatives, impact significance, compliance with the DRECP CMAs, BLM's DRECP DFA land designations, and the environmentally superior alternative.

Consistent with the procedures set forth in Section 15088.5(f)(2) of the State CEQA Guidelines, this Final EIR responds to (i) comments received during the initial circulation period that relate to chapters or portions of the Original Draft EIR that were not revised and recirculated as part of the Partially Recirculated Draft EIR, and (ii) comments received during the comment period on the Partially Recirculated Draft EIR that relate to the chapters or portions of the Original Draft EIR that were revised and recirculated as part of the Partially Recirculated Draft EIR. This Final EIR does not respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text or comments that were made on portions of the Original Draft EIR that were subsequently recirculated.

The County Board of Supervisors will consider all comments on the Original Draft EIR and Partially Recirculated Draft EIR before deciding whether to certify the Final EIR and make a decision whether or not to approve the Project or any evaluated alternative.

2.2 General Response GR-2: Fugitive Dust Control and Site Preparation

This general response addresses the comments concerning the environmental and health impacts of airborne dust and wind-driven soil erodibility. Several comments from individuals and organizations associated with the Lake Tamarisk Desert Resort focus on the impacts of fugitive dust, which is analyzed in the EIR as PM10 emissions during construction.

The topics raised during the 2022 scoping process included: the risk of Valley Fever; the potential transport of airborne silica and herbicides; the possibility of airborne dust settling and accumulating on items in the community and on water in Lake Tamarisk. Scoping comments suggested the use of ground matting to reduce exposure to dust. Because these public concerns have been stated since commencing the environmental review of the Easley Project, the EIR preparers considered these issues throughout the analysis and developed mitigation measures to ensure that the impacts of construction emissions would be reduced to levels that are not significant. The development of recommended air quality mitigation measure MM AQ-1, Fugitive Dust Control Plan, specifically considered each of these potential impacts.

Silica Dust and Other Soil Contamination. Comments concern the potential for silica dust and other soil components to become airborne. Adverse health effects of silica dust would typically become a worker health hazard in the cases of stonework, clay, or plasterwork, especially within enclosed, interior spaces, where poor ventilation and lack of filtration might cause exposure to substantial concentrations. These conditions would not occur with the Project because workers will not be working with stonework, clay, or plasterwork in enclosed interior spaces.

Similarly, potential inhalation of organic chemicals in soil would become a health concern if hazardous or toxic contamination occurs in the soil and is likely to be disturbed. Although the Project ground disturbance has the potential to encounter local petroleum hydrocarbon or residual pesticide contaminated soil, implementation of MM HAZ-2 (Worker Environmental Awareness Program) would ensure workers are not exposed to hazardous materials in the soil and MM HAZ-3 (Soil Management Plan) would ensure that potentially contaminated soils are identified and removed or treated based on regulatory requirements, reducing impacts form contaminated soil to less than significant.

Valley Fever. The EIR (Section 3.4, Air Quality, and Section 3.10, Hazards and Hazardous Materials) addresses the risk of Valley Fever, which is a rising statewide concern. Compared with regions in Central Coast and San Joaquin Valley, the rates of Valley Fever in Riverside County have been low. Riverside County has not experienced an incidence rate greater than the averages in Los Angeles, Ventura, or Santa Barbara (CDPH, 2022). The Final EIR includes an additional review of data from the CDPH that demonstrates how Riverside County incidence rates of Valley Fever have ranged below statewide averages.

The primary ways to reduce the risk of Valley Fever are to avoid exposure to dusty air or dust storms, prevent dirt or dust from becoming airborne, and, if working at a dusty site is unavoidable, wear respiratory protection with particulate filters rated as N95 or higher. Project construction would be subject to stringent dust control requirements that would avoid exposing construction workers or the public to substantial concentrations of dust. In addition, as an employer, the Applicant will be legally responsible for providing workers with protection from health risks, including Valley Fever. Implementation of Mitigation Measures AQ-1 (Fugitive Dust Control Plan) and MM HAZ-2 (Working Environmental Awareness Program) would reduce the potential for workers and the public to contract Valley Fever due to exposure to substantial concentrations of dust which may contain *coccidioides* fungus spores to a less-than-significant level.

Fugitive Dust and Dust Suppression. The EIR analysis of PM10 and fugitive dust is presented in Section 3.4, Air Quality. The analysis begins by identifying baseline conditions that attain federal standards but do not attain state level standards for PM10 and ozone (EIR Table 3.4-2). Regulations specific to controlling fugitive dust are also reviewed. The air quality impact analysis concludes by expanding the requirements defined in an already comprehensive mitigation measure (MM AQ-1) that includes a complete range of emission controls. The mitigation measure contains performance standards, including requiring the Project to take every reasonable precaution to prevent all airborne fugitive dust plumes from leaving the Project site and to prevent visible particulate matter from being deposited upon public roadways. A draft Dust Control Plan is included as EIR Appendix U.

The mitigation builds on the provisions of SCAQMD Rule 403, which requires all active construction sites to implement best available control measures (BACMs). The BACMs work in conjunction with the visible emissions prohibition and other performance standards in Rule 403(d). In addition to the property-line visible emissions prohibition in Rule 403(d)(1), the Project is also subject to the standard that dust emissions from the movement of a motorized vehicle shall not exceed 20 percent opacity, which is determined by an appropriate SCAQMD-specified test method. The SCAQMD would also enforce the Rule 403(d)(3) requirement that the Project must not cause PM10 levels to exceed 50 $\mu g/m^3$ when determined by simultaneous upwind and downwind sampling, which would be the responsibility of the SCAQMD.

In accordance with SCAQMD Rule 403 BACMs and MM AQ-1 the Project would use water or chemical dust suppressants, and other methods of stabilizing soils and materials. Along with site watering and use of dust suppressants, the full scope of dust control includes efforts to protect natural vegetation and habitat by reducing the Project's ground disturbance and avoiding the removal of vegetation. Steps taken by the Project for vegetation management (EIR Section 3.5, Biological Resources) and avoiding soil erosion (EIR Section 3.8, Geology, Soils and Mineral Resources) would avoid disturbance of desert pavement and cryptobiotic soil crusts, and these controls will help to preserve and maintain crust strength. Maintaining

the soil crust contributes to avoiding and reducing windblown dust. Each of these features contribute to avoiding the impacts of exposure to dust that could carry silica, pollens, other organic chemicals (herbicides), and concerns relating to Valley Fever, as identified in EIR Section 3.4, Air Quality, and Section 3.10, Hazards and Hazardous Materials.

The scope of measures minimizing airborne dust and wind-driven soil erodibility includes:

- **MM AQ-1. Fugitive Dust Control Plan.** See full text in Section 3.4 (Air Quality).
- **MM BIO-1. Biological Monitoring.** See full text in Section 3.5 (Biological Resources).
- **MM BIO-3. Minimization of Vegetation and Habitat Impacts.** See full text in Section 3.5 (Biological Resources).
- **MM BIO-5. Vegetation Resources Management Plan.** See full text in Section 3.5 (Biological Resources).
- **MM HAZ-2. Worker Environmental Awareness Program.** See full text in Section 3.10 (Hazards and Hazardous Materials).
- **MM HAZ-3. Soil Management Plan.** See full text in Section 3.10 (Hazards and Hazardous Materials).
- **MM HWQ-1. Drainage Erosion and Sedimentation Control Plan (DESCP).** See full text in Section 3.11 (Hydrology and Water Quality).

Dust Monitoring. Several commenters request consideration of installing real-time PM10 dust monitoring equipment. Rather than requiring monitoring equipment, MM AQ-1 has been modified to improve its effectiveness by clarifying the responsibilities for inspecting and observing onsite activities for visible dust plumes, and responsibilities for implementing an immediate response to a visible dust plume.

Through enforcement of Rule 403, the SCAQMD may require upwind and downwind monitoring. The Rule 403 Implementation Handbook shows that the SCAQMD, through the Executive Officer, is responsible for undertaking sampling when necessary to determine compliance with the upwind and downwind 50 $\mu g/m^3$ standard (SCAQMD, 2007). Additionally, Rule 403 establishes how samplers should be operated, maintained, and calibrated, and defines when wind gusts trigger "high wind conditions." Anemometer performance criteria, for measuring wind speed and direction, are also subject to SCAQMD review for parameters according to specifications in the April 2004 (updated June 2007) Rule 403 Implementation Handbook (SCAQMD, 2007).

In determining compliance with the 50 $\mu g/m^3$ upwind and downwind standard in Rule 403(d)(3), a system of simultaneous sampling, to resolve the differences between upwind and downwind PM10 concentrations would be used. Developing a real-time monitoring strategy requires the design of a system or network of equipment strategically placed near the perimeters of key activity areas, selection of appropriate high-volume samplers that meet SCAQMD specifications, coordination of how to present and make available the resulting data, and development of a framework for when and how to act in response to the data. Because the Project must comply with the 50 $\mu g/m^3$ standard of Rule 403(d)(3), and because Rule 403 and the Rule 403 Implementation Handbook dictate SCAQMD involvement in resolving the technical design and implementation practicalities of field sampling for determining compliance, real-time upwind and downwind monitoring is not included within MM AQ-1.

Additionally, while real-time monitoring would generate additional information, the information from monitoring would have to be combined with tangible actions to reduce the impact of the emissions. The EIR takes the approach of establishing a comprehensive range of immediate controls within the control of the Project owner; these would be tangible actions to avoid and immediately reduce emissions and would achieve the recommended performance standards in MM AQ-1, as verified by inspection and observation, as described in this Final EIR, Appendix L, Mitigation Monitoring and Reporting Program.

Within MM AQ-1 and the Mitigation Monitoring and Reporting Program, the Project owner, its contractor, and subcontractors must continuously inspect and observe the onsite activities for visible dust plumes. Monitoring by observation of visible plume opacity by trained individuals would occur in lieu of installing real-time PM10 monitoring equipment. The trained individuals and inspectors can use photography to document compliance with the standard of preventing all airborne fugitive dust plumes from leaving the Project site. Installing real-time PM10 monitoring equipment for the proposed Project would not be necessary as the trained individuals would be responsible for immediate identification of any visible dust plume and immediate implementation of the appropriate dust control responses.

Management of an area-wide monitoring network for multiple projects would introduce additional technical challenges due to the presence of multiple activities that may occur concurrently across the vast expanse of geographic area potentially affected (Section 3.4.6, Cumulative Impacts). Reasonably placed upwind and downwind monitors would need to be near key activity areas and close to pertinent property lines, and the ideal monitoring locations would change over time as construction activities move within large sites, often a mile or more from the Lake Tamarisk community. If a monitoring program is conducted for multiple projects in the area, the payments made by individual projects would need to meet the "fair share" standard of CEQA. If the area-wide monitoring would be used as part of determining compliance with Rule 403(d)(3), SCAQMD would have to set the fees for conducting upwind and downwind monitoring [Rule 403(h)]. Because the incremental contribution of the proposed Project to the cumulative air quality impact would be reduced to a level that would not be cumulatively considerable through compliance with the standards in Rule 403 and implementation of MM AQ-1, monitoring across multiple project sites would not be necessary.

In summary, this Final EIR ensures the most effective dust control measures by including additional provisions in MM AQ-1, Fugitive Dust Control Plan (see EIR Appendix U). These additional provisions would require the Project owner to designate at least one individual on-site as the trained Dust Control Supervisor for monitoring the activities for visible dust plumes. The Final EIR also includes an additional component for MM AQ-1 to clearly delineate contingency dust control measures for "high wind" conditions.

2.3 General Response GR-3: Groundwater Impacts

Several commenters expressed concerns about Project impacts on groundwater supply and quality. The commenters state that the aquifer is in severe overdraft and the Project will impact sustainable yield and degrade drinking water quality.

As described in PRDEIR Section 3.11, the Project is located within the California Department of Water Resources (DWR) Bulletin 118 Chuckwalla Valley Groundwater Basin (CVGB; Basin No: 7-5). DWR has categorized the CVGB as a very low-priority basin under the California Sustainable Groundwater Management Act (SGMA). A basin's prioritization is based on several factors, such as population and rate of growth, irrigated acreage, and the degree to which the overlying population is dependent on groundwater as their primary source of water. These factors are then totaled and then the basins ranked as high, medium, low, or very-low priority (DWR, 2020a). The CVGB's very low-priority ranking is based on a low and declining population, a low density of public supply wells and groundwater wells, low density of irrigated acres, lack of existing documented groundwater impacts (i.e., declining groundwater levels, salt intrusion, subsidence, and water quality), and lack of existing documented adverse impacts on habitat and streamflows (DWR, 2020a). The CVGB is an unadjudicated groundwater basin, which means that owners of property overlying the CVGB have the right to pump groundwater from the CVGB for reasonable and beneficial use, provided that the water rights are neither severed nor reserved. Groundwater production in the CVGB is not managed by a specific entity. A groundwater sustainability plan (GSP) has not been prepared, nor is one required by SGMA to be submitted to DWR based on the very low-priority status

of the CVGB. Neither an Urban Water Management Plan nor an Integrated Regional Water Management Plan exist or are required to be prepared for the area.

Per DWR Bulletin 118, "groundwater overdraft" is defined as, "The condition of a groundwater basin in which the amount of water withdrawn by pumping exceeds the amount of water that recharges the basin over a period of years during which water supply conditions approximate average conditions." The Basin water budget was developed for the Project pursuant to the DRECP LUPA Conservation and Management Action (CMA) Soil and Water (SW) 23 and was included in the Water Supply Assessment (WSA) (Appendix G in the Draft EIR). The WSA states that there may occasionally be years during which the volume of groundwater pumping in the Basin exceeds the amount of groundwater recharge for that particular year (e.g., dry or critically dry years). However, the Basin is not in a state of overdraft as defined by DWR Bulletin 118 and the use of groundwater by the Project will not cause the CVGB to become overdrafted.

Per SGMA, "sustainable yield" is defined as, "the maximum quantity of water, calculated over a base period representative of long-term conditions in the basin and including any temporary surplus, that can be withdrawn annually from a groundwater supply without causing an undesirable result." Because no GSP has been, or is required to be, developed for the CVGB, no "undesirable results" for the CVGB have been defined. Consequently, no sustainable yield has been determined for the CVGB. Therefore, the approximately 100 acre-feet (AF) of annual surplus calculated in the Project WSA (increasing to approximately 1,500 AF using DWR (2020a) estimated groundwater pumping), is a "basin yield" and not a "sustainable yield." Basin yield is the volume of pumping that can be extracted from the basin on a *long-term basis* without creating a chronic and continued lowering of groundwater levels and the associated reduction in the volume of groundwater in storage. Based on available groundwater level data and calculated annual CVGB recharge and discharge, the groundwater use by the Project is within the CVGB basin yield.

Commenters raise a range of concerns regarding the Project WSA. The WSA (EIR Appendix G) includes analysis of the following issues:

- Estimates of the total cone of depression considering cumulative drawdown from all potential pumping in the basin(s), including the project, for the life of the project through the decommissioning phase.
- Potential to cause subsidence and loss of aquifer storage capacity due to groundwater pumping.
- Potential to cause injury to other water rights, water uses, and landowners.
- Changes in water quality and quantity that affect other beneficial uses.
- Effects on groundwater dependent vegetation and groundwater discharge to surface water resources such as streams, springs, seeps, wetlands, and playas that could impact biological resources, habitat, or are culturally important to Native Americans.

A projected CVGB water budget under varying climatic conditions was also developed for the Project and included in the WSA. The analysis was completed pursuant to Senate Bill 610, which requires analysis for qualifying projects of "whether the total projected water supplies, determined to be available by the city or county for the project during normal, single dry, and multiple dry water years during a 20-year projection, will meet the projected water demand associated with the proposed project, in addition to existing and planned future uses, including agricultural and manufacturing uses." (California Water Code Section 10910(c)(4)). The water budget assumptions, aquifer parameters, and the predictive numerical groundwater model used for the Project WSA were based Fang et al. (2021).

The PRDEIR relies upon the baseline groundwater budget during normal climatic conditions for the CVGB, as provided in the WSA. Although the WSA considered a groundwater budget using lower input estimates, the County properly is entitled to consider the baseline groundwater budget the more accurate estimate, while also including components that are considered conservative. For example, the adopted groundwater recharge components are generally in the lower range of published volumes and the groundwater

outflow components are generally on the higher range of published volumes and thus represent reasonable and credible assumptions. On the other hand, the CVGB reduced recharge groundwater budget indicates an annual deficit; however, reported groundwater levels in the CVGB have been generally stable and, in some areas, indicate an increasing trend which can result from decreased groundwater pumping and (on average) an annual basin groundwater surplus. Additionally, a reduced recharge groundwater budget is inconsistent with previous studies, including USGS (2007), CEC (2010), and Fang et al. (2021). As discussed in the WSA, USGS (2007) and CEC (2010) calculated a range of precipitation-related groundwater recharge in the arid and semiarid southwestern United States and the CVGB, respectively, and Fang et al. (2021) is the most up-to-date groundwater model for the CVGB and has been used or suggested by other agencies (including BLM) and experts for modeling the CVGB. It is therefore reasonable for the County to rely on it in projecting groundwater scenarios.

As provided in PRDEIR Sections 2.3 and 2.5, water for construction and operational needs would be obtained from either on-site or off-site groundwater wells. The WSA (EIR Appendix G) assumes that all water for the Project would be supplied by groundwater from the CVGB. Section 3.11 (Hydrology and Water Quality) of the EIR concludes that impacts to groundwater from the proposed Project would be less than significant with mitigation (see EIR Section 3.11.6), and the Project's incremental contribution to hydrology and water quality impacts would not be cumulatively considerable and is therefore considered less than significant with mitigation (see EIR Section 3.11.7). These conclusions are reasonable conclusions based on the data presented in the WSA, as well as based on the numerous mitigation measures to be imposed to monitor and protect groundwater. The Project would be subject to MM HWQ-1 (Drainage Erosion and Sedimentation Plan) and MM HWQ-2 (Septic System Review and Permitting) which would enable the Riverside County Department of Environmental Health to ensure that the Project is compliant with Riverside County, RWQCB, and EPA regulations and protective of water quality. Mitigation Measure HWQ-3 (Palo Verde Mesa Groundwater Basin Protection) includes the development of a Colorado River Water Supply Plan (CRWSP) to monitor groundwater extractions from the Applicant owned and/or operated on-or off-site well(s) to ensure that groundwater extractions do not go below the Colorado River Accounting Surface. HWQ-4 (Groundwater Monitoring, Reporting, and Mitigation Plan ([GMRMP)] would be implemented for the Project in coordination with the RWQCB and BLM to ensure that groundwater wells surrounding Project supply well(s) are not adversely affected (i.e., chronic lowering of groundwater levels or degradation of groundwater quality) by Project activities.

2.4 General Response GR-4: Mitigation Plans

Commenters stated that mitigation plans required to be prepared for compliance with EIR mitigation measures should be included in the EIR so they can be reviewed for effectiveness of the proposed mitigation. Commenters stated that by not including plans in the Draft EIR, mitigation is deferred.

Mitigation measures requiring subsequent preparation of plans do not impermissibly defer mitigation as suggested by commenters. Rather, as described in CEQA Guidelines section 15126(a)(1)(B), specific details of mitigation may be developed after project approval "provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure." (See also *Save Our Capital! v. Dept. Of General Svcs*. (2023) 87 Cal. App. 5th 655, 687-88 upholding mitigation measures calling for future preparation of plans and explaining that "CEQA, however, authorizes relying on a future plan as a mitigation measure so long as the lead agency commits itself to the mitigation, adopts specific performance standards the mitigation will achieve, and identifies the types of potential actions that could feasibly achieve that performance standard.")

All mitigation measures included in the EIR that would require preparation of plans meet th*ese* standards and present detailed and specific requirements that ensure that implementing the plan will reduce impacts to a less-than-significant level under CEQA. Applicable plans will be drafted in coordination with resource agencies, as applicable, in accordance with the requirements of DRECP CMAs (for BLM-administered land), and incorporating established agency protocols, including for surveying, monitoring, and reporting for habitat and sensitive species in the biological resources plans, and similar requirements for groundwater monitoring and other applicable plans. Plans will be reviewed and approved by Riverside County, BLM, and the resource agencies, as applicable, prior to construction to ensure the plans comply with all requirements defined in the mitigation measures and are adequate to protect habitat and species. Inclusion of specific plan elements, as defined in each measure, will ensure that significant impacts would be minimized and that mitigation is not deferred.

Text has been added to some mitigation measures to further clarify and detail protocol requirements and criteria for the ease of reference and compliance; however, the purpose of the measure was not changed.

Note that the Applicant has prepared some technical reports and management plans, including a draft Fire Safety and Prevention Plan and biological resources management plans. These documents have been published to the BLM's Easley NEPA website (https://eplanning.blm.gov/eplanning-ui/project/2025816/510). These plans, which are appendices to the BLM Plan of Development (POD), are subject to BLM review and approval separate from the CEQA process. As part of the separate, federal NEPA process, the Easley POD appendices are published by BLM for public review. These plans were added to the Partially Recirculated Draft EIR as Appendices M through CC.

The CEQA mitigation measures in the EIR define the CEQA-related plans required and dictate the content and reviews required by the County and other agencies to ensure that implementation of the plans will be sufficient to reduce impacts of the proposed Project to a less-than-significant level. These plans may include requirements of BLM, the County, and resource agency protocols and/or permits. In accordance with CEQA's requirements for mitigation monitoring, the County will independently review all CEQA-related draft plans prior to construction (or as dictated in mitigation). The County's review will ensure that each plan complies with all requirements of the EIR mitigation measures. If required, any plans prepared for BLM will be modified to fully comply with the EIR mitigation measures and County's conditions of approval.

2.5 General Response GR-5: DRECP-Designated Development Focus Areas

DRECP Background

Comments have been submitted alleging that the PRDEIR is inaccurate because two BLM-managed parcels included in the Project footprint are not in the BLM DFA for Renewable Energy Development under the DRECP and would require an Environmental Impact Statement (EIS) by BLM prior to any development. BLM land designations are outside of the scope of CEQA. However, the County verified that all BLM-administered lands within the Easley Project area are designated as DFA by the DRECP LUPA. More information is provided below.

The DRECP LUPA is administered by BLM and has two primary goals. One is to provide a streamlined process for the development of utility-scale renewable energy generation and transmission in the deserts of southern California, consistent with federal and state renewable energy targets and policies. The other is to provide for the long-term conservation and management of special-status species and desert vegetation communities, as well as other physical, cultural, scenic, and social resources within the DRECP Plan Area using durable regulatory mechanisms. As a result, DRECP planning decisions, adopted as an amendment to the California Desert Conservation Area (CDCA) Plan via the DRECP Record of Decision (ROD),

were "designed to both provide effective protection and conservation of important desert ecosystems, while also facilitating the development of solar, wind and geothermal energy projects in those unique landscapes."

The DRECP LUPA and supporting Final Environmental Impact Statement (FEIS) identified lands within the California desert that would be appropriate for conservation and lands that would be appropriate for renewable energy development. The conservation component of the DRECP involved the allocation of 6,527,000 acres of protected lands within areas defined as Areas of Critical Environmental Concern (ACECs) and California Desert Conservation Lands (CDCL), and it maintained the prior Congressional designations of Wilderness. These conservation lands were balanced with identification of less than 400,000 acres of DFAs. The FEIS supporting the DRECP Record of Decision (ROD) comprehensively evaluated utility-scale renewable energy development in the California desert including the East Riverside DFA where the Project is located. The impact analysis presented in the DRECP FEIS anticipated that the DFAs would be fully developed with renewable energy and the DRECP LUPA, presenting an estimate that the 388,000 acres of DFAs would accommodate 27,000 MW of generation.

Easley Project Area

As noted above, several commenters on the Partially Recirculated Draft EIR state that the two BLM managed parcels included in the Project located due north of the Lake Tamarisk Desert Resort are not in the BLM DFA for Renewable Energy Development under the DRECP and would require an Environmental Impact Statement (EIS) by BLM prior to any development. These statements are not correct. All of the BLM-administered lands considered for Project development are lands designated as Development Focus Area (DFA) in the Desert Renewable Energy Conservation Plan (DRECP) Land Use Plan Amendment (LUPA). There are no lands designated in the DRECP as General Public Lands within the Project boundary.

For the two BLM-managed parcels included in the Project footprint noted by commenters, the DRECP Final EIS and LUPA contained a mapping discrepancy due to incorrect BLM land ownership data. The discrepancy was corrected by the BLM California State Office with issuance of a Plan Maintenance Record, PMR-CDCA-2022-2, dated July 1, 2022, which documented several corrections to mapping data used to generate figures in the DRECP LUPA to the California Desert Conservation Area Plan of 1980[1]. One such correction includes the referenced lands within the Easley Project area, as follows:

> *2. Riverside East DFA - The BLM maintains a corporate GIS data layer that depicts land ownership and is referred to as either the land status or surface management agency (SMA) layer. Upon examination of the master title plat (MTP) (attachment 1a) and data from the Riverside County Tax Assessor's office, it was determined that two parcels totaling roughly 965 acres were incorrectly shown in the SMA layer as private lands when actually they are public domain lands administered by the BLM. Because the SMA layer used during development of the DRECP incorrectly showed the lands as private, no allocation was assigned. The two parcels are wholly within the Riverside East DFA and they should have received the allocation of DFA during development of the DRECP.*
>
> *This PMR assigns allocation of DFA to all public domain lands within Sections 11 and 12, Township 5 South, Range 15 East, San Bernardino Meridian, as depicted in attachment 1b. The BLM's corporate SMA layer, although not governed by planning decisions, will be updated as will the DRECP allocation layer. Because the corrected errors are restricted to approximately 965 acres that cannot be seen at the plan-wide scale, Figure 8, which is titled DRECP LUPA Renewable Energy Designations contained within the DRECP amendment to the CDCA Plan is not being replaced.*

[1] United States Bureau of Land Management. 2022. California State Office Plan Maintenance Record. PMR-CDCA-2022-2. Correction of Mapping Data in the Desert Renewable Energy and Conservation Plan Land Use Plan Amendment to the California Desert Conservation Area Plan as amended. July 1.

While BLM land designations are outside of the scope of CEQA, the County has verified that all BLM-administered lands within the Easley Project area, including the two BLM-managed parcels included in the Project footprint and referenced by commenters, are designated as DFA by the DRECP LUPA.

2.6 General Response GR-6: Photovoltaic (PV) Heat Island Effect

Commenters expressed concerns about rising temperatures in desert communities due to the "Photovoltaic (PV) Heat Island Effect" and its impacts to the human environment and biological resources, including vegetation and wildlife.

The "Photovoltaic (PV) Heat Island Effect" is discussed under Impact BIO-1 in EIR Section 3.5.5 (pages 3.5-26 through -28). As stated in that discussion, studies completed to date show some impacts to biological resources at solar facilities related to the PV heat island effect under certain circumstances. There can be increased air temperature in the vicinity of the solar field, as well as possible changes in soil temperatures. However, these studies were performed on solar sites that were graded and unvegetated. Studies suggest that by revegetating disturbed areas and storing PV panels at a tilt, any potential increases in air and soil temperatures may be avoided.

A study by Fthenakis and Yu (2013) found prompt dissipation of thermal energy and decrease in ambient temperatures around the PV panels at 300 meters (984 feet) away from the perimeter of the solar farm and that access roads between solar arrays allow for substantial cooling. Data showed that the array was cooled to ambient temperatures overnight, and that any increases in temperatures around solar farms are localized during the day. Broadbent (2019) similarly found no increase in nighttime temperatures. The study also found that shading from solar panels resulted in cooler soil temperature during the day and slightly warmer soil temperature at night.

Barron-Gafford et al (2016) found a delayed cooling of ambient temperatures in the evenings compared to a natural desert ecosystem and suggested that by removing vegetation, transpiration is decreased and the greater exposed ground surface absorbs more solar radiation, increasing soil temperatures and reradiating heat at night. Devitt (2022) also found increased temperatures near the solar facility compared to a reference point.

Notably, these studies were performed on solar sites that were graded and unvegetated. Barron-Gafford concluded that mitigation of the PV heat island effect would be achieved through targeted revegetation (Barron-Gafford et al, 2016). Further, the study performed by Devitt (2022) was located at a solar facility with a fixed panel system. The study suggested that if the panels are mounted as a tracking system, the panels could be situated in a perpendicular position relative to the ground at night, allowing longwave radiation and trapped heat to escape. A study by Beatty (2017) looked at revegetation under modules for various case studies and recommended using a seed mixture appropriate for local site fauna to promote re-establishment of vegetation.

Unlike the graded and unvegetated solar sites described in these studies, the proposed Project would not mass grade, would leave root balls intact, and would maintain vegetation under the solar panels, which would be mowed and rolled to a height of 12 inches to facilitate more effective post-construction site revegetation. Woody vegetation, such as palo verde trees, that are in areas adjacent to infrastructure where it does not affect solar panel performance would be only partially cut, leaving the lower trunk intact to allow regrowth of branches and leaves. The proposed layout of solar panels would avoid desert dry wash woodland except for minor incurious and where there is intervening infrastructure, and it is expected that vegetation will re-establish post-construction. After construction, a Vegetation Resources Management Plan (VRMP) (MM BIO-5) would be implemented to direct revegetation of temporarily disturbed areas and monitor the success of revegetation efforts using quantitative success criteria. Onsite vegetation may be trimmed approximately once every three years, as needed. Further, panels would be

stowed at max tilt (60 degrees) overnight, thereby allowing heat to escape from beneath the panels (see Section 2.3.1). Panels may be temporarily stowed in a different angle position if needed due to mechanical or electrical maintenance or for high wind protection.

The Draft EIR (Section 3.5.5) explains that studies suggest that many factors interact in complex ways to influence the movement of heat in and around solar facilities, including topography, wind direction, flows of cold air, seasonal changes in climate, shading from solar panels, presence of native vegetation and hydrology, and structural features of the solar panels (ability to tilt and height from the ground). Several studies have found that any increased temperatures are localized during the day, and that nighttime temperatures are cooled to ambient (Fthenakis and Yu, 2013; Broadbent, 2019). Further research is needed to evaluate the PV heat island effect at solar facilities where vegetation is maintained in the solar field and where solar panels are mobile on a tracking system (such as the Project), which studies suggested may ameliorate any increases in temperature. Based on existing information, the EIR concludes that, by maintaining vegetation under the solar panels and adjusting the nighttime tilt of solar panels, the PV heat island effect would be less than significant for the Project.

2.7 General Response GR-7: Lake Effect

Commenters identified that the so-called “lake effect” of solar photovoltaic panels should be analyzed. Bird collision with solar panels due to the lake effect is discussed under Impact BIO-1 in Section 3.5.5 of the Draft EIR. The impact would be less than significant with implementation of MM BIO-8, a Bird and Bat Conservation Strategy (BBCS).

The “lake effect” is the hypothesis that birds could mistake solar panel arrays for water bodies and consequently try to land on them. This could result in mortality of water bird species due to collision or stranding. Stranding can occur when an individual crippled by collision impact is unable to take off, or when a water bird lands safely but, without a sufficiently large body of water, cannot take off so may succumb to starvation or heat exhaustion. The cause of avian injuries and fatalities at commercial-scale PV solar projects are being evaluated by the USFWS, CDFW, and others. The Project is located within the Pacific Flyway and is located between the Salton Sea (40 miles southwest) and the Colorado River (50 miles east), both of which provide stopover habitat for migratory birds. The Draft EIR cites a collection of fatality monitoring studies at PV solar facilities in three bird conservation regions in California and Nevada (Kosciuch et al., 2020). The studies showed that the highest percentage of fatalities at solar facilities were common species. While some carcasses of water-associated birds and water-obligate birds have been found at solar facilities in the Sonoran and Mojave deserts, primarily within 60 miles of the Salton Sea, these bird species comprised less than 10 percent of detected fatalities. The carcass of a federally endangered Yuma Ridgway’s rail was found on the Desert Sunlight Solar Project in 2013 (Kagan, 2014). One study suggests that rails, which migrate long-distances primarily at night, may benefit from orienting solar panels more perpendicular to the ground overnight in order to minimize any potential lake effect (Harrity and Conway, 2020) (in addition to any PV heat island effect, as previously discussed in GR-6).

Another study at solar PV facilities in Southern California found that live aquatic birds occurred at solar PV facilities but did not find flocks approaching the sites or landing behavior, which may be expected if aquatic birds across taxa are attracted to the solar sites (Kosciuch, 2021). The study showed that aquatic birds were infrequently observed at desert scrub and grassland study sites and showed no evidence of landing attempts and circling behaviors. The study site in agricultural habitat had higher aquatic bird detections, however this site was located in a landscape that had been altered by irrigation and farming. Aquatic bird detections were made at the studied solar PV facilities and in irrigated agricultural reference areas, but not in reference desert scrub and grassland habitats, suggesting that there could be a mechanism of attraction for aquatic birds to PV and perceived water sources in desert environments. However, the study concluded that there is limited evidence of aquatic birds being broadly attracted to

solar PV facilities. Rather, the findings suggest that attraction is likely a nuanced phenomenon that is species-specific and context-dependent; not a constant signal of water to all aquatic birds (Kosciuch et al. 2021). The specific causes of attraction to PV solar facilities and the conditions for such occurrences remain unclear, and additional studies are being conducted.

A California Energy Commission (CEC) study (2024) investigated the lake effect hypothesis by simulating visual cues birds use to locate water bodies. Imagery of two solar panels showed that they polarize light in a way that mimics natural water bodies from a range of angles, elevations, and distances that birds would experience. The report concludes that, in combination with mortalities of water-obligate species at solar sites, the results are consistent with an operational "lake effect" on bird species at arid solar facilities; however, the study concludes that lake effect is likely a complex process subject to species type, condition of the individual, behavioral motivation, extrinsic conditions, and geometry of the individual's location with respect to the sun and PV panels (CEC, 2024). In addition, the CEC study noted that thin-film panels—such as those proposed for use at the Easley Project -- likely are not as attractive to birds flying north and that thin-film panels therefore may reduce exposure to lake-effect related collisions during spring migration.

The lake effect hypothesis was developed based on data from a single PV solar facility, Desert Sunlight, and it was unclear whether the presence of aquatic bird carcasses was unique to the Desert Sunlight facility or a widespread pattern in utility-scale solar energy projects. Bird fatality data from Desert Sunlight has been presented in several studies and is noted for the high numbers of aquatic bird carcasses (Kagan et al., 2014; Walston et al., 2016; Kosciuch et al., 2020). However, Desert Sunlight, developed in 2015 in Riverside County, California, differs from development methods used for modern PV solar facilities, such as the proposed Easley Project. Most notably, Desert Sunlight uses fixed-tilt panels without anti-reflective coating, which could cause the panels to look like water when viewed from above. Unlike Desert Sunlight, most modern solar PV facilities (including the proposed Easley Project) use single axis tracking technology, which allows the panels to tilt in accordance with the angle of the sun, and use panels with anti-reflective coating. Single axis tracking technology and anti-reflective coatings reduce glint and glare reflected by the panels and allow panels to absorb more light, as opposed to reflect it.

Recent studies in the southwestern U.S and Alberta, Canada have shown that the patterns of avian mortality observed at Desert Sunlight have not been observed at other facilities (Kosciuch et al. 2021, Kosciuch et al. 2022). In fact, fatality patterns at Desert Sunlight have not been seen at any other PV solar facility with available monitoring data. It is likely that the use of single-axis tracker panels with anti-reflective coating has largely reduced collision risk for birds.

Argonne National Laboratory is completing a study at seven PV solar facilities in four regions in the U.S. by installing cameras to monitor bird activity. The camera system has documented 17,608 instances of bird activities in and around solar PV facilities but has recorded zero collision events (Hamada et al. 2024). Birds were observed flying above, flying through, and perching on solar panels during the study, but not colliding with panels, supporting conclusions from the fatality monitoring studies that collisions are rare.

The Easley Project would use thin-film panels with anti-reflective coating, the panels would be mounted on a tracking system, and panels would be stowed at max tilt overnight, all of which have been shown to reduce risk of any "lake effect". Similarly, as required in MM BIO-8 in EIR Section 3.5.7, the BBCS will conform with guidelines recommended by the USFWS and the Project will be constructed and operated in accordance with its requirements to minimize impacts to avian species. The BBCS will identify potential hazards to birds and bats during construction and O&M. The Plan will specify measures to recognize, minimize, and avoid hazards, including collision, and describes procedures for reporting and handling dead or injured wildlife. The plan requires provisions for adaptive management to detect and evaluate Project related 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, which may include implementing additional mortality monitoring, installing bird deterrents, or adjusting overnight orientation/tilt of solar panels.

2.8 General Response GR-8: Alternatives

2.8.1 Natural Buffer Setback

Commenters suggest an alternative where all infrastructure and photovoltaic (PV) panels would only be permitted to be installed at a minimum distance of approximately 1 mile from the borders of the current and future expansion area of the Lake Tamarisk Desert Resort. The commenters state that PV panels lost by this setback could be placed on lands east of State Route 177 or the project would generate and store 20% to 25% less renewable energy. Lands for potential solar development that could replace the buffer area acreage lost are discussed in Appendix DD, Section 2.8.4 below.

The requested minimum 1-mile setback, in addition to berms and a relocated substation, have been analyzed in the PRDEIR and Final EIR under Alternative C (Further Reduced Footprint Alternative with Berms), as is described in EIR Section 2.8.

The lands closest to the Lake Tamarisk Desert Resort and within the minimum 1-mile buffer area are almost entirely public lands administered by the BLM and these lands are within a Development Focus Area (DFA) designated by the DRECP LUPA (2016). The DRECP amended the California Desert Conservation Area (CDCA) Plan to allow for development of solar energy generation and appurtenant facilities on public lands in this specific area as part of a DFA (see Figure 2-4, East Riverside Solar Projects & DRECP Context, in EIR Appendix A). Consistent with the DFA definition, the Project area has been designated under Federal Land Policy Management Act (FLPMA) as suitable for renewable energy development and energy accessory uses.

As part of the FLPMA, Congress designated the 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 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.

Solar projects in a DFA that comply with Conservation and Management Actions (CMAs) specified in the DRECP LUPA are allowable uses of public lands.

Several commenters suggested that the solar energy output of the Project could be reduced and made reference to smaller solar projects in the surrounding area, such as the proposed Sapphire Solar Project and existing Desert Harvest Solar Project. 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 proposing to interconnect at 230 kV via a line tap into EDF's existing Desert Harvest 230 kV gen-tie line, which would require construction of less than 2 miles of 230 kV gen-tie line for the Sapphire Project. Both a 230 kV interconnection and a short gen-tie greatly reduce interconnection costs for Sapphire, as compared to Easley, and affect project economics. Likewise, the existing Desert Harvest Solar Project connects into the Red Bluff Substation at 230 kV.

The Easley Project does not have the option to utilize a 230 kV interconnection because there are no 230 kV (or lower) interconnection positions available at the Red Bluff Substation. The only available interconnection position at Red Bluff is 500 kV and the Easley Project was therefore studied by the California Independent Systems Operator (CAISO) at 500 kV and must interconnect at 500 kV.

Infrastructure and interconnection at 500 kV are much more expensive than for 230 kV or other, lower interconnection voltages. Given the distance of the Easley Project from SCE Red Bluff Substation, the Project also requires a longer gen-tie line (approximately 7 miles), as compared to the Sapphire Project's 2-mile gen-tie line. Given the higher costs that result from a 500 kV interconnection and a longer gen-tie line, the Easley Project must have a large capacity to achieve the economies of scale required to support these high interconnection costs. Reducing the overall output of the Project also would not translate into a proportional reduction in the cost of construction, given the high costs associated with the Project's 500 kV interconnection (which would not be reduced for a smaller project) and start-up of construction, which would apply equally to a reduced project and the proposed Project. Thus, the average costs for a reduced project would be higher than for the Project, requiring increased energy prices to cover the higher average costs.

Reducing the output of the project also does not help achieve the state's greenhouse reduction goals to the same extent as the Proposed Project. Nor would it provide the same tax revenues, create the same number of job hours, or meet other project objectives to the same extent as the Proposed Project. See the analysis of Alternative C in the PRDEIR and Final EIR under Alternative C (Further Reduced Footprint Alternative with Berms), as is described in EIR Section 2.8, for further discussion of a reduced project alternative.

2.8.2 Vegetative Screening

Several commenters suggest planting vegetative screening, such as tamarisk trees, on unspecified private land. The commenters request that trees be established, cared for, and trimmed to a height that does not block the Bajada slopes of the Chuckwalla Valley while hiding the entire project from the view of the Lake Tamarisk Desert Resort. The commenters state that tamarisk trees have been successfully established along berms and fish farms in this region for many decades.

Tamarisk, also known as saltcedar, is an invasive plant species that competes against and displaces native wildlife-feeding plants. Tamarisk has the highest California Invasive Plant Council (Cal-IPC) invasiveness ranking and is listed as a California Code of Regulations section 4500, CA State Noxious Weed. Tamarisk consumes high levels of groundwater at fast rates due to its long roots tapping into underground aquifers, and it creates a saline, infertile soil for most other vegetation. Furthermore, wildlife is typically averse to inhabiting areas dense with tamarisk, and it is not a food source for plant-feeding wildlife. Finally, tamarisk is readily flammable, so is considered a fire hazard. For these reasons, tamarisk would not be recommended for vegetative screening.

Another option for vegetative screening could include transplant of existing large trees on site. Specifically, ironwood and palo verde trees would be best for screening, however, these plants would not transplant well, because of their deep tap roots. Palo verde, ironwood, and desert willow trees occur in the Project area and could be purchased as container plants since they grow quickly and spread fast. Honey mesquite, suggested by commenters, would require much more water than ironwood and palo verde, so would not be recommended for planting. Although mesquite, ironwood, and palo verde all require that their roots have access to moisture, ironwood and palo verde require only that their tap roots be close to the water table, whereas mesquite requires that its roots be deeper (at the water table).

Salvaged ocotillos would be tall, however, they would not provide much screening since the ocotillo plant does not spread its branches/foliage the way ironwoods and palo verde trees do, and there are not enough individual ocotillo plants onsite to make a substantial screening difference. Survivability also would depend on the intactness of the root ball during salvage.

Vegetative screening would be most effective if planted in close proximity to viewing locations (residences) at the Lake Tamarisk Desert Resort. However, there are three challenges to this screening strategy. The

first challenge is that the Applicant does not have site control to plant offsite vegetation at the Lake Tamarisk Desert Resort without landowner coordination. Secondly, screening vegetation would require an ongoing commitment and access to irrigation in order to maximize the likelihood of success in the arid desert environment. The third challenge is the practicality of managing the height of vegetation such that it blocks views of the Project without compromising views of the Bajada slopes of Chuckwalla Valley. From the valley floor perspective of most Lake Tamarisk Desert Resort views, the elevation of the Project would appear in the distance, at or close to the base of the various alluvial fans emanating from the surrounding mountains. Therefore, if screening vegetation reaches sufficient height to effectively screen the Project from Lake Tamarisk community views, it would almost certainly begin to immediately encroach into the sightlines of the Bajada slopes.

As provided in EIR Section 3.2 (Aesthetics), the Project's visible contrast associated with temporary ground disturbance and vegetation removal can be reduced to levels that would be less than significant through the implementation of Mitigation Measure (MM) BIO-5 (Vegetation Resources Management Plan), which would include revegetation of temporarily disturbed areas to minimize dust and erosion and to improve post-construction habitat values. In addition, Applicant Proposed Measures (APMs) and mitigation measures to address potential visual resources impacts identified in the EIR include: APM VIS-1 (Weathering Coating of Security Fencing), MM AQ-1 (Fugitive Dust Control Plan), MM AES-1 (Surface Treatment of Project Structures and Buildings), MM AES-2 (Project Design), MM AES-3 (Night Lighting Management).

As discussed above, planting new trees for additional visual screening would have high maintenance and watering requirements with no guarantee of survival or effectiveness in screening the Project while ensuring view of the Bajadas. In addition, the Applicant does not have control over the planting or maintenance of offsite vegetation or vegetation on private land in the Lake Tamarisk Desert Resort, where visual screening would be most effective. Therefore, vegetative screening in addition to the EIR APM and mitigation measures recommended to address visual impacts are not included in the EIR.

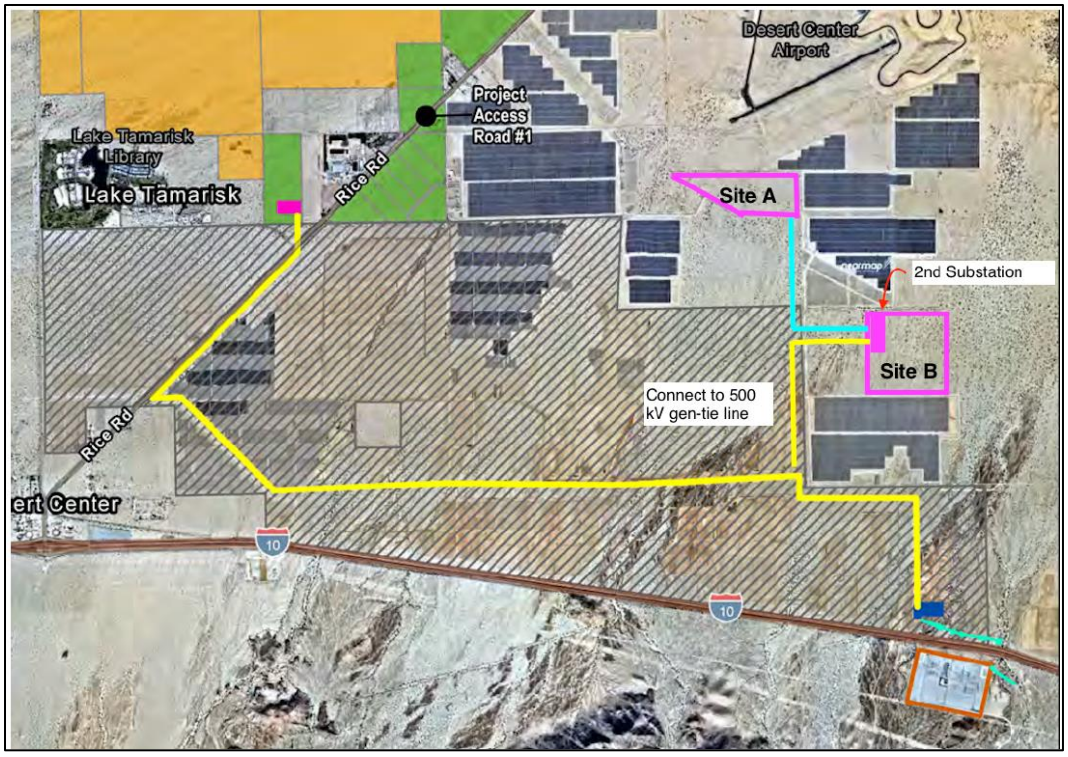
2.8.4 Alternatives East of State Route 177/Rice Road

Several commenters requested consideration of alternatives east of State Route 177/Rice Road, including installation of solar panels on lands that were included in the Applicant's original application to BLM and east of the proposed Lycan Project. These additional solar areas are suggested by commenters in order to replace the solar panels lost under Alternative C, Further Reduced Footprint Alternative with Berms.

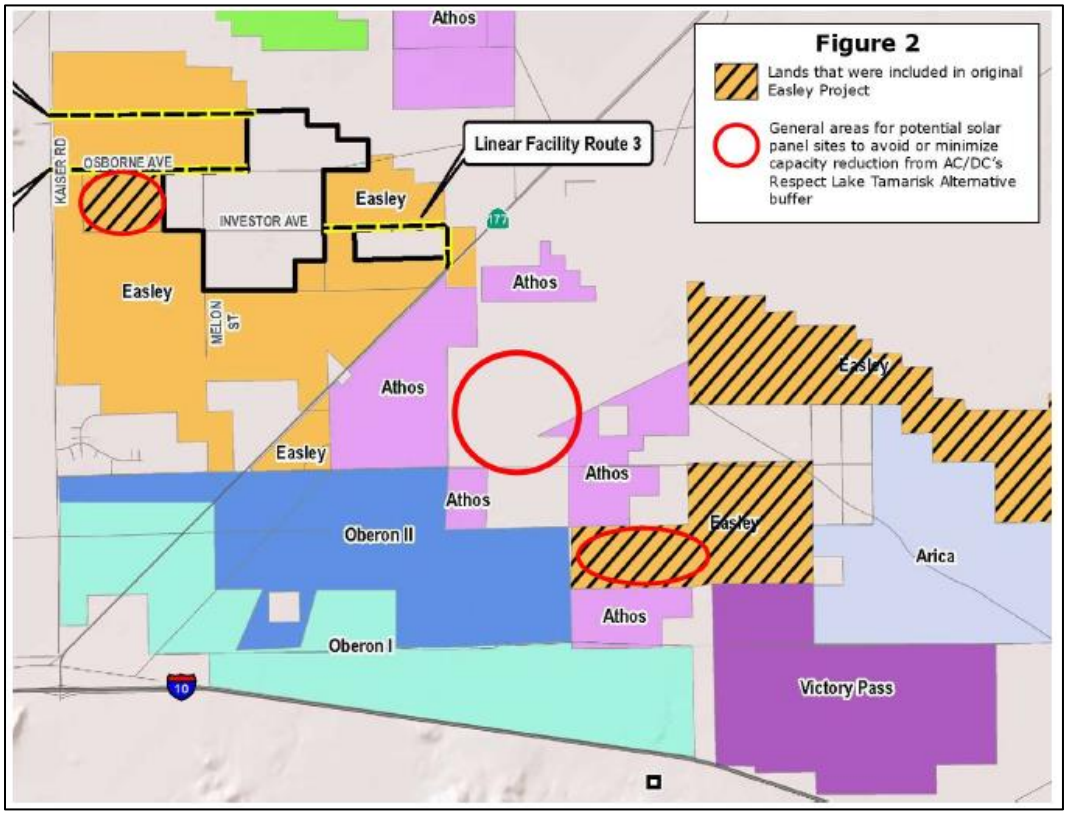
Suggested Alternative Sites

Commenters suggested four alternative locations for solar field development, including: Site B, Site A, "West of Rice Road," and the "East of Lycan" site. Each is described below.

For instance, Comments D11-4 (Bob Brooks) and B6-3 (Morongo Basin Conservation Association) include the figure below, which labels Site A and Site B. Comments PRB11-33 and PRB11-90 (Active Communities/ Desert Center) also discuss consideration of these sites.



Comment B9-58 (Angel Law on behalf of Active Communities/Desert Center) includes "Figure 2" that shows similar areas of potential development, plus an additional area west of State Route 177/Rice Road that was within Easley's original BLM application area.



"Site B" was suggested by several commenters (e.g., see Comment D11-4) and is located on approximately 150 acres of BLM-administered land between two areas of solar development of the Athos Renewable Energy Project. Site B was surveyed as part of the original Easley Project, but was removed from consideration due to the existence of large swaths of desert dry wash (microphyll) woodland habitat present across a large portion of the site, which, with implementation of the DRECP CMA required 200-ft buffer, would have made the majority of the site unusable. Lands in the vicinity of Site B have been included in the Offsite Alternative (Alternative D), which is described in Section 2.8.5 and fully analyzed in Chapter 5 of the Partially Recirculated Draft EIR.

Desert dry wash microphyll woodland is classified under the Desert Renewable Energy Project (DRECP) Land Use Plan Amendment (LUPA) as Semi-Desert Wash Woodland/Scrub areas. These microphyll woodland areas are addressed in three DRECP Conservation and Management Actions (CMAs). CMA LUPA-BIO-SVF-6 requires that impacts to microphyll woodland be avoided, except for minor incursions.[2] CMA LUPA-BIO-3 requires that resource setbacks be observed to avoid and minimize the adverse effects to specific biological resources. CMA LUPA-BIO-RIPWET-1 specifies a 200-foot setback for Sonoran-Coloradan Semi-Desert Wash Woodland/Scrub areas, measured from the edge of the mapped vegetation community, and requires that such woodland areas be avoided to the maximum extent practicable, except for minor incursions. Compliance with the DRECP CMAs would therefore restrict development in desert dry wash woodland and its buffer areas except for minor incursions. As a result, at least 107 acres of Site B is undevelopable due to the presence of desert dry wash woodland habitat and the DRECP-required 200-foot buffer. Thus, only approximately 43 acres of Site B could be used for solar panels, which would not replace the full amount of land (530 acres) or capacity lost under Alternative C. As a result, developing panels would result in a reduced project alternative similar to Alternative C, which is analyzed fully in the PRDEIR. As described in PRDEIR Section 5, such an alternative would not achieve the Project Objectives to the same extent as the Project.

Additionally, the electricity generated from any panels on Site B would be at medium voltage and would need to be stepped up to 500 kV to be transmitted to the grid. This would not be technically feasible because no remaining step-up transformer capacity exists at the Oberon Substation, and any additional modifications to the Oberon footprint or substation would require an amendment to the Oberon project's BLM ROW grant. Similarly, the route for the medium voltage 34.5 kV lines from Site B to the Oberon Substation would not be technically feasible due to existing solar panels on the Oberon and Athos solar facility sites. Routing the lines to the open space farther west would require trenching to install the lines parallel to and through the major desert dry wash woodland corridor and wash area preserved on the Oberon site. Routing the lines to the east of the existing Athos Project would also place the underground lines within undisturbed desert dry wash woodland. Underground MV lines of this length also could result in additional cultural and tribal cultural impacts. In addition, a search of the BLM land management database shows that there are several encumbrances in the area, including linear rights-of-way such as gen-tie lines.

While step-up transformer capacity could be built at the Easley substation, medium voltage lines from this location could not be routed to the Easley substation due to existing intervening infrastructure and encumbrances, as well as lack of a contiguous site control path.

"Site A" is also suggested to be located on BLM-administered land south of the Desert Center Airport and surrounded by the existing Athos Project. As with Site B, approximately 44 acres of the 88-acre site would

[2] The DRECP Glossary of Terms defines "minor incursion" as small-scale allowable impacts to sensitive resources, as per specific CMAs, that do not individually or cumulatively compromise the conservation objectives of that resource or rise to a level of significance that warrants development and application of more rigorous CMAs or a DRECP LUPA amendment. Minor incursions may be allowed to prevent or minimize greater resource impacts from an alternative approach to the activity. Not all minor incursions are considered unavoidable impacts.

be undevelopable due to the presence of desert dry wash woodland habitat and the DRECP-required 200-foot buffer. Thus, Site A would not replace the full amount of land (530 acres) or capacity lost under Alternative C. As a result, developing panels on Site A (alone or in combination with Site B) would result in a reduced project alternative similar to Alternative C, which is analyzed fully in the PRDEIR. As described in PRDEIR Section 5, such an alternative would not achieve the Project Objectives to the same extent as the Project. Site A would also face the same technical barriers to routing and stepping up the medium voltage collector lines from this location. There are also several existing encumbrances across the site.

Site Option West of State Route 177/Rice Road is located on private land that is a currently operating fish farm called Lakeview Ranch. The Applicant was unable to obtain site control from the landowner. The remaining private parcels located east of the suggested area were considered by the Applicant (see Figure 2-15) but these parcels are part of the Sapphire Solar Project currently under environmental review by Riverside County and BLM.

East of Lycan Solar Project. Commenters also suggest consideration of alternative sites east of the Lycan Project or on other undeveloped lands surrounding the Lycan Project. This option is described in Section 2.9.1 of the Partially Recirculated Draft EIR and would not be feasible because, as shown on Figure 2-4 in EIR Appendix A, the lands surrounding the proposed Lycan Project are not designated as DFA in the DRECP LUPA. These lands are within the Palen Ford Area of Critical Environmental Concern (ACEC) and the Chuckwalla ACEC, both of which preclude development of solar facilities. In addition, a site east of the Lycan Project would require an additional or relocated 500 kV gen-tie line that would be over 20 miles long, which would create significant visual impacts along the Interstate 10 corridor and would be cost prohibitive.

EIR Offsite Alternatives

Alternative D (Offsite Alternative), fully analyzed in the Partially Recirculated Draft EIR, includes lands that were included in the original Easley Project application to BLM (see Figure 2-16 in EIR Appendix A).

More generally, EIR Section 2.9 describes the additional private and federal lands that were considered as alternatives to the proposed Project and explains why they were eliminated from full consideration. The EIR concludes that an alternative site elsewhere on private or BLM-managed lands would not present significant environmental advantages over the proposed Project and presents potential feasibility issues associated with the Applicant's lack of site control.

Development in DRECP Development Focus Areas

Several comments also suggested that there is additional land available for development within DRECP DFA areas further east, which should be used rather than land near the Lake Tamarisk Desert Resort.

The East Riverside DFA where the Easley Project is located is within a DFA that BLM identified for potential renewable energy development under DRECP LUPA, and renewable energy development has been concentrated in this target area. DFA land in eastern Riverside County (covering ~148,000 acres, or about 38 percent of total DFA land in the CDCA) is the most economic and environmentally logical for solar development, which is evident based on the large number of solar generation projects and applications in that area.

Development in other as-yet undeveloped DFAs defined in the DRECP is limited by environmental constraints (e.g., North of Kramer Junction, there is Mohave ground squirrel habitat that currently prevents development), lack of proximity to transmission with capacity to carry additional power (e.g., the Trona area east of Ridgecrest), and military operations (parts of Imperial County).

Within the Riverside East DFA, a range of environmental constraints limit development on the remaining available ("undeveloped and uncommitted") acreage. These include presence of desert dry wash woodland and DRECP-required setback areas, hydrologic risks (100-year flow depth of 4 feet or greater), presence of State jurisdictional waters, BLM-designated utility corridors, a major sand transport corridor with both protected species and engineering challenges, and multi-species linkage corridors, among other constraints.

An EIR's discussion of alternatives need not include alternatives that do not offer significant environmental advantages in comparison with the project or with the alternatives that are presented in the EIR. (14 Cal Code Regs §15126.6(b); *Tracy First v City of Tracy* (2009) 177 Cal.App.4th 912, 929.) Thus, the Federal Land Alternative on BLM-managed lands farther from the community of Lake Tamarisk Desert Resort is considered and eliminated from detailed analysis in Section 2.9.1 of the EIR.

Additionally, Section 5 of the EIR analyzes in full Alternative D, Offsite Alternative. Because the EIR analyzes a reasonable range of alternatives, further discussion of potential alternative sites in the East Riverside DFA is not required. An EIR need not include multiple variations on the alternatives that it does consider. When the relative advantages and disadvantages of other alternatives can be assessed from a review of the alternatives presented in an EIR, the EIR is not defective for not discussing variations on each theme. (*Village Laguna of Laguna Beach, Inc. v Board of Supervisors* (1982) 134 CA3d 1022; *see also Saltonstall v City of Sacramento* (2015) 234 CA4th 549, 577 (EIR not required to study alternative that would have impacts similar to another alternative that was studied in EIR when no substantial additional environmental information would have been revealed); *Town of Atherton v California High-Speed Rail Auth.* (2014) 228 CA4th 314, 356 (EIR not required to evaluate additional alternative routes similar to those evaluated in EIR); *Mira Mar Mobile Community v City of Oceanside* (2004) 119 CA4th 477, 491 (EIR need not consider in detail every conceivable variation of alternatives stated); *Residents Ad Hoc Stadium Comm. v Board of Trustees* (1979) 89 CA3d 274, 287 (same).)

3. COMMENT LETTERS AND RESPONSES TO COMMENTS ON ORIGINAL DRAFT EIR

3.1 Agencies

Comment Set A1 – South Coast Air Quality Management District

South Coast Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL: March 8, 2024
TWheeler@rivco.org
Tim Wheeler, Project Planner
Riverside County, Planning Department
4080 Lemon Street, 12th Floor.
Riverside, CA 92501

Draft Environmental Impact Report (EIR) for the IP Easley Renewable Energy Project (Proposed Project)

A1-1

The South Coast Air Quality Management District (South Coast AQMD) appreciates the opportunity to review the above-mentioned document. Riverside County is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. To provide context, South Coast AQMD staff (Staff) has provided a brief summary of the project information and prepared the following comments.

South Coast AQMD's Summary of Project Information in the Draft EIR

Based on the Draft EIR, the Proposed Project consists of construction, operation, and decommissioning of a utility-scale solar photovoltaic (PV) electrical generating and storage facility and associated infrastructure.[1] The Proposed Project, located approximately two miles north of Desert Center in Riverside County, California on approximately 3,735 acres of private and Bureau of Land Management-administered land, will generate and deliver renewable electricity to the statewide electricity transmission grid.[2] Specifically, major components of the aforementioned includes the construction of: 1) a solar array field composed of PV panels; 2) power conversion stations; 3) interior collection power lines (underground or overhead); 4) one to two onsite substation yards; 5) one operation and maintenance building; 6) electrical distribution line (underground or overhead) to supply electricity to the Proposed Project site from the existing Southern California Edison distribution system adjacent to the site; 7) telecommunication facilities to allow remote monitoring of facility operation and/or remote control of critical components; 8) meteorological data collection system; 9) a battery energy storage system; 10) approximately 6.7 miles of gen-tie line; and 11) upgrades to another project's substation within its fence line to accommodate interconnection of the Proposed Project's gen-tie line.[3] During operation of the Proposed Project, standby power would be provided by a 61 hp diesel-fueled backup generator.[4] Sensitive receptors in the Lake Tamarisk community are located adjacent to the southwestern-

[1] Draft EIR. Description of the Proposed Project and Alternatives. Page 2-1.
[2] *Ibid*. Executive Summary. Page ES-3.
[3] *Ibid*. Executive Summary. Page ES-3 through ES-4.
[4] *Ibid*. Appendix J. Air Quality Emissions Report. PDF page 85.

1

Comment Set A1 – South Coast Air Quality Management District (continued)

most parcels of the Proposed Project.[5] Construction is anticipated to commence in March 2025, last approximatly 20 months, and be completed by November 2026.[6]

A1-1 (cont'd)

South Coast AQMD Comments

Mobile Source Emissions: Inconsistencies in Truck Trip Lengths and Vehicle Miles Traveled (VMT)

The Proposed Project's truck trip lengths and VMT used for construction truck emission calculations are inconsistent in multiple locations within the Draft EIR. For instance:

- Page 2-18 of the Draft EIR states, "Materials deliveries during construction would travel up to **150 miles one way** from sources to the Project site." It also states, "an estimated **80 round trips per day** would be required to deliver materials and equipment to the Project site."
- Page 5 of Appendix J states that some material, such as concrete, may be brought over from Blythe by truck (which is approximately a **60-mile one-way trip length**)
- Page 39 of Appendix J has Vendor/Hauling trip counts as **80 one-way trips per day**. 80 round trips per day, however, as mentioned on Page 2-18 of the Draft EIR, equals **160 one-way trips**.
- Page 99 of Appendix J (CalEEMod output files) has Vendor and Hauling Trip Lengths as **60 miles**. Also, the **Vendor Trip Number is stated as 80**.

Thus, the parameters used for the CalEEMod calculations result in an underestimation of the construction truck emissions. Staff recommends: 1) reconciling such inconsistencies in truck trip lengths and VMT; 2) updating the CalEEMod mobile source emission calculations for regional and localized impacts; and 3) including the revised results in the Final EIR.

Air Quality Mitigation Measure for NOx Emissions from Construction

A1-2

The air quality analysis in the Draft EIR concludes that the Proposed Project's nitrogen oxides (NOx) regional construction emissions would be less than significant after mitigation, as follows:[7]

- 182.17 lbs/day of NOx before mitigation
- 99.42 lbs/day of NOx after mitigation
- 100 lbs/day = South Coast AQMD's CEQA NOx regional mass daily threshold[8]

Further, the mitigated NOx regional construction emissions are just below the NOx threshold, by approximately 0.58 lbs/day, because the CalEEMod modeling files in Appendix J assumed that all

[5] Draft EIR. Appendix J. Air Quality Emissions Report. Page 4.
[6] *Ibid*. Appendix J. Air Quality Emissions Report. PDF page 96 through 97.
[7] *Ibid*. Air Quality. Page 3.4-10.
[8] South Coast AQMD CEQA Air Quality Significance Thresholds. Accessed here: https://www.aqmd.gov/docs/default-source/ceqa/handbook/south-coast-aqmd-air-quality-significance-thresholds.pdf

Comment Set A1 – South Coast Air Quality Management District (continued)

construction off-road equipment rated greater than 50 hp will be equipped with Tier 4 engines as mitigation without any supporting justification as to how this will be accomplished.[9] As a practical matter, varying inventories of construction equipment make it unlikely that Tier 4 engines will be available on all construction off-road equipment rated greater than 50 hp. Thus, the assumed reliance on all Tier 4 engines for construction off-road equipment greater than 50 hp provides a greater mitigation benefit in the calculations, which overestimated the amount of mitigated NOx emissions than what would be expected to occur on the construction site.

A1-2 (cont'd)

Moreover, the assumed reliance on 100 percent of Tier 4 construction equipment contradicts one of the Proposed Project's air quality mitigation measures, MM AQ-2, which states that, "All construction diesel engines… with a rating at 50 hp or higher shall meet the Tier 4 California Emission Standards for Off-Road Compression-Ignition Engines….unless a good faith effort demonstrates that such engine is not available for a particular item of equipment. In the event that a Tier 4 engine is not available for any off-road equipment larger than 50 hp, a Tier 3 engine shall be used or that equipment shall be equipped with retrofit controls to reduce exhaust emissions of nitrogen oxide… and diesel particulate matter… to no more than Tier 3 levels unless certified by the engine manufactures that the use of such devices is not practical for specific engine types."[10]

Due to the possible use of Tier 3 construction equipment, Staff recommends: 1) consulting one or more construction equipment suppliers and obtaining quotes detailing the availability of the various Tier 4 and Tier 3 construction equipment for the project and revising the CalEEMod calculations for the mitigated regional construction emissions accordingly; and 2) including the revised results in the Final EIR.

South Coast AQMD Air Permits and Role as a Responsible Agency

A1-3

If implementation of the Proposed Project would require the use of new stationary and portable sources, including but not limited to emergency generators, fire water pumps, boilers, etc., air permits from South Coast AQMD will be required. It is important to note that when air permits from South Coast AQMD are required, the role of South Coast AQMD would change from a Commenting Agency to a Responsible Agency under CEQA. In addition, if South Coast AQMD is identified as a Responsible Agency, per CEQA Guidelines Sections 15086, the Lead Agency is required to consult with South Coast AQMD.

CEQA Guidelines Section 15096 sets forth specific procedures for a Responsible Agency, including making a decision on the adequacy of the CEQA document for use as part of the process for conducting a review of the Proposed Project and issuing discretionary approvals. Moreover, if a Responsible Agency determines that a CEQA document is not adequate to rely upon for its discretionary approvals, the Responsible Agency must take further actions listed in CEQA Guideline Section 15096(e), which could have the effect of delaying the implementation of the Proposed Project. In its role as CEQA Responsible Agency, the South Coast AQMD is obligated to ensure that the CEQA document prepared for this Proposed Project contains a sufficient project description and analysis to be relied upon in order to issue any discretionary approvals that may be needed for air permits. South Coast AQMD is concerned that the project analysis in its current form in the Draft EIR is inadequate to be relied upon for this purpose.

[9] Draft EIR. Appendix J. Air Quality Emissions Report. PDF page 88 & 89.
[10] *Ibid.* Air Quality. Page 3.4-17.

Comment Set A1 – South Coast Air Quality Management District (continued)

Tim Wheeler, Project Planner March 8, 2024

A1-3 (cont'd)

For these reasons, the final CEQA document should be revised to include a discussion about any and all new stationary and portable equipment requiring South Coast AQMD air permits, provide the evaluation of their air quality and greenhouse gas impacts, and identify South Coast AQMD as a Responsible Agency for the Proposed Project as this information will be relied upon as the basis for the permit conditions and emission limits for the air permit(s). Please contact South Coast AQMD's Engineering and Permitting staff at (909) 396-3385 for questions regarding what types of equipment would require air permits. For more general information on permits, please visit South Coast AQMD's webpage at http://www.aqmd.gov/home/permits.

Conclusion

As set forth in California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(a-b), the Lead Agency shall evaluate comments from public agencies on the environmental issues and prepare a written response at least 10 days prior to certifying the Final EIR. As such, please provide South Coast AQMD written responses to all comments contained herein at least 10 days prior to the certification of the Final EIR. In addition, as provided by CEQA Guidelines Section 15088(c), if the Lead Agency's position is at variance with recommendations provided in this comment letter, detailed reasons supported by substantial evidence in the record to explain why specific comments and suggestions are not accepted must be provided.

Thank you for the opportunity to provide comments. South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Evelyn Aguilar, Air Quality Specialist, at eaguilar@aqmd.gov should you have any questions.

Sincerely,

Sam Wang

Sam Wang
Program Supervisor, CEQA IGR
Planning, Rule Development & Implementation

BR:SW:EA
RVC240201-05
Control Number

4

Responses to Comment Set A1 – South Coast Air Quality Management District

A1-1 The comment reviews the Project Description and concerns the quantification of mobile sources during construction in EIR Section 3.4, Air Quality. The comment specifically focuses on trip lengths and the vehicle-miles traveled (VMT) for the "vendor" and "hauling" on-road vehicle classes. As noted by the comment, the emissions estimates for all on-road vehicles, including trucks, are derived from the use of CalEEMod, with CalEEMod Output results presented in EIR Appendix J (Air Quality Emissions Report).

Emissions reflect delivery trucks at a daily trip generation rate of 120 per day or 60 round trips. This level of activity is shown in the emissions calculations of EIR Appendix J by the overlapping sums of vendor trips during the "PV System" (80 trips) and "Electrical" (40 trips) phases (pp. 59, 99, and 134 of PDF file, Appendix J). Additional hauling trucks are also included in CalEEMod in the heavy-heavy-duty truck (HHDT) classification. Because field conditions are variable and schedules are changeable, the number of trucks on any given day would vary with the different phases of construction activities. Final EIR Section 2 (Project Description), Section 3.4 (Air Quality), and Section 3.18 (Traffic and Transportation) include clarifications to demonstrate that the Project would not be likely to generate more than 60 truck round trips per day.

The basis of 60 truck round trips daily is drawn from the Traffic Impact Study, EIR Appendix H, which identifies up to 160 delivery truck trips per day (80 roundtrips) for the development of the Easley Project in a prior design with a generating capacity of up to 650 MW. Because the EIR analysis is for a solar PV generating capacity of 400 MW compared with the prior 650 MW design, the emission calculations reflect a proportionally lower level of peak day trip generation.

Regional emissions are based on 60 miles of average travel for all one-way trips. This is a reasonable overall average trip length representing typical travel to population centers in Blythe or Indio. For comparison, 16.8 miles is the default average home-to-work trip length for rural projects in the Mojave Desert Air Basin, according to Appendix D of the CalEEMod User's Guide (CAPCOA 2021).

An average trip length of 60 miles captures on-road vehicles traveling through or from the adjacent air basins and the jurisdiction of the Mojave Desert Air Quality Management District. An average of 60 miles for all trips is reasonable given the trip distribution assumptions in the Traffic Impact Study. According to the Traffic Impact Study Report (EIR Appendix H), 60 percent of the construction traffic trip distribution would occur from the west, and 40 percent of construction traffic would occur from the east. For the 60 percent traveling from the west and the Salton Sea Air Basin, vehicles would travel about 84 miles within either the Project's air basin (Mojave Desert Air Basin) or the Salton Sea Air Basin. For the 40 percent traveling towards the jurisdiction of the Mojave Desert Air Quality Management District, the vehicle would travel about 25 miles before exiting SCAQMD. This quantifies the emissions from all trips in the SCAQMD portions of the Project's air basin (Mojave Desert Air Basin) and the Salton Sea Air Basin (60.4 miles = 0.6 * 84 miles + 0.4 * 25 miles).

The emission calculations would not result in an underestimation of construction truck emissions because actual trip lengths would vary greatly. While some travel beyond this distance could be necessary for materials and equipment deliveries, use of this average trip length is appropriate because most vehicle activity would occur near the site. Use of a conservative average trip length is reasonable and not inconsistent with the statement that some vehicles would travel a greater than average distance.

The level of emissions from the fraction of trips that are longer-than average and extend beyond the Salton Sea Air Basin would be small compared with those that occur inside the Project's air

basin. Because the mobile source emissions estimates include level of travel from the Project area into the Salton Sea Air Basin, the EIR conservatively overstates the quantity of emissions in the Mojave Desert Air Basin. Some travel attributable to longer-than-average trips would not be expected to substantially increase criteria air pollutant emissions in other air basins because of the low number of such trips expected to occur.

A1-2 The comment concerns regional emissions of NOx during construction as quantified in EIR Section 3.4 and the potential effectiveness of mitigation that requires the use of equipment meeting Tier 4 standards (MM AQ-2). This mitigation measure would be implemented through provisions included in construction contracts when selecting a construction contractor. Previous utility-scale solar projects in eastern Riverside County similar to the Easley Project have successfully used the Tier 4 standards as a way of ensuring the newest fleet of off-road equipment would be brought to the site, and MM AQ-2 has been revised to require the Project to utilize equipment meeting Tier 4 standards.

A1-3 The California Public Resources Code and CEQA regulations cited by the commenter are noted. See Responses to Comments A1-1 to A1-3 for written response to the comments submitted by SCAQMD. These responses to comments will be provided to SCAQMD at least 10 days prior to certifying the Final EIR.

The EIR, Section 1.9 and Table 1-2, identifies SCAQMD as one of the responsible agencies in the CEQA process. As noted by SCAQMD, the Project would have a standby power source, anticipated to be a diesel-powered backup generator rated at 45 kilowatts or approximately 61 horsepower. EIR Table 1-2 shows that this stationary source would require an Authority to Construct and Permit to Operate from SCAQMD. This stationary source is included with the emission calculations for the operation phase in EIR Appendix J, specifically Attachment B and Attachment C of the Air Quality Emissions Report. The stationary source emissions for routine testing of this equipment are also summarized for criteria air pollutants in EIR Table 3.4-10 and within the O&M totals for GHG in EIR Table 3.9-1.

Comment Set A2 – Metropolitan Water District of Southern California

Email: Easley Renewable Energy Project

From: Marks,Alexander S <AMarks@mwdh2o.com>
Sent: Wednesday, March 13, 2024 4:47 PM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Subject: NOA/EIR - Easley Renewable Energy Project

Dear Mr. Wheeler -

The Metropolitan Water District of Southern California reviewed the Draft Environmental Impact Report for the Easley Renewable Energy Project proposed by IP Easley, LLC. At this time, we have no specific comments on the DEIR. Please continue to notify Metropolitan about the project and any subsequent reviews or approvals by Riverside County. **A2-1**

We look forward to further coordination from IP Easley, LLC, the project applicant.

Please contact me if you have any questions.

Sincerely,
Alex Marks

Alex Marks, AICP
Senior Environmental Specialist
The Metropolitan Water District
O - (213) 217-7629
C – (714) 514-5802

This communication, together with any attachments or embedded links, is for the sole use of the intended recipient(s) and may contain information that is confidential or legally protected. If you are not the intended recipient, you are hereby notified that any review, disclosure, copying, dissemination, distribution or use of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by return e-mail message and delete the original and all copies of the communication, along with any attachments or embedded links, from your system.

Responses to Comment Set A2 – Metropolitan Water District of Southern California

A2-1 The commenter states that based on review of the Draft EIR, the Metropolitan Water District of Southern California has no specific comments. The commenter's request for notification about the Project and any subsequent reviews or approvals by Riverside County is noted.

3.2 Businesses and Organizations

Comment Set B1 – Coachella Valley Economic Partnership

e!evate DRIVING INNOVATION AND ENTERPRISE cvep

March 8, 2024

Joe J. Wallace
Coachella Valley Economic Partnership
3111 East Tahquitz Canyon Way
Palm Springs, CA 92262

Subject: Endorsement of Intersect Power's Easley Solar Project

Dear Mr. Wheeler,

I write on behalf of the Coachella Valley Economic Partnership to express our support for Intersect Power's Easley Solar Project. We urge you to consider its economic and climate benefits in your review. B1-1

The Easley Solar Project will bring significant economic activity to Riverside County, creating jobs and stimulating local employment opportunities. It will also contribute to the tax revenue base, supporting public services and infrastructure development.

In addressing environmental challenges, projects like Easley Solar play a vital role in promoting a sustainable future. By harnessing clean, renewable energy, this project will help reduce greenhouse gas emissions and position Riverside County as a leader in clean energy.

Intersect Power has shown a strong commitment to community engagement and social responsibility. Their collaboration with local stakeholders reflects their dedication to creating a project that benefits the broader community, including support for local education and workforce development.

We anticipate positive impacts from the Easley Solar Project on our community and hope for its realization as a testament to Riverside County's commitment to innovation and sustainability.

Thank you for your attention to this matter. Feel free to contact us for additional information or assistance.

Sincerely,

Joe J. Wallace

Joe J. Wallace, CEO and Chief Innovation Officer
Coachella Valley Economic Partnership

3111 EAST TAHQUITZ CANYON WAY
PALM SPRINGS, CALIFORNIA 92262
PH: 760.340.1575 • FX: 760.548.0370
WEB: CVEP.COM

Responses to Comment Set B1 – Coachella Valley Economic Partnership

B1-1 The commenter's support for the proposed Project, including its economic and climate change benefits and community engagement, is noted.

Comment Set B2 – Desert Tortoise Council

DESERT TORTOISE COUNCIL
3807 Sierra Highway #6-4514
Acton, CA 93510
www.deserttortoise.org
eac@deserttortoise.org

Via email only

11 March 2024

Riverside County Planning Department
Attn: Tim Wheeler, Project Planner
4080 Lemon Street, 12th Floor
PO Box 1409
Riverside, CA 92502
TWheeler@rivco.org

RE: IP Easley Renewable Energy Project Draft Environmental Impact Report
(CUP 220021/PUP 230002/VAR 230003/DA 2200016/SCH 2022110240)

Dear Mr. Wheeler,

The Desert Tortoise Council (Council) is a non-profit organization comprised of hundreds of professionals and laypersons who share a common concern for wild desert tortoises and a commitment to advancing the public's understanding of desert tortoise species. Established in 1975 to promote conservation of tortoises in the deserts of the southwestern United States and Mexico, the Council routinely provides information and other forms of assistance to individuals, organizations, and regulatory agencies on matters potentially affecting desert tortoises within their geographic ranges. **B2-1**

Both our physical and email addresses are provided above in our letterhead for your use when providing future correspondence to us. When given a choice, we prefer to receive emails for future correspondence, as mail delivered via the U.S. Postal Service may take several days to be delivered. Email is an "environmentally friendlier way" of receiving correspondence and documents rather than "snail mail."

We appreciate this opportunity to provide comments on the above-referenced project. Given the location of the proposed project in habitats used by the Mojave desert tortoise (*Gopherus agassizii*) (synonymous with Agassiz's desert tortoise), our comments include recommendations intended to enhance protection of this species and its habitat during activities authorized by Riverside County (County), which we recommend be added to project terms and conditions in the authorizing document (e.g., issuing a conditional use permit, etc.) as appropriate. Please accept, carefully review, and include in the relevant project file the Council's following comments and attachments for the proposed project.

Comment Set B2 – Desert Tortoise Council (continued)

B2-1 (cont'd)

The Mojave desert tortoise is among the top 50 species on the list of the world's most endangered tortoises and freshwater turtles. The International Union for Conservation of Nature's (IUCN) Species Survival Commission, Tortoise and Freshwater Turtle Specialist Group, now considers the Mojave desert tortoise to be Critically Endangered (Berry et al. 2021), "… based on population reduction (decreasing density), habitat loss of over 80% over three generations (90 years), including past reductions and predicted future declines, as well as the effects of disease (upper respiratory tract disease/mycoplasmosis). *Gopherus agassizii* (sensu stricto) comprises tortoises in the most well-studied 30% of the larger range; this portion of the original range has seen the most human impacts and is where the largest past population losses have been documented. A recent rigorous rangewide population reassessment of *G. agassizii* (sensu stricto) has demonstrated continued adult population and density declines of about 90% over three generations (two in the past and one ongoing) in four of the five *G. agassizii* recovery units and inadequate recruitment with decreasing percentages of juveniles in all five recovery units."

This status, in part, prompted the Council to join Defenders of Wildlife and the Desert Tortoise Preserve Committee (Defenders of Wildlife et al. 2020) to petition the California Fish and Game Commission in March 2020 to elevate the listing of the Mojave desert tortoise from Threatened to Endangered in California. In its status review, the California Department of Fish and Wildlife (CDFW) (2024) stated: "At its public meeting on October 14, 2020, the Commission considered the petition, and based in part on the Department's [CDFW] petition evaluation and recommendation, found sufficient information exists to indicate the petitioned action may be warranted and accepted the petition for consideration. The Commission's decision initiated this status review to inform the Commission's decision on whether the change in status is warranted."

Importantly, in their February 2024 status review, CDFW concluded: **"The Department's recommendation is that uplisting the Mojave Desert Tortoise is warranted."** Receipt of this [status review] report is to be placed on the agenda for the next available meeting [expected in April 2024] of the Commission after delivery [at the February meeting]. At that time, the report will be made available to the public for a 30-day public comment period prior to the Commission taking any action on the petition."

The Council thanks the County for notifying us of the availability of the DEIR for public comment.
.

Description of the Proposed Project and Alternatives

The County analyzed a No Project alternative and two action alternatives in the DEIR.

No Project Alternative: Under this alternative, the construction of the Easley Renewable Energy Project and associated infrastructure would not occur.

Alternative 1, Proposed Project Alternative: IP Easley, LLC (Applicant), is proposing to construct, operate, maintain, and decommission an up to 400-megawatt (MW) solar photovoltaic (PV) electricity generating station and up to 650 MW battery energy storage system (BESS) facility, electrical substation, gen-tie lines and associated access roads on 990 acres of private land and 2,745 acres of land administered by the Bureau of Land Management (BLM) in Riverside County, California (Figure 1). Perimeter fencing would be installed around the boundary of the developed areas using chain-link perimeter fences. Access to the project site would be provided by newly constructed access roads from Highway 177/Rice Road and throughout the interior of the project limits. Ingress/egress would be accessed via locked gates located at multiple points.

Comment Set B2 – Desert Tortoise Council (continued)

B2-1 (cont'd)

A 6.7-mile 500 kilovolt (kV) generation-tie (gen-tie) line would mainly traverse BLM-administered land across the Oberon Renewable Energy Project site and connect into an existing substation on the Oberon Project site, an adjacent solar and energy storage facility owned by Intersect Power. From the Oberon Substation, the power generated by the Easley Project would be transmitted to the electrical grid at the SCE Red Bluff Substation via the existing Oberon 500 kV gen-tie line. Project construction is anticipated to take approximately 20 months. Public lands administered by BLM within the Project solar application area include lands designated as Development Focus Area (DFA) by the BLM Desert Renewable Energy Conservation Plan (DRECP) and associated Record of Decision, and thus, have been identified for renewable energy development.

The Applicant is seeking a 40-year conditional use permit from the County for this project.

The proposed project is located in Riverside County near the community of Desert Center and in the Colorado Desert Recovery Unit for the Mojave desert tortoise. Elevations at the project site range from approximately 800 feet (244 meters) amsl in the southwest and 550 feet (168 meters) amsl in the northeast. The Chuckwalla Critical Habitat Unit and BLM Area of Critical Environmental Concern (ACEC), a Tortoise Conservation Area (TCA), abuts the western boundary of the project site and the Joshua Tree TCA is approximately four miles north of the project site (Figure 2).

The BLM will prepare and rely on its own environmental review document in accordance with the National Environmental Policy Act (NEPA). If approved, BLM will issue a right-of-way (ROW) grant for portions of the project on federal lands managed by BLM.

Alternative 2, Lake Tamarisk Alternative: This Alternative would be similar to the proposed project but would remove approximately 30 acres of solar panels closest to the community of Lake Tamarisk, such that the project solar panels would be approximately 0.45 miles (2,350 feet) from the northeast corner of the Lake Tamarisk Desert Resort community, compared to 750 feet under the proposed project. The BESS would be moved at least 0.7 mile to the northeast (farther from the community of Lake Tamarisk), on either BLM-administered land (Substation Alternative A) or private land adjacent to SR-177/Rice Road (Substation Alternative B). The 500 kV gen-tie line from both of the Alternative substation location options would exit the substation to the south and would cross SR-177/Rice Road before turning to the southwest to parallel the roadway on BLM land within the Easley site to rejoin the proposed route where it would cross SR-177/Rice Road onto the Oberon Project.

Comment Set B2 – Desert Tortoise Council (continued)

B2-1 (cont'd)

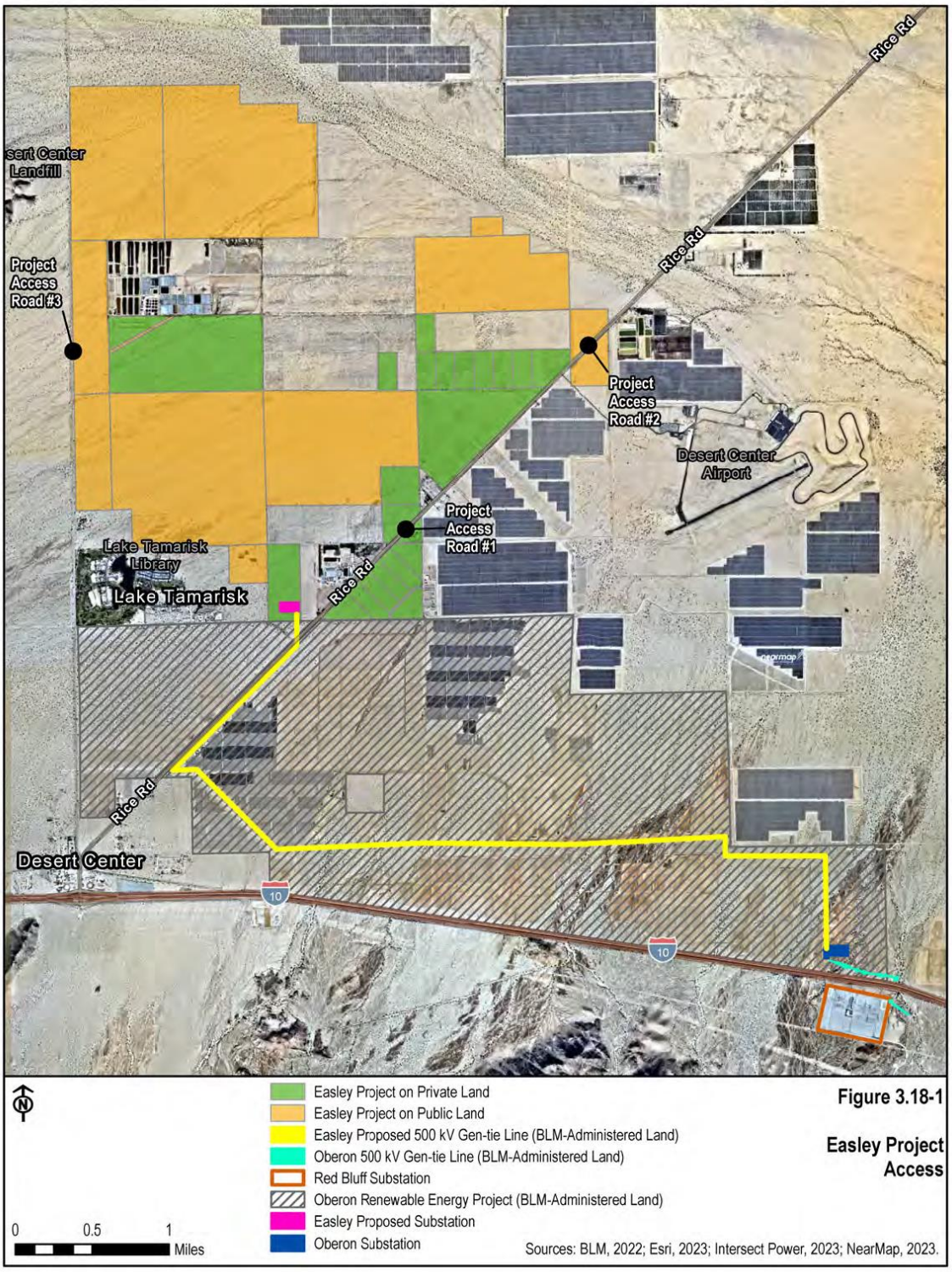


Figure 1. Locations of Easley Solar Project, land ownership, and access routes.

Comment Set B2 – Desert Tortoise Council (continued)

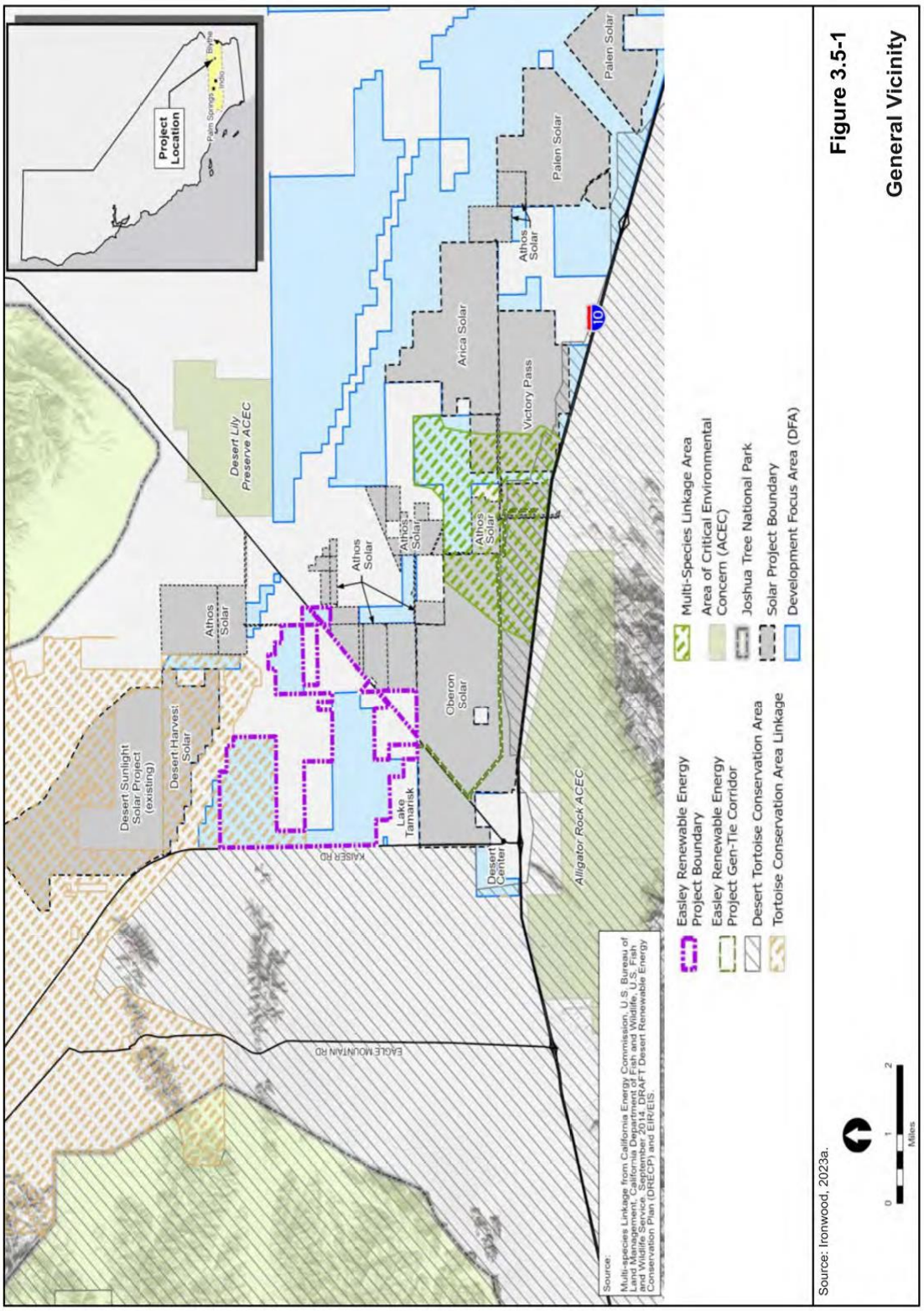


Figure 2. Location of proposed Easley Solar Project, existing solar projects, and land use designations.

Desert Tortoise Council/Comments/Easley Solar Project DEIR.3-11-2024

5

B2-1 (cont'd)

Comment Set B2 – Desert Tortoise Council (continued)

Alternatives Considered and Eliminated from Further Analysis

B2-1 (cont'd)

The County considered several alternatives to the two action alternatives described above. These included the following:

The County considered a Federal Land Alternative, an alternative east of Highway 177 on BLM land in the DFA for renewable energy where more acreage was identified and the location would be farther from the Lake Tamarisk Desert Resort community. This alternative was eliminated because of engineering challenges within the active sand transport corridor and significant biological resources development constraints from compliance with the DRECP Conservation and Management Actions (CMAs) and resource buffers.

A Private Land Alternative was suggested that would develop the solar facility on other private lands elsewhere. This alternative was rejected because it is considered speculative and infeasible based on the number of landowners whose agreements would be required, and because the environmental impacts would likely be equal to or greater than the proposed site, which is located on disturbed private land and BLM-administered land that is within a DRECP DFA.

Distributed Solar Technology was rejected because the transaction costs of obtaining multiple rooftops, the complexity of mobilizing construction crews across multiple projects including the transporting and deployment of construction materials in a less efficient manner, the additional work needed to prepare rooftops to support a solar installation, and the need to develop the deals to secure the same amount of PV-produced electricity make this type of alternative infeasible. In addition, it is unlikely that the project could achieve its storage goals and provide energy when the sun is not shining.

Comments on the DEIR

B2-2

The Council provided scoping comments to BLM on the proposed project on October 23, 2023. We have attached a copy of this comment letter and request that the County address and analyze in the FEIR all the issues identified in our letter that are not specific to BLM.

The Council did not receive a notice of preparation of an environmental impact report from the County, so we did not participate in the County's scoping process for the Easley Solar Project. The Council has submitted comment letters on past projects when Riverside County was the lead California Environmental Quality Act (CEQA) agency, including Desert Quartzite Solar Project (November 7, 2018) and Paradise Valley Specific Plan Draft Environmental Impact Report (March 16, 2018). In these letters as in all our comment letters, we routinely request that the agency implementing CEQA notify the Council of future proposed projects that may affect the Mojave desert tortoise. The Council is concerned that Riverside County has been overlooking our requests in earlier letters. Once again, we request that the County notify the Council when it is initiating CEQA compliance for proposed projects that may affect the tortoise.

Comment Set B2 – Desert Tortoise Council (continued)

Environmental Setting, Impacts, and Mitigation Measures B2-3

Biological Resources

The Council found that the information and analyses in the DEIR for biological resources was science-based and used recent journal articles to analyze impacts, especially with respect to the tortoise. In our experience, the application of this science-based knowledge to the analysis of the tortoise/tortoise habitat is atypical for a County led CEQA document.

Western Burrowing Owl: The burrowing owl and its sign were reported present on the project site. The California Fish and Game Commission was recently petitioned to list the burrowing owl as threatened in the southern desert portion of it range in California. Please revise the EIR to reflect this action.

Microphyll Woodlands: Figures 3.5-3a through 3.5-3e show numerous washes and microphyll woodlands (aka desert dry wash woodland) throughout the project site with a flow from southwest to northeast toward Pinto Wash, In the DEIR, the County states, "[t]he Easley Project site is situated on a low-gradient alluvial plain and is intersected by numerous unnamed ephemeral drainages that flow northeast toward Big Wash, near the confluence with Pinto Wash." The occurrence and abundance of this vegetation is important with respect to how the Applicant proposes to maintain it, how it may affect the photovoltaic heat island effect, and how the construction activities may affect the surface hydrology that is necessary to support it discussed below. B2-4

Photovoltaic Heat Island Effect: The DEIR provides information on the results of recent studies on the effects of PV panels on ambient and soil temperatures. However, we believe that not all the findings of these scientific papers were reported with respect to their application to the proposed project. For example, in the DEIR the County says, "unlike the solar farms in these studies, the proposed Project would maintain vegetation under the solar panels, which would be mowed and rolled to a height of 12 inches to preserve vegetation and facilitate more effective post-construction site revegetation." "Woody vegetation, such as palo verde trees, that are in areas adjacent to infrastructure where it does not affect solar panel performance would be partially cut, leaving the lower trunk intact to allow regrowth of branches and leaves." Further, the County says, "[i]t is anticipated that many species [of plants] will regenerate post-construction due to preservation of desert vegetation during the construction phase." B2-5

The implication of this language in the DEIR is that retention of vegetation is likely to mitigate the soil and air temperature increases from the installation and use of PV panels. However, a majority of the volume of above-ground biomass of perennial vegetation would be removed, especially the tall woody shrubs and trees along numerous washes supporting microphyll woodlands at the project site. All vegetation under the PV panels would be no taller than 12 inches. This mowing would result in a substantial reduction plant biomass that provides shade and evapotranspiration that cools air and ground temperatures, and would likely result in a substantially reduced ability of the surviving vegetation to reduce air and ground temperatures at the project site. Ongoing maintenance activities to prune the vegetation under and adjacent to the PV panels would keep this ability to reduce air and soil temperatures at a reduced level from the current level.

Comment Set B2 – Desert Tortoise Council (continued)

We request that the County provide references to support this assumption of vegetation regeneration and cooling and to analyze the extent that the surviving vegetation would regenerate and offset the heat island effect during the 40-year permit term, especially considering the slow growth of woody perennial vegetation in the Colorado division of the Sonoran Desert. This analysis should incorporate the recurring pruning of vegetation under and adjacent to the PV panels.

B2-5 (cont'd)

Additionally, Devitt et al. (2022) reported that large photo voltaic facilities similar to the proposed Easley Solar Project raised the air and soil temperatures not only on the project site but significant heat was moving from the solar facility into the plant community, especially in the first 200–400 m (656 to 1,312 feet) off the project site. This rise in temperature also impacts the availability of soil moisture and the ability of burrowing animals such as the tortoise in nearby areas to reduce their body temperatures at night to conserve energy and moisture. The impacts of elevated soil and air temperatures to areas adjacent to the proposed project should be analyzed in the EIR including impacts to the survival, growth, and recruitment of native vegetation. This is important to the tortoise because the area immediately west of the proposed project is designated critical habitat for the tortoise.

B2-6

Surface Hydrology and Soil Moisture: In the DEIR, the County says. "[c]ertain areas of the site with **highly** [emphasis added] irregular topography that provide important hydrologic functions to the site would be avoided by Project design." This sentence concerns us because it does not mention whether areas in the project site with less than highly irregular topography (i.e., small washes) would not be graded/have their hydrology modified.

Devitt et al. (2022) reported that "Construction of roads, transmission lines and utility scale solar photovoltaic facilities can decouple up-gradient washes from down-gradient locations." They reported that the decoupling of the wash system at the solar site "led to a significant decline in soil moisture, canopy level NDVI values and mid-day leaf xylem water potentials." Over time especially combined with climate change, this impact may result in reduced plant reproduction, growth, and survival for plants downgradient of the decoupling sites including plants not on the project site.

According to the map provided in the DEIR with topographic information about the project site, there is methodology for the PV solar panels to be installed and maintained with no grading of the surface area. Implementation of this methodology would ensure that the existing surface flows are not decoupled or disrupted and the existing surface flows that convey surface water downgradient from the southwest portion of the project to the northeast portion are maintained. Disruption of existing surface hydrology would likely impede the already slow growth rate of perennial vegetation or may result in plant mortality both on the project site and downgradient. When plants die, they release carbon from their roots, stems, and leaves into the atmosphere and contribute to climate change. Given the current climate change conditions, there is an increasing need for carbon sequestration, not carbon release, therefore, an increasing need to, as a minimum, maintain native plants and not disrupt the surface hydrology of the project site.

Comment Set B2 – Desert Tortoise Council (continued)

Critical Habitat: The proposed project is located immediately adjacent to tortoise critical habitat (USFWS 1994). This critical habitat unit has already been directly and indirectly impacted by other anthropogenic activities, and the proposed project would result in additional impacts. The USFWS designates critical habitat to provide habitat that contains the primary constituent elements in sufficient quantities to maintain viable populations of desert tortoises within the five recovery units for the tortoise. Critical habitat designation is intended to help reduce the risk associated with the near-term reduction in desert tortoise numbers and cumulative loss of habitat anticipated from ongoing management plans. Unfortunately, tortoise densities and numbers have declined substantially, and are below the threshold for viable populations in most recovery units. This means that critical habitat is no longer providing the primary constituent elements in sufficient quantities to maintain viable populations of desert tortoises. **B2-7**

We request that the EIR analyze the impacts of the proposed project on this critical habitat unit and the cumulative impacts on the ability of this critical habitat unit to maintain viable populations of desert tortoises.

Additionally, we request that a buffer area be established between the project area and designated critical habitat. This would result in the project being moved to the east. The size of the buffer area would be determined through consultation with USFWS and CDFW and use of the most recent research results to determine the areal extent of direct and indirect impacts and the needs of the tortoise.

Appendix C should be updated so it describes the Chuckwalla TCA as immediately west of the project site, not immediately south.

Desert Tortoise Surveys: In the DEIR, the County reported that "[w]ildlife surveys conducted in 2019-2022 conformed to full coverage desert tortoise protocol surveys with 10-meter transects on the Project site." This description is unclear and appears to conflict with information depicted in Figure 7. Study Areas in Appendix C. Biological Resources Technical Report of the DEIR. This figure shows that only part of the project site was surveyed using 10-meter transects. The tortoise protocol survey is to survey the action area USFWS (2009), not part or all of the project site. The USFWS defines "action area" the Code of Federal Regulations (CFR) and the Desert Tortoise Field Manual (USFWS 2009, 2019) as "all areas to be affected directly or indirectly by proposed development and not merely the immediate area involved in the action (50 CFR §402.02)." Thus, the action area includes more than the project site. The County should consult with the USFWS and CDFW to determine whether the area surveyed for the tortoise complies with this requirement. **B2-8**

Fragmentation of Tortoise Habitat: Devitt et al. (2022) reported that "[f]ragmentation of desert ecosystems can be expected with large scale solar energy development" and that "fragmentation will be exacerbated by high-density placement of these facilities, which can be anticipated based on the investment in grid infrastructure in a given area." This scenario applies to the DFA in which the proposed project is located. Devitt et al. (2022) suggested that "the spacing between solar facilities (policy decision) will be a critical factor in terms of preserving high quality habitat for the desert tortoise and other threatened species" because of the indirect impacts of PV solar facilities to adjacent areas. Fragmentation of tortoise habitat affects tortoise movements and linkage habitats discussed below. **B2-9**

Comment Set B2 – Desert Tortoise Council (continued)

B2-10

Tortoise Movements and Linkage Habitats: We recommend that this section in Appendix C on Wildlife Movements be updated to include information that some tortoises may make periodic forays of more than 7 miles (11 kilometers) at a time (Berry 1986).

In analyzing the figures provided in the DEIR on the location of the proposed project, the project site follows the edge of Big Wash on both sides. This placement will likely infringe on the function of Big Wash to provide connectivity habitat for the tortoise and likely other wildlife species. In addition, the Pinto Wash Linkage (PWL) was identified as an interconnection area for the tortoise between the Joshua Tree TCA and Chuckwalla TCA by the BLM (2016) in the Desert Renewable Energy and Conservation Plan (DRECP). However, the southern portion of the PWL falls within a DFA designated by the DRECP. The development of this DFA would likely remove a key portion of this linkage habitat that supports connectivity between these two TCAs. We make this termination using recent information published on the needs of the tortoise for linkage habitat, some of which was published after the Record of Decision for the DRECP.

Washes are used by tortoises as important foraging areas, for movements within local populations, and as linkage habitats between populations. Desert tortoises tend to follow washes (Peaden et al. 2017, Gray et al. 2019). In addition, tortoises choose ephemeral stream channels or washes in which to forage especially in late spring (Jennings and Berry 2023). The impacts from the placement of the proposed project adjacent to Big Wash would likely impact the quality of this foraging area and its use for tortoise movement in/through the area by the local tortoise population and from the northwest, the Joshua Tree TCA.

Regarding population connectivity for the tortoise, Averill-Murray et al. (2021) emphasized that "[m]aintaining an ecological network for the Mojave desert tortoise, with a system of core habitats (TCAs = Tortoise Conservation Areas) connected by linkages, is necessary to support demographically viable populations and long-term gene flow within and between TCAs." "Ignoring minor or temporary disturbance on the landscape could result in a cumulatively large impact that is not explicitly acknowledged (Goble 2009); therefore, understanding and quantifying all surface disturbance on a given landscape is prudent." For linkage habitat between TCAs, these areas must be wide enough to sustain multiple home ranges or local clusters of resident tortoises (Beier and others 2008, Morafka 1994), while accounting for edge effects, in order to sustain regional tortoise populations." Consequently, Averill-Murray et al. (2021) found that effective linkage habitats are not long narrow corridors. The authors also found that any development within them has an edge effect (i.e., indirect impact) that extends from all sides into the linkage habitat further narrowing or impeding the use of the linkage habitat, depending on the extent of the edge effect.

To help maintain tortoise inhabitance and permeability across all other non-conservation-designated tortoise habitat, Averill-Muray et al. (2021) recommended that all surface disturbance should be "limited to less than 5-percent development per square kilometer because the 5-percent threshold for development is the point at which tortoise occupation drops precipitously (Carter and others 2020a)." They cautioned that the upper threshold of 5 percent development per square kilometer may not maintain population sizes needed for demographic or functional connectivity; therefore, development thresholds should be lower than 5 percent.

Comment Set B2 – Desert Tortoise Council (continued)

The Council requests that mitigation be developed and implemented to address the impacts to both the local and regional tortoise habitat linkages that would be impacted by the proposed project. We recommend that an additional mitigation measure be included that provides assurances that tortoises could use Big Wash for foraging and to move through the area. This would include management of the wash to exclude other uses (OHV in particular), construction of a tortoise/wildlife crossing where the wash flows across Rice Road, and construction and maintenance of tortoise exclusion fencing along Rice Road where it is not already fenced. **B2-10 (cont'd)**

In addition, to help mitigate the impacts to the degradation of the PWL, the Applicant should analyze the remaining availability of connectivity at a regional scale and provide or enhance movement corridors connecting populations north and south of I-10 including areas west of the project site. Connectivity of populations is a major focus of scientific investigations and agency recommendations in recent years, and is supported by the Council on Environmental Quality's (CEQ) (2023) Guidance for Federal Departments and Agencies on Ecological Connectivity and Wildlife Corridors. Following this federal Guidance is important because the Applicant needs BLM to issue a tight-of-way for the proposed project to be constructed.

The EIR should analyze how the proposed project will or will not appreciably reduce the connectivity for the tortoise and other wildlife species across I-10, alternatives that exist to the west of the project site to provide for movements between tortoise populations and other wildlife species, and mitigation measures that should be implemented to facilitate the use of these linkage alternatives using information from Blanchard et al. (2021), Fairbank et al. (2021), and Huijser et al. (2023).

Compliance with the FESA and CESA: We found no information in the DEIR of the County, in coordination with BLM, would complete formal section consultation under the Federal Endangered Species Act (FESA) with USFWS and obtain an incidental take permit under the CESA from CDFW for the tortoise. We recommend that the biological opinion and ITP, when issued, be included in the Final EIR (FEIR) and that the FEIR be updated to include the terms and conditions of these documents in the mitigation measures that will be implemented. **B2-11**

Section 3.5.2.2. State Laws, Regulations, and Policies: This section should include information on relevant executive orders issued by the Governor of California that address biological resources and how the proposed project complies with these orders. For example, in 2020 Governor Newsom issued an executive order (N-82-20) to combat the biodiversity crisis and climate change crisis. To demonstrate compliance with the purpose and intent of this executive order, we request that the County include information in the CEQA document on how the proposed project and required mitigation complies with this and other relevant executive orders.

Cumulative Impacts **B2-12**

CEQA defines cumulative impact as "[i]mpacts resulting from the proposed Project when combined with similar effects of other past, present, and reasonably foreseeable future projects, regardless of which agency or person undertakes such projects (cumulative impacts could result from individually insignificant but collectively significant actions taking place over time)." The significance of each impact is determined based on an analysis of the impact, compliance with any recommended mitigation measure, and the level of impact remaining compared to the applicable significance criteria relevant to a particular resource.

Comment Set B2 – Desert Tortoise Council (continued)

B2-12 (cont'd)

The County selected the geographic scope of the cumulative impacts analysis for the tortoise and other biological resources to be western Riverside County. However, for other resource issues, a defined regulatory unit for the specific resource was used (e.g., for surface water, the hydrologic basin). The geographic scope selected for cumulative impacts analysis should be appropriate for each resource issue. The USFWS (2011) defined the Colorado Desert Recovery Unit for the tortoise and the proposed project occurs in this recovery unit. Because each recovery unit must meet recovery criteria before the tortoise can be delisted, this regulatory unit is appropriate to determine whether the proposed project is have a significant impact on the tortoise. Otherwise, the County's selection of geographic scope for the tortoise of part of Riverside County gives the appearance of being arbitrary. The Council requests that the County use this recovery unit as the regulatory unit for the geographic scope of the cumulative impacts analysis for the tortoise in the EIR.

Under Section 3.5.4. CEQA Significance Criteria, the Council appreciates that Riverside County added the significance criteria listed below:

- Have a substantial adverse effect, either directly or through habitat modifications, on any endangered, or threatened species, as listed in Title 14 of the California Code of Regulations (Sections 670.2 or 670.5) or in Title 50, Code of Federal Regulations (Sections 17.11 or 17.12) (Impact BIO-1).
- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service (Impact BIO-2).

In previous comment letters on proposed actions analyzed under CEQA, the Council strongly recommended that the CEQA Guidelines for significance criteria be revised to include these criteria as well as indirect impacts.

The County states in the DEIR that "As the number of solar projects and other development and land use changes increase in the region, the cumulative impacts to biological resources, such as habitat loss also increase." This sentence applies to the tortoise. The project site is used by the tortoise because of the numerous carcasses found on the site. However, we found no mitigation for the loss of tortoise habitat that would occur from the construction and use of the proposed project. The Council requests that the County require the Applicant to purchase, improve, and manage in perpetuity for the tortoise the equivalent ecological functions and values that would be lost and degraded from implementation of the proposed project including indirect and off-site impacts.

This mitigation requirement is hinted at with the following wording in the DEIR, "This [cumulative impacts] analysis presumes that MMs BIO-1 through BIO-12, identified in Section 3.5.9, would be implemented, that the Project would comply with DRECP CMAs on BLM lands, and that the Project's offsite compensation package would be developed to mitigate the Project's impacts to biological resources." We were unable to find information in the DEIR that described/discussed the offsite compensation package. Please provide this information in the FEIR.

Comment Set B2 – Desert Tortoise Council (continued)

Tracking Cumulative Impacts: We request that Riverside County add this project and its impacts to a database and geospatial tracking system for special status species, including the Mojave desert tortoise, that track the cumulative impacts (e.g., surface disturbance, paved and unpaved routes, linear projects, invasive species occurrence, herbicide /pesticide use, wildfires, etc.), management decisions, and effectiveness of mitigation for each project. Without such a database and tracking system, the County is unable to analyze cumulative impacts to special status species (e.g., desert tortoises, etc.) with any degree of confidence. **B2-13**

Mitigation **B2-14**

The DEIR should require that all mitigation measures and plans require (1) a science-based monitoring component and implementation of the monitoring, and (2) implementation of adaptive management as soon as the monitoring indicates the mitigation is not fully effective. This should be implemented until the mitigation measure is fully effective.

Several mitigation and monitoring requirements are listed in the DEIR under Biological Resources including the development of mitigation plans. According to the County's Notice of Availability, the DEIR identified the following issues as having one or more significant effects on the environment, despite the incorporation of all feasible mitigation. As a result, adoption of a Statement of Overriding Considerations will be required pursuant to CEQA for the project to be approved.

- Project Specific: Aesthetics and Agriculture and Forestry
- Cumulative and Project Specific: Aesthetics

We presume that the County is assuming that the mitigation plans, once developed, for the biological resources including the tortoise/tortoise habitat will be highly effective at minimizing the direct, indirect, and cumulative impacts of the project to a level of less than significant. If our presumption is correct, we are unsure how the County can reach this conclusion when the required mitigation plans have not been developed. Some examples are provided below. **B2-15**

Mitigation Measure (MM) BIO-4 Integrated Weed Management Plan requires the Applicant to prepare and implement an Integrated Weed Management Plan (IWMP) to minimize or prevent invasive weeds from infesting the site or spreading into surrounding habitat. The methodology used to determine baseline information and changes in abundance, species composition, and locations is unknown along with the methods that would be implemented. Herbicide use is a method frequently implemented but mechanical methods may also be used. The Easley project site borders designated critical habitat for the tortoise; thus, care must be taken to ensure that the method(s) used do not adversely impact this habitat or the tortoise. In addition, other methods including directed energy should be implemented when feasible.

The mitigation plans should be completed and provided in the EIR so the public and the County can review them and determine the effectiveness of the proposed mitigation. Stating that a mitigation plan will be developed even if this statement includes "using the best available science" is not adequate or appropriate, as the preparers are not always experts on the best available science for that specific subject. When mitigation plans are included in the public review process, this

Comment Set B2 – Desert Tortoise Council (continued)

provides the public with the opportunity to provide comments based on their diverse knowledge and experience regarding the adequacy and soundness of the proposed mitigation plans. This public review process increases the likelihood that the mitigation plans when reviewed and finalized will be effective when implemented. The Council recommends that this and all mitigation plans be include in the EIR and NEPA document that BLM is preparing. **B2-15 (cont'd)**

When implementing the proposed project, an authorized biologist would be required. We recommend that, in addition to the Applicant nominating a qualified individual to serve as an Authorized Desert Tortoise Biologist for approval by the US Fish and Wildlife Service (USFWS), the approval of the CDFW for an authorized biologist must also be obtained.

MM BIO-5 Vegetation Resources Management Plan only requires that the Applicant prepare and implement a Vegetation Resources Management Plan (VRMP), to be reviewed and approved by CDFW, BLM, and Riverside County. There are no requirements of native vegetation composition, methods to be used for revegetation, success criteria, monitoring requirements, or length of time the Applicant would be required to monitor the revegetation efforts and implement additional methods if not successful. Again, the County is assuming that the mitigation plans that have yet to be written will provide certain levels of effective mitigation and is not requiring monitoring and adaptive management. In addition, this Plan does not include the restoration phase of the project. **B2-16**

The USFWS should be added as an agency that approves the Vegetation Resources Management Plan.

MM BIO-6 Wildlife Protection includes the development of a Traffic Control Plan. One major access route for the proposed project is the road on the west side of the project and adjacent to tortoise critical habitat. Von Seckendorff Hoff and Marlow (2002) reported that they detected reductions in tortoise numbers and sign from infrequent use of roadways to major highways with heavy use. There was a linear relationship between traffic level and reduction. For two graded, unpaved roads, the reduction in tortoises and sign was evident 1.1 to 1.4 km (3,620 to 4,608 feet = 0.68 to 0.87 mile) from the road. The Traffic Plan should specify the actions that would be implemented to ensure that the increased traffic on this access road from the project does not adversely impact tortoises because of the increased frequency of road use and increased area of the road effect zone. The County should consider fencing the road to prevent tortoise from accessing the road and being killed or collected during the construction phase of the project. **B2-17**

This mitigation measure also identifies the use of netting to prevent wildlife exposure to hazards. While well-intentioned, netting located on or near the ground has entrapped tortoises whose limbs become tangled in the netting and die (e.g., camouflage netting used at the Marine Corps Air Ground Combat Center). The Council recommends that if netting is used, it must be at least 2 feet of the ground to prevent adult tortoises from accessing it and regularly monitored.

MM BIO-7 Desert Tortoise Protection requires the Applicant to obtain incidental take authorization from USFWS and CDFW to address any potential take of desert tortoise, including authorization to handle or translocate the desert tortoise. Desert tortoises shall be handled or translocated according to a Desert Tortoise Relocation Plan, pending approval by both agencies. **B2-18**

Comment Set B2 – Desert Tortoise Council (continued)

Again, this Plan is not included in the DEIR. The Council requests that the lessons learned from all past and recent tortoise relocation/translocation efforts (e.g., Fort Irwin translocation, MCAGCC translocation, Mack and Berry (2023), etc.) be applied in the development and implementation of this Plan. These lessons learned would include: **B2-18 (cont'd)**

- only moving tortoises in the fall prior to winter brumation,
- providing protection from predators,
- not releasing tortoises during a drought year,
- not releasing tortoises until they are a minimum size,
- ensuring that the recipient site is able to support the additional tortoises including providing adequate nutritious native forage and cover sites,
- when several recipient sites are of similar value, moving tortoises to the site closest to their current home range,
- monitoring tortoise movements and survival for several years to determine whether the effort was successful as the County assumes it would be, etc.

In addition, because this is a mitigation measure, the location where tortoises are moved to should be protected from future development or surface disturbance (e.g., grazing, OHV use, etc.). The location of the mitigation lands should be clearly recorded and delineated on maps.

A Raven Management Plan is required. This Plan is not included in the DEIR. We reiterate our reasons why including this and other mitigation plans should be required as part of the DEIR. The current wording of what is required in this Plan does not include implementation of management or monitoring actions to reduce or eliminate subsidies for or the occurrence of ravens in/near the project site. The Council recommends this Plan be expanded to a Predator Management Plan for the tortoise. Please revise the EIR to require management, monitoring, and adaptive management actions for this project in this Plan.

The following sources of subsidized resources should be included in the Predator Management Plan: water, wildlife injured and/or killed during construction, and anthropogenic trash. We presume that nest sites for common ravens would be provided by the project because the Applicant would not use lattice towers for the gen-tie line. The proposed project would likely increase the availability of human-provided subsidies for predators of the tortoise, including the common raven and coyote, during the construction, operations and maintenance, and decommissioning phases. For example, during the construction phase the water used to control dust, and the fossorial animals killed or injured during grading for some of the project's facilities would become a human subsidized food source for common ravens.

The waste from food brought to the project site by workers for meals is another example of food subsidies for ravens, coyotes, and feral, free-roaming dogs that would attract these predators to the project area and increase their numbers in the surrounding area including adjacent critical habitat.

MM BIO-9 Gen-tie lines would allow the use of lattice towers with the addition of practices to discourage their use by raptors or common ravens for perching or nesting (e.g., addition of anti-perching devices). The Council's concern is that these additions or practices to discourage use by common ravens are not always effective and are not maintained for the life of the tower/project. Consequently, the Council strongly recommends that this mitigation measure be modified so that lattice towers are not allowed. We recommend that the tubular design with insulators on horizontal cross arms (monopole) be used. **B2-19**

Comment Set B2 – Desert Tortoise Council (continued)

MM BIO-12 Streambed and Watershed Protection should be more protective**.** As stated above, ground-disturbing activities in jurisdictional waters of the State should not occur in areas where solar panels, new access roads, or gen-tie lies are placed. The language in the DEIR focuses on stormwater management. It does not address the decoupling of up-gradient washes from down-gradient locations and the importance of providing this surface water connections to the occurrence and survival of desert vegetation, especially microphyll woodlands. We request that this section be revised to address the importance of this surface water connection in maintaining existing vegetation, especially because of the increasing severity of the impacts of climate change and because the County claims in the DEIR that retaining vegetation under and adjacent to the solar panels will reduce the heat island effect to air and ground temperatures at the project site. **B2-20**

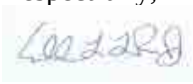
This mitigation measure requires that if any spills occur, the cleanup of all spills will begin immediately. RWQCB, CDFW, BLM, and Riverside County will be notified immediately by the Applicant of any spills and will be consulted regarding clean-up procedures. Because listed species (FESA) and migratory birds (Migratory Bird Treaty Act) may be impacted by a spill, the USFWS should be consulted regarding clean-up procedures.

Additional Mitigation: The County should add a mitigation measure and require the Applicant to restore the project site to its pre-project conditions, especially with respect to surface hydrology, soils, and vegetation, when decommissioning is completed. Thus, the project should have four phases – construction, operations and maintenance, decommissioning, and restoration. **B2-21**

We appreciate this opportunity to provide the above comments and trust they will help protect tortoises during any resulting authorized activities. Herein, we reiterate that the Council wants to be identified as an Affected Interest for this and all other projects funded, authorized, or carried out by the County that may affect desert tortoises, and that any subsequent environmental documentation for this project is provided to us at the contact information listed above. Additionally, we ask that you notify the Desert Tortoise Council at eac@deserttortoise.org of any proposed projects that County may consider authorizing, funding, or carrying out in the range of the desert tortoise so we may provide comments to ensure the County fully considers actions to conserve the tortoise as a species listed under CESA and FESA and to conserve biodiversity.

Please respond in an email that you have received this comment letter so we can be sure our concerns have been registered with the appropriate personnel and office for this project.

Respectfully,



Edward L. LaRue, Jr., M.S.
Desert Tortoise Council, Ecosystems Advisory Committee, Chairperson

Attachment: Scoping Comments on Easley Renewable Energy Project (DOI-BLM-CA-D060-2023-0010-EA) dated October 23, 2023

Comment Set B2 – Desert Tortoise Council (continued)

B2-21 (cont'd)

cc. California State Clearinghouse, state.clearinghouse@opr.ca.gov
Trisha A. Moyer, Region 6 – Desert Inland Region, Habitat Conservation Program Supervisor, California Department of Fish and Wildlife, Bishop, CA, Patricia.Moyer@wildlife.ca.gov
Heidi Calvert, Regional Manager, Region 6 – Inland and Desert Region, California Department of Fish and Wildlife, Heidi.Calvert@wildlife.ca.gov
Brandy Wood, Region 6 – Desert Inland Region, California Department of Fish and Wildlife, Brandy.Wood@wildlife.ca.gov
Tim Gilloon, Field Manager, Palm Springs Field Office, Bureau of Land Management, tgilloon@blm.gov
Michelle Shelly Lynch, District Manager, California Desert District, Bureau of Land Management, BLM_CA_Web_CD@blm.gov
Kristina Drake, Desert Tortoise Recovery Office Coordinator, U.S. Fish and Wildlife Service, karla_drake@fws.gov
Rollie White, Assistant Field Supervisor, Palm Spring Fish and Wildlife Office, U.S. Fish and Wildlife Office, rollie_white@fws.gov

Literature Cited

Averill-Murray, R.C., T.C. Esque, L.J. Allison, S. Bassett, S.K. Carter, K.E. Dutcher, S.J. Hromada, K.E. Nussear, and K. Shoemaker. 2021. Connectivity of Mojave Desert tortoise populations—Management implications for maintaining a viable recovery network. U.S. Geological Survey Open-File Report 2021–1033, 23 p., https://doi.org/ 10.3133/ ofr20211033.
https://pubs.usgs.gov/of/2021/1033/ofr20211033.pdf

Beier, P., Majka, D.R., and Spencer, W.D., 2008, Forks in the road—Choices in procedures for designing wildland linkages: Conservation Biology, v. 22, no. 4, p. 836–851, https://doi.org/10.1111/ j.1523-1739.2008.00942.x.

Berry, K.H. 1986. Desert tortoise (*Gopherus agassizii*) relocation: Implications of social behavior and movements. Herpetologica 42:113-125. https://www.jstor.org/stable/3892242

Berry, K.H., L.J. Allison, A.M. McLuckie, M. Vaughn, and R.W. Murphy. 2021. *Gopherus agassizii*. The IUCN Red List of Threatened Species 2021: e.T97246272A3150871. https://dx.doi.org/10.2305/IUCN.UK.2021-2.RLTS.T97246272A3150871.en

Blanchard, E., Z. Wurtzebach, E. Fairbank, R. Callahan, M. Brocki, A. Keil, and F. Deffner. 2021. Policy Report: Challenges and Opportunities for Implementing Conservation Measures for Mojave Desert Tortoise Along Roads. Prepared by the Mojave Desert Tortoise Transportation Ecology Task Force.
https://largelandcapes.org/wp-content/uploads/Final-Report_MDT-Policy-Guidance.pdf

[BLM] U.S. Bureau of Land Management. 2016. Record of Decision for the Land Use Plan Amendment to the California Desert Conservation Plan, Bishop Resource Management Plan, and Bakersfield Resource Management Plan for the Desert Renewable Energy Conservation Plan (DRECP). Dated September 2016. Sacramento, CA.

Comment Set B2 – Desert Tortoise Council (continued)

B2-21 (cont'd)

Carter, S.K., K.E. Nussear, T.C. Esque, I.I.F. Leinwand, E. Masters, R.D. Inman, N.B. Carr, and L.J. Allison. 2020. Quantifying development to inform management of Mojave and Sonoran desert tortoise habitat in the American southwest. Endangered Species Research 42: 167–184. https://doi.org/ 10.3354/ esr01045.

[CDFW] California Department of Fish and Wildlife. 2024. Status Review for Mojave Desert Tortoise (*Gopherus agassizii*). Report to the California Fish and Game Commission. California Department of Fish and Wildlife, 715 P Street, Sacramento, CA 95814. 228 pp. with appendices. https://fgc.ca.gov/CESA#adt

[CEQ] Council on Environmental Quality. 2023. Guidance for Federal Departments and Agencies on Ecological Connectivity and Wildlife Corridors. March 21, 2023. https://www.whitehouse.gov/wp-content/uploads/2023/03/230318-Corridors-connectivity-guidance-memo-final-draft-formatted.pdf

Defenders of Wildlife, Desert Tortoise Preserve Committee, and Desert Tortoise Council. 2020. A Petition to the State of California Fish And Game Commission to move the Mojave desert tortoise from listed as threatened to endangered. Formal petition submitted 11 March 2020. https://defenders.org/sites/default/files/2020-03/Desert%20Tortoise%20Petition%203_20_2020%20Final_0.pdf

Devitt, D.A., L. Apodac, B. Bird, J.P. Dawyot, Jr., L. Fenstermaker, and M.D. Petrie. 2022. Assessing the impact of a utility scale solar photovoltaic facility on a down gradient Mojave Desert ecosystem. Land 2022, 11, 1315. https://doi.org/10.3390/land11081315

Fairbank, E., M. Huijser, and F. Deffner. 2021. Technical Guidance: Mojave Desert Tortoise Conservation and Recovery Measures Along Roads. Prepared by the Mojave Desert Tortoise Transportation Ecology Task Force. https://largelandscapes.org/wp-content/uploads/Final-Report_MDT-Technical-Guidance.pdf

Goble, D.D. 2009. The endangered species act—What we talk about when we talk about recovery: Natural Resources Journal, v. 49, p. 1–44. https://www.jstor.org/stable/24889187

Gray, M.E., B.G. Dickson, K.E. Nussear, T.C. Esque, and T. Chang. 2019. A Range-Wide Model of Contemporary, Omnidirectional Connectivity for the Threatened Mojave Desert Tortoise." Ecosphere 10: e02847

Huijser, M.P. and E.R. Fairbank. 2023. Mojave Desert Tortoise Conservation and Recovery Measures Along Roads; A Practical Guide. Final Report prepared for the U.S. Fish & Wildlife Service Headquarters Office, Falls Church, VA.

Jennings, W.B., and K.H. Berry. 2023. Selection of microhabitats, plants, and plant parts eaten by a threatened tortoise: observations during a superbloom. Frontiers in Amphibian and Reptile Science 1:1283255. doi: 10.3389/famrs.2023.1283255.

Comment Set B2 – Desert Tortoise Council (continued)

B2-21 (cont'd)

https://www.researchgate.net/profile/W-Jennings/publication/376072354_Selection_of_microhabitats_plants_and_plant_parts_eaten_by_a_threatened_tortoise_observations_during_a_superbloom/links/6568a29d3fa26f66f43a85aa/Selection-of-microhabitats-plants-and-plant-parts-eaten-by-a-threatened-tortoise-observations-during-a-superbloom.pdf

Mack, J.S., and K.H. Berry. 2023. Drivers of survival of translocated tortoises. Journal of Wildlife Management 87(2): (27 pages) (February 2023) 87:e22352. https://doi.org/10.1002/jwmg.22352

Morafka, D.J. 1994. Neonates–Missing links in the life histories of North American tortoises, *in* Bury, R.B., and Germano, D.J., eds., Biology of North American tortoises: Washington, D.C., National Biological Survey, Fish and Wildlife Research, v. 13, p. 161–173.

Peaden, J.M., A.J. Nowakowski, T.D. Tuberville, K.A. Buhlmann & B.D. Todd. 2017. Effects of roads and roadside fencing on movements, space use, and carapace temperatures of a threatened tortoise. Biological Conservation 214: 13-22. https://www.sciencedirect.com/science/article/abs/pii/S0006320717301325

[USFWS] U.S. Fish and Wildlife Service. 1994. Endangered and threatened wildlife and plants; determination of critical habitat for the Mojave population of the desert tortoise. Federal Register 59(26):5820-5866. Washington, D.C. https://www.govinfo.gov/content/pkg/FR-1994-02-08/html/94-2694.htm

[USFWS] U.S. Fish and Wildlife Service. 2009. Desert Tortoise (Mojave Population) Field Manual: (*Gopherus agassizii*). December 2009. Region 8, Sacramento, California. https://www.fws.gov/sites/default/files/documents/Desert-Tortoise-Field-Manual.pdf

[USFWS] U.S. Fish and Wildlife Service. 2011. Revised Recovery Plan for the Mojave Population of the Desert Tortoise (*Gopherus agassizii*). U.S. Fish and Wildlife Service, California and Nevada Region, Sacramento, California. https://www.fws.gov/sites/default/files/documents/USFWS.2011.RRP%20for%20the%20Mojave%20Desert%20Tortoise.pdf

[USFWS] U.S. Fish and Wildlife Service. 2019. Preparing for any action that may occur within the range of the Mojave desert tortoise (*Gopherus agassizii*). USFWS Desert Tortoise Recovery Office. Reno, NV. October 8, 2019. https://www.fws.gov/sites/default/files/documents/Mojave%20Desert%20Tortoise_Pre-project%20Survey%20Protocol_2019.pdf

von Seckendorff Hoff, K. and R. Marlow. 2002. Impacts of vehicle road traffic on desert tortoise populations with consideration of conservation of tortoise habitat in southern Nevada. Chelonian Conservation and Biology 4: 449–456.

Comment Set B2 – Desert Tortoise Council (continued)

Attachment: Scoping Comments on Easley Renewable Energy Project
(DOI-BLM-CA-D060-2023-0010-EA) dated October 23, 2023

Comment Set B2 – Desert Tortoise Council (continued)

DESERT TORTOISE COUNCIL
3807 Sierra Highway #6-4514
Acton, CA 93510
www.deserttortoise.org
eac@deserttortoise.org

Via email only

23 October 2023

Attn: Tamara Faust, Daniel Kasang, Brandon Anderson
Bureau of Land Management, Palm Springs – South Coast Field Office
1201 Bird Center Drive, Palm Springs, CA 92262
blm_ca_cdd_easley_solar@blm.gov, tfaust@blm.gov, dkasang@blm.gov, bganderson@blm.gov

RE: Easley Renewable Energy Project (DOI-BLM-CA-D060-2023-0010-EA)

Dear Ms. Faust,

B2-22

The Desert Tortoise Council (Council) is a non-profit organization comprised of hundreds of professionals and laypersons who share a common concern for wild desert tortoises and a commitment to advancing the public's understanding of desert tortoise species. Established in 1975 to promote conservation of tortoises in the deserts of the southwestern United States and Mexico, the Council routinely provides information and other forms of assistance to individuals, organizations, and regulatory agencies on matters potentially affecting desert tortoises within their geographic ranges.

Both our physical and email addresses are provided above in our letterhead for your use when providing future correspondence to us. When given a choice, we prefer to receive emails for future correspondence, as mail delivered via the U.S. Postal Service may take several days to be delivered. Email is an "environmentally friendlier way" of receiving correspondence and documents rather than "snail mail."

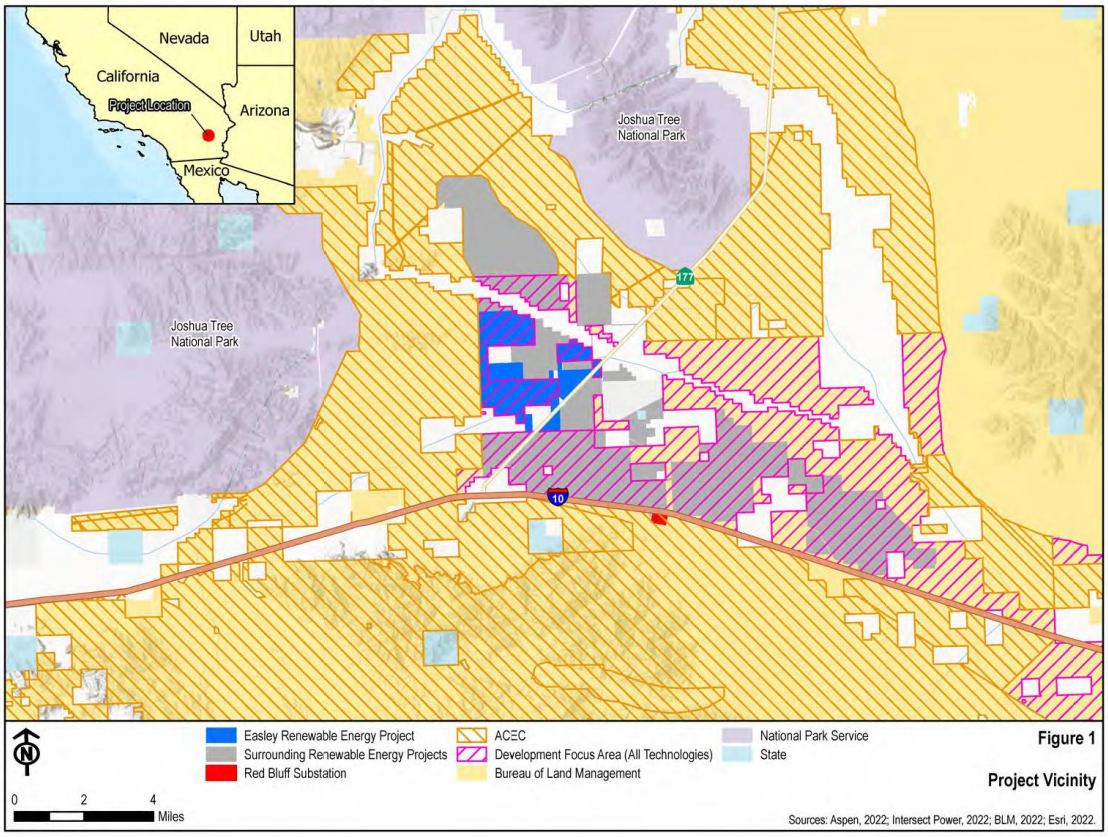
We appreciate that you contacted us on 9/14/2023 via email enabling this opportunity to provide comments on the above-referenced project. Given the location of the proposed project in habitats likely occupied by Mojave desert tortoise (*Gopherus agassizii*) (synonymous with Agassiz's desert tortoise), our comments include recommendations intended to enhance protection of this species and its habitat during activities authorized by the Bureau of Land Management (BLM), which we recommend be added to project terms and conditions in the authorizing document (e.g., right of way grant, etc.) as appropriate. Please accept, carefully review, and include in the relevant project file the Council's following comments and attachments for the proposed project.

Comment Set B2 – Desert Tortoise Council (continued)

B2-22 (cont'd)

Project Description

The following project description is taken from the Plan of Development (POD) prepared by Aspen Environmental Group, prepared for Intersect Power-IP Easley, LLC, 41 pages, dated September 2023: "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 (see Figure 1). The project would generate and store up to 400 megawatts (MW) of renewable electricity via arrays of solar photovoltaic (PV) panels, battery energy storage system (BESS), and appurtenant facilities. A 6.7mile 500 kilovolt (kV) generation-tie (gen-tie) line would mainly traverse across the Oberon Project site and connect into an approved substation that is under construction on the approved Oberon Renewable Energy Project site, an adjacent solar and energy storage facility owned by Intersect Power. From the Oberon onsite substation, the power generated by the Easley Project would be transmitted to the SCE Red Bluff Substation via the Oberon 500 kV gen-tie line, which is expected to be online by the end of 2023."

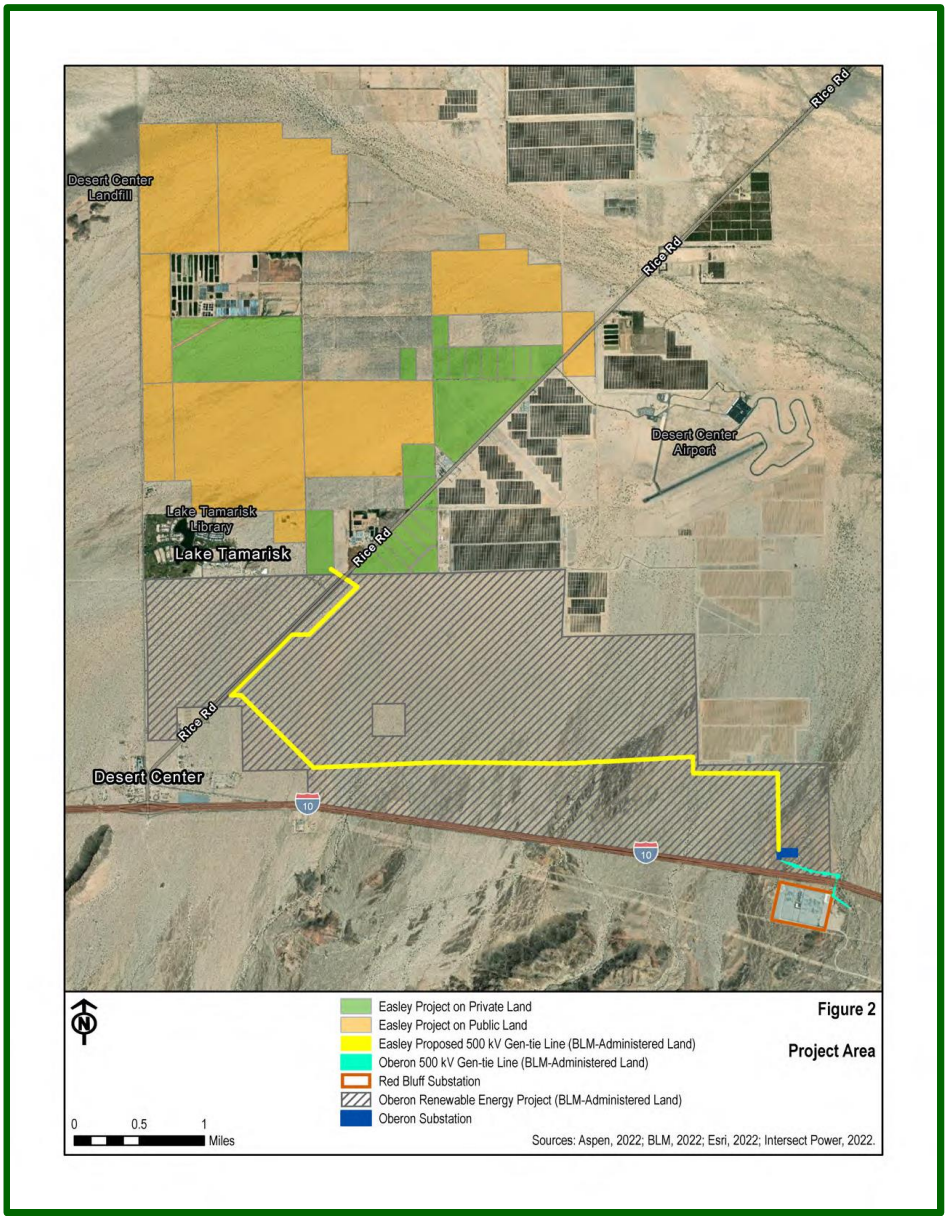


Comment Set B2 – Desert Tortoise Council (continued)

B2-22 (cont'd)

Also on page 1, "Public lands within the Project solar application area are lands designated as Development Focus Area (DFA) [see cross-hatched areas in Figure 1] by the Desert Renewable Energy Conservation Plan (DRECP) and associated Record of Decision (ROD), and thus, have been targeted for renewable energy development. Because the proposed Project is partially located on federal land under management of the U.S. Bureau of Land Management (BLM), the BLM is the lead agency under the National Environmental Policy Act (NEPA), 42 U.S.C. section 4321 et seq. Riverside County will be the lead agency under the California Environmental Quality Act (CEQA)."

Both Figure 1 and Figure 2, below, show the exorbitant amount of solar development in the region:



Comment Set B2 – Desert Tortoise Council (continued)

Scoping Comments

B2-23

The purpose of scoping is to allow the public to participate in an "early and open process for determining the scope of issues to be addressed, and for identifying the significant issues related to a proposed action" [40 Code of Federal Regulations (CFR) 1501.7]. Our initial concern is that the BLM indicates that a Draft Environmental Assessment (DEA) would be prepared for this project. We believe that a project of this scope, size, and significance must be analyzed more rigorously and that a Draft Environmental Impact Statement (DEIS)/Draft Environmental Impact Report (DEIR) should be prepared. As such, we will refer to the impending NEPA/CEQA document as the "DEIS/DEIR."

We ask that the DEIS/DEIR provide for the following information:

1. Discuss how this proposed project fits within the management structure of the current land management plan for the area [e.g., California Desert Conservation Area Plan (CDCA Plan) (BLM 1980 as amended), DRECP (2016), and meets the regulatory requirements and most important, the statutory requirements under the Federal Land Policy and Management Act (FLPMA).

2. Provide maps of critical habitat for the Mojave desert tortoise (USFWS 1994a) and other areas identified by the U.S. Fish and Wildlife Service (USFWS) as essential to the survival and recovery of the tortoise (e.g., linkage habitats between desert tortoise populations).

3. Provide maps of Areas of Critical Environmental Concern (ACECs), and other areas identified for special management by BLM [e.g., National Conservation Lands (NCLs)].

4. Provide maps of all areas identified by CDFW and BLM as managed for the tortoise and other wildlife species and if those lands are mitigation lands for previous projects.

5. Provide maps with the locations of existing and proposed solar development projects and transmission lines (already provided in the BLM's notice, to be included at sufficient resolution in the DEIS/DEIR).

6. Provide maps that identify the ownership of the lands associated with the proposed project and ownership of surrounding lands.

Please be sure that the project adheres to and fully implements measures, regulations, and policies in the following documents:
- BLM Special Status Species Management. Handbook 6840.
- BLM Sensitive Species List for Arizona. Arizona Instructional Memorandum AZ-IM-2017-009.
- BLM Mitigation Handbook (H-1794-1).
- BLM Mitigation Manual (MS-1794)
- BLM Instruction Memorandum IM 2021-046 on Mitigation
- BLM Habitat Connectivity on Public Lands Instruction Memorandum 2023-005
- Council on Environmental Quality's (CEQ) Policy for Implementing NEPA, "Guidance for Federal Departments and Agencies on Ecological Connectivity and Wildlife Corridors"

Comment Set B2 – Desert Tortoise Council (continued)

Proposed Action and Alternatives Considered B2-24

We fully expect that BLM will comply with all applicable statutes, regulations, Executive and Departmental Orders, BLM manuals, and other requirements as they pertain to this project. BLM should demonstrate in the DEIS/DEIR that the proposed project meets all these requirements with respect to the tortoise, that the proposed project will:

- be in conformance with decisions in current land use plan(s) and the FLPMA with respect to sustained yield;
- be consistent with priority conservation, restoration, and/or adaptation objectives in the best available landscape-scale information (e.g., for tortoise population connectivity, management of native lant species and reduction/elimination of non-native, invasive species, etc.);
- be in an area with low or comparatively low resource conflicts and where conflicts can be resolved;
- be located in, or adjacent to, previously contaminated or disturbed lands;
- minimize adverse impacts on important fish and wildlife habitats and migration/movement corridors including the desert tortoise;
- minimize impacts on lands with wilderness characteristics and the values associated with these lands;
- not adversely affect lands donated or acquired for conservation purposes, or mitigation lands identified in previously approved projects such as translocation areas for desert tortoise; and,
- be sure the applicant has coordinated with governments and agencies, including consideration of consistency with officially adopted plans and policies (e.g., conservation plans).
- Significant cumulative impacts on resources of concern should not occur as a result of the proposed project (i.e., exceeding an established threshold such as population viability for the tortoise and connectivity between tortoise populations).
- BLM's analysis must use current data on the tortoise for the project area, population, and range wide, as population numbers and densities have substantially declined in many areas along with the recent destruction of habitat from fires, so environmental documents should publish the data/knowledge currently available.

We have serious concerns about BLM's commitment to manage effectively for the sustained yield of the tortoise, particularly in this region that has been overwhelmed with solar development as allowed for in the DRECP. These concerns include past actions regarding: B2-25

- Mitigation to improve conditions within the connectivity areas, and if these options do not exist, mitigation may be applied toward the nearest tortoise conservation area (e.g., an ACEC for which tortoise has been identified in the Relevant and Important Criteria or critical habitat); and
- a plan included in the DEIS/DEIR that would effectively monitor desert tortoise impacts, including verification that desert tortoise connectivity corridors are functional. The required Federal Endangered Species Act (FESA) consultation should further define this monitoring plan.

Comment Set B2 – Desert Tortoise Council (continued)

Regarding the first concern, we believe that a multiagency approach is best to ensure BLM is meeting its obligations, soliciting review and input from pertinent federal and state resource agencies, Tribal governments/agencies, and non-governmental organizations (NGOs). Mitigation of impacts should include, in priority order, avoidance, minimization and compensation for unavoidable impacts. Mitigation should at a minimum offset all direct, indirect, and cumulative impacts, especially given the status and trend of the tortoise (please see *Affected Environment - Status of the Populations of the Mojave Desert Tortoise* below). BLM should ensure it is effectively implementing its section 7(a)(1) conservation mandate under the FESA.

B2-25 (cont'd)

Mitigation should be applied only in areas where the lands are effectively managed for the benefit of the tortoise for both the short-term and long-term. As currently managed, BLM ACECs in the California Desert Conservation Area are not meeting this criterion. Consequently, mitigation should be implemented on lands with a durable conservation designation, or on privately owned lands with a conservation easement or other legal instrument that ensures conservation in perpetuity. Please see *Mitigation Plans* below for additional concerns and requested requirements.

Regarding the second concern, a monitoring plan should (1) be scientifically and statistically credible; (2) be implementable; and (3) require BLM/project proponent to implement adaptive management to correct land management practices if the mitigation is not accomplishing its intended purposes. Compliance with Chapter 11 of the BLM National Environmental Policy Act (NEPA) Handbook H-1790-1 BLM (2008a) is needed to ensure this occurs.

We note that a federal appellate court has previously ruled that in an EIS a federal agency must evaluate a reasonable range of alternatives to the project including other project and mitigation sites, and must give adequate consideration to the public's needs and objectives in balancing ecological protection with the purpose of the proposed project, along with adequately addressing the proposed project's impacts on the desert's sensitive ecological system [*National Parks & Conservation Association v. Bureau of Land Management*, Ninth Cir. Dkt Nos. 05-56814 et seq. (11/10/09)]. Therefore, the Council requests that the BLM describe the purpose and need for this project and develop and analyze other viable alternatives, such as rooftop solar, which we believe constitute "other reasonable courses of actions" (40 CFR 1508.25).

B2-26

The Council supports alternatives to reduce the need for additional solar energy projects in relatively undisturbed tortoise habitats in the Mojave Desert. For example, the City of Los Angeles has implemented a rooftop solar Feed-in Tariff (FiT) program, the largest of its kind in America. The FiT program enables the owners of large buildings to install solar panels on their roofs, and sell the power they generate back to utilities for distribution into the power grid.

We request that BLM include an urban solar alternative. Under this alternative, owners of large buildings or parking areas would grant the project proponent permission to install solar panels on their roofs and cover parking areas, and sell the power they generate back to utilities for distribution into the power grid.

Comment Set B2 – Desert Tortoise Council (continued)

This approach puts the generation of electricity where the demand is greatest, in populated areas. It may also reduce transmission costs; greenhouse gas emissions from constructing energy projects far from the sources of power demand and materials for construction; carbon sequestration lost from degrading/destroying thousands of acres of native vegetation for decades or longer to construct and operate this one project; the number of affected resources in the desert that must be analyzed under the NEPA; and mitigation costs for all direct, indirect, and cumulative impacts; monitoring and adaptive management costs; and habitat restoration costs following decommissioning. The DEIS/DEIR should include an analysis of where the energy generated by this project would be sent and the needs for energy in those targeted areas that may be satisfied by urban solar. We request that at least one viable alternative be analyzed in the DEIS/DEIR where electricity generation via solar energy is located much closer to the areas where the energy will be used, including generation in urban/suburban areas.

B2-26 (cont'd)

In addition, BLM should include another viable alternative of locating solar projects on bladed or highly degraded tracts of land (e.g., abandoned agricultural fields). Such an alternative would not result in the destruction of desert habitats and mitigation for the lost functions and values of these habitats. These losses and mitigation are costly from an economic, environmental, and social perspective.

The latter two alternatives are important to consider to minimize or avoid the loss of vegetation that sequesters carbon. Studies around the world have shown that desert ecosystems can act as important carbon sinks. For example, the California deserts account for nearly 10 percent of the state's carbon sequestration; below ground in soil and root systems, and above ground in biomass. Protecting this biome can contribute to securing carbon stores in the state (MDLT 2021). Given the current climate change conditions, there is an increasing need for carbon sequestration. Because vascular plants are a primary user of carbon and the proposed Project would result in the loss/degradation of thousands of acres of plants and their ability to sequester carbon for decades or longer unless successful measures are implemented to restore the same biomass of native vegetation as it is being destroyed, it is imperative that the proposed project not result in the loss of vegetation.

B2-27

The DEIS/DEIR should consider the monitoring results of recently developed solar projects where soils have been bladed versus those facilities where the vegetation has been mowed or crushed and allowed to revegetate the area. In the latter case, it may be appropriate to allow tortoises to enter the facilities and re-establish residency (i.e., repatriate) under the solar panels as vegetation recolonizes the area. We see on page 16 of the POD that mowing is the currently described project alternative. It should be designed/implemented as a scientific experiment to add to the limited data on this approach to determine the extent of effects on Mojave desert tortoise populations and movements/connectivity between populations, which is an important issue for this species, particularly over the long-term (see *Desert Tortoise Habitat Linkages/Connectivity among Populations and Recovery Units* below). Long-term monitoring for the life of the project would need to be included to accurately evaluate the effectiveness of this strategy.

B2-28

Comment Set B2 – Desert Tortoise Council (continued)

Connected Actions B2-29

Pursuant to Section 1508.25 of the Council on Environmental Quality's (CEQ) regulations (40 CFR 1508.25), any DEIS/DEIR must cover the entire scope of a proposed action, considering all connected, cumulative, and similar actions in one document. Pursuant to Section 1506.1(a) of these regulations, an agency action cannot "[l]imit the choice of reasonable alternatives" before reaching a final decision in a published [Record of Decision] (ROD). These regulations ensure agencies will prepare a complete environmental analysis that provides a "hard look" at the environmental consequences of all proposed actions instead of segmenting environmental reviews (Novack 2015). Please explain whether any current proposed actions within the region are connected and if not, why.

Affected Environment B2-30

Status of the Population of the Mojave Desert Tortoise: The Mojave desert tortoise is an indicator species and umbrella species of ecosystem health (Berry and Medica 1995). Indicator species are used to monitor environmental changes, assess the efficacy of management, and provide warning signals for impending ecological shifts. An umbrella species is a species whose conservation is expected to confer protections to a large number of co-occurring species. Thus, when the Mojave desert tortoise is declining in density, numbers, and recruitment, this decline is an indicator of environmental change that is degrading the desert environment, ineffective management by land management agencies, and a warning that ecological shifts in the Mojave and Colorado deserts are occurring. In addition, this decline indicates that other species in the Mojave and Colorado deserts are also declining in density, numbers, and recruitment. Consequently, BLM should consider the data on the demographic trend of the tortoise as a "wake-up call" that more must be done to effectively manage for the tortoise and other species in the Mojave and Colorado deserts. Impacts on other local and wide-ranging species and their habitats should be analyzed in the DEIS/DEIR.

The Council provides the following information for the proponent so that these or similar data may be included in the DEIS/DEIR. The Council believes that BLM's failure to implement recovery actions for the Mojave desert tortoise as given in the recovery plan (both USFWS 1994b and 2011) has contributed to tortoise declines between 2004 to 2014 (Table 1; USFWS 2015). There are 17 populations of Mojave desert tortoise described below that occur in Critical Habitat Units (CHUs) and Tortoise Conservation Areas (TCAs); 14 are on lands managed by the BLM; 8 of these are in the CDCA.

Table 1. Summary of 10-year trend data for 5 Recovery Units and 17 CHUs/TCAs for Mojave desert tortoise. The table includes the area of each Recovery Unit and CHU/TCA, percent of total habitat for each Recovery Unit and CHU/TCA, density (number of breeding adults/km^2 and standard errors = SE), and the percent change in population density between 2004 and 2014. Populations below the viable level of 3.9 breeding individuals/km^2 (10 breeding individuals per mi^2) (assumes a 1:1 sex ratio) and showing a decline from 2004 to 2014 are in red.

Comment Set B2 – Desert Tortoise Council (continued)

B2-30 (cont'd)

Recovery Unit: Designated Critical Habitat Unit/Tortoise Conservation Area	Surveyed area (km^2)	% of total habitat area in Recovery Unit & CHU/TCA	2014 density/km^2 (SE)	% 10-year change (2004–2014)
Western Mojave, CA	**6,294**	**24.51**	**2.8 (1.0)**	**–50.7 decline**
Fremont-Kramer	2,347	9.14	2.6 (1.0)	–50.6 decline
Ord-Rodman	852	3.32	3.6 (1.4)	–56.5 decline
Superior-Cronese	3,094	12.05	2.4 (0.9)	–61.5 decline
Colorado Desert, CA	**11,663**	**45.42**	**4.0 (1.4)**	**–36.25 decline**
Chocolate Mtn AGR, CA	713	2.78	7.2 (2.8)	–29.77 decline
Chuckwalla, CA	2,818	10.97	3.3 (1.3)	–37.43 decline
Chemehuevi, CA	3,763	14.65	2.8 (1.1)	–64.70 decline
Fenner, CA	1,782	6.94	4.8 (1.9)	–52.86 decline
Joshua Tree, CA	1,152	4.49	3.7 (1.5)	+178.62 increase
Pinto Mtn, CA	508	1.98	2.4 (1.0)	–60.30 decline
Piute Valley, NV	927	3.61	5.3 (2.1)	+162.36 increase
Northeastern Mojave	**4,160**	**16.2**	**4.5 (1.9)**	**+325.62 increase**
Beaver Dam Slope, NV, UT, AZ	750	2.92	6.2 (2.4)	+370.33 increase
Coyote Spring, NV	960	3.74	4.0 (1.6)	+ 265.06 increase
Gold Butte, NV & AZ	1,607	6.26	2.7 (1.0)	+ 384.37 increase
Mormon Mesa, NV	844	3.29	6.4 (2.5)	+ 217.80 increase
Eastern Mojave, NV & CA	**3,446**	**13.42**	**1.9 (0.7)**	**–67.26 decline**
El Dorado Valley, NV	999	3.89	1.5 (0.6)	–61.14 decline
Ivanpah Valley, CA	2,447	9.53	2.3 (0.9)	–56.05 decline
Upper Virgin River	**115**	**0.45**	**15.3 (6.0)**	**–26.57 decline**
Red Cliffs Desert	115	0.45	15.3 (6.0)	–26.57 decline
Range-wide Area of CHUs - TCAs/Range-wide Change in Population Status	**25,678**	**100.00**		**–32.18 decline**

Table 2. Estimated change in abundance of adult Mojave desert tortoises in each recovery unit between 2004 and 2014 (Allison and McLuckie 2018). Decreases in abundance are in red, with the pertinent recovery unit highlighted in yellow.

Recovery Unit	Modeled Habitat (km^2)	2004 Abundance	2014 Abundance	Change in Abundance	Percent Change in Abundance
Western Mojave	23,139	131,540	64,871	-66,668	-51%
Colorado Desert	18,024	103,675	66,097	-37,578	-36%
Northeastern Mojave	10,664	12,610	46,701	34,091	270%
Eastern Mojave	16,061	75,342	24,664	-50,679	-67%
Upper Virgin River	613	13,226	10,010	-3,216	-24%
Total	**68,501**	**336,393**	**212,343**	**-124,050**	**-37%**

Important points from these tables include the following:

Change in Status for the Mojave Desert Tortoise Range-wide

● Ten of 17 populations of the Mojave desert tortoise declined from 2004 to 2014.

● Eleven of 17 populations of the Mojave desert tortoise are no longer viable. These 11 populations represent 89.7 percent of the range-wide habitat in CHUs/TCAs.

Comment Set B2 – Desert Tortoise Council (continued)

B2-30 (cont'd)

Change in Status for the Mojave Desert Tortoise in California

● Eight of 10 populations of the Mojave desert tortoise in California declined from 29 to 64 percent from 2004 to 2014 with implementation of tortoise conservation measures in the Northern and Eastern Colorado Desert (NECO), Northern and Eastern Mojave Desert (NEMO), and Western Mojave Desert (WEMO) Plans.

● Eight of 10 populations of the Mojave desert tortoise in California are no longer viable. These eight populations represent 87.45 percent of the habitat in California that is in CHU/TCAs.

● The two viable populations of the Mojave desert tortoise in California are declining. If their rates of decline from 2004 to 2014 continue, these two populations will no longer be viable in about 2020 and 2031.

Change in Status for the Mojave Desert Tortoise on BLM Land in California

● Eight of eight populations of Mojave desert tortoise on lands managed by the BLM in California declined from 2004 to 2014.

● Seven of eight populations of Mojave desert tortoise on lands managed by the BLM in California are no longer viable.

Change in Status for Mojave Desert Tortoise Populations in California that Are Moving toward Meeting Recovery Criteria

● The only population of Mojave desert tortoise in California that is not declining is on land managed by the National Park Service, which has increased 178 percent in 10 years.

The Endangered Mojave Desert Tortoise: The Council believes that the Mojave desert tortoise meets the definition of an endangered species. In the FESA, Congress defined an "endangered species" as "any species which is in danger of extinction throughout all or a significant portion of its range…" In the California Endangered Species Act (CESA), the California legislature defined an "endangered species" as a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant, which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes (California Fish and Game Code § 2062). Because most of the populations of the Mojave desert tortoise were non-viable in 2014, most are declining, and the threats to the Mojave desert tortoise are numerous and have not been substantially reduced throughout the species' range, the Council believes the Mojave desert tortoise should be designated as an endangered species by the USFWS and California Fish and Game Commission.

Table 3. Summary of data for Agassiz's desert tortoise, *Gopherus agassizii* (=Mojave desert tortoise) from 2004 to 2021 for the 5 Recovery Units and 17 Critical Habitat Units (CHUs)/Tortoise Conservation Areas (TCAs). The table includes the area of each Recovery Unit and CHU/TCA, percent of total habitat for each Recovery Unit and CHU/TCA, density (number of breeding adults/km^2 and standard errors = SE), and percent change in population density between 2004-2014 (USFWS 2015). Populations below the viable level of 3.9 breeding individuals/km^2 (10 breeding individuals per mi^2) (assumes a 1:1 sex ratio) (USFWS 1994a, 2015) or showing a decline from 2004 to 2014 are in **red**.

Recovery Unit: Designated CHU/TCA &	% of total habitat area in Recovery Unit & CHU/TCA	2004 density/ km^2	2014 density/ km^2 (SE)	% 10-year change (2004–2014)	2015 density/ km^2	2016 density/ km^2	2017 density/ km^2	2018 density/ km^2	2019 density/ km^2	2020 density/ km^2	2021 density/ km^2
Western Mojave, CA	**24.51**		**2.8 (1.0)**	**–50.7 decline**							
Fremont-Kramer	9.14		2.6 (1.0)	–50.6 decline	4.5	No data	4.1	No data	2.7	1.7	No data
Ord-Rodman	3.32		3.6 (1.4)	–56.5 decline	No data	No data	3.9	2.5/3.4*	2.1/2.5*	No data	1.9/2.5*
Superior-Cronese	12.05		2.4 (0.9)	–61.5 decline	2.6	3.6	1.7	No data	1.9	No data	No data
Colorado Desert, CA	**45.42**		**4.0 (1.4)**	**–36.25 decline**							
Chocolate Mtn AGR, CA	2.78		7.2 (2.8)	–29.77 decline	10.3	8.5	9.4	7.6	7.0	7.1	3.9
Chuckwalla, CA	10.97		3.3 (1.3)	–37.43 decline	No data	No data	4.3	No data	1.8	4.6	2.6
Chemehuevi, CA	14.65		2.8 (1.1)	–64.70 decline	No data	1.7	No data	2.9	No data	4.0	No data
Fenner, CA	6.94		4.8 (1.9)	–52.86 decline	No data	5.5	No data	6.0	2.8	No data	5.3
Joshua Tree, CA	4.49		3.7 (1.5)	+178.62 increase	No data	2.6	3.6	No data	3.1	3.9	No data
Pinto Mtn, CA	1.98		2.4 (1.0)	–60.30 decline	No data	2.1	2.3	No data	1.7	2.9	No data
Piute Valley, NV	3.61		5.3 (2.1)	+162.36 increase	No data	4.0	5.9	No data	No data	No data	3.9

Comment Set B2 – Desert Tortoise Council (continued)

Northeastern Mojave AZ, NV, & UT	**16.2**		**4.5 (1.9)**	**+325.62 increase**							
Beaver Dam Slope, NV, UT, & AZ	2.92		6.2 (2.4)	+370.33 increase	No data	5.6	1.3	5.1	2.0	No data	No data
Coyote Spring, NV	3.74		4.0 (1.6)	+ 265.06 increase	No data	4.2	No data	No data	3.2	No data	No data
Gold Butte, NV & AZ	6.26		2.7 (1.0)	+ 384.37 increase	No data	No data	1.9	2.3	No data	No data	2.4
Mormon Mesa, NV	3.29		6.4 (2.5)	+ 217.80 increase	No data	2.1	No data	3.6	No data	5.2	5.2
Eastern Mojave, NV & CA	**13.42**		**1.9 (0.7)**	**–67.26 decline**							
El Dorado Valley, NV	3.89		1.5 (0.6)	–61.14 decline	No data	2.7	5.6	No data	2.3	No data	No data
Ivanpah Valley, CA	9.53		2.3 (0.9)	–56.05 decline	1.9	No data	No data	3.7	2.6	No data	1.8
Upper Virgin River, UT & AZ	**0.45**		**15.3 (6.0)**	**–26.57 decline**							
Red Cliffs Desert**	0.45	29.1 (21.4-39.6)**	15.3 (6.0)	–26.57 decline	15.0	No data	19.1	No data	17.2	No data	
Rangewide Area of CHUs - TCAs/Rangewide Change in Population Status	**100.00**			**–32.18 decline**							

*This density includes the adult tortoises translocated from the expansion of the MCAGCC, that is resident adult tortoises and translocated adult tortoises.

**Methodology for collecting density data initiated in 1999.

Desert Tortoise Council/Comments/Easley Solar Project DEIR.3-11-2024 32

B2-30 (cont'd)

Comment Set B2 – Desert Tortoise Council (continued)

Mojave desert tortoise is now on the list of the world's most endangered tortoises and freshwater turtles. It is in the top 50 species. The International Union for Conservation of Nature's (IUCN) Species Survival Commission, Tortoise and Freshwater Turtle Specialist Group, now considers Mojave desert tortoise to be Critically Endangered (Berry *et al*. 2021), which is a "species that possess an extremely high risk of extinction as a result of rapid population declines of 80 to more than 90 percent over the previous 10 years (or three generations), a current population size of fewer than 50 individuals, or other factors." It is one of three turtle and tortoise species in the United States to be critically endangered.

B2-30 (cont'd)

The summary of data above indicates that BLM's current management actions for the Mojave desert tortoise are inadequate to help recover the desert tortoise. BLM has been ineffective in halting population declines, which has resulted in non-viable populations. The Council believes that these management actions are inadequate in preventing the extirpation of the Mojave desert tortoise in California and Nevada.

Standardized Surveys – Desert Tortoise and Other Species

B2-31

For the DEIS/DEIR to fully analyze the effects and identify potentially significant impacts, the following surveys must be performed to determine the extent of rare plant and animal populations occurring within areas to be directly and indirectly impacted.

Prior to conducting surveys, a knowledgeable biologist should perform a records search of the California Natural Diversity Data Base (CNDDB; CDFW 2023) for rare plant and animal species reported from the region. The results of the CNDDB review would be reported in the DEIS/DEIR with an indication of suitable and occupied habitats for all rare species reported from the region based on performing the species-specific surveys described below.

CDFG (2010) lists hundreds of plant communities occurring in California, including those that are considered Communities of Highest Inventory Priority, or "CHIPs." Biologists completing surveys on behalf of the project proponent should document such communities where they occur and indicate how impacts to them will be minimized.

The project proponent should fund focused surveys for all rare plant and animal species reported from the vicinity of the proposed project. Results of the surveys will determine appropriate permits from CDFW, BLM, and USFWS and associated avoidance, minimization, and mitigation measures. Focused plant and animal surveys should be conducted by knowledgeable biologists for respective taxa (e.g., rare plant surveys should be performed by botanists), and to assess the likelihood of occurrence for each rare species or resource (e.g., plant community) that has been reported from the immediate region. Focused plant surveys should occur only if there has been sufficient winter rainfall to promote germination of annual plants in the spring. Alternatively, the environmental documents may assess the likelihood of occurrence with a commitment by the proponents to perform subsequent focused plant surveys prior to ground disturbance, assuming conditions are favorable for germination.

Comment Set B2 – Desert Tortoise Council (continued)

B2-31 (cont'd)

Specialized Reptile Surveys: Since there are loose, shifting sands within/near the impact areas of the panels, along the gen-tie lines, or access routes, focused surveys for Mojave fringe-toed lizards (*Uma scoparia*) should be performed (University of California, Riverside 2005, 2007).

Migratory Birds/Eagles: BLM should ensure that all actions it authorizes are implemented in compliance with the Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, and associated regulations, executive orders, and policies (e.g., Driscoll 2010, Pagel et al. 2010) to avoid mortality or injury to migratory birds and harassment of eagles.

Burrowing owl: Surveys for western burrowing owl (*Athene cunicularia*) should be coordinated with the USFWS as the species is protected under the Migratory Bird Treaty Act and with CDFW (2012). In addition to the project footprint, the 2012 protocol requires that peripheral transects be surveyed at 30-, 60-, 90-, 120-, and 150-meter intervals in all suitable habitats adjacent to the subject property to determine the potential indirect impacts of the project on this species. If burrowing owl sign is found, CDFG (2012) describes appropriate minimization and mitigation measures that would be required. Also note that BLM should demonstrate in the DEIS/DEIR how it will comply with "E.O. 13186 – Responsibilities of Federal Agencies To Protect Migratory Birds." If burrowing owl sign is found, BLM and the project proponent should develop a science-based relocation/mitigation/monitoring/adaptive management plan with the USFWS and CDFW and ensure that this plan is implemented.

Mojave Desert Tortoise Surveys: Formal protocol surveys for Mojave desert tortoise (USFWS 2019) must be conducted at the proper times of year. Because USFWS (2009) and CDFW require only experienced biologists to perform protocol surveys, USFWS and CDFW biologists should review surveyors' credentials prior to initiating the surveys. Per this protocol, since the impact area is larger than 500 acres, the surveys must be performed in the time periods of April-May or September-October so that a statistical estimate of tortoise densities can be determined for the "action area" (please see below). If any tortoise sign is found, the project proponent should coordinate with USFWS and CDFW to determine whether "take" under FESA or CESA is likely to occur from implementation of the proposed project. If tortoises are present, the project proponent must obtain a biological opinion under Section 7(a)(2) from the USFWS for activities on federal lands/actions and a Section 2081 incidental take permit from the CDFW prior to conducting any ground disturbance.

We note the following wording on page 15 of the POD: "…temperature thresholds for *clearance surveys* [*emphasis* added] may be up to 40 degrees Celsius (C) (104 degrees F) in areas that do not have a high modelled desert tortoise occupancy; and/or historical data did not have active desert tortoise sign within the area or in immediate adjacent areas." Before this measure is implemented, the proponent needs concurrence from both the USFWS and CDFW. *Clearance surveys*, which are intended to remove all tortoises from an impact area (USFWS 2009) must necessarily follow *presence-absence protocol surveys* (USFWS 2019), which are intended to detect tortoises and their signs and to estimate tortoise abundance within the action area. Therefore, determinations for clearance surveys should not be based on "modelled" or "historical" data, as cited above. Rather, these determinations must be based on presence-absence survey data specifically collected for this project during the spring and/or fall as identified in USFWS (2019).

Comment Set B2 – Desert Tortoise Council (continued)

B2-31 (cont'd)

We request that protocol-level surveys be performed at the area of the proposed project *and in any translocation area that are being considered* in the DEIS/DEIR. The results of these surveys should be published in the DEIS/DEIR and should include density estimates for each alternative assessed.

To determine the full extent of impacts to tortoises and to facilitate compliance with the FESA and CESA, authorized biologist(s) must consult with the USFWS to determine the action area for this project. The USFWS defines "action area" the Code of Federal Regulations and their Desert Tortoise Field Manual (USFWS 2009) as "all areas to be affected directly or indirectly by proposed development and not merely the immediate area involved in the action (50 CFR §402.02)."

The Council's persisting concern is that proponents of solar projects continue to identify a single site for development without any attempt to identify alternative sites. As such, when focused studies reveal significant accumulations of tortoises on the proponent's selected site, because there is only one site identified for the project, there is no opportunity to select an alternative site where impacts would be minimized.

Too often, a single impact footprint is identified, all surveys are restricted to that site, and no alternative sites are assessed, as required by NEPA. We are concerned that this project has already pre-determined the project footprint. As such, there may be other areas of lower tortoise densities where impacts could be minimized. However, those areas would not be considered if the project footprint is predetermined before survey data are available. As such, we request that more than one site, preferably three, be identified and analyzed in the DEIS/DEIR and that the alternative with the fewest impacts to tortoises be analyzed for development.

If that is not feasible, we ask that the "action area" of the proposed project be several times larger than the project footprint so that those portions of the site with fewer tortoises could be selected. Proponents of the Gemini Solar Site in southern Nevada, for example, ignored these recommendations, and displaced more than 100 tortoises, when based on their presence-absence tortoise surveys, a shift of the site to the east would have avoided many of those animals.

It is current management to require desert tortoise protocol surveys (USFWS 2019) on a given site, but all too often translocation sites are ignored. We feel strongly that protocol surveys should occur on multiple or enlarged sites as given above *and* on all proposed translocation sites, assuming tortoises will be translocated.

Mojave Desert Tortoise Impacts Analysis:

Analysis of Direct and Indirect Impacts: The alternatives analysis should include an economic analysis that provides the total cost of constructing the proposed project versus other alternatives, so the public can see how much the total cost of each alternative is. This would include an analysis of the costs of replacing all public resources that would be lost from granting the proposed project including direct, indirect, and cumulative impacts. Please note, this analysis would include habitat replacement or restoration costs including the time needed to achieve full replacement, not just acquisition, management, monitoring, and adaptive management costs.

Comment Set B2 – Desert Tortoise Council (continued)

The DEIS/DEIR should include a thorough analysis of the status and trend of the tortoise in the action area, tortoise conservation area(s), recovery unit(s), and rangewide. Tied to this analysis should be a discussion of all likely sources of mortality for the tortoise and degradation and loss of habitat from implementation of solar development including construction, operation and maintenance, decommissioning, and restoration of the public lands. The DEIS/DEIR should use the data from focused plant and wildlife surveys in their analysis of the direct, indirect, and cumulative impacts of the proposed project on the Mojave desert tortoise and its habitat, other listed species, and species of special concern designated by USFWS, CDFW, and BLM. **B2-31 (cont'd)**

We expect that the DEIS/DEIR will document how many acres would be impacted directly by solar arrays, access roads to the site, administration/maintenance buildings, parking areas, transmission towers, switchyards, laydown areas, internal access roads, access roads along gen-tie lines, a perimeter road, perimeter fencing, substations, battery storage (e.g., the project footprint). We also request that separate calculations document how many acres of desert tortoise habitats would be temporarily and permanently impacted both directly and indirectly (e.g., "road effect zone," etc.) by the proposed Project. As given below, these acreages should be based on field surveys for tortoises not just available models.

Road Effect Zone: We request that the DEIS/DEIR include information on the locations, sizes, and arrangements of roads to the proposed project and within it, who will have access to them, whether the access roads will be secured to prevent human access or vandalism, and if so, what methods would be used. The presence/use of roads even with low vehicle use has numerous adverse effects on the desert tortoise and its habitats that have been reported in the scientific literature. These include the deterioration/loss of wildlife habitat, hydrology, geomorphology, and air quality; increased competition and predation (including by humans); and the loss of naturalness or pristine qualities. **B2-32**

Vehicle use on new roads and increased vehicle use on existing roads equates to increased direct mortality and an increased road effect zone for desert tortoises. Road construction, use, and maintenance adversely affect wildlife through numerous mechanisms that can include mortality from vehicle collisions, and loss, fragmentation, and alteration of habitat (Nafus et al. 2013; von Seckendorff Hoff and Marlow 2002).

In von Seckendorff Hoff and Marlow (2002), they reported reductions in Mojave desert tortoise numbers and sign from infrequent use of roadways to major highways with heavy use. There was a linear relationship between traffic level and tortoise reduction. For two graded, unpaved roads, the reduction in tortoises and sign was evident 1.1 to 1.4 km (3,620 to 4,608 feet) from the road. Nafus et al. (2013) reported that roads may decrease tortoise populations via several possible mechanisms, including cumulative mortality from vehicle collisions and reduced population growth rates from the loss of larger reproductive animals. Other documented impacts from road construction, use, and maintenance include increases in roadkill of wildlife species as well as tortoises, creating or increasing food subsidies for common ravens, and contributing to increases in raven numbers and predation pressure on the desert tortoise.

Comment Set B2 – Desert Tortoise Council (continued)

Please include in the DEIS/DEIR analyses, the five major categories of primary road effects to the tortoise and special status species: (1) wildlife mortality from collisions with vehicles; (2) hindrance/barrier to animal movements thereby reducing access to resources and mates; (3) degradation of habitat quality; (4) habitat loss caused by disturbance effects in the wider environment and from the physical occupation of land by the road; and (5) subdividing animal populations into smaller and more vulnerable fractions (Jaeger et al. 2005a, 2005b, Roedenbeck et al. 2007). These analyses should be at the population, recovery unit, and rangewide levels. **B2-32 (cont'd)**

In summary, road establishment/increased use is often followed by various indirect impacts such as increased human access causing disturbance of species' behavior, increased predation, spread of invasive species that alters/degrades habitat, and vandalism and/or collection. The analysis of the impacts from road establishment and use should include cumulative effects to the tortoise with respect to nearby critical habitat and other TCAs/occupied habitats, areas identified as important linkage habitat for connectivity between nearby critical habitat units/TCAs/occupied habitats as these linkage areas serve as corridors for maintaining genetic and demographic connectivity between populations, recovery units, and rangewide (see *Desert Tortoise Habitat Linkages/Connectivity among Populations and Recovery Units* below). These and other indirect impacts to the Mojave desert should be analyzed in the DEIS/DEIR from project construction, operations and maintenance, decommissioning, and habitat restoration.

Desert Tortoise Habitat Linkages/Connectivity among Populations and Recovery Units: The DEIS/DEIR should analyze how this proposed project will impact the movement of tortoises relative to linkage habitats/corridors. The DEIS/DEIR should include an analysis of the minimum linkage design necessary for conservation and recovery of the desert tortoise (e.g., USFWS 2011, Averill-Murray et al. 2013, Hromada et al. 2020), and how the project, along with other existing projects, would impact the linkages between tortoise populations and all recovery units that are needed for survival and recovery. We strongly request that the environmental consequences section of the DEIS/DEIR include a thorough analysis of this indirect effect (40 Code of Federal Regulations 1502.16) and appropriate mitigation to maintain the function of population connectivity for the Mojave desert tortoise and other wildlife species. Similarly, please document how this project may impact proximate conservation areas, such as BLM-designated ACECs and USFWS-designated critical habitat. **B2-33**

Jurisdictional Waters in California: A jurisdictional waters analysis should be performed for all potential impacts to washes, streams, and drainages. This analysis should be reviewed by the CDFW as part of the permitting process and a section 1600 Streambed Alteration Agreement acquired, if deemed necessary by CDFW. **B2-34**

Mitigation Plans **B2-35**

The DEIS/DEIR should include effective mitigation for all direct, indirect, and cumulative effects to the tortoise and its habitats. The mitigation should use the best available science with a commitment to implement the mitigation commensurate to impacts to the tortoise and its habitats. Mitigation should include a fully-developed desert tortoise translocation plan, including protection of tortoise translocation area(s) from future development and human disturbance in perpetuity; raven management plan; non-native plant species management plan; fire prevention plan; compensation plan for the degradation and loss of tortoise habitat that includes protection of the acquired, improved, and restored habitat in perpetuity for the tortoise from future development and human use; and habitat restoration plan when the lease is terminated and the proposed project is decommissioned.

Comment Set B2 – Desert Tortoise Council (continued)

All plans should be provided in the DEIS/DEIR so the public and the decisionmaker can determine their adequacy (i.e., whether they are scientifically rigorous and would be effective in mitigating for the displacement and loss of tortoises and degradation and loss of tortoise habitat from project implementation). Too often, such plans are alluded to in the draft environmental document and promised later, which does not allow the reviewers to assess their adequacy, which is unacceptable. If not available as appendices in draft documents, all indicated plans must be published in the final environmental documents. Their inclusion is necessary to determine their adequacy for mitigating direct, indirect, and cumulative impacts, and monitoring for effectiveness and adaptive management regarding the desert tortoise. If these plans are not provided, it is not possible for BLM, other decisionmakers, and the interested public to determine the environmental consequences of the project to the tortoise. **B2-36**

These mitigation plans should include an implementation schedule that is tied to key actions of the construction, operation, maintenance, decommissioning, and restoration phases of the project so that mitigation occurs concurrently with or in advance of the impacts. The plans should specify success criteria, include an effectiveness monitoring plan to collect data to determine whether success criteria have been met, and identify/implement actions that would be required if the mitigation measures do not meet the success criteria.

BLM Manual 6840: Special Status Species Management includes the following BLM directives (BLM 2008b) that are applicable to the Mojave desert tortoise:

6840.01 Purpose. The purpose of this manual is to provide policy and guidance for the conservation of BLM special status species and the ecosystems upon which they depend on BLM-administered lands. BLM special status species are: (1) species listed or proposed for listing under the FESA, and (2) species requiring special management consideration to promote their conservation and reduce the likelihood and need for future listing under the FESA, which are designated as BLM sensitive by the State Director(s).

6840.02 Objectives. The objectives of the BLM special status species policy are (1) to conserve and/or recover FESA-listed species and the ecosystems on which they depend so that FESA protections are no longer needed for these species, and (2), to initiate proactive conservation measures that reduce or eliminate threats to BLM-sensitive species to minimize the likelihood of and need for listing of these species under the FESA. With respect to the Mojave desert tortoise, we request that the Proposed action or other alternatives contribute to meeting objectives in BLM Manual 6840 – Special Status Species Management (BLM 2008b).

Translocation Plan - Translocated Tortoises & Translocation Sites: How many tortoises will be displaced by the proposed project? How long will translocated tortoises be monitored? Will the monitoring report show how many of those tortoises lived and died after translocation and over time? Are there any degraded habitats or barren areas that may impair success of the translocation? Are there incompatible human uses in the new translocation area that need to be eliminated or managed to protect newly-translocated tortoises? Were those translocation areas sufficiently isolated that displaced tortoises were protected by existing or enhanced land management? How will the proponent minimize predation of translocated tortoises and avoid adverse climatic conditions, such as low winter rainfall conditions that may exacerbate translocation success? Were tortoises translocated to a site where they would be protected from threats (e.g., off-highway vehicles, future development, etc.)? These questions should be answered in the Environmental Consequences section of the DEIS/DEIR. **B2-37**

Comment Set B2 – Desert Tortoise Council (continued)

The project proponent should implement the USFWS' Translocation Guidance (USFWS 2020) and coordinate translocation with BLM and CDFW. In addition, the proponent's project-specific translocation plan should be based on current data and developed using lessons learned from earlier translocation efforts (e.g., increased predation, drought). (see *Desert Tortoise Translocation Bibliography Of Peer-Reviewed Publications*[1] in the footnote).

B2-37 (cont'd)

The Translocation Plan should include implementation of a science-based monitoring plan approved by the USFWS and CDFW that will accurately access these and other issues to minimize losses of translocated tortoises and impacts to their habitat. For example, the health of tortoises may be jeopardized if they are translocated during drought conditions, which is known to undermine translocation successes (Esque et al. 2010). If drought conditions are present at the time of project development, we request that the proponent confer with the USFWS and CDFW immediately prior to translocating tortoises and seek input on ways to avoid loss of tortoises due to stressors associated with drought. One viable alternative if such adverse conditions exist is to postpone site development until which time conditions are favorable to enhance translocation success.

Moving tortoises from harm's way, the focus of the Translocation Guidance, does not guarantee their survival and persistence at the translocation site, especially if it will be subject to increased human use or development. In addition to the Translocation Guidance and because translocation sites are mitigation for the displacement of tortoises and loss of habitat, these sites should be managed for the benefit of the tortoise in perpetuity. Consequently, a conservation easement or other durable legal designation should be placed on the translocation sites. The project proponent should fully fund management of the site to enhance it for the benefit of the tortoise in perpetuity.

B2-38

Tortoise Predators and a Predator Management Plan: Common ravens are known predators of the Mojave desert tortoise and their numbers have increased substantially because of human subsidies of food, water, and sites for nesting, roosting, and perching to hunt (Boarman et al. 2006). Coyotes and badgers are also predators of tortoises. Because ravens can fly at least 30 miles in search of food and water daily (Boarman et al. 2006) and coyotes can travel an average of 7.5 miles or more daily (Servin et al. 2003), this analysis should extend out at least 30 miles from the proposed project site.

The DEIS/DEIR should analyze if this new use would result in an increase in common ravens and other predators of the desert tortoise in the action area. During construction, operations and maintenance, decommissioning, and restoration phases of the proposed project, the BLM should require science-based management of common raven, coyote, and badger predation on tortoises in the action area. This would include the translocation sites.

For local impacts, the Predator Management Plan should include reducing/eliminating human subsidies of food and water, and for the common raven, sites for nesting, roosting, and perching to address local impacts (footprint of the proposed project). This includes buildings, fences, and other vertical structures associated with the project site. In addition, the Predator Management Plan should include provisions that eliminate the pooling of water on the ground or on roofs.

[1] https://www.fws.gov/nevada/desert_tortoise/documents/reports/2017/peer-reviewed_translocation_bibliography.pdf

Comment Set B2 – Desert Tortoise Council (continued)

The Predator Management Plan should include science-based monitoring and adaptive management throughout all phases of the project to collect data on the effectiveness of the Plan's implementation and implement changes to reduce/eliminate predation on the tortoise if existing measures are not effective. **B2-38 (cont'd)**

For regional and cumulative impacts, the BLM should require the project proponent to participate in efforts to address regional and cumulative impacts. For example, in California, the project proponent should be required to contribute to the National Fish and Wildlife Foundation's Raven Management Fund to help mitigation for regional and cumulative impacts. This Fund was established in 2010 and unfortunately has not revised its per acre payment fees to reflect increased labor and supply costs during the past decade to provide for effective implementation. The National Fish and Wildlife Foundation should revise the per acre fee.

We request that for any of the transmission options, the project use infrastructure (particularly towers) that prevent raven nesting and perching for hunting. For example, for gen-ties/transmission lines the tubular design pole with a steep-pointed apex and insulators on down-sloping cross arms is preferable to lattice towers, which should not be used. New fencing should not provide resources for ravens, like new perching and nesting sites.

According to Appendix A of Common Raven Predation on the Desert Tortoise (USFWS 2010), "The BLM's biological assessments and the USFWS' biological opinions for the CDCA plan amendments reiterate the need to address the common raven and its potential impacts on desert tortoise populations." Please ensure that all standard measures to mitigate the local, regional, and cumulative impacts of raven predation on the tortoise are included in this DEIS/DEIR, including developing a raven management plan for this specific project. USFWS (2010) provides a template for a project-specific management plan for common ravens. This template includes sections on construction, operation, maintenance, and decommissioning (including restoration) with monitoring and adaptive management during each project phase (USFWS 2010).

Fire Prevention/Management Plans: The proposed project could include numerous infrastructure components that have been known to cause fires. Lithium-ion batteries at the project site have the potential to explode and cause fires and are not compatible with using water for fighting fires. Photovoltaic panel malfunctions have caused vegetation to burn onsite. We request that the DEIS/DEIR include a Fire Prevention Plan in addition to a Fire Management Plan specifically targeting methods to deal with explosions/fires produced by these batteries/panels as well as other sources of fuel and explosives on the project site. **B2-39**

Habitat Compensation Plan: When the project proponent seeks an incidental take permit from the CDFW, because their project would result in take of a listed species under CESA (e.g., Mojave desert tortoise), compensatory mitigation would be required. The mitigation lands must be occupied by the species and secured and managed in perpetuity for the listed species. Hence, the DEIS/DEIR should include a Habitat Compensation Plan for the loss/degradation of habitat. This plan should calculate how it will fully mitigate for the impacts of the proposed project including direct, indirect, cumulative, and temporal impacts. **B2-40**

Comment Set B2 – Desert Tortoise Council (continued)

Climate Change and Non-native Plants B2-41

Climate Change: We request that the DEIS/DEIR address the effects of the proposed action on climate change warming and the effects that climate change may have on the proposed action. For the latter, we recommend including: an analysis of habitats within the project area that may provide refugia for tortoise populations; an analysis of how the proposed action would contribute to the spread and proliferation of nonnative invasive plant species; how this spread/proliferation would affect the desert tortoise and its habitats (including the frequency and size of human-caused fires); and how the proposed action may affect the likelihood of human-caused fires. We strongly urge that the BLM require the project proponent to develop and implement a management and monitoring plan using this analysis and other relevant data that would reduce the transport to and spread of nonnative seeds and other plant propagules within the project area and eliminate/reduce the likelihood of human-caused fires. The plan should integrate vegetation management with fire prevention and fire response.

Impacts from Proliferation of Nonnative Plant Species and Management Plan: The DEIS/DEIR should include an analysis of how the proposed project would contribute to the spread and proliferation of non-native invasive plant species; how this spread/proliferation would affect the desert tortoise and its habitats (including the frequency and size of human-caused fires); and how the proposed project may affect the frequency, intensity, and size of human-caused and naturally occurring fires. For reasons given in the previous paragraph, we strongly urge that the BLM require the project proponent to develop and implement a management and monitoring plan for nonnative plant species. The plan should integrate management/enhancement of native vegetation with fire prevention and fire response to wildfires.

Hydrology and Water Quality B2-42

Regarding water quality of surface and ground water, the DEIS/DEIR should include an analysis of the impacts of water acquisition, use, and discharge for panel washing, potable uses, and any other uses associated with this proposed project, and cumulative impacts from water use and discharge on native perennial shrubs and annual vegetation used for forage by the Mojave desert tortoise, including downstream and downstream impacts. The DEIS/DEIR should analyze how much water is proposed to be used during construction and operation; how any grading, placement, and/or use of any project facilities will impact downstream/downslope flows that are reduced, altered, eliminated, or enhanced. This analysis should include impacts to native and non-native vegetation and habitats for wildlife species including the Mojave desert tortoise, for which washes are of particular importance for feeding, shelter, and movements.

Therefore, we request that the DEIS/DEIR include an analysis of how water use during construction, operations and maintenance, decommissioning, and habitat restoration will impact the levels of ground water in the region. These levels may then impact surface and near-surface flows at springs, seeps, wetlands, pools, and groundwater-dependent vegetation in the basin. The analyses of water quality and quantity of surface and ground water should include appropriate measures to ensure that these impacts are fully mitigated, preferably beginning with avoidance and continuing through CEQ's other forms of mitigation (40 CFR 1508.20).

Comment Set B2 – Desert Tortoise Council (continued)

Federal Land Policy and Management and Federal Endangered Species Act

B2-43

Federal Land Policy and Management Act (FLPMA): In 1976, Congress passed the FLPMA and established the CDCA Plan "to provide for the immediate and future protection and administration of the public lands in the California desert within the framework of a program of multiple uses and sustained yield, and the maintenance of environmental quality." Congress further declared "the California desert environment is a total ecosystem that is extremely fragile, easily scarred, and slowly healed; the use of all California desert resources [including rare and endangered species of wildlife, plants, and fishes] can and should be provided for in a multiple use and sustained yield management plan to conserve these resources for future generations…"

Congress wrote a lengthy definition of "multiple use" for the management of public lands and their various resource values. The definition included "… the use of some land for less than all of the resources; a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and non-renewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output."

Congress defined "sustained yield" as the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the public lands consistent with multiple use. The Mojave desert tortoise and its habitats are renewable resources.

The definition of "environmental quality" is a set of properties and characteristics of the environment, either generalized or local, as they impinge on human beings and other organisms. It is a measure of the condition of an environment relative to the requirements of one or more species and or to any human need or purpose. Thus, BLM must consider the quality or condition of the environment of the Mojave desert tortoise with respect to the species' requirements for persistence and must maintain this habitat quality.

The Council believes that BLM's management of the Mojave desert tortoise and its habitats in California, in particular, is not in compliance with FLPMA or the purposes for establishing the CDCA in California. The large number of non-viable populations and downward trend in population densities for the Mojave desert tortoise in the CDCA confirm non-compliance with the "immediate and future protection of public lands," "conserving resources for future generations," and definitions of multiple use, sustained yield, and environmental quality.

Section 7(a)(1) of the Endangered Species Act: Section 7(a)(1) of the Endangered Species Act states that all federal agencies "…shall… utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to Section 4 of this Act." In Section 3 of the FESA, "conserve," "conserving," and "conservation" mean "to use and the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition…"

Comment Set B2 – Desert Tortoise Council (continued)

The Council believes that the data given herein demonstrate that BLM's management of the Mojave desert tortoise and its habitat under the CDCA Plan and Plan Amendments has not been effective in meeting BLM's Section 7(a)(1) mandate of carrying out programs for its conservation. To meet its Section 7(a)(1) responsibilities, the BLM needs to adopt and implement the management actions of the one population of the Mojave desert tortoise in California that is increasing, which is managed by the National Park Service (NPS). The NPS' land management practices are closer to managing areas of land as reserves, which is what the 1994 recovery plan (USFWS 1994b) described as part of the recovery strategy for the Mojave desert tortoise. **B2-43**

While BLM designated Desert Wildlife Management Areas (DWMAs) as one part of the recovery strategy, it did not implement the other parts of the recovery strategy. According to the Recovery Plan, DWMAs were to be managed as reserves; that is, they were areas of land to keep, save, preserve, or protect tortoises and their habitats. BLM not only did not identify and implement needed recovery actions within each DWMA to manage the DWMAs as protected areas for the Mojave desert tortoise, in California, DMWAs were eliminated with the BLM's Record of Decision for the Desert Renewable Energy Conservation Plan (DRECP) (BLM 2015).

When analyzing and implementing aspects of the project, we request that BLM demonstrate how it is contributing effectively to the conservation and recovery of the Mojave desert tortoise, in California, the Colorado Desert Recovery Unit, and Chuckwalla CHU/TCA/population. We request that BLM show how mitigation for the project will do more than offset all direct, indirect, and cumulative impacts so that the status of the Mojave desert tortoise as described herein will improve. By providing this information, BLM would demonstrate its compliance with section 7(a)(1) of the FESA for the Mojave desert tortoise.

Cumulative Effects **B2-44**

With regards to cumulative effects, the DEIS/DEIR should list and analyze all project impacts within the region including future state, federal, and private actions affecting listed species on state, federal, and private lands. The Council asks that the relationship between this proposed project and the DRECP (BLM 2015) be analyzed, as the project occurs within a designated Development Focused Area (DFA) identified in the final Record of Decision by the BLM for the DRECP (BLM 2016). We also expect that the environmental documents will provide a detailed analysis of the "heat sink" effects of solar development on adjacent desert areas and particularly Mojave desert tortoise in addition to climate change.

In the cumulative effects analysis of the DEIS/DEIR, please ensure that the CEQs "Considering Cumulative Effects under the National Environmental Policy Act" (1997) is followed, including the eight principles, when analyzing cumulative effects of the proposed action to the tortoise and its habitats. CEQ states, "Determining the cumulative environmental consequences of an action requires delineating the cause-and-effect relationships between the multiple actions and the resources, ecosystems, and human communities of concern. The range of actions that must be considered includes not only the project proposal but all connected and similar actions that could contribute to cumulative effects." The analysis "must describe the response of the resource to this environmental change." Cumulative impact analysis should "address the sustainability of resources, ecosystems, and human communities." For example, the DEIS/DEIR should include data on the estimated number of acres of tortoise habitats degraded/lost and the numbers of tortoises that may be lost to growth-inducing impacts in the region.

Comment Set B2 – Desert Tortoise Council (continued)

B2-44 (cont'd)

For federal projects where the lead agency funds, authorizes, or carries out some part of the project, CEQs guidance on how to analyze cumulative environmental consequences is given in the eight principles listed below:

1. Cumulative effects are caused by the aggregate of past, present, and reasonable future actions.
The effects of a proposed action on a given resource, ecosystem, and human community, include the present and future effects added to the effects that have taken place in the past. Such cumulative effects must also be added to the effects (past, present, and future) caused by all other actions that affect the same resource.

2. Cumulative effects are the total effect, including both direct and indirect effects, on a given resource, ecosystem, and human community of all actions taken, no matter who (federal, non-federal, or private) has taken the actions.
Individual effects from disparate activities may add up or interact to cause additional effects not apparent when looking at the individual effect at one time. The additional effects contributed by actions unrelated to the proposed action must be included in the analysis of cumulative effects.

3. Cumulative effects need to be analyzed in terms of the specific resource, ecosystem, and human community being affected.
Environmental effects are often evaluated from the perspective of the proposed action. Analyzing cumulative effects requires focusing on the resources, ecosystem, and human community that may be affected and developing an adequate understanding of how the resources are susceptible to effects.

4. It is not practical to analyze the cumulative effects of an action on the universe; the list of environmental effects must focus on those that are truly meaningful.
For cumulative effects analysis to help the decision maker and inform interested parties, it must be limited through scoping to effects that can be evaluated meaningfully. The boundaries for evaluating cumulative effects should be expanded to the point at which the resource is no longer affected significantly or the effects are no longer of interest to the affected parties.

5. Cumulative effects on a given resource, ecosystem, and human community are rarely aligned with political or administrative boundaries.
Resources are typically demarcated according to agency responsibilities, county lines, grazing allotments, or other administrative boundaries. Because natural and sociocultural resources are not usually so aligned, each political entity actually manages only a piece of the affected resource or ecosystem. Cumulative effects analysis on natural systems must use natural ecological boundaries and analysis of human communities must use actual sociocultural boundaries to ensure including all effects.

6. Cumulative effects may result from the accumulation of similar effects or the synergistic interaction of different effects.
Repeated actions may cause effects to build up through simple addition (more and more of the same type of effect), and the same or different actions may produce effects that interact to produce cumulative effects greater than the sum of the effects.

Comment Set B2 – Desert Tortoise Council (continued)

B2-44 (cont'd)

7. Cumulative effects may last for many years beyond the life of the action that caused the effects.
Some actions cause damage lasting far longer than the life of the action itself (e.g., acid mine damage, radioactive waste contamination, species extinctions). Cumulative effects analysis needs to apply the best science and forecasting techniques to assess potential catastrophic consequences in the future.

8. Each affected resource, ecosystem, and human community must be analyzed in terms of its capacity to accommodate additional effects, based on its own time and space parameters.
Analysts tend to think in terms of how the resource, ecosystem, and human community will be modified given the action's development needs. The most effective cumulative effects analysis focuses on what is needed to ensure long-term productivity or sustainability of the resource.

To help BLM understand the complexity of the cumulative and interactive nature of multiple anthropogenic threats to desert tortoise populations and to help develop BLM's analysis of cumulative impacts in the DEIS for this project, we have included a map of some of these multiple threats and their relationships to other threats (Tracy et al. 2004) (please see Figure 1).

Comment Set B2 – Desert Tortoise Council (continued)

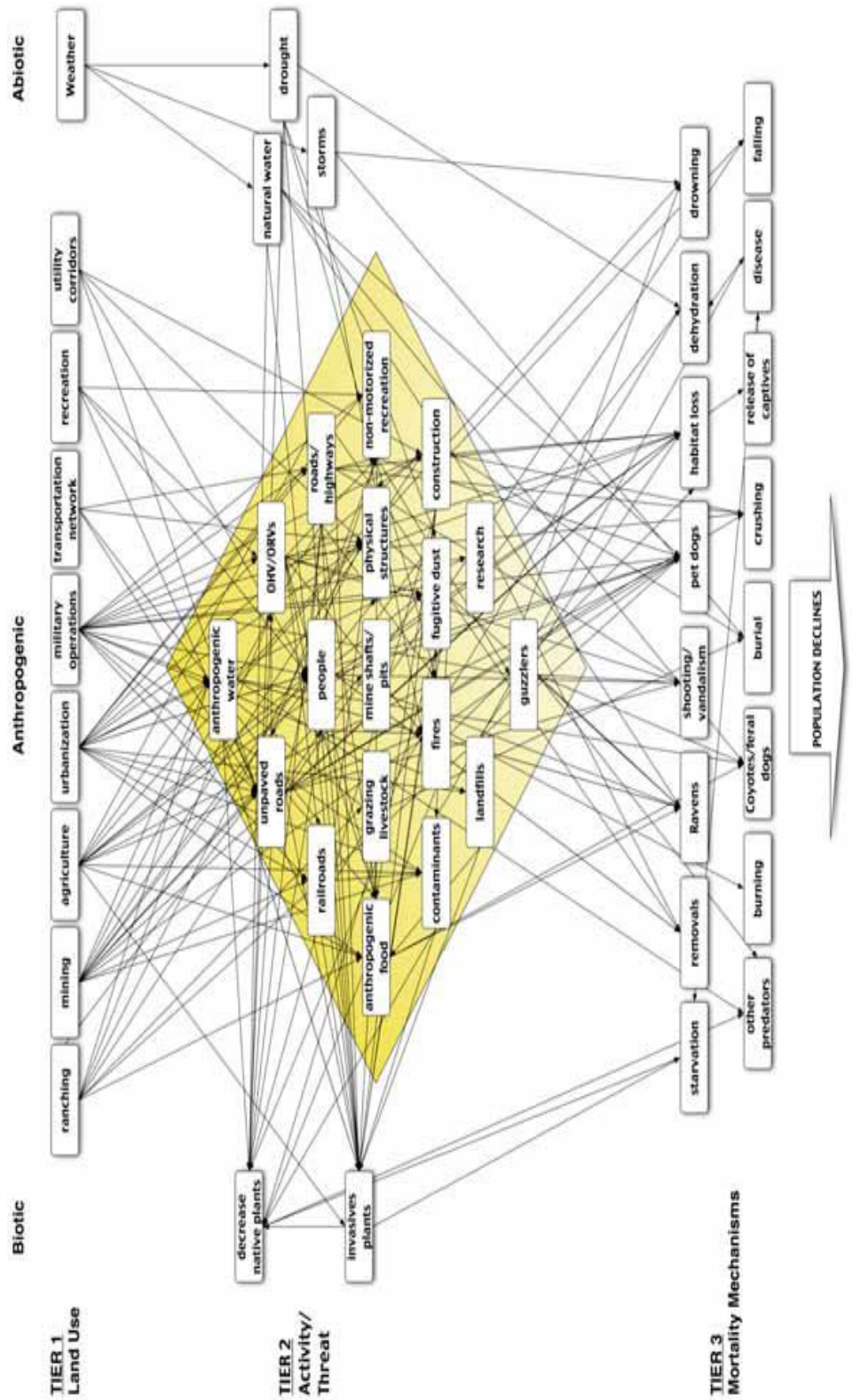


Figure 1. Network of threats demonstrating the interconnectedness between multiple human activities that interact to cause mortality and prevent recovery of tortoise populations. Tier 1 includes the major land use patterns that facilitate various activities (Tier 2) that impact tortoise populations through a suite of mortality factors (Tier 3). Just one land use results in several activities that are threats to the tortoise and cause numerous mortality mechanisms (from Tracy et al. 2004).

Desert Tortoise Council/Comments/Easley Solar Project DEIR.3-11-2024 46

B2-44 (cont'd)

Comment Set B2 – Desert Tortoise Council (continued)

Note that CEQ includes analysis of interactive and synergistic impacts with cumulative impacts. We request that the DEIS/DEIR (1) include these eight principles in its analysis of cumulative impacts to the Mojave desert tortoise; (2) address the sustainability of the tortoise in the region/given the information on the *Status of the Mojave Desert* given herein; and (3) include mitigation along with monitoring and adaptive management plans that protect desert tortoises and their habitats during construction, operation, maintenance, and decommissioning of approved facilities.

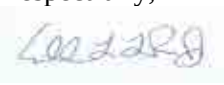
B2-44 (cont'd)

In addition, we request that BLM add this project and its impacts to a database and geospatial tracking system for special status species, including Mojave desert tortoises, that track cumulative impacts (e.g., surface disturbance, paved and unpaved routes, linear projects, invasive species occurrence, herbicide /pesticide use, wildfires, etc.), management decisions, and effectiveness of mitigation for each project. Without such a tracking system, BLM is unable to analyze cumulative impacts to special status species (e.g., desert tortoises) with any degree of confidence.

B2-45

We appreciate this opportunity to provide scoping comments on this project and trust they will help protect tortoises during any resulting authorized activities. Herein, we reiterate that the Desert Tortoise Council wants to be identified as an Affected Interest for this and all other projects funded, authorized, or carried out by the BLM that may affect desert tortoises, and that any subsequent environmental documentation for this project is provided to us at the contact information listed above. Additionally, we ask that you respond in an email that you have received this comment letter so we can be sure our concerns have been registered with the appropriate personnel and office for this project.

Respectfully,



Edward L. LaRue, Jr., M.S.
Desert Tortoise Council, Ecosystems Advisory Committee, Chairperson

cc. Nada L. Culver, Deputy Director of Policy and Programs, Bureau of Land Management, nculver@blm.gov

Ann McPherson, Environmental Review, U.S. Environmental Protection Agency, mcpherson.ann@epa.gov

Rollie White, Assistant Field Supervisor, Palm Spring Fish and Wildlife Office, U.S. Fish and Wildlife Office, rollie_white@fws.gov

Michelle Shelly Lynch, District Manager, California Desert District, Bureau of Land Management, BLM_CA_Web_CD@blm.gov

Tim Gilloon, Field Manager, Palm Springs Field Office, Bureau of Land Management, tgilloon@blm.gov

Heidi Calvert, Regional Manager, Region 6 – Inland and Desert Region, California Department of Fish and Wildlife, Heidi.Calvert@wildlife.ca.gov

Brandy Wood, Region 6 – Desert Inland Region, California Department of Fish and Wildlife, Brandy.Wood@wildlife.ca.gov

Comment Set B2 – Desert Tortoise Council (continued)

B2-45 (cont'd)

Literature Cited

Allison L.J. and McLuckie, A.M. 2018. Population trends in Mojave desert tortoises (*Gopherus agassizii*). Herpetological Conservation and Biology. 2018 Aug 1;13(2):433-52.

Averill-Murray, R.C., C.R. Darst, N. Strout, and M. Wong. 2013. Conserving population linkages for the Mojave desert tortoise (*Gopherus agassizii*). Herpetological Conservation and Biology 8(1):1–15.

Berry, K.H., L.J. Allison, A.M. McLuckie, M. Vaughn, and R.W. Murphy. 2021. *Gopherus agassizii*. The IUCN Red List of Threatened Species 2021: e.T97246272A3150871. https://dx.doi.org/10.2305/IUCN.UK.2021-2.RLTS.T97246272A3150871.en

[BLM] U.S. Bureau of Land Management. 1980. California Desert Conservation Area Plan, as Amended. Prepared by the Desert District, Riverside, CA.

[BLM] U.S. Bureau of Land Management. 2008a. National Environmental Policy Act Handbook H-1790-1. Washington, D.C. January 2008.

[BLM] U.S. Bureau of Land Management. 2008b. Manual 6840 – Special Status Species Management. Washington, D.C. December 12, 2008.

[BLM] Bureau of Land Management. 2021a. Reinstating the Bureau of Land Management (BLM) Manual Section (MS-1794) and Handbook (H-1794-1) on Mitigation. Instruction Memorandum IM 2021-046. September 22, 2021.

[BLM] Bureau of Land Management. 2021b. Mitigation Handbook (H-1794-1). https://www.blm.gov/sites/default/files/docs/2021-10/IM2021-046_att2.pdf.

[BLM] Bureau of Land Management. 2021c. Mitigation Manual (MS-1794). Bureau of Land Management, September 22, 2021. https://www.blm.gov/sites/default/files/docs/2021-10/IM2021-046_att1_0.pdf.

[BLM 2022] Bureau of Land Management. 2022. Habitat Connectivity on Public Lands Instruction Memorandum 2023-005.

[BLM and DOE] U.S. Bureau of Land Management and U.S. Department of Energy. 2012. Final Programmatic Environmental Impact Statement for Solar Energy Development in Six Southwestern States. FES 12-24, DOE/EIS-0403. Washington, D.C.: U.S. Bureau of Land Management and U.S. Department of Energy. http://solareis.anl.gov/ documents/fpeis.

[BLM] U.S. Bureau of Land Management. 2015. Desert Renewable Energy Conservation Plan proposed land use plan amendment and final environmental impact statement (BLM/CA/PL-2016/03+1793+8321). Prepared by the BLM in partnership with U.S. Fish and Wildlife Service, California Energy Commission, and California Department of Fish and Wildlife. Sacramento, CA.

Comment Set B2 – Desert Tortoise Council (continued)

B2-45 (cont'd)

[BLM] U.S. Bureau of Land Management. 2016. Record of Decision for the Land Use Plan Amendment to the California Desert Conservation Plan, Bishop Resource Management Plan, and Bakersfield Resource Management Plan for the Desert Renewable Energy Conservation Plan (DRECP). Dated September 2016. Sacramento, CA.]

Boarman, W.I, M.A. Patten, R.J. Camp, and S.J. Collis. 2006. Ecology of a population of subsidized predators: Common ravens in the central Mojave Desert, California. Journal of Arid Environments 67 (2006) 248–261.

[CDFG] California Department of Fish and Game. 2010. List of Vegetation Alliances and Associations. Vegetation Classification and Mapping Program, California Department of Fish and Game, September 2010. Sacramento, CA.

[CDFG] California Department of Fish and Game. 2012. Staff report on burrowing owl mitigation. [The 7 March 2012 memo replaces the 1995 staff report and includes the Burrowing owl survey protocol], State of California Natural Resources Agency, Department of Fish and Game. Sacramento, CA. https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline

[CDFW] California Department of Fish and Wildlife. 2023. Electronic database of rare plant and animal species reported to The State Resources Agency, Natural Heritage Division, California Natural Diversity Data Base. Updated monthly. Sacramento, CA.

[CEQ] Council on Environmental Quality. 1997. Considering Cumulative Effects under the National Environmental Policy Act.

Driscoll, D.E. 2010. Protocol for golden eagle occupancy, reproduction, and prey population assessment. American Eagle Research Institute, Apache Jct., AZ. 55pp. https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83955&inline

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.H. Heaton. 2010. Effects of subsidized predators, resource variability, and human population density on desert tortoise populations in the Mojave Desert, U.S.A. Endangered Species Research, Vol. 12-167-177, 2010, doi: 10.3354/esr00298.

Hromada, S. J., T.C. Esque, A.G. Vandergast, K.E. Dutcher, C.I. Mitchell, M.E. Gray, T. Chang, B.G. Dickson, and K.E. Nussear. 2020. Using movement to inform conservation corridor design for Mojave desert tortoise. Movement Ecology 8, 38 (2020). https://movementecologyjournal.biomedcentral.com/track/pdf/10.1186/s40462-020-00224-8.pdf

Jaeger, J., L. Fahrig, and K. Ewald. 2005a. Does the configuration of road networks influence the degree to which roads affect wildlife populations? International Conference on Ecology and

Comment Set B2 – Desert Tortoise Council (continued)

B2-45 (cont'd)

Transportation 2005 Proceedings, Chapter 5 - Integrating Transportation and Resource Conservation Planning - Landscapes and Road Networks, pages 151-163. August 29, 2005.

Jaeger, J., J. Bowman, J. Brennan, L. Fahrig, D. Bert, J. Bouchard, N. Charbonneau, K. Frank, B. Gruber, and K. Tluk von Toschanowitz. 2005b. Predicting when animal populations are at risk from roads: an interactive model of road avoidance behavior. Ecological Modelling 185 (2005) 329–348.

[MDLT] Mojave Desert Land Trust. 2021. Climate change. https://www.mdlt.org/climate-change/.

Nafus, M.G., T.D. Tuberville, K. A. Buhlmann, and B.D. Todd. 2013. Relative abundance and demographic structure of Agassiz's desert tortoise (*Gopherus agassizii*) along roads of varying size and traffic volume. Biological Conservation 162 (2013) 100–106.

Novack, E. 2015. Segmentation of Environmental Review: Why Defenders of Wildlife v. U.S. Navy threatens the effectiveness of NEPA and the FESA, 42 B.C. Envtl. Aff. L. Rev. 243 (2015). http://lawdigitalcommons.bc.edu/ealr/vol42/iss1/9.]

Pagel, J.E., D.M. Whittington, and G.T. Allen. 2010. Interim Golden Eagle inventory and monitoring protocols; and other recommendations. Division of Migratory Bird Management, U.S. Fish and Wildlife Service. https://www.fws.gov/southwest/es/oklahoma/documents/te_species/wind%20power/usfws_interim_goea_monitoring_protocol_10march2010.pdf]

Roedenbeck, I., L. Fahrig, C. Findlay, J. Houlahan, J. Jaeger, N. Klar, S. Kramer-Schadt, and E. van der Grift. 2007. The Rauischholzhausen Agenda for Road Ecology. Ecology and Society 12(1): 11. [online] URL: http://www.ecologyandsociety.org/vol12/iss1/art11/]

Servin, J., V. Sanchez-Cordero, and S. Gallina. 2003. Distances traveled daily by coyotes, C*anis latrans*, in a pine–oak forest in Durango, Mexico. Journal of Mammalogy 84(2):547–552.

Tracy, C.R., R. Averill-Murray, W. I. Boarman, D. Delehanty, J. Heaton, E. McCoy, D. Morafka, K. Nussear, B. Hagerty, P. Medica. 2004. Desert Tortoise Recovery Plan Assessment. Technical Report. Prepared for USFWS. January 2004. https://www.researchgate.net/publication/241835929_Desert_Tortoise_Recovery_Plan_Assessment

University of California Riverside, Center for Conservation Biology. 2005. Coachella Valley Multiple Species Habitat Conservation Plan Monitoring Program (Final Report). 2002-2005 unpublished progress report to Coachella Valley Association of Governments. Riverside, CA. 164 pp. (Coachella Valley fringe-toed lizard survey protocol revised in 2007).]

[USFWS] U.S. Fish and Wildlife Service. 1994a. Determination of critical habitat for the Mojave population of the desert tortoise. 59 *Federal Register* 5820-5866.]

Comment Set B2 – Desert Tortoise Council (continued)

B2-45 (cont'd)

[USFWS] U.S. Fish and Wildlife Service. 1994b. Desert Tortoise (Mojave Population) Recovery Plan. U.S. Fish and Wildlife Service, Portland, OR. Pp. 73, plus appendices.

[USFWS] U.S. Fish and Wildlife Service. 2009. Desert Tortoise (Mojave Population) Field Manual: (*Gopherus agassizii*). Region 8, Sacramento, California.

[USFWS] U.S. Fish and Wildlife Service. 2010. Common raven predation on the desert tortoise. USFWS, Ventura Fish and Wildlife Office, Ventura, CA.

[USFWS] U.S. Fish and Wildlife Service. 2011. Revised recovery plan for the Mojave population of the desert tortoise (*Gopherus agassizii*). U.S. Fish and Wildlife Service, Pacific Southwest Region, Sacramento, California. 222 pp.

[USFWS] U.S. Fish and Wildlife Service. 2014. Status of the desert tortoise and critical habitat. Unpublished report available on the Desert Tortoise Recovery Office's website: "02/10/2014 Status of the Desert Tortoise and Critical Habitat (.704MB PDF)." Reno, NV.

[USFWS] 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. 44 pages.

[USFWS] U.S. Fish and Wildlife Service. 2019. Preparing for any action that may occur within the range of the Mojave desert tortoise (*Gopherus agassizii*). USFWS Desert Tortoise Recovery Office. Dated 21 August 2017. Reno, NV.]

[USFWS] U.S. Fish and Wildlife Service. 2020. Translocation of Mojave Desert Tortoises from Project Sites: Plan Development Guidance. U.S. Fish and Wildlife Service, Las Vegas, Nevada. https://www.fws.gov/nevada/desert_tortoise/documents/reports/2020/RevisedUSFWSDTTranslocationGuidance20200603.pdf.]

[USFWS et al.] U. S. Fish and Wildlife Service and Cooperating Agencies comprising the Arizona Interagency Desert Tortoise Team. 2015. Candidate Conservation Agreement for the Sonoran Desert Tortoise (*Gopherus morafkai*) in Arizona. Phoenix AZ.

von Seckendorff Hoff, K., and Marlow, R.W. 2002. Impacts of vehicle road traffic on desert tortoise populations with consideration of conservation of tortoise habitat in southern Nevada. Chelonian Conservation and Biology 4:449–456.

Responses to Comment Set B2 – Desert Tortoise Council

B2-1 The commenter includes an introductory description and two figures of the proposed Project and alternatives copied from the Draft EIR. No response is required.

B2-2 The commenter states that Desert Tortoise Council has attached its NEPA scoping comments submitted to BLM on October 23, 2023, and requests that the County address and analyze all issues that are not specific to BLM. Please see the Responses to Comments B2-22 to B2-45.

The commenter states that Desert Tortoise Council did not receive the Notice of Preparation for the Easley Project. Following issuance of the Notice of Preparation, Desert Tortoise Council was added to the CEQA mailing list and received the Notice of Availability of the Draft EIR. Public notification for the Easley Project is summarized in Section 1.6 (Public Review and Noticing) of the Draft EIR. The County acknowledges Desert Tortoise Council's request to be notified upon initiation of future projects that may affect the desert tortoise.

B2-3 The commenter states that the Draft EIR analysis was science-based with respect to tortoise. The commenter identifies the recent petition to list the western burrowing owl as threatened under CESA. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR and includes discussion of the petition to list western burrowing owl. Please refer to the revised analysis at Section 3.5.1.4 of the Partially Recirculated Draft EIR and to General Response GR-1.

B2-4 The commenter states that the abundance and occurrence of microphyll woodlands (desert dry wash woodlands) is important with respect to how the Applicant will maintain it, how it may affect the photovoltaic heat island effect, and how the construction activities may affect the surface hydrology that is necessary to support it. 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.

B2-5 The comment concerns the potential for the project to cause "heat island" effects. The analysis of biological resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapter 3.5 of the Partially Recirculated Draft EIR and to General Responses GR-1 and GR-6.

B2-6 The comment concerns the effects of project development on surface hydrology and potential associated impacts on soil moisture and plant health. 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.

B2-7 The commenter states that the desert tortoise critical habitat unit adjacent to the Project has already been impacted by other anthropogenic activities and requests that the EIR analyze the impacts and cumulative impacts of the proposed Project on critical habitat. The commenter requests that a buffer area be established between the Project area and designated critical habitat and that Appendix C be corrected to identify the Chuckwalla TCA as west of the site.

The analysis of biological resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapter 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

B2-8 The commenter states that the description of protocol desert tortoise surveys is unclear and conflicts with the BRTR, and that the County should consult with USFWS and CDFW on adequacy of surveys. 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.

B2-9 The commenter cites a study discussing fragmentation of desert ecosystems with large scale solar development and exacerbation of fragmentation with high-density placement of facilities. The commenter states that fragmentation of tortoise habitat affects tortoise movements and linkage areas. 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.

B2-10 The commenter recommends that EIR Appendix C (BRTR) in its discussion of Wildlife Movements be updated to include information that tortoises make periodic movements of more than 7 miles at a time.

The commenter states that the Project would infringe on Big Wash and the DRECP Pinto Wash Linkage and these washes' functions to provide connectivity habitat for tortoise and other species. The commenter recommends that mitigation be developed to address impacts to local and regional desert tortoise habitat linkages. The commenter recommends an additional mitigation measure to ensure Big Wash could still be used by tortoises, including management of OHV use, construction of wildlife crossings across Rice Road, and construction of exclusion fencing along Rice Road.

The commenter stated that the EIR should analyze the remaining availability of connectivity at a regional scale and provide or enhance movement corridors connecting populations north and south of I-10 including areas west of the project site.

The commenter states that the EIR should analyze how the project will impact connectivity for tortoise across I-10, identify alternative movement routes west of Project site, and mitigation measures to facilitate use of linkage alternatives.

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.

B2-11 The commenter states the Draft EIR does not contain information on coordination and consultation with USFWS and CDFW and recommends that the USFWS Biological Opinion and CDFW Incidental Take Permit (ITP) be included in the Final EIR. The commenter also recommends adding recent biological resources executive orders issued by the Governor of California to Section 3.5.2.2 (State Laws, Regulations, and Policies). The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Reference to Executive Order N-82-20 was added to EIR Section 3.5.2.2. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

EIR Section 1.9, Table 1-2 (Permits and Approvals for the Easley Renewable Energy Project) lists permits and other approvals that may be needed for the proposed Project. The table includes permits from the USFWS for ESA Section 7 consultation and CDFW for an Incidental Take Permit (desert tortoise) and Lake and Streambed Alteration Agreement. Note that the BLM will be preparing a NEPA document for the Easley Project; it will document coordination with the USFWS under Section 7 of the Endangered Species Act.

B2-12 The commenter states that the geographic scope of the cumulative impact analysis should be the desert tortoise USFWS Colorado Desert Recovery Unit and requests compensatory mitigation for impacts on tortoise 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 and to General Response GR-1.

B2-13 The commenter requests that the project and impacts be added to a database and geospatial tracking system for special-status species to track cumulative impacts and effectiveness of mitigation. The commenter states that without such a database, cumulative impacts to special status species (e.g., desert tortoises, etc.) cannot be adequately analyzed.

Creating and maintaining a database and tracking of all projects in the area is outside the scope of this CEQA document. 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.

B2-14 The comment concerns the use of mitigation plans to address impacts on biological resources. 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.

B2-15 The comment concerns the adequacy of mitigation plans, such as the project's proposed Integrated Weed Management Plan, to address impacts on biological resources and recommends that mitigation plans be provided in the EIR for public review. 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 General Response GR-4, related to mitigation plans.

MM BIO-1 was modified to require the Applicant to submit resumes for the Authorized Desert Tortoise Biologist to the CDFW as well as to the USFWS.

B2-16 The commenter states that there are no requirements defined in the EIR for the Vegetation Resource Management Plan (VRMP) such as methods for revegetation, success criteria, and monitoring; that the plan does not include the restoration phase of the Project; and that the USFWS should be added as an approving agency. MM BIO-5 defines the required contents of the VRMP. 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 General Response GR-4, related to mitigation plans.

B2-17 The comment concerns the Traffic Control Plan required by MM BIO-6. 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. A bullet was added to MM TRA-1 in Section 3.18.7 of the Final EIR to require incorporation of wildlife protection measures.

B2-18 This comment concerns mitigation plans required by MM BIO-7

The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR and the requested plans were added as EIR appendices 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 also to General Response GR-4, related to mitigation plans.

B2-19 The commenter states that MM BIO-9 (now MM BIO-10 in the Partially Recirculated Draft EIR and Final EIR) on gen-tie lines should be modified so that lattice towers are not allowed, citing that anti-perching practices are not always effective or maintained.

The Project Description (EIR Section 2) and 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.

B2-20 The commenter recommends that MM BIO-12 (Streambed and Watershed Protection) (now MM BIO-14 in the Partially Recirculated Draft EIR and Final EIR) should be more protective and is focused on stormwater management.

The analysis of Biological Resources and recommended mitigation measures have 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.

B2-21 The commenter requests that the County add a mitigation measure that would require the Applicant to restore the Project site to its pre-project conditions, especially with respect to surface hydrology, soils, and vegetation, when decommissioning is completed.

As part of the project description, Draft EIR Section 2.1 (Introduction) and Section 2.6 (Decommissioning and Repowering) state that at the end of the Easley Project's useful life, the Project would be decommissioned, and the land returned to its pre-Project conditions. Revegetation would be conducted in accordance with the Decommissioning and Revegetation Plan, or such condition as appropriate in accordance with County and BLM policies at the time of decommissioning. 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 and a new EIR Appendix S (Vegetation Resources Management Plan) of the Partially Recirculated Draft EIR and to General Response GR-1.

The commenter's request to be an Affected Interest, notified at eac@deserttortoise.org, for this and all other projects funded, authorized, or carried out by the County that may affect desert tortoises is noted. The requested email address has been added to the Easley mailing list for future project notifications.

B2-22 The commenter has attached its NEPA scoping letter submitted to BLM in October 2023. The letter commenting on the BLM's NEPA Scoping Notice, and containing Comments B2-22 through B2-45, does not comment on the environmental analysis in the County's EIR. The commenter includes an introductory description of the project description from the Plan of Development, which is similar to the project description included in Section 2 of the Draft EIR. No additional response is required.

B2-23 The commenter states that a DEIS/DEIR should be prepared for the Project and asks that a number of issues related to impacts on biological resources be addressed The County has prepared an Environmental Impact Report for the Project, and the BLM's NEPA analysis of the project is beyond the scope of this document. T

Please see Response to Comment D10-6 regarding preparation of a joint CEQA and NEPA document.

The commenter also requests inclusion of specific information and maps, which are included in the Draft EIR as described below.

The BLM's responsibility for management of public lands is outside of the scope of CEQA and Riverside County's jurisdiction. However, information on BLM, compliance with DRECP Conservation and Management Actions (CMAs), and the National Environmental Policy Act (NEPA) process has been included as relevant to Project impacts.

For instance, Section 1.1 (Overview) of the Draft EIR explains that public lands within the Project solar application area are lands designated as Development Focus Area (DFA) by the Desert Renewable Energy Conservation Plan (DRECP) and associated Record of Decision (ROD), and thus, have been targeted for renewable energy development. See General Response GR-5 for a discussion of the California Desert Conservation Area Plan (CDCA Plan) (BLM 1980 as amended),

DRECP (2016), and Federal Land Policy and Management Act (FLPMA) as related to BLM's jurisdiction in the Project area.

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.

Figure 2-4 (East Riverside Solar Projects & DRECP Context) and Figure 3.1-1 (Cumulative Projects) in Appendix A of the Draft EIR depict the locations of existing and proposed solar development projects and transmission lines. The surrounding solar projects are also listed in the cumulative scenario described in Section 3.1.2 of the Draft EIR.

There are several maps in Appendix A of the Draft EIR, such as Figure 2-4, that show the ownership of the lands associated with the proposed project and surrounding lands.

Comments regarding BLM's compliance with NEPA regulations are outside of the scope of CEQA.

B2-24 The commenter states that Desert Tortoise Council expects that BLM will comply with all applicable statutes, regulations, Executive and Departmental Orders, BLM manuals, and other requirements as they pertain to the Easley Project and with respect to the desert tortoise.

Comments regarding BLM's compliance with federal regulations are outside of the scope of this CEQA document. As described in the environmental setting in the Draft EIR, the Project complies with the locational characteristics requested by the commenter. That is, the Easley Project is surrounded by proposed and approved solar generation projects and located on retired agriculture and disturbed private land and BLM-administered land that is within the DRECP DFA, and thus, targeted for renewable energy development. 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.

B2-25 The commenter questions the BLM's commitment to managing effectively for sustained yield of desert tortoise and states that mitigation should include in priority order, avoidance, minimization and compensation for unavoidable impacts and that at a minimum it should offset direct, indirect, and cumulative impacts.

BLM's commitment to managing desert tortoise is outside the scope of this CEQA document. 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 P (Desert Tortoise Protection and Translocation Plan), and to General Response GR-1.

Please refer to General Response GR-4 regarding mitigation plans.

B2-26 The commenter states its support for alternatives that would reduce the need for additional solar energy projects in relatively undisturbed tortoise habitats in the Mojave Desert and for an urban solar alternative is 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.

B2-27 The comment calls for considering alternatives that could minimize or avoid the loss of vegetation that sequesters carbon. The comment identifies carbon sequestration as an important component in the response to climate change. 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 potential for the Project to cause a loss of carbon sequestration is quantified using conservative factors, and this impact would be an effect of "land use conversion" (Table 3.9-1, in Impact GHG-1). The potential loss of carbon uptake would be minimized by reducing the Project's ground disturbance and avoiding the removal of vegetation, which are objectives of several mitigation measures that reduce fugitive dust (MM AQ-1), minimize impacts to habitat and vegetation (EIR Section 3.5, Biological Resources), and minimize soil erosion and loss of topsoil (EIR Section 3.8, Geology, Soils and Mineral Resources).

B2-28 The commenter states that the EIR should consider the monitoring results of developed solar projects where soils were bladed versus those where vegetation was mowed and crushed to allow for revegetation. The commenter states that it may be appropriate for desert tortoise to re-colonize the areas where mowing and crushing enabled the recovery of vegetation after construction. The commenter suggests that mowing treatment should be designed and implemented as a scientific experiment with long term monitoring for the life of the project to understand the 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 and EIR Appendix S (Vegetation Resources Management Plan) of the Partially Recirculated Draft EIR and to General Response GR-1. See Response to Comment B5-16, which discusses potential use of wildlife-friendly fencing over a portion of the site pending its success at the Oberon Project site.

B2-29 The commenter states that the BLM's NEPA analysis must cover the entire scope of a proposed action, considering all connected, cumulative, and similar actions in one document. The scope of the BLM's NEPA analysis of the project is beyond the scope of this document.

B2-30 The commenter provides data and information on the decline in desert tortoise populations and states that the BLM failed to implement recovery actions for the Mojave desert tortoise which has contributed to population declines, and that current BLM management actions are inadequate to help recover the desert tortoise population.

The commenter recommends that the EIR analyze impacts to local and wide-ranging species and habitats. The commenter states that the Mojave desert tortoise should be designated as endangered by USFWS and CDFW.

The County does not have jurisdiction related to the State or federal Endangered Species Act designations. BLM's implementation of recovery actions for desert tortoise is outside the scope of this CEQA document. 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.

B2-31 The commenter states that records searches and surveys of rare plants and wildlife must be performed to fully analyze the effects and extent of potentially significant impacts. The commenter requests that protocol-surveys be done for desert tortoise in any translocation areas being considered. The commenter requests that more than one site be identified and analyzed in the EIR and that the alternative with the fewest impacts to desert tortoise be analyzed or that the "action area" of the Project be larger than the footprint so that portions of the site with fewer tortoises can be selected for development. The commenter also makes various requests related to analysis of alternatives and impacts to desert tortoise habitat.

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), Section 3.5 (Biological Resources), and EIR Appendix P (Desert Tortoise Protection and Translocation Plan) of the Partially Recirculated Draft EIR and to General Response GR-1.

B2-32 The commenter requests that the EIR include information on arrangements and security of roads to prevent unauthorized use and vandalism. The commenter provides information and references for road impacts to desert tortoise and requests the EIR include analysis of primary road effects. The commenter states that the analysis of roads should include cumulative impacts to tortoise with respect to critical habitat and linkages. 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.

B2-33 The commenter states that impacts to movement of tortoises relative to linkage habitats should be analyzed. The commenter states that the EIR should include an analysis of the minimum linkage design for conservation and recovery of the desert tortoise, and how cumulative projects would impact the linkages between tortoise populations and recovery units. 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.

B2-34 The commenter states that a jurisdictional waters analysis should be performed for impacts to washes, streams, and drainages. 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.

B2-35 The commenter states that the EIR should include effective mitigation for desert tortoise and its habitats. Mitigation should include a desert tortoise translocation plan, raven management plan, non-native plant species management plan; fire prevention plan; compensation plan that includes protection of the acquired, improved, and restored habitat in perpetuity; and a post-decommissioning habitat restoration 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, EIR Appendix Y (Closure, Decommissioning, and Reclamation Plan), EIR Appendix V (Fire Management and Prevention Plan), and to General Response GR-1.

Refer also to Response to Comment B2-39 regarding the Fire Safety and Prevention Plan and Response to Comment B2-21 regarding decommissioning.

B2-36 The commenter states that all plans should be provided in the EIR so the public and decision-maker can determine their adequacy and scientific rigor. If not provided in the Draft EIR, the plans should be published in the final environmental documents. The commenter states that the plans should include an implementation schedule, specify success criteria, monitoring, and contingency measures. The commenter requests that the Project contribute to meeting objectives in BLM Manual 6840 – Special Status Species Management.

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 General Response GR-4 regarding mitigation plans.

B2-37 The commenter lists questions related to displacement and translocation of desert tortoises. The commenter states that the Project should implement USFWS' Translocation Guidance (USFWS 2020), coordinate translocation with BLM and CDFW, and implement a project-specific translocation 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, EIR Appendix P (Desert Tortoise Protection and Translocation Plan), and to General Response GR-1

B2-38 The commenter states that the EIR should analyze impacts from increases in common ravens and other predators. The commenter states that a Predator Management Plan should include management of human subsidies, food and water subsidies, and nesting, roosting, and perching sites. The commenter states that the Project should contribute to NFWF Raven Management Fund. The commenter requests that the Project use infrastructure that prevent raven nesting and perching and states that lattice towers should not be used.

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 P (Desert Tortoise Protection and Translocation Plan), EIR Appendix Q (Raven Management Plan), and to General Response GR-1

B2-39 The commenter expresses concern about the risk of fire associated with potential lithium-ion battery and photovoltaic panel malfunctions and requests a Fire Prevention Plan addressing the potential for these electrical fires.

As discussed in EIR Section 3.19, Wildfire, MM FIRE-1 (Fire Safety) would include safety measures in addition to the Project's Fire Management and Prevention Plan to reduce the risk of fire during operation of the solar facility. Solar arrays and photovoltaic modules are fire-resistant and would not be susceptible to ignition from fires. In a potential wildfire situation, the panels would be rotated and stowed in a panel-up position that could slow the spread of a fire. To further prevent the likelihood of malfunctions and ensure all components are in good condition, operational workers are anticipated to perform daily visual inspections and minor repairs as needed.

The battery energy storage system (BESS) would be housed in electrical enclosures on concrete foundations so that potential electrical fires would be contained and not spread beyond them. The BESS would also be installed following all applicable design, safety, and fire standards for the installation of energy storage systems. MM FIRE-1 would require the Project's Fire Management and Prevention Plan to include additional safety elements, which include, but are not limited to: (1) a training component for emergency first responders to prepare for incidents such as fire or explosion at or within the BESS; (2) information about the type of BESS technology on site, potential hazards, and procedures for disconnecting or shutting down the BESS in case of an accidental fire; (3) requiring all construction and maintenance workers to receive training on fire prevention and firefighting procedures; (4) controlling vegetation near all solar panel arrays, ancillary equipment, and access roads.

The Tesla Megapack expected to be used for the Easley Project was subject to UL 9540A fire testing, which demonstrates that any fire in a Megapack would not propagate outside of it. The battery system would be equipped with a fire detection system comprised of thermal cameras with an automatic shut-down and emergency first responder notification protocol. EIR Appendix V (Fire Management and Prevention Plan) has been updated in the Final EIR to include information on the Megapack's fire protection engineering and UL 9540A fire testing.

B2-40 The commenter states that compensatory mitigation will be required as part of the Project's incidental take permit from the CDFW, hence, the EIR should include a Habitat Compensation Plan for the loss/degradation of 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 and to General Response GR-1

B2-41 The commenter requests that the EIR address the effects of climate change, including an analysis of habitat that may provide refugia for tortoise populations, how the project would exacerbate non-native invasive infestations, and how that will impact desert tortoise habitats and incidence

of human-caused fires. The commenter recommends the development of a nonnative plant species management plan and that it integrate with fire prevention and fire response.

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.

B2-42 The commenter requests an analysis of how water use during the construction, operations and maintenance, decommissioning, and habitat restoration will impact the level of groundwater in the region. 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, the revised WSA at Appendix G, and to General Responses GR-1 and GR-3.

B2-43 The commenter discusses the Federal Land Policy and Management Act and Federal Endangered Species Act. Comments regarding BLM's compliance with federal regulations, such as FLPMA, are outside of the scope of this CEQA document.

B2-44 The commenter states that the EIR should list and analyze all project impacts within the region including future state, federal, and private actions affecting listed species on state, federal, and private lands and describes 8 guidance principles on how to analyze cumulative environmental consequences.

A description of the CEQA cumulative requirements and a comprehensive list of past, present, and reasonably foreseeable future cumulative projects are included in Section 3.1.2 (Cumulative Scenario) of the Draft EIR. A meaningful discussion of potential cumulative impacts is included under each issue area in Chapter 3 of the Draft EIR.

The commenter also requests a detailed analysis of the "heat sink" effects of solar development on adjacent desert areas and particularly Mojave desert tortoise in addition to climate change.

Regarding desert tortoise and "heat sink" effects of solar development, 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-6, and to General Response GR-1.

B2-45 The commenter's request to add this project and its impacts to a database and geospatial tracking system for special status species, including Mojave desert tortoises, that track cumulative impacts is directed to BLM and is beyond the scope of this CEQA document.

See Response to Comment B2-2 regarding Desert Tortoise Council's request to be notified by Riverside County upon initiation of future projects that may affect the desert tortoise.

Comment Set B3 – Active Communities/Desert Center

Email: Easley Renewable Energy Project

From: MARK C <mcarrington81@gmail.com>
Sent: Monday, March 11, 2024 12:51 PM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Cc: Planning <Planning@RIVCO.ORG>; Garcia Jr., Rafael <RafGarci@Rivco.org>; District 4 Supervisor V. Manuel Perez <District4@RIVCO.ORG>; Hernandez, Steven <SAHERNAN@RIVCO.ORG>; Gonzalez, Guillermo <GuiGonzalez@Rivco.org>; Supervisor Jeffries - 1st District <district1@RIVCO.ORG>; District 5 <District5@rivco.org>; Office of 2nd District Supervisor <District2@rivco.org>; District3 <District3@Rivco.org>; Teresa. Lake Tamarisk. #141 Lake Tamarisk. #141 <teresapierce52@gmail.com>; MARK C (BBG) <mcarrington81@gmail.com>; Don and Marta Sneddon Lake Tamarisk # 131 <sneddon_don@yahoo.com>; Vicki and James Bucklin #14 Lake Tamarisk <vickibucklin@pugetisland.com>; Skip Pierce Lake Tamarisk #141 <walterskipie@aol.com>; Bob -and Tracy Brooks LTDR. # 125 <bbbrks@gmail.com>
Subject: Formal Comment Submission on the Easley Solar Draft EIR

Riverside County Planning Department
Att: Tim Wheeler, Project Planner
4080 Lemon Street, 12th Floor
PO Box 1409 Riverside, CA 92502
(951) 955-0606
twheeler@rivco.org

Hello Tim,

B3-1

Attached you will find the Formal Comments to the Easley Solar Draft EIR (CUP220021/PUP230002/VAR230003/DA2200016/SCH2022110240) submitted by the residents of the Lake Tamarisk Desert Oasis Community.

Our comments take form as the Respect Lake Tamarisk Alternative and relate to the entire Project including both Private and Federal Lands. Please consider this document and all linked documents to be direct comments on the Draft EIR, each of which CEQA requires responses to in the Final EIR.

Since CEQA requires review of the Project as a whole, the EIR fully discuss and mitigate the impact of the entire proposed Project–It does not matter that only a portion of the Project is on private land in Riverside County and the remainder on Federal land under BLM's jurisdiction.

Additionally, since Riverside County has the discretion to approve and condition or deny, all Conditional or Public Use Permits, it may dictate the requirements of the entire project as a whole.

Since the Respect Lake Tamarisk Alternative **meets or exceeds all** of the Project Objectives listed in the Easley Solar Draft EIR and significantly reduces the detrimental Environmental Impacts of the Project, it becomes the Environmentally Preferred Alternative. Additionally, all

Comment Set B3 – Active Communities/Desert Center (continued)

B3-1 (cont'd)

requirements for the implementation of the Respect Lake Tamarisk Alternative are both Economically and Technically Feasible.

Only a Project design that meets the minimum requirements of the Respect Lake Tamarisk Alternative should be considered as acceptable in order to receive any CUPs, PUPs, or CEQA approval from the County.

Thank you

Mark Carrington

Submitted by: Active Communities/Desert Center (AC/DC),
A Community group made up of Residents living in Lake Tamarisk and the greater Desert Center Area.
Our legal team–Angel Law will be submitting its own comment letter on our behalf.

mcarrington81@gmail.com

Respect Lake Tamarisk Alternative:
https://docs.google.com/document/d/1P8PeYfb9lBEyifLyBMV-deN6e_JJCPPH6qVm-KuqNdc/edit?usp=drivesd

Pdf version:
https://drive.google.com/file/d/1-WkcrQMihcV9k4eK2PolCEKdwPv9xgaZ/view?usp=drivesdk

Additional comments:
https://drive.google.com/file/d/1hwNgTUv6XM9MNwzT4fC1EJir0v81it5y/view?usp=drivesdk

Comment Set B3 – Active Communities/Desert Center (continued)

B3-2

Respect Lake Tamarisk Alternative

From: The Lake Tamarisk Desert Oasis Community

Formal Comments In response to the:
DRAFT Environmental Impact Report for IP Easley LLC's Easley Renewable Energy Project
(SCH No. 2022-11-0240)
Conditional Use Permit No. 220021 Public Use Permit No. 230002 Variance No. 230003 Development Permit No. 2200016
Written by Aspen Environmental Group for the express benefit of Intersect Power, sole owner of IP Easley LLC.

"The Draft EIR does not set forth policy for the County of Riverside (County) about the proposed Project's desirability. Rather, it is an information document to be used by decision-makers, public agencies, and the public." (Hedy Koczwara, Aspen Environmental Group, Project Manager for Easley EIR. January 26, 2024 Announcement of Release for Draft EIR for the Easley Renewable Energy Project)

According to CEQA regulations, in order for an alternative to be considered and ultimately chosen and approved, it need not meet all Project objectives, but must do more than tinker at the edges to make it better. It must substantially reduce its adverse impacts on the environment and human beings.

The Respect Lake Tamarisk Alternative to the Easley Solar Project meets or exceeds **all** Project objectives identified in the Draft EIR while significantly reducing the negative impacts on the environment.

ES.2 Project Objectives

The Applicant's purpose for the Project is to generate, store, and transmit renewable energy to the statewide wholesale electricity grid. The Applicant's identified Project objectives are:

- Support achievement of President Biden's goal of a zero-carbon power sector by 2035 and zero-carbon economy by 2050 through development of clean electricity (power sector);

Comment Set B3 – Active Communities/Desert Center (continued)

B3-2 (cont'd)

****The Respect Lake Tamarisk Alternative meets this objective.**

- Assist the nation to meet its Nationally Determined Contribution commitments under Article 4 of the Paris Climate Agreement to achieve a 50 to 52 percent reduction in U.S. greenhouse gas pollution from 2005 levels by 2030, and to achieve 100 percent carbon pollution-free electricity by 2035 in the electricity sector;

  ****The Respect Lake Tamarisk Alternative meets this objective**.

- Further the purpose of Secretarial Order 3285A1, establishing the development of environmentally responsible renewable energy as a priority for the Department of the Interior;

  ****The Respect Lake Tamarisk Alternative meets this objective.**

- Deliver **up to** 400 MW of affordable, wholesale renewable energy to California ratepayers under long term contracts with electricity service providers;

  ****The Respect Lake Tamarisk Alternative largely meets this objective** by delivering a minimum 300 MW of affordable, wholesale renewable energy while retaining a 1 mile Buffer Zone Setback from the borders of the Phase I and Phase II portions of the Lake Tamarisk Desert Oasis Community.
  (Note that while CEQA does not require it, we have identified available lands East of Hwy 177, and much closer to the Red Bluff Substation, that would be Economically and Technically Feasible for the construction of an additional 100 MW of Solar Power generation. The reasons given by Intersect Power, through Aspen Environmental Group, for relinquishing the permitting of these lands (Draft EIR, section 2.9.1) are generalized and do not apply to the more specific locations within these we have identified. These sites are available.)

- Assist with achieving California's renewable energy generation goals under the Clean Energy and Pollution Reduction Act of 2015 (Senate Bill 350) and the 100 Percent Clean Energy Act of 2018 (Senate Bill 100), as well as greenhouse gas (GHG) emissions reduction goals of the California Global Warming Solutions Act of 2006 (AB 32), as amended by Senate Bill 32 in 2016;

  ****The Respect Lake Tamarisk Alternative meets this objective.**

Comment Set B3 – Active Communities/Desert Center (continued)

B3-2 (cont'd)

- Enhance California's fossil-free resource adequacy capabilities and help to solve California's "duck curve" power production problem by installing up to 650 MW of 2-hour and/or 4-hour battery energy storage capacity;

  ****The Respect Lake Tamarisk Alternative meets this objective.**

- 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;

  ****The Respect Lake Tamarisk Alternative exceeds this objective** in several aspects, outlined below, and significantly reduces the negative Environmental Impacts of the Project.

- Conform with the Desert Renewable Energy Conservation Plan, including Conservation Management Actions;

  ****The Respect Lake Tamarisk Alternative exceeds this objective.**

- Bring living-wage jobs to Riverside County;

  ****The Respect Lake Tamarisk Alternative meets this objective.**

- Bring sales tax revenues to Riverside County by establishing a point of sale in the County for the procurement of most major Project services and equipment.

  ****The Respect Lake Tamarisk Alternative meets this objective.**

The Respect Lake Tamarisk Alternative would not only meet or exceed the objectives of the Easley Solar Project, but also protect the health and welfare of present and future generations of human beings in the Lake Tamarisk Desert Oasis Community and Desert Center Area. That this Alternative fulfills the duty of the Riverside County Supervisors to protect the unincorporated Communities in Riverside County while meeting or exceeding the Project Objectives and significantly reducing its adverse environmental

Comment Set B3 – Active Communities/Desert Center (continued)

impacts, makes it the Environmentally Preferred Alternative as well as the only Responsible Alternative before the Board of Supervisors worthy of approval.

B3-2 (cont'd)

Importantly, for any responsible renewable energy developer, the Respect Lake Tamarisk Alternative is both economically and technically feasible.

Therefore, any objections by the proponent of the Easley Project, Intersect Power, to this Alternative can only be based on an uncompromising "my-way-or-the-highway" attitude. The proponent's profit or personnel bonus structure is not the responsibility of our County, State or Federal Government. Both CEQA and NEPA prohibit that from dictating the outcome.

Other Renewable Energy Development companies have implemented development plans mirrored by the Respect Lake Tamarisk Alternative, and they have reaped long-term economic rewards. If Intersect Power decides against construction of the approved Respect Lake Tamarisk Alternative, another applicant will readily take over the project in order to get online in a timely and profitable manner. We will assist in that transition. Access to the transmission grid is limited and valuable to responsible renewable energy developers who are willing to respect impacted local communities.

Throughout the Draft EIR, written by Aspen Environmental Group for the benefit of Intersect Power, you will find a biased and often misleading narrative, downplaying the adverse environmental impacts of the Easley Project. We will identify many of its flaws in this document.

What Aspen or Intersect Power says is economically or technically infeasible does not mean any of these requirements are not feasible to another proponent. For example, EDF Renewables is seeking permitting for the Sapphire Solar Project on 1000 acres of fallow farmland. That footprint is ½ the size of the Easley footprint yet EDF Renewables finds it economically and technically feasible to build a utility scale solar project that produces 117 MW. It is feasible for Intersect Power to redesign the Easley Solar Project to generate 300 MW as described in the Respect Lake Tamarisk Alternative. Feasibility is not dependent on maximizing profit.

Intersect Power has come to the following agreement with the Riverside County Board of Supervisors should the Project be approved:

B3-3

"Board of Supervisors Policy B-29. The proposed Project is subject to Policy B-29, and the developer would need to enter into a development agreement with the County. **The purpose of Policy B-29 is to ensure that the County does not disproportionately**

Comment Set B3 – Active Communities/Desert Center (continued)

bear the burden of solar energy production and ensure the County is compensated in an amount it deems appropriate for the use of its real property. The policy states that the solar power plant owner shall annually pay the County $150 for each acre of land involved in the power production process. It also lists requirements for solar power plant owners relating to sales and use taxes payable in connection with the construction of a solar power plant. Once the development agreement is enacted, the proposed Project would comply with this policy."

B3-3

It is the Lake Tamarisk Desert Oasis Community that is overburdened with renewable energy development, not Riverside County as a whole.

B3-4

It would be grossly irresponsible for our Board of Supervisors to approve the Easley Solar Project or Intersect Power's mislabeled "Lake Tamarisk Alternative" (hereafter the LT Alternative), an "alternative" not reducing a single significant impact of the Project and moving the Project boundary a mere 650 feet from the northerly and easterly boundary of the Community of Lake Tamarisk. The Applicant must be required to meet the minimum requirements of the Respect Lake Tamarisk Alternative. No Conditional or Public Use Permits should be granted without at least that redesign. The Respect Lake Tamarisk Alternative is a reasonable compromise.

**All links within this document are to be considered as direct comment submissions to the Easley Solar Draft EIR.

B3-5

Minimum Requirements for the Respect Lake Tamarisk Alternative **Outline** with maps and references:

https://drive.google.com/file/d/1rXXzvEySN2D86OQJzwJHAh68tTCJhAsc/view?usp=drivesdk

Minimum Requirements for Implementation of the Respect Lake Tamarisk Alternative, **Details**:

1. **Minimum Buffer Zone of 1-mile** from the Lake Tamarisk Community borders, Phase I and Phase II.

Comment Set B3 – Active Communities/Desert Center (continued)

B3-5 (cont'd)

The Community of Lake Tamarisk is truly an Oasis in the Colorado Desert surrounded by scenic Wilderness Area Mountains.

The Community of Lake Tamarisk is dependent on this identity as an Oasis in a Natural Desert Environment for its present and future health, welfare and quality of life.

A 1-Mile Buffer Zone maintains that Identity as residents and visitors view and walk our Living Desert surroundings.

By definition, a Desert Oasis requires a surrounding Desert.

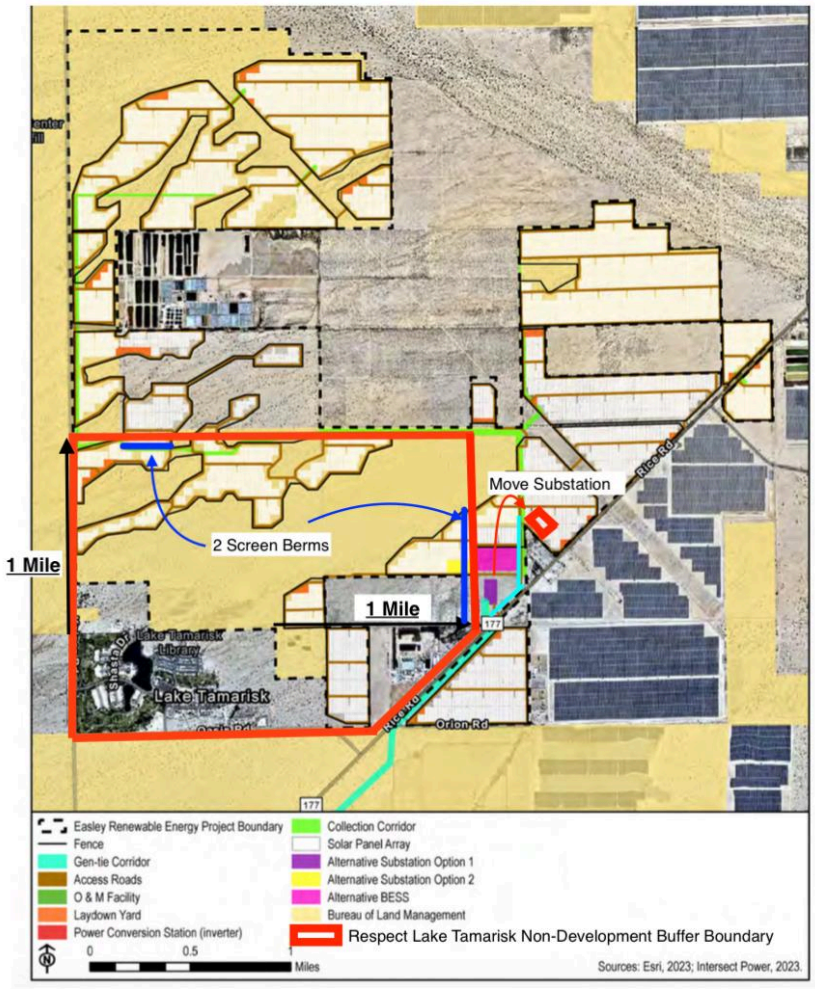
The inconvenience of residing in our remote Community is balanced only by the desirability of living in an Oasis in the open Desert Environment.

Map showing 1-Mile Buffer Zone:

Respect Lake Tamarisk Alternative 1-Mile Buffer Zone

Comment Set B3 – Active Communities/Desert Center (continued)

B3-5 (cont'd)



The Lake Tamarisk Desert Oasis Community is our home and refuge that we have chosen for its unique and beautiful Desert location. Our quality and way of life is being threatened. We came here to live in an Oasis in a vast Desert Wilderness full of life and

Comment Set B3 – Active Communities/Desert Center (continued)

natural beauty, not to live on an Island surrounded by a Dead Sea of solar panels behind prison-style, barbed wire topped fences. **B3-5 (cont'd)**

The Easley Project, just as the Draft EIR's so-called "Environmentally Superior Alternative" (the LT Alternative), will have significant negative impacts on the personal, physical, mental, and economic well-being of the residents of Lake Tamarisk.

The following linked document describes the Lake Tamarisk Desert Oasis Community in greater detail in order for you to better understand why a 1-Mile Buffer Zone is so important to our Community's well-being and quality of life, now and in the future. **B3-6**

https://drive.google.com/file/d/1hwNgTUv6XM9MNwzT4fC1EJir0v81it5y/view?usp=drivesdk



Lake Tamarisk Desert Oasis Community

Visual aesthetics are of high value here, as described in the Desert Center Area Plan (DCAP) portion of the Riverside County General Plan and the Riverside County Vision Statement. **B3-7**

https://drive.google.com/file/d/1WI8cUJM-IfAoI-T5sKD7H1rRrRn_HtfO/view?usp=drivesdk

Comment Set B3 – Active Communities/Desert Center (continued)

B3-8

Aspen Environmental Group uses the lowest BLM visual classification VRM IV to describe the Desert Center Area. This is at odds with the Riverside County General Plan descriptions, and downplays the significance of the negative Visual Aesthetic Impacts of the Project, while also saying that these Impacts cannot be mitigated to a level of insignificance and therefore require a Statement of Overriding Considerations.

This is false for the aesthetic views from Lake Tamarisk for which the negative Impacts of the Easley Project are actually feasibly mitigated in the Respect Lake Tamarisk Alternative.

Intersect Power, through Aspen Environmental Group, by using the BLM VRM classification IV to describe the visual aesthetics of this region, is telling our Supervisors that Eastern Riverside County has no scenic value whatsoever, defying not only the Riverside General Plan and the Riverside County Vision Statement, but also the real conditions on the ground.

" Class IV Objective: Provide for management
. activities that require major modifications
of the existing character of the landscape. The level of change may be high and may dominate the view and be the major focus of viewer attention."

This Class IV Objective not only violates the Desert Center Area Plan and Riverside County General Plan; it is egregiously disrespectful of the Community of Lake Tamarisk.

In any event, for the Lake Tamarisk Desert Oasis Community this significant negative impact is not unavoidable. It can easily be avoided by a 1-Mile Buffer Zone and additional requirements in the Respect Lake Tamarisk Alternative.

The Visual Aesthetics needs for a Desert Oasis Community do not stop at its borders. The sense of vast open spaces is a necessity for anyone choosing to reside in a remote area. With our small golf course, greenways and water bodies we are truly a Desert Oasis Community.

Comment Set B3 – Active Communities/Desert Center (continued)

B3-9



****

A bright future for Lake Tamarisk is at hand now but is dependent on the minimum requirements of the Respect Lake Tamarisk Alternative being enforced by our Riverside County Board of Supervisors. The 1-Mile Buffer Zone is a primary requirement in this plan of development as it maintains our Desert Oasis identity.

> The owner of Desert Center, Balwinder Singh Wraich and partner, have formed the Desert Center Development Corporation in order to construct a Truck Stop/Charging Station with restaurants along with other amenities to follow. The company has identified the need for up to 50 residences in the Community of Lake Tamarisk.
>
> Grant Development, which owns the Phase II lands surrounding the currently constructed Phase I portion of the Lake Tamarisk Community, is in the process of meeting these housing demands.
> https://drive.google.com/file/d/1VOTtE-7ubAMAF_QEraZcuk-X0Al8em08/view?usp=drivesdk
>
> Maps showing Phase I and Phase II:
> https://drive.google.com/file/d/1-wNMUrESweMnD3gPjxxrpCpwl7xSHptq/view?usp=drivesdk

Comment Set B3 – Active Communities/Desert Center (continued)

https://drive.google.com/file/d/1Hr5cA_yz5FsXS62Vt__4xq3AoyFOM-Ho/view?usp=drivesdk

B3-9 (cont'd)

As a long time successful residential developer, Allen Grant sees a valuable future for the Lake Tamarisk Oasis Community.
Affordable housing is a key part of his plans.

The Community of Lake Tamarisk must retain its unique Identity as an Oasis in a Natural Desert Environment and contribute to CEQA's goal of "preventing environmental damage, while providing a decent home and satisfying living environment for every Californian." (Section 21000 (g).)

The Community's unique desirability is dependent upon retaining its character as an Oasis in the Desert. The 1-Mile Buffer Zone, defined in the Respect Lake Tamarisk Alternative, helps protect that Identity.

B3-10

The proposed Chuckwalla National Monument is due for Presidential Designation this year and it too will require tourist and housing needs, as well as other amenities.

We are working closely with congressman Ruiz and the Chuckwalla National Monument proponents in order to maintain public access throughout the monument as it is available today.
Congressman Ruiz has pledged his support for our Community. We ask that our County Supervisors, who are directly responsible for our welfare, provide that same support.

Responsible Renewable Energy Development and the Protection of our Desert Oasis Community's present and future well-being are **not** mutually exclusive. Both objectives can be readily accomplished with the Respect Lake Tamarisk Alternative.

B3-11

Desert Center is perfectly situated to be a major gateway into the new Monument and together with Lake Tamarisk will provide the needed overnight amenities for visitors.

The Chuckwalla Raceway also has expansion plans and potential needs for housing in the Community of Lake Tamarisk.

Comment Set B3 – Active Communities/Desert Center (continued)

Aggregate Install Resource Group, the owner of Eagle Mountain, has many development plans, including the rebuilding of the Eagle Mountain Railway to service the San Diego region. Lake Tamarisk and Desert Center are important to those plans.

B3-11 (cont'd)

The Aspen Environmental Group's (AEG) Draft EIR quotes the DACP, saying little development is expected in the area. This statement is ignorant of the current state of affairs in the Desert Center Area and serves only to rationalize Intersect Power's disrespectful and irresponsible site planning.

Riverside County will benefit greatly from all of these plans along with Responsible Utility-Scale Solar Development. Again, done responsibly, solar energy development does **not** have to conflict with the present and future health and welfare of our Desert Communities in Riverside County.

B3-12

Degrading Lake Tamarisk to an island in a dead sea of solar panels, as proposed by Intersect Power, destroys that future and its long term benefits for the Desert Center Area and Riverside County.

The Respect Lake Tamarisk Alternative meets or exceeds **all** the objectives of the Easley Project, whoever the responsible developer may be, while encouraging the future development and welfare of the Community of Lake Tamarisk and the Desert Center Area. Additionally, our Alternative will substantially alleviate the detrimental impacts of the Project or the TR Alternative.

Whether Lake Tamarisk thrives or withers is in the hands of our County Supervisors. Approval of the Easley Project CUP, PUP, variance and development agreement **only** if the Project is redesigned to meet the minimum requirements of the Respect Lake Tamarisk Alternative will help guarantee that Lake Tamarisk and the Desert Center Area thrives into the future while benefiting Riverside County in general. The only other option is to deny the entitlements as applied for by Intersect Power.

Responsible Renewable Energy Development and the Protection of our Desert Oasis Community's present and future well-being are **not** mutually exclusive. Both objectives can be readily accomplished with the Respect Lake Tamarisk Alternative.

With the help of our Supervisors, we seek a balance between renewable energy development and our Community's present and future health and welfare. Our "Respect Lake Tamarisk Alternative" significantly reduces the detrimental impacts of the Easley Solar Project.

Comment Set B3 – Active Communities/Desert Center (continued)

B3-12 (cont'd)

While our Supervisors cannot dictate to the BLM what or how Intersect Power may build on federal lands, they must make their decision regarding whether to certify the final EIR accounting for the direct, indirect and cumulative impacts of the project **as a whole**. They can suggest to Intersect Power what design will be acceptable at what distance from the Community of Lake Tamarisk. And they have full discretion to deny the entitlements applied for by Intersect Power, including the conditional use and public use permits, based on a finding that the use, as proposed by the Project or the LT Alternative, is detrimental to the health, safety or general welfare of the community.

In order for our Supervisors to fulfill their role as guardians of the unincorporated Community of Lake Tamarisk along with Desert Center and Eagle Mountain, Intersect Power must either partially relocate the Easley Project to the east, while scaling it down on the west to allow for the minimum one-mile buffer; or, if it does not wish to acquire further options on private land parcels or pursue ROW grants to use BLM-administered land east of SR-177, again, scale down the Project on the west to allow for the minimum one-mile buffer and reduce electricity generation capacity to 300 MW.
Maps:
https://drive.google.com/file/d/158DO39lIqbUc1aN4c06l1m6lfZ6ZbNdC/view?usp=drivesdk
https://drive.google.com/file/d/1_lHzFdUtxBAq21sD8JWpAc1o2yfsiB47/view?usp=drivesdk

The Respect Lake Tamarisk Alternative is a perfectly feasible alternative for a company with a base portfolio of 2.2 GW of photovoltaic solar and 1.4 GWh of co-located storage. It will still allow Intersect Power to become the largest solar energy producer in the Lake Tamarisk and Desert Center area.

> Note that the Riverside County Land Use Ordinance states that a CUP or a PUP "shall not be granted unless the applicant demonstrates that the proposed use will not be detrimental to the health, safety or general welfare of the community."
>
> Recent example:
>
> "Brookview has failed to prove by credible evidence that the proposed use will not detract from the use and enjoyment of adjacent or nearby lots, substantially change the character of the neighborhood, or adversely affect property values," Judge Michael George found in his decision.
>
> https://share.newsbreak.com/690vjn4c

Comment Set B3 – Active Communities/Desert Center (continued)

B3-12 (cont'd)

Intersect Power has shown their arrogance to our County Supervisors as well as the residents of the Lake Tamarisk Desert Oasis Community:

December 4, 2023 Article in Bloomberg Law

Clean Energy Traffic Jam Snarls Grid Access in Key Solar Market (bloomberglaw.com)

Steven Hernandez, Chief of Staff to V. M. Perez, Riverside County:

A one-mile buffer is an option the county will consider, said Steven Hernandez, chief of staff to Riverside County Supervisor V. Manuel Perez, whose district includes the Desert Center solar development and has heard from the community.

"For us, it's about striking a balance," said Hernandez, who also serves as mayor of Coachella, Calif. "We do believe that residents deserve to maintain their quality of life. Buffering, landscaping, communication, more transparency, dust, control mitigation, all seem viable solutions within land-use."

"For the long-term, doing things right in Riverside County will set a state, and perhaps a national, precedent for larger solar fields," he added. "Conversely, the same is true."

Sheldon Kimber, Intersect Power CEO:

Kimber said he empathizes with the residents and that his company is working to address the Lake Tamarisk group's concerns with site modifications.

But he has no plans to downsize his ambitions.

Building solar near Desert Center, he said, avoids greater environmental impacts and provides an economic boost to many of the region's residents. Oberon's two phases relied on 834 mostly union workers at peak construction and sourced panels from First Solar's manufacturing plant near Toledo, Ohio.

"While there may be people who don't love it, this is how it's done," Kimber said. "This is how it should be done. We should be doing more of this."

To contact the reporter on this story: Daniel Moore in Washington at dmoore1@bloombergindustry.com

This is **not** how Responsible Renewable Energy is done. Responsible Renewable Energy Development respects Communities.

We ask only that the Board of Supervisors live up to their sworn duties to preserve the quality of life for the unincorporated Communities under their care.

Comment Set B3 – Active Communities/Desert Center (continued)

B3-12 (cont'd)

The Desert Oasis Community of Lake Tamarisk will thrive into the future or wither in a Sea of Solar Panels based on our Supervisors' decision.

Again, the Respect Lake Tamarisk Alternative **meets or exceeds all** of the Easley Solar Project Objectives while protecting the health, welfare and quality of life of the Desert Oasis Community of Lake Tamarisk now and into the future.

Responsible Renewable Energy Development and protecting Communities are not mutually exclusive. Our Riverside County Supervisors can fulfill their responsibilities to their unincorporated Communities while promoting Responsible Utility Scale Solar Projects.

We much appreciate this support and pray it won't be forgotten:

"A one-mile buffer is an option the county will consider", said Steven Hernandez, chief of staff to Riverside County Supervisor V. Manuel Perez, whose district includes the Desert Center solar development and has heard from the community.

"For us, it's about striking a balance," said Hernandez, who also serves as mayor of Coachella, Calif. "We do believe that residents deserve to maintain their quality of life. Buffering, landscaping, communication, more transparency, dust, control mitigation, all seem viable solutions within land-use."

"For the long-term, doing things right in Riverside County will set a state, and perhaps a national, precedent for larger solar fields," he added. "Conversely, the same is true.

Daniel Moore, Bloomberg News, December 4th, 2023

"We've got to find some balance to this. … I look forward to that scoping meeting … and seeing what it is that they actually want to do to mitigate (the negative impacts) to ensure that we start taking care of people, and not necessarily just focus on the end goal."

RIVERSIDE COUNTY SUPERVISOR V. MANUEL PEREZ

Kevin Fitzgerald. CV Independent, December 29, 2022

Comment Set B3 – Active Communities/Desert Center (continued)

B3-12 (cont'd)

Thank you,

Active Communities/Desert Center
Lake Tamarisk Desert Oasis Community

Teresa Pierce, CEO
Mark Carrington, Senior Technical Advisor
Don Sneddon, Director of Information and Communication
Vicki Bucklin, Technical Advisor, Thermal Engineering
Bob Brooks, Technical Advisor, P.E. (retired)
Skip Pierce, Technical Advisor, Solar Engineering
Kent Madison, Technical Advisor, Hydrologist, 3R Valve LLC
Sharon Dilley, Chief Administrative Assistant
Bob Mitchell, Technical Advisor, OSHA
Candance Ryding, Editor & Researcher

Other Contributors:

Kevin Emmerich, Co-Founder of Basin and Range Watch
Pat Flanagan, Morongo Basin Conservation Association

B3-13

Requirements for the implementation of the Respect Lake Tamarisk Alternative:
**Additional requirements for the implementation of the Respect Lake Tamarisk Alternative are found in the following attached documents:

1. **Berms Construction:**
https://drive.google.com/file/d/1Dtoq55ugWILAs2kZ48SdZ-3Zai16mpiL/view?usp=drivesdk

2. **Water Resources:**
https://drive.google.com/file/d/1i8qBRfcl9YOa2MHU8srZPhYsFLsNOqU0/view?usp=drivesdk

4,5,6. Fugitive Dust Management:
https://docs.google.com/document/d/1_eDJZMYi6T6C4juIarKRVtY18c8d1vVd0VnO9ZnCDhQ/edit?usp=drivesdk

7,8. Substation Relocation:
https://drive.google.com/file/d/1gsl2ofa5UNx_IIS27c9z-2fHOI6iisW9/view?usp=drivesdk

Land Use Element:
https://drive.google.com/file/d/1LNMLTZ5ssPCu5lDu9WHCRkj3FoQ7exig/view?usp=drivesdk

Comment Set B3 – Active Communities/Desert Center (continued)

B3-13 (cont'd)

9-17. RLTA Outline:
https://drive.google.com/file/d/1rXXzvEySN2D86OQJzwJHAh68tTCJhAsc/view?usp=drivesdk

Supplemental Comments:
https://drive.google.com/file/d/1sdOsjfOkeJ0clWGP65p9sOlYAibPLKs7/view?usp=drivesdk

Comments Letters:
https://drive.google.com/file/d/1D_QeVusg1WwdpOZBjXWYPvKHz2Hd4xVP/view?usp=drivesdk

Pictures:
https://drive.google.com/file/d/1HBC-uh6V-0Up6QGpYMOpyMLIIm7UGuTX/view?usp=drivesdk

Reference Articles:
https://drive.google.com/file/d/1EA9nVkGv88ailGygN0z0sgZwt6GN2kAP/view?usp=drivesdk

Comment Set B3 – Active Communities/Desert Center (continued)

1

***REFERENCING:**

B3-14

EASLEY SOLAR
NEPA NUMBER DOI-BLM-CA-D060-2023-0010-EA
ENVIRONMENTAL ASSESSMENT
PUBLIC SCOPING INPUT OCTOBER 23, 2023

LAKE TAMARISK COMMUNITY FORMAL SOLAR SCOPING INPUT DOCUMENT

The Community of Lake Tamarisk includes 80 homes consisting of families with and without children. Additionally, 150 homes are occupied by 55 year and older people. Approximately 38 school age who live in the community and attend the local school. There is a library, fire department, golf course, swimming pool, CSA 51 hall and 3 man-made Lakes, as well as a post office. The community also includes the Lake Tamarisk Desert Resort. The resort is a 55 year and older active Community Resort for Desert enjoyment including paddleboarding, swimming, birding, golfing, ATV riding, hiking, bike riding, and other recreational activities.

The Community of Lake Tamarisk is NOT a few "scattered residents located to the South near Lake Tamarisk" or low density as stated in the Easley Solar POD. It is a densely populated Community with a golf course and Lake consuming nearly one half of the area of the Community. The population density is defined as high and medium by the DCAP, not unlike many suburban areas surrounding the communities in the Coachella Valley.

This is the first Community that both the DRECP and The Riverside East SEZ have dealt with and it was completely ignored by both. This was totally irresponsible by both the State of California, Riverside County, BLM Federal, State and Local Field Offices.

The Desert Center Area Plan, part of the Riverside County Plan, clearly states that this Community will remain an Oasis in a Natural Desert Environment, Not an Island in A Dead Sea of Industrial Scale Solar Fields. Each Individual in the Community of Lake Tamarisk purchased their properties on that Commitment. The proposed Easley Solar Project, as currently designed, will destroy the very purpose and identity of this Community.

The Chuckwalla Valley is a Corridor less than 10 miles wide passing between multiple Wilderness Area Mountains, including the Joshua Tree National Park Mountains. This is truly a remarkable gateway into the Desert Environment through the Colorado Desert and into the great Sonoran Desert along Highway 10. This region contains many abandoned gold mines throughout the

Comment Set B3 – Active Communities/Desert Center (continued)

2

Wilderness Mountains. Additionally ancient tribal lands, settled as long as ten thousand years ago, are throughout this region. The Corridor is an adventure into the past.

B3-14 (cont'd)

The proposed Chuckwalla National Monument has been presented to Congress by Representative Ruiz and is now before President Biden for final designation. The Chuckwalla National Monument will have a significant impact on the growth and future of Lake Tamarisk. The Monument will surround the Chuckwalla Valley and border the Community of Lake Tamarisk. Desert Center will become the most prominent jumping off point into the National Monument and the little-known community of Lake Tamarisk will be discovered as an Oasis in a vast Natural Desert Environment, as it has been since 1948. .

Desert Center is a central access point to monument trails and adventure facilities will need to be made available for visitors. This may include a truck-stop, store, motel, visitor center and more.

The Community of Lake Tamarisk will be bordered by the monument to the west. As an Oasis in a Vast Natural Desert Environment, the resort community of Lake Tamarisk is the ideal location for a separate visitors RV park, a potential extension of the golf course, winter vacation homes, and more. The need for our Community's expansion acreage that surrounds our currently developed portion of Lake Tamarisk is inevitable.

The lands around the community of Lake Tamarisk need to remain undeveloped and kept in a Natural Desert Environment state to be congruent with the Monument itself.

There are over 100,000 acres still left to build out Solar Installations east of Highway 177, within both the East Riverside County Solar Energy Zone and Development Focus Area of the BLM Desert Renewable Conservation Plan. The Proposed Easley and Sapphire Projects total less than 4000 acres that would produce less than 600 Megawatts of the mandated 25,000 Megawatts in the DRECP.

To allow both the present and future of the Community of Lake Tamarisk to be destroyed, merely due to corporate greed and government agencies unwillingness to review impacts on human communities that have arbitrarily been placed within the Development Focus Area of the DRECP as important as other environmental communities, is against the NEPA process itself.

It would be grossly irresponsible of the BLM's, Local, State and Federal offices as well as our Riverside County planning department and Supervisors to allow such a small reduction in renewable energy production to destroy the present and future viability of this Desert Oasis Resort Community.

Comment Set B3 – Active Communities/Desert Center (continued)

3

B3-14 (cont'd)

The federal lands surrounding Lake Tamarisk need to be preserved in their natural state in perpetuity to conform with the nature and purpose of the Community and the Chuckwalla National Monument.

The revenue value to Riverside County, from both this expansion and the currently developed portion of the Community, would be substantial and exceed the Solar fees in the long run as property values increase in response to demand. These revenues would be ongoing.

The 1,500 miles of OHV roads and trails in Eastern Riverside County are immediately adjacent to Desert Center and the Lake Tamarisk Community. These trails/roads will be discovered as well and will continue to be available within the Chuckwalla National Monument. Recreational opportunities for Visitors include hiking, exploring of historical gold mines, rock hounding, and wildlife observation to name a few. These Visitors will need a place to stay. The revenue from these Visitors will boost the local economy and increase the tax base.

It is Riverside County's and the BLM's responsibility, as defined in the Desert Center Area Plan, and is in the best interest of Riverside County and the public, to protect this Community. The Riverside County Planning Department needs to base all land use planning on the health and growth of the Community of Lake Tamarisk. This is the entire purpose of the Planning Department. The Riverside County Supervisors should accept nothing less and protect this Community from extinction as an Oasis in a Natural Desert Environment. The BLM is required to respect these Local Area Plans. Please Refer to NEPA and the Rule Change of May 2022.

In addition to the impact of the Monument on the Community, Lake Tamarisk is currently in the application phase of becoming a National Historic Site for the State of California.

The Historical significance of Lake Tamarisk stems from its creation as an Oasis in A Natural Desert Environment for recreation for the "company town" of Eagle Mountain built by Kaiser for the Eagle Mountain Mine employees.

In 1948 Henry Kaiser opened the Eagle Mountain mine, the largest iron mine in California, and built the community of Eagle Mountain housing over 4000 employees.

The town of Eagle Mountain was built and run on the principles of what is now Kaiser Permanente HMO, the concept that was developed here for the California Aqueduct workers in 1933.

Comment Set B3 – Active Communities/Desert Center (continued)

4

All services were provided to the employees, from hospital, medical, groceries, theater, recreational opportunities and more.

The community of Lake Tamarisk was built by Kaiser as the center for recreational opportunities for the town of Eagle Mountain. Three man-made lakes were created and stocked with fish. A swimming pool, park, playground, RV park, and golf course as well as a Community Center were built in the Oasis Resort Community.

Eagle Mountain mine executives and managers built their homes around the lakes and golf course.

In order for NEPA section 106 of the National Historic Preservation Act compliance with 36 CFR 800.8(c) it is necessary to preserve the natural desert environment around the Oasis Resort Community of Lake Tamarisk. This is our past, present and future identity.

All BLM lands surrounding the Community of Lake Tamarisk need to be preserved in their natural state in perpetuity.

********** *Please refer to The Viable Lake Tamarisk Alternatives Page numbers 43-47* **********

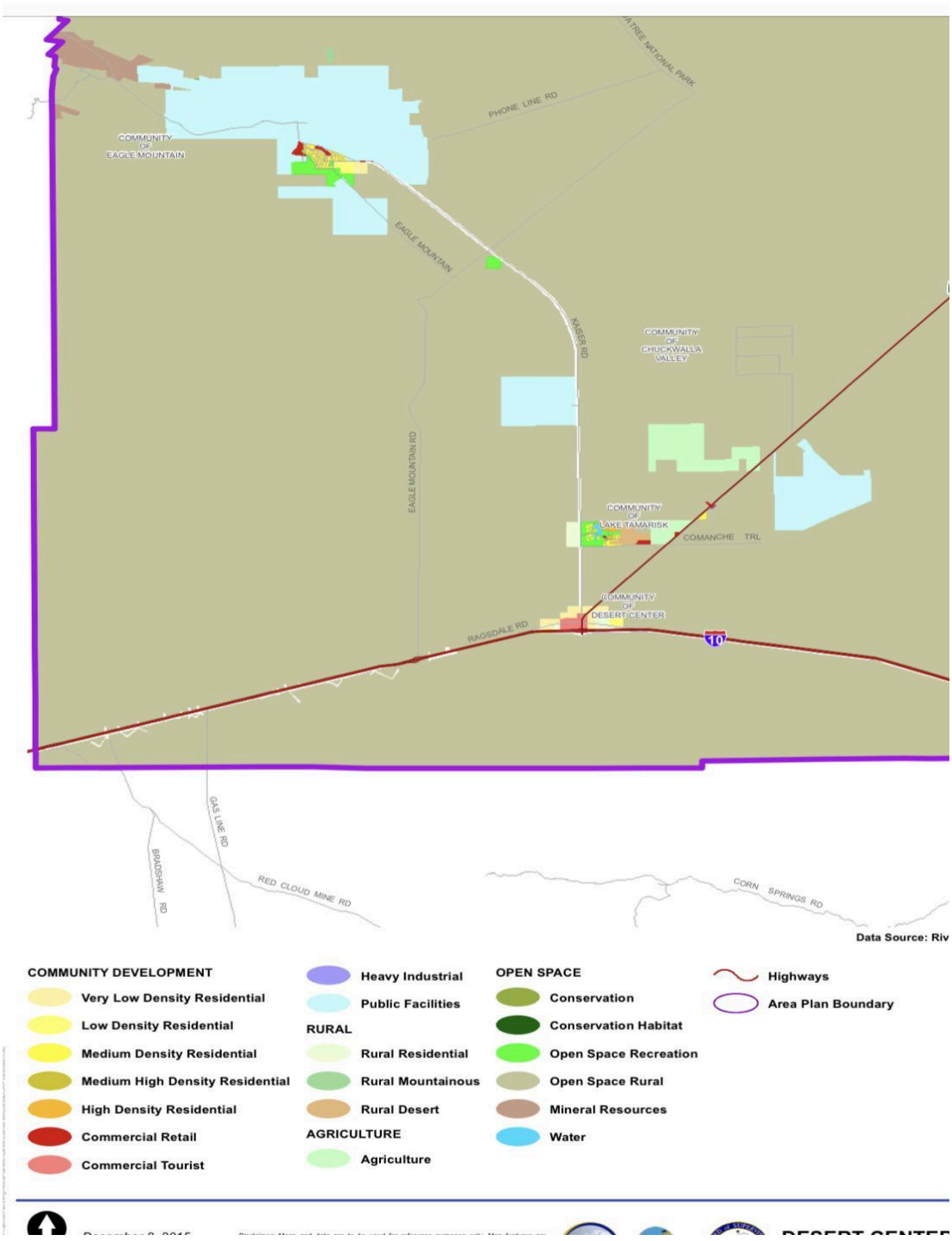
The next two maps represent the expansion area of Lake Tamarisk:

B3-14 (cont'd)

Comment Set B3 – Active Communities/Desert Center (continued)

5

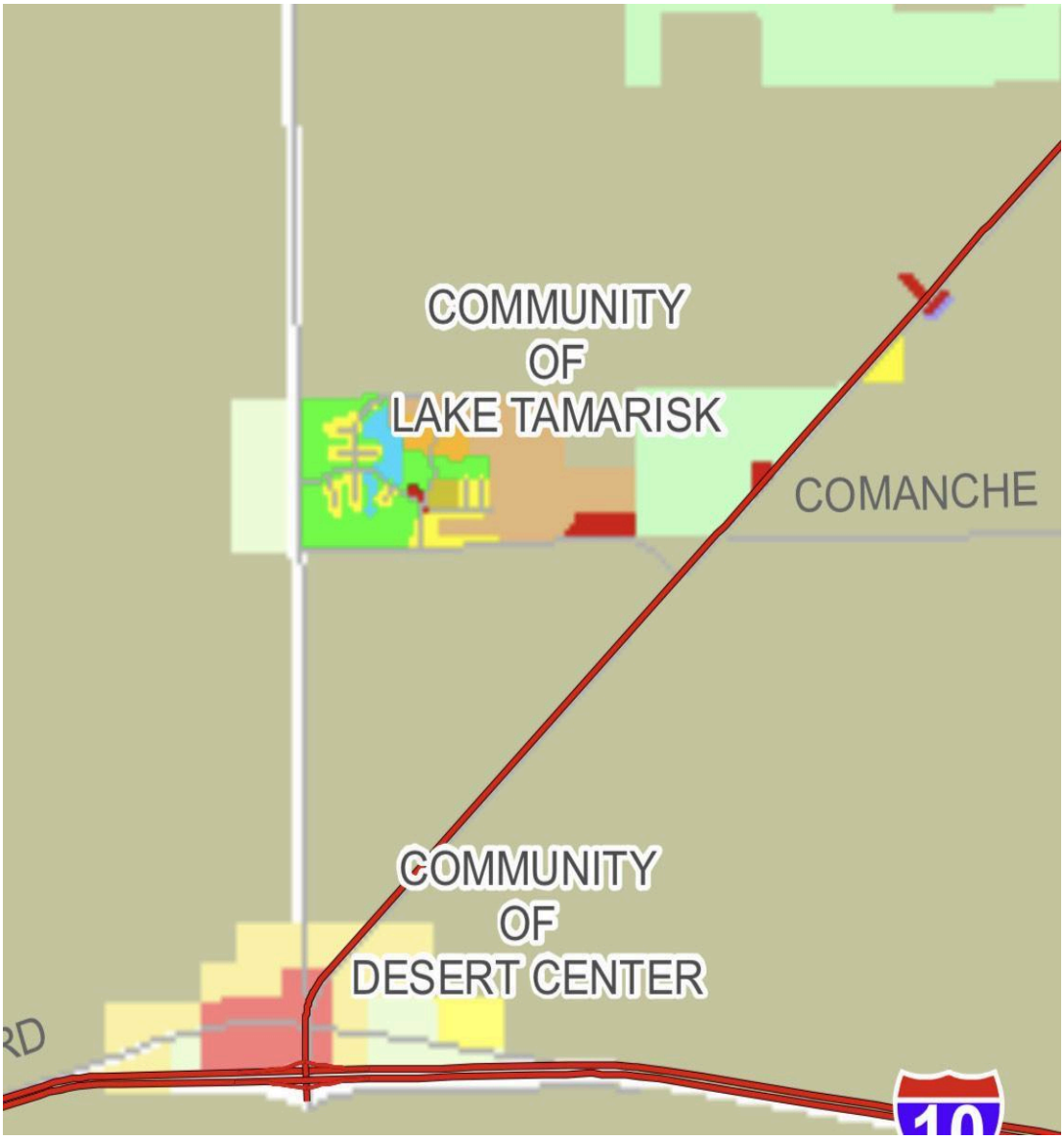
B3-14 (cont'd)



Comment Set B3 – Active Communities/Desert Center (continued)

6

B3-14 (cont'd)



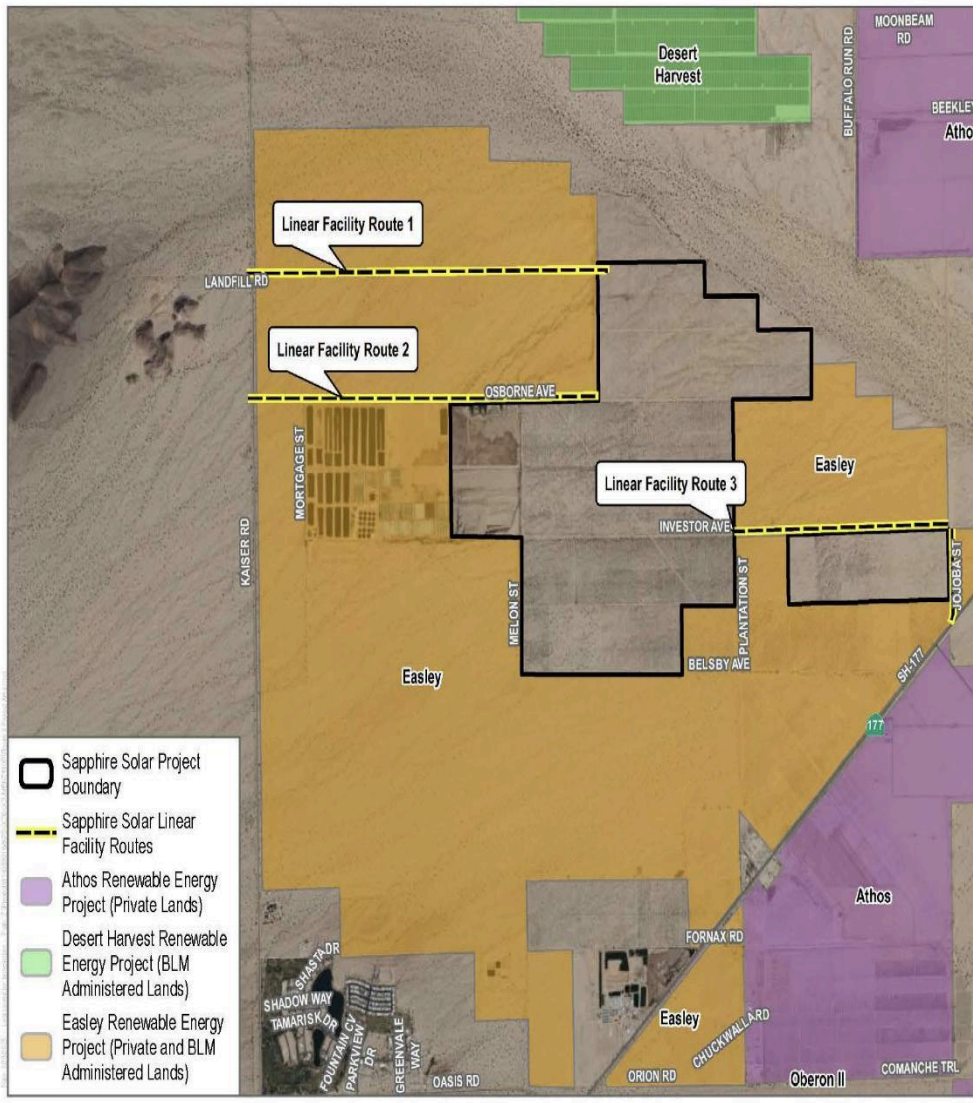
Cumulative Area of the Natural Desert Environment that would be destroyed by the proposed Easley and Sapphire Projects.

Comment Set B3 – Active Communities/Desert Center (continued)

7

This map represents the Industrial Scale Solar Projects, including the Oberon and the proposed Easley and Sapphire Projects which would surround our Community within one-half mile

B3-14 (cont'd)

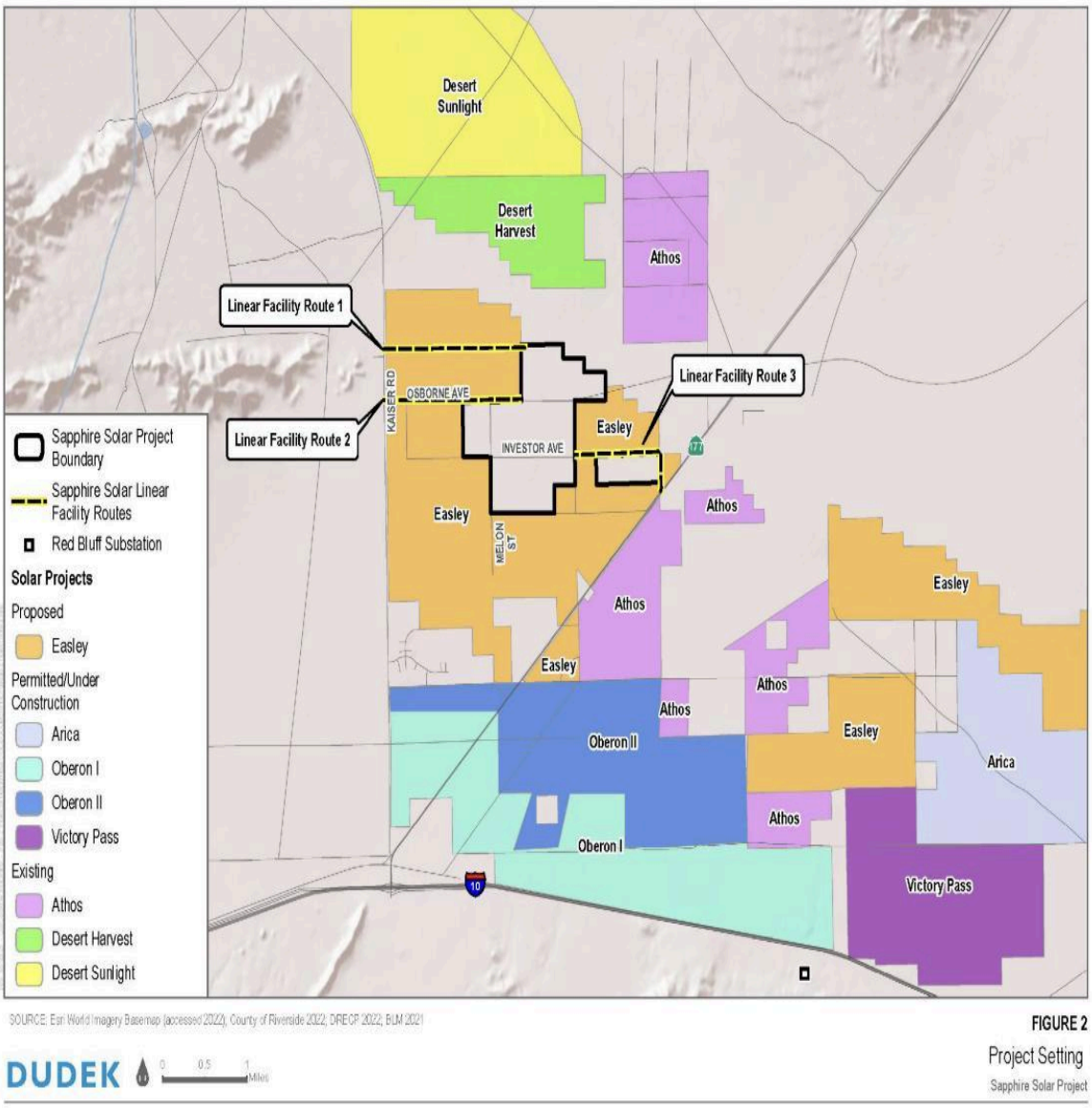


SOURCE: Esri World Imagery Basemap (accessed 2022); County of Riverside 2022; DRECP 2022; BLM 2021

Comment Set B3 – Active Communities/Desert Center (continued)

8

B3-14 (cont'd)



At this point, both the BLM and Riverside County have approved nearly 18,000 acres of large-scale solar in the area. About half has been built out and the other half under construction. The projects are:

Desert Sunlight Solar	4,400 acres
Desert Harvest Solar	1,200 acres

Comment Set B3 – Active Communities/Desert Center (continued)

9

B3-14 (cont'd)

Athos Solar	3,400 acres
Palen Solar	3,000 acres
Arica Solar	2,000 acres
Victory Pass Solar	2,000 acres
Oberon Solar	2,700 acres

There are currently more proposed:

Easley Solar	3,700 acres
Sapphire Solar	1,100 acres

There are over an additional 100,000 acres, to the east of highway 177, in the focus area available for Renewable Energy Development.

The proposed Easley Solar Project by Intersect Power would be at twenty-five feet to one-half mile from our currently developed and undeveloped Community borders. Additionally, the Oberon project, by Intersect Power , is already within one-half mile to our South. The Proposed Easley project alone would surround the Community of Lake Tamarisk on three sides, well within one-half mile and cover the entire Desert for many miles around us; thus, destroying our Natural Desert Environment and the Community's Identity as a Desert Oasis and future survival.

The Community of Lake Tamarisk is also Threatened with Extinction and should have equal basis as the abundant plants and animals in the Desert around us.

FROM THE CODE OF FEDERAL REGULATIONS:

"Title 40/ Chapter V/ SubChapter A/ Part 1508/ SS 1508.1 Definitions for NEPA (g) Effects or Impacts means changes to the human environment from the proposed action or alternatives that are reasonably foreseeably and include the following:
(1) Direct effects, which are caused by the action and occur at the same time and `place
(2) Indirect effects, which are caused by the action and are later in time or farther removed in distance but are still reasonably foreseeable. In direct effects include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.
(3) Cumulative effects, which are effects on the environment that result from the incremental effects of the action when added to the effects of other past, present,

Comment Set B3 – Active Communities/Desert Center (continued)

10

B3-14 (cont'd)

and reasonably foreseeable actions regardless of what agency (Federal or non-Federal) or a person undertakes such actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.
(4) Effects include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative. Effects may also include those resulting from actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effects will be beneficial.

NEPA RULE CHANGE, 04/20/2022

https://www.federalregister.gov/documents/2022/04/20/2022-08288/national-environmental-policy-act-implementing-regulations-revisions

"Third, CEQ is revising the definition of "effects" in paragraph (g) of 40 CFR 1508.1 to include direct, indirect, and cumulative effects. CEQ is making these changes in order to better align the provisions with CEQ's extensive experience implementing NEPA and unique perspective on how NEPA can best inform agency decision making, as well as long standing Federal agency experience and practice, NEPA's statutory text and purpose to protect and enhance the quality of the human environment, including making decisions informed by science, and case law interpreting NEPA's requirements."

This NEPA rule change, when taking the definitions of effects and impacts into account, makes it clear that all potential impacts whether direct, indirect, or cumulative must be studied from the standpoint of the human impacts. Therefore, the Community of Lake Tamarisk, as the human environment, must be prioritized in the Environmental Assessment (EA) and the Environmental Impact Statement (EIS).

DEFINITIONS:
NEPA: National Environment protection Act
CEQ: Council on Environmental Quality

Comment Set B3 – Active Communities/Desert Center (continued)

11

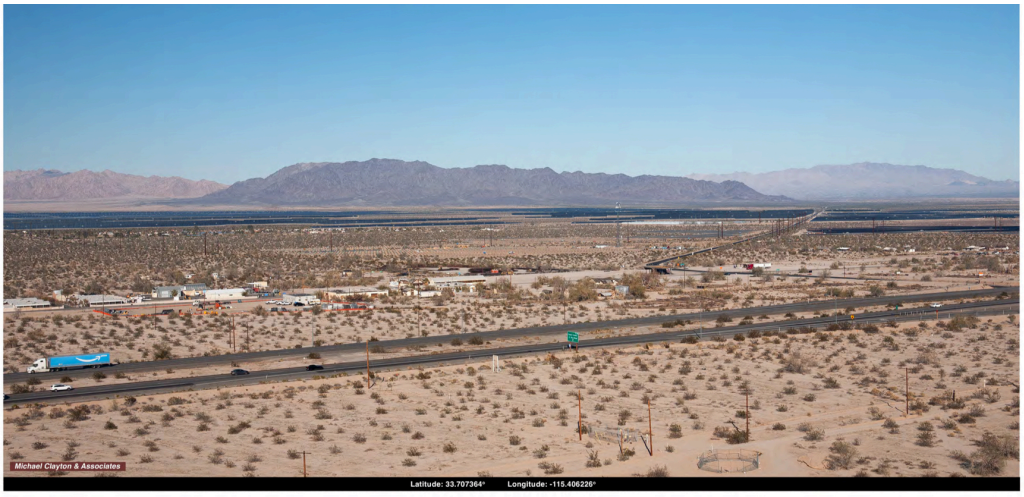
B3-14 (cont'd)

THE PROPOSED EASLEY PROJECT, AS CURRENTLY DESIGNED, WOULD CREATE THE FOLLOWING PROBLEMS AND ISSUES FOR THE COMMUNITY OF LAKE TAMARISK AND ANY ADDITIONAL SOLAR PROJECTS WOULD SIGNIFICANTLY INCREASE THESE IMPACTS, SINCE THE PROPOSED EASLEY PROJECT IS MUCH CLOSER TO OUR COMMUNITY. THE CUMULATIVE IMPACTS OF THIS PROJECT, ALONG WITH THE RECENTLY CONSTRUCTED OBERON PROJECT, NEED TO BE ADDRESSED AND STUDIED IN DETAIL AND INCLUDED IN THE SCOPE OF THE ENVIRONMENTAL ASSESSMENT. THE IMPACTS ON HUMAN COMMUNITIES HAVE THUS FAR BEEN COMPLETELY NEGLECTED IN PAST ENVIRONMENTAL IMPACT ASSESSMENTS BY BOTH THE CEQA AND THE NEPA PROCESSES.

EACH OF THE "SUBSTANTIVE COMMENTS" ON IMPACTS BELOW NEED TO BE STUDIED IN RELATION TO THE COMMUNITY OF LAKE TAMARISK'S FUTURE HEALTH AND WELFARE.

AESTHETICS / VISUAL RESOURCES / REFLECTION

Easley Solar POD Appendix Q: Visual resources and management is missing the following: The Alligator Ridge Panoramic Visual Simulation is completely missing the Oberon Solar Installation,



This image presents a **Visual Simulation** of the Project as viewed from **KOP 3** on the crest of Alligator Rock, just south of I-10. This frame of view encompasses a majority of the Project at viewing distances ranging from approximately 1.6 miles (a portion of the gen-tie line) to approximately 5.6 miles (the Project's most distant solar arrays). The BESS, substation, and gen-tie line are visible in the center-right of the image. The solar arrays appear as dark areal masses on the valley floor intermixed with other solar projects.

KOP 3
Alligator Rock
Visual Simulation

Easley Renewable Energy Project
Aesthetics / Visual Resources
Figure 3.2-4B

thereby misrepresenting the impact of Intersect Powers Solar Installation on the Community

Comment Set B3 – Active Communities/Desert Center (continued)

12

B3-14 (cont'd)

of Lake Tamarisk. The entire area between Desert Center and Lake Tamarisk is covered by the Oberon Solar Project.

The Lake Tamarisk Panoramic Visual Simulation was taken from five feet above the ground facing East. The Panoramic Visual Simulation needs to be taken from ten feet above the ground in order to represent the visual degradation from home and deck height viewing. No North Panoramic Visual Simulation was done at all.

Our Unique Community, Lake Tamarisk, was chosen specifically by our residents because it is truly an Oasis in a vast open desert full of unique ever-changing micro habitats for both plants and animals. The incredible 360-degree vistas of the Wilderness Mountain Ranges including the mountains of Joshua Tree National Park, the peaks of the Chuckwalla Mountains, Coxcomb Mountains, Eagle Mountain, and the Palen Mountain areas are irreplaceable.

- Existing large solar installations north, east, southeast, and south are already adversely affecting our view of these Wilderness Area Ranges. Intersect Power's Oberon Project, in conjunction with their Proposed Easley Project, would seriously degrade the visual quality of our Community. These two Projects, as currently proposed, would surround the Community on three sides from twenty-five feet to one-half mile. The incident of light reflecting from the panels is often blinding and impacts the whole Community.
- Dark Skies would be adversely affected by external lighting unless shields and motion sensors are put into place. This also includes portable work lights and Intersect Power's recently constructed substation lighting also needs shielding. This is one of the few areas in the US with Dark Sky and the nearest to major populations like Los Angeles.
- The Proposed Easley Solar Installation, as currently designed, would be very near and seen from our homes at Lake Tamarisk. Visually, our desert view to the North and East of us would be completely full of glaring solar panels. In addition, the close proximity of the Oberon Project covers the area South of the Community. There is no way to hide such enormous Industrial Scale Solar installations without appropriate set-backs and screening.
- Residents and visitors on their regular desert walks can only go a few hundred feet before running into an Industrial compound.
- The Community of Lake Tamarisk is also Threatened and should have equal basis as the abundant plants and animals in the Desert around us.

JUSTIFICATION FOR A DETAILED STUDY:

The reflection from the Proposed Easley Solar Project, which will be immediately bordering our property to the north and east, will greatly impact our view. Below is a picture, taken January 1, 2023, that shows a landscape scale solar installation, five miles out, due North of

Comment Set B3 – Active Communities/Desert Center (continued)

13

B3-14 (cont'd)

Lake Tamarisk Resort. The proposed Easley Project, along with the Oberon Project, would surround the Community of Lake Tamarisk well within one-half mile, destroying our Unique desert view. The individuals of our community come here to enjoy the view of the vast expansion of a living desert. The lifestyle we came here to enjoy is being taken from us by Seas of glaring solar panels. There is no way to hide such enormous Industrial Scale Solar installations without appropriate set-backs and screening.

ADDITIONAL JUSTIFICATION FOR A DETAILED STUDY:
The Bureau of Land Management has created several nearby Areas of Critical Environmental Concern and National Conservation Areas regionally in association with the establishment of the Desert Renewable Energy Conservation Plan in 2016. These areas are managed under a higher Visual Resource Management Class (VRM Class)[1] and are adjacent to proposed and existing solar projects. The projects average about 3 to 5 square miles per project and create a very large visual contrast to the Community of Lake Tamarisk and adjacent conservation areas.

The soon to be designated Chuckwalla National Monument will border Lake Tamarisk as well as the Proposed Easley Solar Project which will cause visual degradation from the Monument.
The proposed Easley Solar Project would butt up against the Monument and increase these visual impacts to the West.

ADDITIONAL JUSTIFICATION FOR A DETAILED STUDY CONTINUED:
"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". (Excerpt from County of Riverside General Plan, Desert Center Area Plan, September 28, 2021.}

"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 urbanized 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, 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." (Excerpt from County of Riverside General Plan, September 28, 2021).

[1] *Bureau of Land Management Visual Resource Management Classes (anl.gov)*

Comment Set B3 – Active Communities/Desert Center (continued)

14

B3-14 (cont'd)

The above quoted excerpts state what should happen at the Desert Center area. Specifically, we at Lake Tamarisk, have not seen any protection of our immediately surrounding area from the Riverside County General Plan dated September 28, 2021. "The uninhabited and natural character of the open space lands is expected to continue throughout the life of the plan." (Excerpt from County of Riverside General Plan dated September 28, 2021)

ADDITIONAL JUSTIFICATION FOR A DETAILED STUDY:

The below picture represents the view looking north towards an existing Solar Landscape Scale Installation five miles from the Lake Tamarisk border. The proposed Easley Project in conjunction with the much smaller Sapphire Project would encompass and destroy the entire desert view from Lake Tamarisk to the existing solar facility. A Desert Resort Community cannot survive without natural desert environment views. Picture taken January 1, 2023.

Alligator Ridge View



MITIGATION OF AESTHETICS/VISUAL RESOURCES/REFLECTION DUE TO PROPOSED SOLAR INSTALLATION:

- *A minimum of a one-mile Set-Back from the Lake Tamarisk Community borders to the nearest solar installation infrastructure is necessary to maintain the visual aesthetics and the integrity and lifestyle and future of the Lake Tamarisk Community.*

Comment Set B3 – Active Communities/Desert Center (continued)

15

- *At this distance, in order to block the views of the solar panels, inverters and BESS facilities, berms with vegetative screenings and maintenance thereof are necessary.*
- *Relocate the Easley Solar Project east of Highway 177 and east of the proposed Lycan Solar Project by EDF Renewables. There are over 100,000 acres available east of highway 177 in the Focus Area for Renewable Energy Development.*

B3-14 (cont'd)

POPULATION AND HOUSING AND SOCIOECONOMICS

Population, Housing and Socioeconomics were completely left out of the Easley POD.

- The Community of Lake Tamarisk includes 80 homes consisting of families with and without children. There are 66 preschool and school age children who live in the community and attend the local school. There is a library, fire department, golf course, swimming pool, CSA 51 Hall and 3 man-made lakes, as well as a post office. The Community also includes The Lake Tamarisk Desert Resort. The resort consists of 150 dwellings (most of which have two people) that are owned by the residents. The demographics of Lake Tamarisk is nearly 70 percent senior citizens and children, the most sensitive segments of the population. The whole Community enjoys paddleboarding, birding, golfing, ATV riding, hiking, bike riding and other recreational activities.

  Our unique Community, Lake Tamarisk, was chosen specifically by our residents because it is truly an Oasis in a Vast Open Natural Desert full of unique, ever changing micro habitats for both plants and animals. The Incredible three hundred and sixty degree vistas of the Wilderness Mountain Ranges including the Mountains of Joshua Tree National Park, the peaks of the Chuckwalla Mountains, Coxcomb Mountains, Eagle Mountain and the Palen Mountains are irreplaceable.
- Currently the Intersect Power Oberon project is within one half mile of the Lake Tamarisk Community Southern border. Against NEPA regulations, this project was permitted and constructed without any notification or input from our Community. If the proposed Easley Project is permitted and constructed as currently proposed, we would be surrounded on three sides from 25 feet to the East and North and one-half mile to the South of our borders by Utility Scale Solar Installations. The remaining side, to the west, contains high voltage lines and their towers. The identity of the Lake Tamarisk Community, as an Oasis in a Natural Living Desert, will be lost if the Proposed Easley Project is approved as currently designed.

Comment Set B3 – Active Communities/Desert Center (continued)

16

B3-14 (cont'd)

- Quality of life would be severely diminished for all residents and visitors who come to the desert for the natural beauty, tranquility and recreation.
- We are extremely concerned with the value of our properties and our desired way of life. Currently, properties are going up for sale due to the concerns and uncertainty of the multiple impacts of current solar fields and proposed solar fields that surround The Lake Tamarisk Community in such close proximity. We are concerned that our property will inevitably be less desirable and thereby lose its value. No studies on the impacts of Utility Scale Solar Installations, surrounding a community on three sides at such close proximity, has been done anywhere.
- The replacement values of property in the Lake Tamarisk Community, due to the destruction of our Oasis Identity and Lifestyle, cannot be overstated. Even relocation to a similar physical environment would cost a minimum of ten times the current property values. However, the Community's like-minded, family-like circle is impossible to replace. Only litigation could attach a financial liability to this loss.
- Higher local temperatures due to the expanse of vast fields of solar panels near our community will result in higher power bills.
- The Community of Lake Tamarisk is of unique value throughout the Colorado Desert and requires protection by the Riverside County Planners, County Supervisors as well as by the Bureau of Land Management. The Community of Lake Tamarisk is also Threatened with Extinction and should have equal basis as the abundant plants and animals in the Desert around us.

JUSTIFICATION FOR A DETAILED STUDY:

As described above under the section of health, this Community's, being nearly 70 percent seniors and children, the most vulnerable population, health is at risk.

The loss of quality of life that we chose and came specifically here for is directly threatened by this and other similar projects. We did not come to live here to live in a sea of unsightly solar panels surrounding our community. We invested here, as guaranteed by the Desert Center Area Plan, to live in and experience the exact opposite, a beautiful natural desert environment. No one would choose to invest in Resort property in an Industrial Compound.

ADDITIONAL JUSTIFICATION FOR DETAILED STUDY

No community in the Riverside East SEZ or the DRECP development focus area has been encroached on three sides by Industrial Scale Solar Installations. The Combined Impact of the Intersect Power's Easley and Oberon Projects will completely surround the Community of Lake Tamarisk on three sides between 25 feet and one-half mile of our borders,

Comment Set B3 – Active Communities/Desert Center (continued)

17

B3-14 (cont'd)

completely covering the natural desert environment up to the Wilderness Mountains surrounding us.
Currently available studies on the impacts of Utility Scale Solar Installations on property values have not included any communities surrounded on three sides at the above distances, nor have they included any Resort Communities.

ADDITIONAL JUSTIFICATION FOR DETAILED STUDY

My name is Vicki Bucklin. I'm an owner and resident at Lake Tamarisk Desert Resort. I have worked in temperature management and monitoring for over 20 years. In 2013 I retired from Fluke Electronics, a
US leader in mapping and monitoring temperature.

Today I'm presenting one article (A) that discusses many recent studies, most having proven that an array of solar panels
will, indeed, increase the urban local ambient temperature. The second article (B) discusses desert solar arrays, and
indicates increased temperatures of 3-6 CELSIUS are likely.

Exhibit A:
https://physicsworld.com/a/solar-panels-can-heat-the-local-urban-environment-systematic-review-reveals/
January 30, 2022 Article in PHYSICS WORLD magazine by Michael Allen
Title: "Solar panels can heat the local urban environment, systematic review reveals"

Some of these studies covered concerns about the urban temperature increase due to solar being installed by large
manufacturing plants. The impact was greatest when huge light- colored roofs were covered with dark panels,
eliminating their reflective properties. A good number if studies in this group have also considered large solar arrays as
they affect the surrounding local temperatures. The general consensus is that an increase of up to 3F can be expected.

Exhibit B:
https://phys.org/news/2016-11-solar-island-effect-large-scale-power.amp
This study from 2016 explains how PV panels prevent cooling in the desert floor beneath them, and compares
temperatures in a desert environment near solar production to those that are distanced. It explains that we should expect an increase in temperatures from 3 to 4 Celsius.

Comment Set B3 – Active Communities/Desert Center (continued)

18

Unfortunately, OUR case at Desert Center is unusually dire. We're located in the center of a shallow bowl with
mountains surrounding nearly 280 degrees of our perimeter, holding in the heat.

If developers cover the light sandy ground surrounding our park with dark panels, the average daily ambient temperatures are guaranteed to increase based on the simple laws of physics. There is no doubt that the Sapphire Solar and other developers are already aware of that fact. Whenever winds are calm, the mountains surrounding this area will collect that heat and extend the temperature on those hot midsummer days, now already reaching 120F+. At night the panels will prevent the heat from escaping, and the ground temperature will remain much higher than before.

All residents WILL suffer higher power bills and general discomfort because of this project. It is irresponsible and unethical to place massive arrays surrounding remote, rural communities who don't have funds to fight their impact. It's especially unethical in places like Desert Center, where high temperature is already a risk to human life.

An in-depth study needs to be done, going back ten years, on kilowatt usage year around home by home at Lake Tamarisk Desert Resort and Community as compared to the kilowatt usage that would be required to cool homes with the rise in temperature ranging from 3 degrees to 10 degrees going forward at least 10 years.

There is No Place in either the SEZ or DRECP for considering Community Impacts other than worker housing impacts and minority/low-income Environmental Justice. The NEPA Rule Change of 2022 specifically states that "furthermore, NEPA seeks to promote efforts that will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of people, making it the continuing policy of the Federal Government to use all practical means and measures to create and maintain conditions under which humans and nature can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations of Americans."

B3-14 (cont'd)

Comment Set B3 – Active Communities/Desert Center (continued)

19

B3-14 (cont'd)

MITIGATION OF IMPACTS ON POPULATION AND HOUSING AND SOCIOECONOMICS DUE TO PROPOSED SOLAR INSTALLATION!

- *A minimum of a one-mile Set-Back from the Lake Tamarisk Community borders to the nearest solar installation infrastructure is necessary to maintain the visual aesthetics and the integrity and lifestyle and future of the Lake Tamarisk Community.*
- *At these distances, in order to block the views of the solar panels, inverters and BESS facilities, berms with vegetative screenings and maintenance thereof are necessary.*
- *Relocate the Easley Solar Project east of Highway 177 and east of the proposed Lycan Solar Project by EDF Renewables. There are over 100,000 acres available east of highway 177 in the Development Focus Area for Renewable Energy Development.*

HYDROLOGY

The Easley Solar POD Appendix BB: States that "based on experience with similar projects, most of the site is suitable for the planned development by avoiding or designating areas of high flood depths, velocities, and scour". Based on local experience this statement is not valid.

.

- Configuration of solar panels can alter surface hydrology and create local flooding during rain events and monsoon season.
- Intersect Powers previous projects have caused significant hydrological impacts and property damage. This needs to be studied much further in order to mitigate previous property damage and prevent future damages.
- Appendix H Jurisdictional Delineation:
  "Additionally, beyond federal jurisdiction the SWRCand the RWQCB's may exert regulatory authority over waters of the state. which are defined in Section 13050(e) of the Porter-Cologne Water Quality Act as "any surface water or groundwater, including saline waters, within the boundaries of the state." This definition may include isolated wetlands and other waters that may be outside of federal jurisdiction, which may be subject to Waste Discharge Requirements (WDRs).
- Appendix BB only discusses Hydrology from the point of view of the interior of the Project itself. A detailed study of the hydrological impacts of this project on surrounding properties is required.

Comment Set B3 – Active Communities/Desert Center (continued)

20

B3-14 (cont'd)

WATER SUPPLY ASSESSMENT

The Easley Solar POD Appendix P contains a report on the Chuckwalla Valley groundwater supply by GEI. This clearly shows that any groundwater use by the Easley Project will endanger the future growth and survival of the Desert Center Area.

- Individual solar projects, such as Easley, will require 950-acre feet; which is 309,558,450 gallons of water. The total water usage by both Easley and the much smaller Sapphire Projects, which will overlap in the construction phase, is 451,304,235 gallons of water.
- The local Chuckwalla Aquifer is a critical need for our community and is already being depleted. The aquifer and the project's usage of that water needs to be monitored throughout the entire project every month.
- Recently, since February of 2023 when Intersect Power's Oberon Project drilled and began pumping out of their own well, 4 wells are experiencing issues. Green Acres RV Park had to replace a pump due to the creation of a cone of depression. The water table was down 50 feet at the time Intersect was notified in February of the existence of a cone of depression. John Beaches' pump needs to be replaced. The 2 fish farms, one on Kaiser Road and one on 177 are having pump issues. The one on Kaiser Road Lake View Ranch can only use one of his pumps. Because there is not enough water to do both at the same time. The Global Organic Ranch is pumping muddy and brackish water. All these areas are LESS THAN two miles to Lake Tamarisk.

JUSTIFICATION FOR A DETAILED STUDY:

- *A well level depth study must be done throughout this aquifer covering several decades.*
- *An in-depth study of the quality and mineralization of water due to aquifer overdraft is essential.*

ADDITIONAL JUSTIFICATION FOR A DETAILED STUDY:

The GSI ground water report clearly shows that the Chuckwalla Valley groundwater supply is within 100/acre feet of becoming unsustainable for the community needs of any future growth of the local Desert Center Area. This would include the entire Chuckwalla Valley. The current solar developments in the Valley have and will continue to use groundwater that is already in very short supply. Under State law it would be illegal for the Government to permit additional use of groundwater more than the aquifer's sustainable annual yield. This report literally shows that any solar development of the Easley Project or other Projects will cause a ground water deficit to occur like what the State of California has experienced in the Central Valley. It would be incredibly

Comment Set B3 – Active Communities/Desert Center (continued)

21

B3-14 (cont'd)

irresponsible for the BLM and the Riverside County Water Control Board to allow any future development of Utility Scale Solar in the Chuckwalla Valley that would require access to groundwater.

Excerpts from the GEI Water Report from Appendix P Water Supply Assessment:

"Table 11: provides a 37-year (starting from the Project proposed construction start date [2024] and assuming the Project is in place for 35 years) groundwater budget projection for average years with the Project and all cumulative projects in place and assuming the Project begins using water on January 1, 2024. Only those cumulative projects that would withdraw groundwater during the assumed 2024 to 2060 period of analysis are included. Assuming average precipitation, there would be an initial groundwater deficit of up to 7,000 AF in the year 2024. The cumulative groundwater deficit would increase to approximately 95,800 AF by the end of the 37-year period. Without the Project and all other cumulative projects in place, there would be a surplus of 3,700 AF at the end of the 37-year period. The same analysis using reduced infiltration and underflow estimates results in a total cumulative project deficit of about 262,300 AF, to which the Project would contribute about 1 percent, or 2,750 AF. Using these inflow estimates, the CVGB would not recover the groundwater deficit with or without the Project."

"Table 11. 37-Year Projected Chuckwalla Valley Groundwater Basin Groundwater Budget for the Easley Renewable Energy Project Plus Cumulative Projects Using Adopted Precipitation And Underflow Recharge Estimates

	2024 (AF)	***2025 (AF)***	***2026 (AF)***	***2027 (AF)***	***2028 (AF)***	***2029 (AF)***	***2030 (AF)***	***2031 (AF)***	***2032 (AF)***	***2060 (AF)***
CVGB Baseline Surplus	***100***	***100***	***100***	***100***	***100***	***100***	***100***	***100***	***100***	***100"***

6 2.2 Multiple Dry Years

"Table 12 provides a summary of the multiple dry year analysis using the same methods as described for Table 11, and assuming the Project plus all cumulative projects are in place. At the end of the 12-year period, representing the longest consecutive series of years with below average precipitation on record at the Blythe, ***the cumulative groundwater deficit would be 102,900 AF.*** *The Project would contribute 1,500 AF, approximately 1 percent, to this deficit. The same analysis using the reduced estimates of recharge and outflow result in a cumulative deficit of 129,600 AF. The Project would cause about 1 percent of this deficit."*

"The driest 37-year period was the period beginning in 1893 and ending in 1929. Average annual precipitation during this period was 3.09 inches, or about 91 percent of normal. Table 13 shows that if a repeat of this 37-year period occurs under current (no qualifying projects not already in place)

Comment Set B3 – Active Communities/Desert Center (continued)

22

*conditions, **at the end of the 37-year period the CVGB would have a deficit of approximately 27,000 AF** assuming adopted precipitation and infiltration conditions (see Table 2). The greatest groundwater deficit during the repeated drought period would occur during 2039, in which **the total deficit would be approximately 64,100 AF.** Using reduced recharge data, the same analysis results in **a continually increasing groundwater deficit totaling 179,200 AF after 37 years.**"*

B3-14 (cont'd)

*"**The same analysis with the Project in place but with no other cumulative projects gives similar results as the one without project conditions, with a total groundwater deficit of approximately 29,800 AF at the end of 37 years**. Using reduced recharge data, the same analysis, with the Project in place, results in an increasing **groundwater deficit totaling 182,000 AF after 37 years**.*
*Table 14 provides the cumulative project analysis. With all cumulative projects in place, the CVGB total **groundwater deficit at the end of the 37-year period would be approximately 126,500 AF**. Using reduced recharge data, **the 37-year deficit would total approximately 278,700 AF.**"*

7 Summary of Analysis and Conclusions
The following provides a summary of the results of the evaluation presented above:

*"Table 2 indicates that under average climatic conditions and using precipitation recharge and the adopted subsurface inflow recharge estimates, the CVGB would have a baseline groundwater surplus of approximately 100 AFY assuming no qualifying projects not already in place. Using available lower precipitation and subsurface inflow estimates (see Table 3), t**he annual change in groundwater in storage in the CVGB would be a deficit of approximately 4,400 AFY**. In this scenario, any additional groundwater extractions would increase the groundwater deficit except as offset by additional inflows."*

"Tables 4 through 7 indicate that there will be a groundwater deficit in dry years and critical dry years (10 percent and 3 percent probability of occurrence, respectively, assuming no qualifying projects not already in place) using the adopted groundwater inflows and outflows. The magnitude of the deficit depends on the groundwater recharge assumptions."

*"Tables 8 and 9 indicate that under current groundwater extraction conditions and no qualifying projects not already in place, a repeat of the worst sustained drought on record at Blythe (12 years of below-average precipitation) **will likely result in a cumulative groundwater deficit of***

Comment Set B3 – Active Communities/Desert Center (continued)

23

B3-14 (cont'd)

***approximately 60,900 to 87,600 AF**, assuming the normal groundwater recharge (see Table 2) and reduced groundwater recharge (see Table 3) estimates, respectively. The volume of groundwater in storage in the CVGB would begin to recover in response to the return of average and above average precipitation conditions."*

*"Under normal groundwater recharge estimates, the addition of the Project to the existing groundwater extractions would create a groundwater deficit in the CVGB only during the 2-year construction phase of the Project (total deficit of approximately 800 AF). **Over the assumed 37-year life of the Project, the Project would reduce the projected CVGB surplus of groundwater in storage by approximately 74 percent**. Assuming reduced groundwater recharge estimates, the Project would increase the projected CVGB cumulative deficit in groundwater in storage by approximately 2 percent over the assumed 37-year life of the Project."*

*"Table 11 indicates that with all cumulative qualifying projects, including the proposed Project, in place and using normal groundwater recharge estimates, the CVGB would experience an initial groundwater deficit of approximately 7,000 AF in 2024 (the planned first year of Project construction). The cumulative groundwater deficit would increase to approximately 95,800 by the end of the assumed 37-year life of the Project. Total groundwater use from all cumulative projects is approximately 7,100 AFY in 2024 and reduces to approximately 2,300 AFY by 2028, resulting in an annual groundwater deficit of approximately 7,000 AFY and 2,200 AFY, respectively. By 2028, the Project would contribute approximately 2 percent of total groundwater use from cumulative projects. **Using reduced groundwater recharge estimates, the CVGB cumulative deficit of groundwater in storage would total approximately 262,300 AF over the assumed 37-year life of the Project with all cumulative projects in place**. The Project would constitute approximately 1 percent of the cumulative deficit."*

*"Table 12 indicates that under a repeat of the multiple dry year scenario based on the 1893 to 1904 below average precipitation conditions, cumulative projects would increase the cumulative groundwater deficit shown in Table 8. With all cumulative projects in place and normal groundwater recharge estimates, **the cumulative groundwater deficit would be approximately 102,900 AF** to which the Project would contribute approximately 1 percent. Using reduced groundwater recharge estimates, there would be **a cumulative deficit of approximately 129,600 AF at the end of the 12-year period**, to which the Project would contribute approximately 1 percent."*

7.2 Conclusions

Based on the use of groundwater budget terms adopted from existing publications, the CVGB's current annual groundwater recharge and outflows are almost balanced, and all estimated

Comment Set B3 – Active Communities/Desert Center (continued)

B3-14 (cont'd)

groundwater demand for the Project may be sourced from the CVGB without resulting in a cumulative groundwater deficit under average climatic conditions using conservative groundwater recharge estimates. The normal-year baseline groundwater budget for the CVGB indicates an annual groundwater surplus of 100 AF, which is less than the estimated water use for the construction phase of the Project but more than the estimated water use during the operational phase of the Project. This would result in an initial groundwater deficit during the construction Phase of the Project and a recovery of groundwater levels during the operational phase of the Project.

The total projected groundwater use over the assumed 37-year life of the Project is less than the baseline groundwater surplus for the CVGB over the same period. In accordance with DRECP LUPA, a Groundwater Monitoring, Reporting, and Mitigation Plan (LUPA-SW-24) would be implemented for the Project prior to the commencement of any construction activities.

The multiple dry year analysis (see Table 12) shows that a repeat of the longest consecutive dry period on record, with all cumulative projects in place, would result in a total groundwater deficit of approximately 102,900 AF. The Project would contribute 1,500 AF, approximately 1 percent, to this deficit. Tables 13 and 14 show similar analyses without all cumulative projects in place and with all cumulative projects in place, respectively, and using the driest consecutive 37 years on record. "Table 13 indicates that after the initial very-dry period the volume of groundwater in storage would begin to recover, but full recovery would not occur during the projected 37-year period.
Table 14 indicates that although some recovery of groundwater levels would occur during periods of average and above average precipitation, a cumulative groundwater deficit of approximately 126,500 AF would exist at the end of the projected 37-year period.

In general, available well data show relatively stable groundwater levels in the CVGB, interrupted in the Desert Center area in the past mainly by agricultural pumping. Available groundwater level data from the Desert Center area indicate rising, or recovering, groundwater levels following the cessation of most agricultural usage since the 1980s (AECOM, 2010)."

ADDITIONAL JUSTIFICATION FOR A DETAILED STUDY:
Renewable Energy Impacts on GroundWater in a Desert Basin

Noel Ludwig, U.S. Forest Service
Rocky Mountain Regional Office
noel.ludwig@usda.gov
Peter Godfrey, Bureau of Land Management

Comment Set B3 – Active Communities/Desert Center (continued)

25

B3-14 (cont'd)

Arizona State Office
pgodfrey@blm.gov
Arizona Hydrological Society 2021 Annual Symposium
September 15to through 17th, Tempe, Arizona

The above presentation was made to the public during the 2021 annual conference of the Arizona Hydrological society. The content of the presentation caught my eye as an owner of two lots at Lake Tamarisk Resort near Desert Center, CA. (Kent Madison, Managing member of 3RValve LLC). This small resort community sits at the upper end of the Chuckwalla Valley in East Riverside County CA. The community's only water source is ground water with a carbon date of over 15,000 years and a declining static level. The basin has been overdrawn from the time that the first well was drilled in the early 1950's. All the succeeding wells that have been developed have continued to increase the aquifer decline. During the mid-1980's when increased agriculture pumping was taking place, the decline was over 160 feet. This was well beyond what the natural aquifer recharge rate is and these wells and others in the area have never recovered back to their natural level.

The report also was co authored by Peter Godfrey Hydrologist / Project Manager Jan 2010 - Jan 2015 · 5 yrs 1 mo California Desert District, Moreno Valley, CA • Project management of renewable energy projects through the Federal NEPA process for the California Desert District's Renewable Energy Coordination Office (RECO).
• BLM Project Manager through publication of a Draft EIS for the Haiwee Geothermal Leasing Area, including a proposed amendment to the California Desert Conservation Area Plan.
• BLM Hydrologist for the interdisciplinary team on the programmatic Desert Renewable Energy Conservation Plan authorized September 14, 2016.
• District Coordinator / POC for the West Chocolate Mountains Renewable Energy Evaluation Area and CDCA Plan Amendment through the Record of Decision.
• Contract Officer's Representative.
• RECO team hydrologist for solar, wind, and geothermal energy.
• Advocate for water resources on BLM lands in the California Desert District.
• Oversight and coordination of personnel.
• Active involvement with Section 106 of the NHPA.
• Address pertinent issues, laws, and regulations as applied to Federal actions.
• Address diverse resources including recreation, grazing, wilderness, biological, air, water, and climate.
• Technical reviews of NEPA and other documents.
• Point of Contact for the California Desert District Minerals Program with associated duties from 2012 to 2015.

Comment Set B3 – Active Communities/Desert Center (continued)

26

As you can see from Peter's work from 2010 to 2015, he is very knowledgeable of the desert environment and the impacts that increased water withdrawals will have on the local native groundwater supplies. The report continues to state that the average exceedance of water removed from the aquifer from several different models taken over the years shows a mean average of 1,072-acre feet of greater withdrawals than nature's ability to recharge the aquifer. This study also predicts that the future withdrawals will likely be twice that number as more solar projects are built in the basin.

So, the real takeaway from the report is there is a problem of groundwater declines in the Chuckwalla basin, and it is only going to get worse if the trend is not stopped and reversed.

We know that the State and Nation want solar energy as a renewable power source, and they see the Southwest as a major player in meeting the demand.

If society and industry is determined to place solar in the Chuckwalla valley, then they should also be willing to solve the ground water supply problem.

All of the water needs for this project need to be drawn from this project from THE CALIFORNIA RIVER AQUEDUCT, operated by the Metropolitan Water District of Southern California.

See Tables below:

B3-14 (cont'd)

Comment Set B3 – Active Communities/Desert Center (continued)

27

B3-14 (cont'd)

SOLAR PROJECTS – Within the Desert Center Area Plan										
				Water use (Acres/ft.)				***Water Use (US Gallons)***		
	Location	***M/Watt***	***Acres***	***Construction***	***Annual Maintenance***	***Total***		***Construction***	***Annual Maintenance***	***Total***
Existing:										
Desert Sun	***North of Easley***	***550***	***3,800***	***1,507***	***50***	***1,557***		***491,057,457***	***16,292,550***	***507,350,007***
Desert Harvest #1	***North of Easley***	***103***	***1,200***	***400***	***35***	***435***		***130,340,400***	***11,404,785***	***141,745,185***
Desert Harvest #2	***North of Easley***	***114***	***1,200***	***400***	***35***	***435***		***130,340,400***	***11,404,785***	***141,745,185***
Athos	***East & South of Easley***	***310***	***3,440***	***1,000***	***44***	***1,044***		***325,851,000***	***14,337,444***	***340,188,444***
Under Construction:										
Oberon	***South & Southeast of Easley***	***500***	***2,700***	***900***	***36***	***936***		***293,265,900***	***11,730,636***	***304,996,536***
Arica	***Northeast of Oberon***	***450***	***1,355***	***900***	***35***	***935***		***293,265,900***	***11,404,785***	***304,670,685***
Victory Pass	***East of Oberon***	***200***	***1,367***	***520***	***20***	***540***		***169,442,520***	***6,517,020***	***175,959,540***
Proposed:										
Easley	***Immediately North of L.T.D.R.***	***500***	***2,700***	***900***	***50***	***950***		***293,265,900***	***16,292,550***	***309,558,450***
Sapphire	***1 Mile N.E. of LTDR (surrounds Easley)***	***117***	***1,192***	***400***	***35***	***435***		***130,340,400***	***11,404,785***	***141,745,185***
TOTALS:		***2,844***	***18,954***	***6,927***	***340***	***7,267***		***2,257,169,877***		
Water use to Consider:										
1 Acre foot = 325,851 U.S gallons of aquifer water.										
- Construction will use 6,927 Acre Feet = 2,257,169,877 U.S. Gallons of Aquifer.										
- Annual Maintenance will use 340 Acre Feet = 110,789,340 U.S. Gallons of Aquifer.										
- This is enough water to provide every resident of Los Angeles 1.6 gallons of drinking water per day for an entire year.										
2,2 57,169,877 Gallons of water would cover 10 acres with 695 feet deep of water.,										

Comment Set B3 – Active Communities/Desert Center (continued)

28

Land Use to Consider
- The 18,954 acres being used for Industrial Solar fields is equal to 30 square miles of solar fields.
- These Solar Installations with the addition of the Sapphire and Easley Projects will raise the outdoor temperatures by as much as 6 degrees Fahrenheit.
- This will increase the water evaporation and less water will be available for the existing plants.

B3-14 (cont'd)

MITIGATIONS FOR IMPACTS ON GROUNDWATER

- *The Easley Solar Project and all other Projects should obtain all their water supply from other aquifers and not the Chuckwalla Valley Aquifer.*
- *Easley Solar Project may obtain their water supply needs from the California Aqueduct, originating from the Colorado River.*

HEALTH EFFECT

The Easley Solar POD appendix T: Health, Safety and Noise Plans has only worker safety plans. There is no discussion or plan to protect our nearby Community.

- Dust and Wind from cleared vegetation and ground disturbance carries silica which can lead to silicosis and other health issues. Blowing dust not only affects those with COPD and other pulmonary issues but also can cause these issues in healthy people and animals.
- Fugitive dust is a by -product of large solar projects in dry desert areas. As a result of these impacted desert soils, there have been very large fugitive dust disturbances since the projects have built out. This creates a serious potential for respiratory health issues and increases the risk of Valley Fever.
- According to the World Health Organization, there is a health risk of electromagnetic hypersensitivity associated with the solar inverter boxes and transmission lines that are present in the solar fields. Potential EMF effects are headaches, nausea, fatigue, skin rashes, dizziness, sleep disorders and possible connections to cancer. These effects can be felt by not only seniors but also children and other sensitive individuals.
- The solar farms, existing and proposed, have caused severe stress and anxiety that continues to escalate with our uncertain future. Stress and anxiety affect the senior community manifesting itself in decreased feelings of well-being, decline in physical and mental health and decreasing seniors' ability to perform daily routines.

Comment Set B3 – Active Communities/Desert Center (continued)

29

B3-14 (cont'd)

- The cumulative impact of the Oberon Solar Project and the proposed Easley and Sapphire Projects would significantly compound the above health effects due to the close proximity of the Community.
- The Community of Lake Tamarisk should have an equal basis for health protection as project employees.

JUSTIFICATION FOR A DETAILED STUDY:

Removal of stabilized soils and biological soil crust creates a destructive cycle of airborne particulates and erosion. As more stabilized soils are removed, blowing particulates remaining crusts, thus resulting in more airborne particulates.

"The composition of sand varies, depending on local sources and conditions, but the most common constituent of sand in inland continental settings and non-tropical coastal settings is Silica (Silicon Dioxide, or SIO2), usually in the form of Quartz". (Wikipedia, "Sand")

The U.S. Dept. of Labor, on the OSHA website, under the topic of "Safety and Health Topics: Silica" states: "Breathing in very small (respirable) crystalline silica particles, causes multiple diseases including, silicosis, an incurable lung disease that leads to disability and death. Respirable crystalline silica causes lung cancer, chronic obstructive pulmonary disease (C.O.P.D.) and kidney disease. Exposure to respirable crystalline silica is related to the development of autoimmune disorders and cardiovascular impairment. These occupational diseases are life-altering and debilitating disorders that annually affect thousands of workers across the U.S."

OSHA has established standards to protect workers exposed to silica in the workplace. There is no protection addressed for non-occupational exposure to the community. There is no determination of the risk of Silica exposure, to the communities, that these solar projects are affecting.

There is a lot of history of "dropping the ball" in this country when it comes to protecting our citizenry from airborne problems. It has not been shown to anyone in this community to any degree of satisfaction that we are to be anything but collateral damage.

ADDITIONAL JUSTIFICATION FOR A DETAILED STUDY:

- *Fugitive Dust is a by-product of large solar projects being built in dry desert areas. As a result of these disturbed desert soils, there have been very large fugitive dust disturbances*

Comment Set B3 – Active Communities/Desert Center (continued)

30

B3-14 (cont'd)

since the projects have been built out. This creates high potential respiratory health issues and increases the risk of Valley Fever.

- *Epidemiologists investigated an outbreak of valley fever that had sickened 28 workers at two large solar power construction sites in San Luis Obispo County, CA. Reference: LA Times*
- *This is a letter written by Patti Cockcroft, a resident of Lake Tamarisk who lives at the East end of our resort. It was sent on May 26, 2023, to Teresa Pierce*

> *"Dear Teresa,*
>
> *I just spoke with my doctor regarding the tests I had done last week. She has not received the results of the Valley Fever test yet, but the lung x-ray was clear, so I don't have pneumonia.*
>
> *For your information my challenges began approximately March 1 when I started having a deep bronchial cough. I had been in the desert for two months and the wind had been constant the whole time. In addition, from our deck we can see the dust from the solar fields being constructed a couple of miles away. I flew home on March 8 and went to see my doctor two days later.*
>
> *Every year I take 1-2 puffs of 125 mcg Flovent a day for mild asthma for the 3 months of pollen season - usually April through June. My symptoms include a little shortness of breath but no cough. The rest of the year I have no symptoms and take no medication.*
>
> *My doctor thinks the conditions in California caused a severe asthma attack. He increased Flovent to 250 mcg, and I am taking 4 puffs a day, in addition to 2 or 3 puffs of Ventolin a day. And none of this is helping.*
>
> *On April 4 I began 3 days of Prednisone to get the bronchial cough under control. It did help and I felt good for approximately a month then my chest started to tighten again. I have now been wheezing and coughing again for two weeks and have just been given a prescription for another 3 days of Prednisone.*
>
> *I will keep you posted on the results of the Valley Fever test. Even if it comes back positive, I still need to get the lungs under control.*
>
> *It's not very enticing to think of going back to the desert, I can tell you that!"*
>
> *Thanks, Patti*

ADDITIONAL JUSTIFICATION FOR A DETAILED STUDY

Fugitive dust from the Oberon Solar farm one-half mile South of Lake Tamarisk after approved dust abatement procedures. (Taken December 11, 2022, at 9:30am during 16 mph southwest winds with gusts to 30 mph).

Comment Set B3 – Active Communities/Desert Center (continued)

31

B3-14 (cont'd)



ADDITIONAL JUSTIFICATION FOR DETAILED STUDY

To name a few stress factors Lake Tamarisk residents are currently experiencing are Health effects which include silicosis, COPD, Valley Fever, and allergies to name a few. The visual beauty of the Resort is diminishing and being replaced by industrial solar compounds. We no longer have tranquility and peace in our community. The insecurity and frustration of not knowing the future of our community is contributing to our stress levels. The fear of severe loss in property values and our chosen way of life and the potential necessity of relocation manifests itself in our declining health.

Referencing a BlueShieldCa.com article: "Stress is a significant contributor to declining health and well-being; it has even been identified as a primary cause of cardiovascular diseases, mental health disorders and the weakening of the immune systems. These conditions (and their impact) only worsen as people get older".

Comment Set B3 – Active Communities/Desert Center (continued)

32

B3-14 (cont'd)

"According to the American Psychological Association, anxiety, depression, insomnia, indigestion, headaches, and increased risk of heart attack or stroke are all long-term effects of stress".

MITIGATION OF HEALTH IMPACTS DUE TO PROPOSED SOLAR INSTALLATION:

- *A minimum of a one-mile Set-Back from the Lake Tamarisk Community borders to the nearest solar installation infrastructure is necessary to minimize the health issues of fugitive dust, silica, EMS and stress related health issues on the entire Community.*
- *Relocate the Easley Solar Project east of Highway 177 and east of the proposed Lycan Solar Project by EDF Renewables. There are over 100,000 acres available east of highway 177 in the Development Focus Area for Renewable Energy Development.*
- *The Easley Solar Project will require soil binders such as Earth Glue to be applied to all bare soil areas including the rolled PV fields during construction and reapplied as necessary.*
- *Substantial penalties need to be levied against Intersect Power for any instances of fugitive dust passing over human habitation. For example: work stoppages for one week, following an infraction, would be significant enough to Intersect Power to modify their fugitive dust plan.*

AIR QUALITY

- Construction dust and wind that has been increased from vegetation removal, carries silica and herbicides. We are specifically concerned with the impact on our young and elderly.

JUSTIFICATION FOR A DETAILED STUDY:

Large-scale solar projects in the hot desert cause air quality problems. Dust control in hot, arid climates is very problematic. The removal of established vegetation, biological soil crusts and centuries old desert pavement creates opportunities for dust to be airborne every time the wind blows. Not only does fugitive dust create problems for visual and biological resources, it creates issues for public health as well. Efforts to mitigate fugitive dust on large desert regions have fallen short.

- *Valley Fever risk will be increased. (Refer to Health section)*

MITIGATION OF IMPACTS ON AIR QUALITY DUE TO PROPOSED SOLAR INSTALLATION:

- *Relocate the Easley Solar Project east of Highway 177 and east of the proposed Lycan Solar Project by EDF Renewables. There are over 100,000 acres available east of highway 177 in the Development Focus Area for Renewable Energy Development.*

Comment Set B3 – Active Communities/Desert Center (continued)

33

B3-14 (cont'd)

- *A minimum of a one-mile Set-Back from the Lake Tamarisk Community borders to the nearest solar installation infrastructure is necessary to minimize the health issues of fugitive dust, silica, EMS and stress related health issues on the entire Community.*
- *The Easley Solar Project will require soil binders such as Earth Glue to be applied to all bare soil areas including the rolled PV fields during construction and reapplied as necessary.*
- *Substantial penalties need to be levied against Intersect Power for any instances of fugitive dust passing over human habitation. For example: work stoppages for one week, following an infraction, would be significant enough to Intersect Power to modify their fugitive dust plan.*

BIOLOGICAL RESOURCES

Easley Solar POD Appendix M: Bird and Bat Conservation.
Easley Solar POD Appendix G: Biological Resources
Easley Solar POD Appendix K: Wildlife Protection and Relocation Plans

- A vast amount of flora and fauna in this desert needs protection to preserve the desert for our current enjoyment and for future generations of residents and visitors. This would maintain our identity as a resort in an Oasis in the Desert.
- The conversion of so much land to solar panels removes the habitat for much of the local wildlife and plants. These species include, desert tortoise, burrowing owl, burro deer, kit fox, American badger, desert bighorn sheep and a host of other wildlife species.
- Lake Tamarisk is in the Colorado River Flyway which is part of the Pacific Flyway. We have about 300,000 birds that migrate through our flyway. Specifically, 304 species have been observed and reported in and around Lake Tamarisk.
  eBird, Cornell University.
- Research shows these migrating birds have been affected by solar arrays and EMFs from transmission lines and inverter boxes.
- Solar projects mimic lakes and have caused significant waterfowl mortality.
- The Protected Desert Dry Wash Woodlands are in narrow fingers throughout these Solar Project areas. Desert animals and plants depend on these Woodland Washes for both food and shelter. Solar panels between these Dry Washes would destroy the wildlife access to these critical environments.

JUSTIFICATION FOR A DETAILED STUDY:
It is thought that the projects mimic water and cause birds to hit the solar panels. Data from 7 solar projects in California has revealed 3,545 bird kills from 183 species from 2012 to

Comment Set B3 – Active Communities/Desert Center (continued)

34

B3-14 (cont'd)

2016. This can be referenced from the 2016 Multi-Agency Avian Solar Working Group conference from 2016[2].

ADDITIONAL JUSTIFICATION FOR A DETAILED STUDY:

A Federally Endangered Yuma Clapper Rail was killed on the Desert Sunlight Solar Project in 2015.

Black and Veatch (www.bv.com) reports that large solar fields such as those that have been built in the last several years in southern California and the desert Southwest can fool birds into changing flight direction, sometimes during migration, to approach them because they appear to be lakes from a distance. Many of the birds that have been killed at these large solar sites are waterbirds, which indicates that these birds fly to solar fields and realize too late in their descent that the solar panels are not water. The waterbirds then collide with the solar panels and are critically wounded or killed. Some water birds also have great difficulty taking off from non-water surfaces, which could leave them stranded in desert areas without food, water or shelter.



[2] *Developing Nesting Habitat Suitability Model for Greater Sage-Grouse Conservation in Wyoming Using Object-based Image Analysis (anl.gov)*

Comment Set B3 – Active Communities/Desert Center (continued)

35

B3-14 (cont'd)

MITIGATION OF IMPACTS ON BIOLOGICAL RESOURCES DUE TO PROPOSED SOLAR INSTALLATION:

- *Relocate the Easley Solar Project east of Highway 177 and east of the proposed Lycan Solar Project by EDF Renewables. There are over 100,000 acres available east of highway 177 in the Development Focus Area for Renewable Energy Development.*
- *A minimum of a one-mile Set-Back from the Lake Tamarisk Community borders to the nearest solar installation infrastructure will minimize the Impacts on biological resources.*
- *Equal mitigation lands need to be purchased by the applicant to replace all natural habitat plants destroyed by the project.*

GEOLOGY AND SOILS

- We are currently experiencing termite swarms and more sightings of rattlesnakes due to nearby soil disturbance from the solar fields and the vibration of all the construction equipment. The use of the PD10 equipment that pounds the ground is of particular concern to insects and other animals.
- Concern about soil sterilization with the use of chemicals.
- Carbon sequestration of intact, undisturbed desert soils and vegetation should be considered in this review.

JUSTIFICATION FOR A DETAILED STUDY:

- *Carbon sequestration of intact, undisturbed desert soils and vegetation should be considered in this review. CO2 as it is inhaled above ground and exhaled below ground and stored in a biological web of mycorrhizae is seldom if ever accounted for by environmental reviews of large-scale solar projects built on healthy, functioning desert ecosystems. This process of photosynthesis and respiration is as old as plant life systems.[3] The layered caliche underground at shallow depths in deserts is fossilized carbon. Cemented caliche (calcium carbonate) soils are common and widespread in the Mojave Desert, including on solar project sites. In 2011 Dr. Michael Allen, Professor of Biology, and Plant Pathology and Microbiology, University of California at Riverside, put out a white paper on the research needs in desert ecology raised in the face of large-scale renewable energy development. [4] These research needs include more studies in how climate change will shift species and habitats; sources and recharge of groundwater pumped by solar projects; persistence of rare species; invasive plants; and Carbon sequestration in desert vegetation and soils. All these areas have many unknowns, and more research still needs to be undertaken before*

[3] *Robin Kobaly, The Desert Under Our Feet – An extraordinary Biological Web that Serves Us in Countless Ways Desert Report, March 2019, synthesizes 29 scientific peer reviewed journal articles focused on carbon sequestration in desert soils*
[4] *http://basinandrangewatch.org/Michael%20Allen%20paper%20copy.pdf*

Comment Set B3 – Active Communities/Desert Center (continued)

36

B3-14 (cont'd)

land managers make sweeping decisions that will alter thousands of acres of desert ecosystems and hydrology for decades to come. Microphyll woodlands in the desert, for example, are a prime driver of carbon sequestration according to Allen "Many of the areas that are proposed to be developed for the solar development include Microphyll woodlands. The dominant plants (legume trees) have deep roots capable of reaching groundwater (several meters). When desert plants grow, they absorb carbon dioxide. The carbon (C), as sugars, moves into roots and soil organisms. Carbon dioxide is respired back into the soil, part of which reacts with calcium (Ca) in the soil to form calcium carbonate. This is how our deserts sequester large amounts of C and thus function to reduce atmospheric CO2. The magnitude of this carbon storage process is still a crucial research question and remains unknown for our California deserts. However, values of up to 100g/m2/y of C-fixation are reported from deserts in Baja and Nevada (Serrano-Ortiz et.al. 2010). After vegetation is removed to make way for solar arrays, carbon dioxide will be left to return to the atmosphere that ordinarily would have been used to form soil organic matter buried up to several meters deep, or released by roots and soil microbes as soil CO2, which in turn, binds with soil Ca to form caliche. Our deserts have large amounts of CO2, stored as caliche (CaCO3). The amount of C in caliche, when accounted globally, may be equal to the entire C as CO2 in the atmosphere." [5]

MITIGATION OF IMPACTS ON GEOLOGY AND SOILS DUE TO PROPOSED SOLAR INSTALLATION:

- *Relocate the Easley Solar Project east of Highway 177 and east of the proposed Lycan Solar Project by EDF Renewables. There are over 100,000 acres available east of highway 177 in the Development Focus Area for Renewable Energy Development.*
- *A minimum of a one-mile Set-Back from the Lake Tamarisk Community borders to the nearest solar installation infrastructure will minimize the Impacts on geology and soils.*
- *There is only one possible mitigation for the loss of desert plants and their sequestration of carbon except mowing and rolling vegetation as well as hydroseeding native plants throughout the entire project, including the PV fields.*

HAZARDS AND HAZARDOUS MATERIALS

- Chemical sprays will be used to control vegetation and invasive weeds.
- Solar panels contain dangerous chemicals that could be released if broken or damaged by hailstorms, high winds and blowing gravel.

[5] https://www.scribd.com/document/50559956/Solar-Power-in-the-Desert-Michael-Allen

Comment Set B3 – Active Communities/Desert Center (continued)

37

B3-14 (cont'd)

- Desert sand, disturbed by solar construction, is very high in silica, which can cause Silicosis.

CULTURAL RESOURCES/ARCHEOLOGY

There is no appendix in the POD for preserving Cultural Resources.
6.1.2 Cultural and Paleontological Resources is only briefly discussed in the POD Appendix 00.

- The Resort Community of Lake Tamarisk is part of the historical Kaiser Mine where Kaiser Permanente Health was born. Kaiser employees were housed in the Community of Eagle Mountain and all services, including medical services, were provided within the Community. Lake Tamarisk was available to the Kaiser employees for golfing, swimming, fishing in the man-made lakes, shuffleboard and a Community Center. Executives and Managers were permitted to build homes in the Community of Lake Tamarisk.
- This Desert Area was General Patton's training grounds for one million troops headed to North Africa in the 1940's. Many artifacts remain in this immediate area.
- Native American, as old as ten thousand years, are also in the immediate area

MITIGATION OF IMPACTS ON CULTURAL RESOURCES/ARCHEOLOGY DUE TO PROPOSED SOLAR INSTALLATION:

- *Relocate the Easley Solar Project east of Highway 177 and east of the proposed Lycan Solar Project by EDF Renewables. There are over 100,000 acres available east of highway 177 in the Development Focus Area for Renewable Energy Development.*
- *A minimum of a one-mile Set-Back from the Lake Tamarisk Community borders to the nearest solar installation infrastructure is necessary to protect the Cultural significance of Lake Tamarisk.*

Comment Set B3 – Active Communities/Desert Center (continued)

38

B3-14 (cont'd)

NOISE

Easley Solar POD Appendix T: Health, Safety and Noise Plan
5. Noise Plan.

Noise from the inverters is not addressed. This recording is taken 100 yards from the inverter. (right click to open link then turn up volume)
https://mail.google.com/mail/u/0?ui=2&ik=3c5845b019&attid=0.1&permmsgid=msg-f:1780297953941009393&th=18b4e38e830233f1&view=att&disp=safe

- The project would **NOT** comply with Riverside County Noise Ordinance number 847 to protect the noise sensitive receptors near the project site. The maximum decibel level depend on the receiving land use, such that sound level "low-density Rural Community shall not exceed fifty-five bBA Lmax during the daytime hours (7 am – 10pm) or forty-five bBA Lmax during the nighttime hours (10 pm – 7am)". While Lake Tamarisk is a "RuralCommunity" we are not low-density. According to Riverside County the Community of Lake Tamarisk is both high-density and medium-density. There is no part of this Community that is low-density as stated in the Easley Solar POD.
- The noise during construction is a concern. It causes stress which has an adverse effect on our peace and tranquility and quality of life. As a result of the solar facilities construction noise, our local property values and future growth of our community are in jeopardy.
- The removal of vegetation to the north-east and the construction of solar panels would dramatically increase the noise levels in the Lake Tamarisk Community from Chuckwalla Valley Raceway and Highway 177. This will be an on-going effect. Intersect Power's Oberon Project, to our south, now reflects the I-10 freeway noise to our resort.
- The continuous humming from the inverter boxes and battery storage air conditioning is not only annoying but also stressful, affecting our quality of life.

.

MITIGATION OF IMPACTS ON NOISE DUE TO PROPOSED SOLAR INSTALLATION:

- *Relocate the Easley Solar Project east of Highway 177 and east of the proposed Lycan Solar Project by EDF Renewables. There are over 100,000 acres available east of highway 177 in the Development Focus Area for Renewable Energy Development.*
- *A minimum of a one-mile Set-Back from the Lake Tamarisk Community borders to the nearest solar installation, as well as berms, and maintained native planting screening is necessary to minimize the noise and disruption to the Community.*

Comment Set B3 – Active Communities/Desert Center (continued)

39

B3-14 (cont'd)

FIRE MANAGEMENT

Easley Solar POD Appendix V: Fire Management and Prevention Plan

- Fire concerns are increased by the power grid creating a need for a better water system to protect our homes.
- Our water pumping system cannot handle construction water usage and can't fight wind driven fires. The solar projects are using our equipment to pump water into their trucks and frac tanks.
- Inverters and BESS are not included in the fire protection plan. Two nearby inverters have caught fire. Inverter or BESS fires spew large amounts of poisonous gasses which a wind can carry to Lake Tamarisk according to Captain Casey of our Local Fire Department.

6.1 Wildland Fire Management Plans and Policies

- Gen-Tie Lines present a wildfire risk.
- The Desert Center Area Plan DCAP 10.1 protects life and property from wildfire hazards through adherence to the fire hazard section of the General Plan Safety Element.

JUSTIFICATION FOR DETAILED STUDY:
Riverside County CFO Andrew Ruiz met Fire Personnel at Desert Center a few months ago to test our water system for the planned Fire Station, and the system failed. It could be resolved by replacing some pumps. December 2022.
Additionally, if the power goes out there is no battery backup for our water supply.

ADDITIONAL JUSTIFICATION FOR DETAILED STUDY:
Review the General Plan Safety Plan DCAP 10.1 Inverters present serious hazards if fire management plans do not control inverter fires better than the pictures below display.

Comment Set B3 – Active Communities/Desert Center (continued)

40

B3-14 (cont'd)

- 



MITIGATION OF IMPACTS ON FIRE MANAGEMENT TO PROPOSED SOLAR INSTALLATION:

- *Replacement of pumps, water infrastructure, piping, hydrant upgrade is essential. The above ground gravity feed reservoir is necessary for fire suppression and human consumption in the event of power outage.*
- *Effective fire suppression system needs to be in place on each inverter and BESS unit.*

Comment Set B3 – Active Communities/Desert Center (continued)

41

B3-14 (cont'd)

RECREATION
Recreation was completely left out of the Easley POD.

- The Easley Solar Project would eliminate OHV routes from Lake Tamarisk north to the Joshua Tree boundary road and east to Highway 177.
- The installation of solar farms has created a reduction in the access to off road vehicle designated trails and public lands for recreation and viewing.

The Community has a large investment in equipment for ATV excursion, biking, bird watching, hiking, exploring flora and fauna and other recreational pleasures. This has an adverse effect on our quality of life and property values due to the decreased access to the natural desert environment.



^Palen Solar Project east of Desert Center. This entire public road was cut off for the project.

Comment Set B3 – Active Communities/Desert Center (continued)

42

B3-14 (cont'd)

MITIGATION OF IMPACTS ON RECREATION USES DUE TO PROPOSED SOLAR INSTALLATION:.

- *If any portion of the Easley Solar Project is built west of Highway 177, HOV access trails/roads need to be developed north to the Joshua Tree boundary road and east to Highway 177.*

TRAFFIC AND TRANSPORTATION

Easley Solar Project Appendix X: Traffic and Transportation

- The ongoing dust and noise from trucks affects our quality of life.
- The speed and quantity of large vehicles on Oasis Road, Highway 177 and Kaiser Road, during construction, endangers bikers, hikers and ATV users of all ages (children and seniors.)
- School age children catching the bus are at risk.
- Residential access to Highway 177 from Kaiser Road will be seriously delayed due to the continuous stream of construction vehicles, equipment delivery vehicles and solar employee traffic.

MITIGATION OF TRAFFIC AND TRANSPORTATION

- *No solar employee access on Kaiser Road to the project roads, in order to protect residents.*
- *All solar employee access must be at project entry points along Highway 177.*
- *No solar employee or solar truck traffic may travel Oasis Road.*
- *Speed limit must be reduced to 35 mph on Kaiser Road from the intersection with Oasis Road to construction equipment project entry points, in order to protect residents.*
- *A flagger will be necessary at the junction of Kaiser Road and Highway 177 during employee arrival and departure times, to allow residents access to the Highway and Freeway without prolonged wait times.*

Comment Set B3 – Active Communities/Desert Center (continued)

43

B3-14 (cont'd)

"REASONABLE ALTERNATIVES"

VIABLE LAKE TAMARISK ALTERNATIVES

Alternatives to the POD submission by Intersect Power for the Easley Solar project.

NEPA quotes: "In determining the alternatives to be considered, the emphasis is on what is "reasonable" rather than on whether the proponent or applicant likes or can implement an alternative. "Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant" (Question 2a, CEQ. Forty Most Asked Questions Concerning CEO's NEPA Regulations, March 23, 1981.)" end quotes.

Note that the Megawatt output of the Easley Solar Project is merely the "applicant's desire" and not the overall objective for renewable energy by BLM and the DRECP.

Beside the No Action alternative, the following "Reasonable Alternatives" would allow most or all the applicants desired electrical power production while maintaining the present and future health and viability of the Lake Tamarisk Community.

Viable Lake Tamarisk Alternative 1

Move the entire project East of Highway 177 and East of the proposed EDF Renewables Lycan project. Intersect Power would be required to reapply for permits on this new site.

This alternative would preserve the remaining Natural Desert BLM lands not already destroyed by Landscape Scale Solar Projects for 5 miles North of Lake Tamarisk.
The private lands would remain non-industrial as stated in the Desert Center Area Plan.
The major impact on Intersect Power would be the additional expense of a longer Gen-Tie line to reach the substation that they built on the assumption that the BLM would approve the Easley project without analyzing the impact it would have on the Community of Lake Tamarisk. The Oberon project passed through the entire NEPA process without notification or Community input.

Comment Set B3 – Active Communities/Desert Center (continued)

44

B3-14 (cont'd)

Viable Lake Tamarisk Alternative 2, A Minimum 1 Mile Setback:

Under this "reasonable alternative" 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. See Figure 1(below)

The justifications for this Minimum Setback alternative cannot be overstated. Lake Tamarisk, to retain its identity as a viable Oasis Resort Community in a Natural Desert Environment, must have sufficient natural desert surroundings for residents and visitors to experience the truly unique Colorado Desert.
There must be no impression left of being in an industrial compound when walking the Desert around our Community. To be otherwise would destroy the current health and future existence of this Community.

The applicant, Intersect Power, may replace the PV panels lost by this setback from their current site plans on the relinquished permit lands east of Highway 177. These areas were relinquished due to moving sands and Desert Dry Wash Woodlands. These regions have sufficient usable areas for PV panel construction to make up for the loss of panels within the 1-mile setback from Lake Tamarisk. Less than ¼ of the project would require relocation.
It would be up to Intersect Power to either pursue permits for several small solar fields on those lands or accept a reduction of approximately 20%-25% of the Easley Solar project.

A mere 100-Megawatt reduction would meet the requirements of this alternative.
Either way, this alternative would be "technically and economically feasible" regardless of the applicants desires.

The importance of 100 megawatts to the Presidential objective production requirements of 25 GW by 2025 of renewable energy is insignificant to say the least when compared to the loss of an entire pre-existing thriving Community. Intersect Power can replace the 100 Megawatts on appropriate areas of the lands that they relinquished just East of Hwy 177.

Comment Set B3 – Active Communities/Desert Center (continued)

B3-14 (cont'd)

NEPA Rule Change:
https://www.federalregister.gov/documents/2022/04/20/2022-08288/national-environmental-policy-act-implementing-regulations-revisions

"President Nixon signed NEPA into law on January 1, 1970. NEPA seeks to "encourage productive and enjoyable harmony" between humans and the environment, recognizing the "profound impact" of human activity and the "critical importance of restoring and maintaining environmental quality" to the overall welfare of humankind."

"Furthermore, NEPA seeks to promote efforts that will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of people, making it the continuing policy of the Federal Government to use all practicable means and measures to create and maintain conditions under which humans and nature can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations of Americans."

"The revision clarifies that agencies have discretion to consider a variety of factors when assessing an application for an authorization, removing the requirement that an agency base the purpose and need on the goals of an applicant and the agency's statutory authority. The final rule also makes a conforming edit to the definition of "reasonable alternatives" in 40 CFR 1508.1(z). Second, CEQ is revising 40 CFR 1507.3 to remove language that could be construed to limit agencies' flexibility to develop or revise procedures to implement NEPA specific to their programs and functions that may go beyond the CEQ regulatory requirements. Third, CEQ is revising the definition of "effects" in paragraph (g) of 40 CFR 1508.1 to include direct, indirect, and cumulative effects. CEQ is making these changes in order to better align the provisions with CEQ's extensive experience implementing NEPA and unique perspective on how NEPA can best inform agency decision making, as well as longstanding Federal agency experience and practice, NEPA's statutory text and purpose to protect and enhance the quality of the human environment, including making decisions informed by science, and case law interpreting NEPA's requirements."

Note that the Human Environment is also emphasized.

"NEPA's statutory text and purpose to protect and enhance the quality of the human environment, including making decisions informed by science, and case law interpreting NEPA's requirements."

The Community of Lake Tamarisk IS the "human environment" near the project.

Accordingly, the Bureau of Land Management is not required to appease the applicant's desires for maximum output or their cost considerations if they choose to build elsewhere. Under the new Napa regulations as of May 2022 the environmental considerations supersede all applicant considerations and Lake Tamarisk must be considered as part of the environmental concerns. Feasibility complaints from the applicant are not to be considered according to the

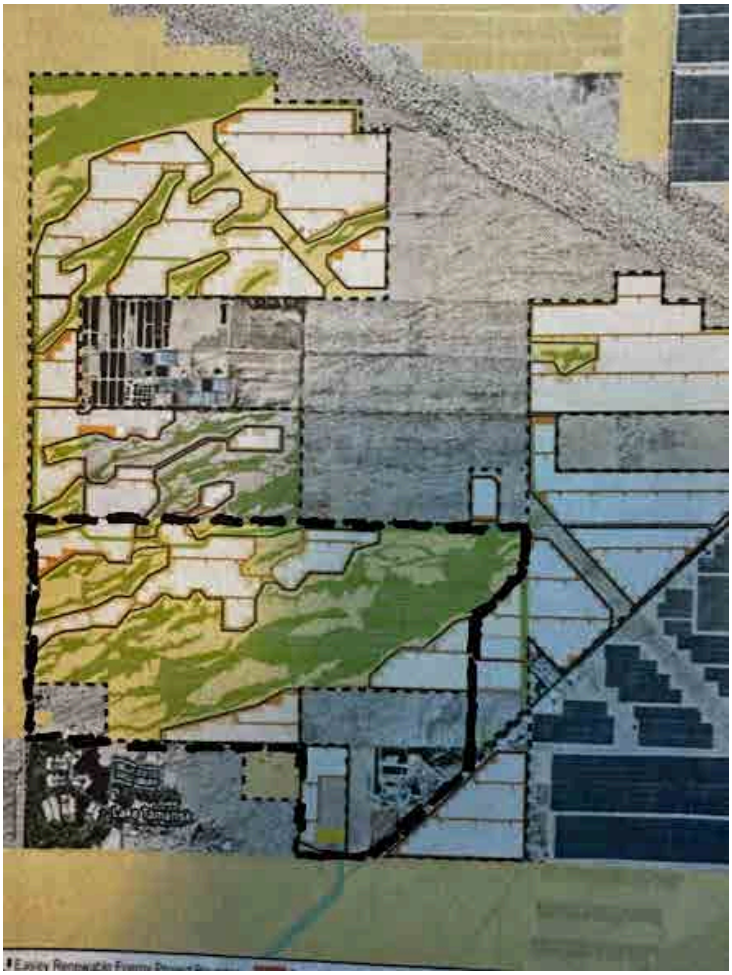
Comment Set B3 – Active Communities/Desert Center (continued)

46

B3-14 (cont'd)

ruling. The project's POD must change to fit environmental considerations and be altered in a way that meets those considerations, even if that results in the reduction of the project or the lack of feasibility on the applicant's review. It is the BLM's responsibility to uphold these rules and define the alternative that best meets the environmental needs even at the expense of the project itself. Is the Alternative technically and economically feasible? Yes, from the standpoint of the overall objective, although it may slightly reduce the applicants' profits

Figure 1 - The map below shows the minimal distance boundaries of this alternative. Note the boundary of the project would be on Private lands



Comment Set B3 – Active Communities/Desert Center (continued)

47

B3-14 (cont'd)

At this minimum distance, berms and/or vegetative screening are mandatory to block the entire project from view at a height of 10 feet at the boundaries of Lake Tamarisk.
Vegetative screening, such as tamarisk trees, would be on private land and therefore allowable. Trees must be established, cared for, and trimmed to a height that does not block the Bajada slopes of the Chuckwalla Valley while hiding the entire project from the view of the Lake Tamarisk Community.
Tamarisk trees have been successfully established along berms and fish farms in this region for many decades.

Soil binders across the project are necessary to manage FUGITIVE DUST.

Dust management has been egregiously unsuccessful by Intersect Power in their previous projects as can be attested to by all residents near these projects.
Soil binders enhance the success of vegetative regrowth. Even though Intersect Power will mow and roll most of the project area to be constructed, the soils will be disturbed and freely blown with winds. Soil binders need to be applied over the entire project footprint. It would be necessary to reapply soil binders when equipment disrupts the soils. Single track travel throughout these solar fields would diminish the reapplication requirements.

The Substation shall be located along Hwy 177 on the site designated in the Intersect Powers "Lake Tamarisk Alternative Site." The substation shall 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 shall be established and maintained to block the entire substation from view of Lake Tamarisk.

This document describes the pertinent changes in NEPA as of May 2022 as well as the BLM's regulations to take our "substantiative comments" seriously and study each in detail FROM THE POINT OF VIEW OF THE RESIDENTS OF THE COMMUNITY OF LAKE TAMARISK.
WE ARE THE VICTIMS WHO WOULD BE SERIOUSLY INJURED IF THE Proposed Easley Solar Project was allowed as currently proposed to move forward in the NEPA process and approved. Other Utility Scale Solar Projects near us have been approved without our notification or input

THE IMPACTED:

THE RESIDENTS OF THE OASIS COMMUNITY OF LAKE TAMARISK

Comment Set B3 – Active Communities/Desert Center (continued)

48

B3-14 (cont'd)

IN SUMMARY:

Lake Tamarisk is our home and refuge that we have chosen for its unique and beautiful Desert location. Our quality of life is being threatened. We came, to live at an oasis in a Desert Wilderness full of life and natural beauty, not to live on an island in a dead solar sea surrounded by prison style fences.

If the proposed Easley Solar Project is built as currently designed, it will have significant negative impacts on our personal, economic, physical, and mental well-being. There have been no Communities, especially with a senior resort, considered within the scope of any environmental study or the original EIS from the 2016 DRECP. There have not been any studies on any Community surrounded on three sides by Industrial Scale Solar Installations.

The Community of Lake Tamarisk will suffer from both direct and long term indirect impacts. Additionally, the cumulative impacts of the Oberon Project, built without either notification or input from the Community, and the proposed Easley Solar Project would be devastating. The proposed Sapphire Solar Project, by EDF Renewables, would fill in all the remaining open ground surrounding the Community.

The residents of Lake Tamarisk Community do not want to be sacrificed for the benefit of reaching a national renewable energy goal. In reality, the 400 megawatts produced by the proposed Easley Solar Project would have an insignificant impact on the 25 gigawatts mandated to be completed by 2025.

The Community of Lake Tamarisk is also Threatened with Extinction and should have equal basis as the abundant plants and animals in the Desert around us.

Comment Set B3 – Active Communities/Desert Center (continued)

49

B3-14 (cont'd)

ADDENDUM 1: Land Use Plan Amendment

The Desert Renewable Energy Conservation Plan (DRECP) is an amendment of the California Desert Conservation Area plan and is the dominant Land Use Plan of the region. The Desert Renewable Energy and Conservation Plan (DRECP) is a landscape-scale planning effort covering 22.5 million acres in seven California counties--Imperial, Inyo, Kern, Los Angeles, Riverside, San Bernardino, and San Diego. The California Energy Commission, U.S. Bureau of Land Management, California Department of Fish and Wildlife, and the U.S. Fish and Wildlife collaborated to develop the DRECP across jurisdictional boundaries.

In order to establish the DRECP, the BLM had to amend the original California Desert Conservation Area plan as well as local BLM land use plans.

The Federal Land Policy and Management Act (FLPMA) requires the BLM to maintain on a continuing basis an inventory of all public lands and their resources and other values (Inventories, Section 201).

Planning, per FLPMA Section 202, instructs that the Secretary of the Interior shall, with public involvement and consistent with the terms and conditions of the Act, develop, maintain, and, when appropriate, revise land use plans which provide tracts or areas for the use of the public lands.

The purpose of a Resource Management Plan (RMP) is to:
1. Allocate resources and determine appropriate multiple uses for the public lands;
2. Provide a strategy to manage and protect resources;
3. Establish systems to monitor and evaluate the health of resources and effectiveness of practices. RMPs are like a public lands version of municipal zoning. The Bureau of Land Management evaluates and amends or revises its land-use plans in response to changing conditions and demands on the public lands, or when new components are added to the National Conservation Lands that it manages. Keeping a plan up-to-date helps ensure that the BLM manages the public lands in ways that meet the multiple-use and sustained yield goals that Congress has set for these lands.

The DRECP Lands have been divided up into the categories of conservation lands and Development Focus Areas.

Comment Set B3 – Active Communities/Desert Center (continued)

50

B3-14 (cont'd)

The DRECP failed to consider how renewable energy would impact communities and failed to create a Conservation and Management Actions (CMAs) that buffers communities from renewable energy impacts. Under the National Environmental Policy Act, Environmental Justice and Socio-economic impacts are required to be analyzed. The DRECP has a surprising lack of these kind of impacts described and fails to include required setbacks to local communities.

The Easley Solar Project is being proposed very close to the community of Lake Tamarisk. A section of the project would be located only a few feet from the community.

The BLM should be proposing alternatives that create a buffer around the community. With a Land Use Plan Amendment, the BLM could create a permanent protected buffer on the federal land just north of Lake Tamarisk. BLM should consider a buffer up to 5 miles but could also designate the section north of Lake Tamarisk as a "Solar Exclusion Zone:
A Land Use Plan Amendment could offer a number of actions that could be added to the DRECP Conservation Management Actions for the area. For example, all DRECP Development Focus Areas on BLM lands have been downgraded to Visual Resource Management (VRM) Class IV to help expedite approval of solar projects. The objective of VRM Class IV is to: provide for management activities which require major modification of the existing character of the landscape. Allowed Level of Change: The level of change to the characteristic landscape can be high. Management activities may dominate the view and may be the major focus of viewer attention.

This is an oversight of the DRECP in the Lake Tamarisk and Desert Center area and a LUPA could potentially upgrade the VRM Class on a buffer zone to VRM Class II which has the objective is: to retain the existing character of the landscape. Allowed Level of Change: The level of change to the characteristic landscape should be low. Management activities may be seen, but should not attract the attention of the casual observer.

The DRECP has seemingly countless "conservation management actions" to protect biological and cultural resources in the area. Many of these are listed in the CMA's as "BIO 1 and CUL 1 for example. We would like to request a Land Use Plan Amendment that creates a CMA Mitigation category called "Community Setbacks" and these could be justified under the NEPA review for Socio-economics.

Community setbacks would potentially create long term solutions for communities that are facing large-scale solar plans coming up to their doorstep.

Comment Set B3 – Active Communities/Desert Center (continued)

51

In the case of Easley Solar, a one to 5 mile buffer could be created specific to Lake Tamarisk but would not require a full-scale change to the entire DRECP Plan.

A Community Setback would protect property values, air quality, visual resources, groundwater, cultural and biological resources.

The DRECP as a major Land Use Plan would probably not be ripe for a holistic revision for 10 to 20 years. This is far too long for local desert communities to wait as conditions on the ground change and their quality of life is threatened. A small, local LUPA is therefore entirely reasonable and justified.

B3-14 (cont'd)

ADDENDUM 2:
These photos below represent the negative impacts of solar farms.

PHOTOS:
Represents Athos Solar fencing in close proximity to house.

Comment Set B3 – Active Communities/Desert Center (continued)

52

B3-14 (cont'd)



Photo courtesy of Kevin Fitzgerald, CV Independent

Athos Solar Fencing in close proximity to Green Acres Park



Photo courtesy of Kevin Fitzgerald, CV Independent.

Comment Set B3 – Active Communities/Desert Center (continued)

53

B3-14 (cont'd)

Transmission Lines on the west border of Lake Tamarisk



Photo courtesy of Kevin Fitzgerald, CV Independent

Oberon Solar land cleared for construction. This is where dust comes from.



Courtesy of Teresa Pierce December 2022

Comment Set B3 – Active Communities/Desert Center (continued)

54

B3-14 (cont'd)

Lights from a transfer station taken at night from Lake Tamarisk.



Courtesy of Teresa Pierce December 2022

A view of Athos Solar prison style fencing next to a residence



Comment Set B3 – Active Communities/Desert Center (continued)

55



B3-14 (cont'd)

Comment Set B3 – Active Communities/Desert Center (continued)

56

Active Community/Desert Center
Lake Tamarisk

Teresa Pierce, Chief Executive Officer
Mark Carrington, Senior Technical Advisor
Don Sneddon, Director of Information and Communication
Sharon Dilley, Chief Administrative Assistant

VIP CONTRIBUTORS:

Skip Pierce CSI
Kent Madison, 3R Valve LLC
Bob Mitchell
Vicki Bucklin
Jerry Grey
Candace Ryding
Kevin Emmerich, Co-Founder Basin and Range Watch
Kevin Fitzgerald, Coachella Valley Independent News

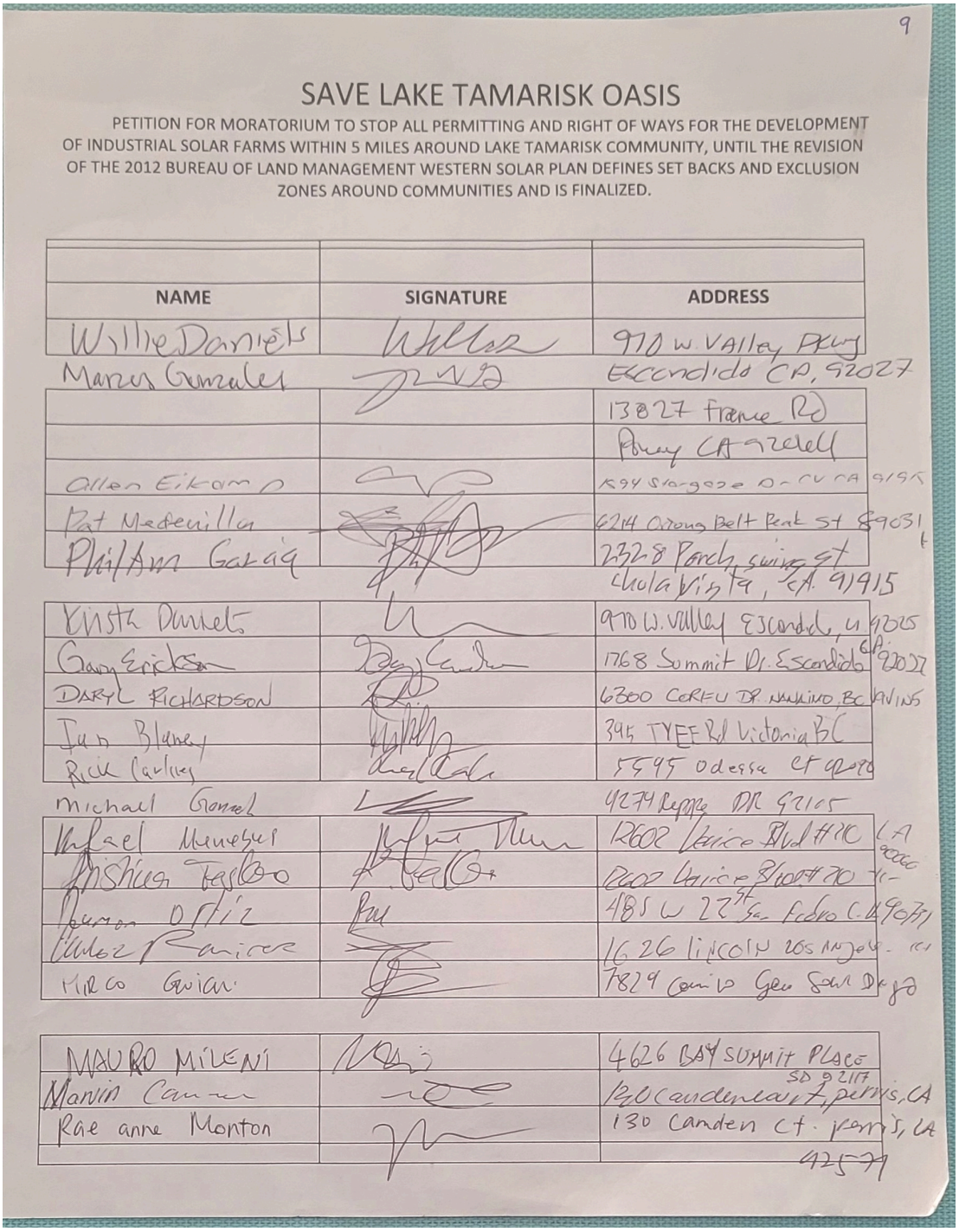
Listed on the following pages are local area supporters who are outraged that the Bureau of Land Management and Riverside County would allow Intersect Power to build Landscape Scale solar installations that would surround the Lake Tamarisk Community within twenty-five feet to one-half mile of our borders and therefore destroying our identity as a Resort Oasis in a Natural Desert Environment.

B3-14 (cont'd)

Comment Set B3 – Active Communities/Desert Center (continued)

57

B3-14 (cont'd)



9

SAVE LAKE TAMARISK OASIS

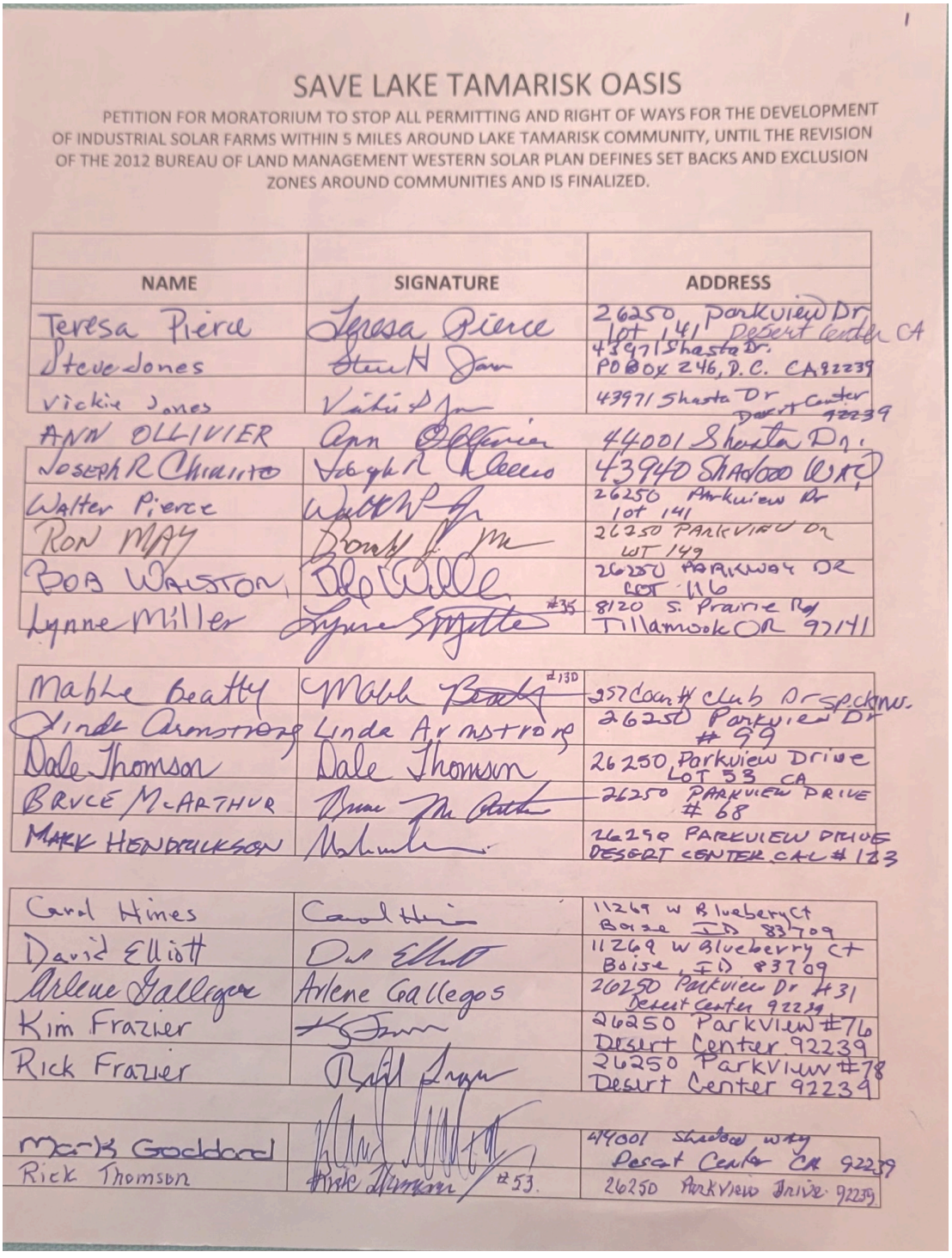
PETITION FOR MORATORIUM TO STOP ALL PERMITTING AND RIGHT OF WAYS FOR THE DEVELOPMENT OF INDUSTRIAL SOLAR FARMS WITHIN 5 MILES AROUND LAKE TAMARISK COMMUNITY, UNTIL THE REVISION OF THE 2012 BUREAU OF LAND MANAGEMENT WESTERN SOLAR PLAN DEFINES SET BACKS AND EXCLUSION ZONES AROUND COMMUNITIES AND IS FINALIZED.

NAME	SIGNATURE	ADDRESS
Willie Daniels		970 W. Valley Pkwy
Marcus Gonzales		Escondido CA, 92027
		13827 Frame Rd
		Poway CA 92064
Allen Eikamp		434 Stargaze Dr CV CA 9195
Pat Medenilla		6214 Orange Belt Peak St 89031
Phil/Ann Gaiaig		23228 Porch swing St Chula Vista, CA. 91915
Krista Daniels		970 W. Valley Escondido, CA 92025
Gary Erickson		1768 Summit Dr. Escondido CA 92027
DARYL RICHARDSON		6300 CORFU DR RANCHO BC CANADA
Jan Blaney		345 TYEE Rd Victoria BC
Rick Carling		5595 Odessa CT 92105
Michael Gonzal		4274 Reppy DR 92105
Rafael Menezes		1602 Venice Blvd #210 LA 90006
Joshua Taylor		1602 Venice Blvd #210 LA 90006
Ramon Ortiz		485 W 22nd St San Pedro CA 90731
Linda Ramirez		1626 LINCOLN AVE NATIONAL CITY
Mirco Gaiai		7829 Camino Gen San Diego
MAURO MILENI		4626 BAY SUMMIT PLACE SD 92117
Marvin Cam		130 Camden Ct. Perris, CA
Rae anne Monton		130 Camden Ct. Perris, CA 92571

Comment Set B3 – Active Communities/Desert Center (continued)

58

B3-14 (cont'd)



SAVE LAKE TAMARISK OASIS

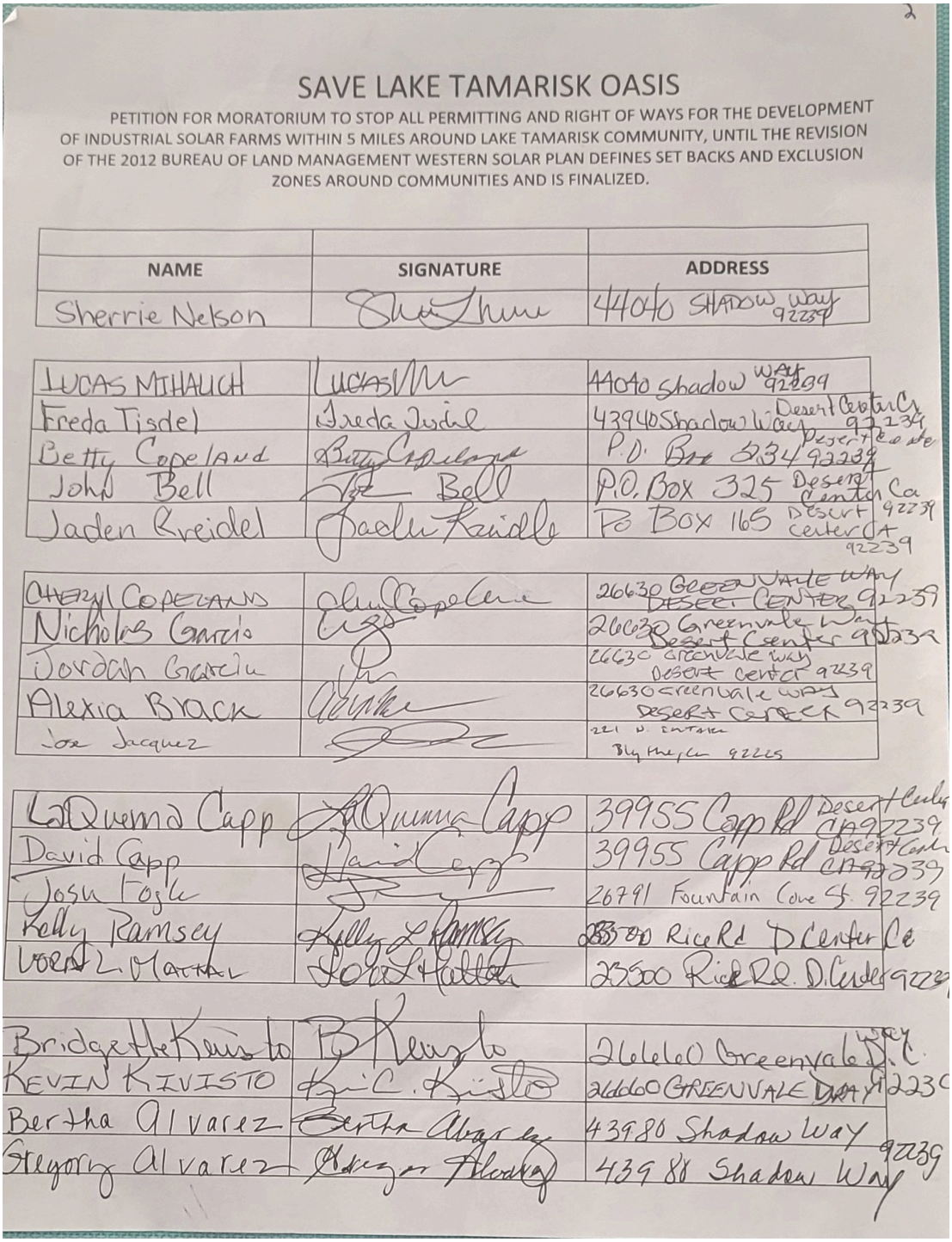
PETITION FOR MORATORIUM TO STOP ALL PERMITTING AND RIGHT OF WAYS FOR THE DEVELOPMENT OF INDUSTRIAL SOLAR FARMS WITHIN 5 MILES AROUND LAKE TAMARISK COMMUNITY, UNTIL THE REVISION OF THE 2012 BUREAU OF LAND MANAGEMENT WESTERN SOLAR PLAN DEFINES SET BACKS AND EXCLUSION ZONES AROUND COMMUNITIES AND IS FINALIZED.

NAME	SIGNATURE	ADDRESS
Teresa Pierce	Teresa Pierce	26250 Parkview Dr lot 141 Desert Center CA
Steve Jones	Steve H Jones	43971 Shasta Dr. PO Box 246, D.C. CA 92239
Vickie Jones	Vickie D Jones	43971 Shasta Dr Desert Center 92239
ANN OLLIVIER	Ann Ollivier	44001 Shasta Dr.
JOSEPH R CHIARITO	Joseph R Chiarito	43940 Shasta Dr
Walter Pierce	Walter P Jr	26250 Parkview Dr lot 141
RON MAY	Ronald L May	26250 PARKVIEW DR LOT 149
BOB WALSTON	Bob Walston	26250 PARKWAY DR LOT 116
Lynne Miller	Lynne Miller #35	8120 S. Prairie Rd Tillamook OR 97141
Mable Beatty	Mable Beatty #130	257 Country Club Dr Spokane
Linda Armstrong	Linda Armstrong	26250 Parkview Dr #99
Dale Thomson	Dale Thomson	26250 Parkview Drive LOT 33 CA
BRUCE MCARTHUR	Bruce McArthur	26250 PARKVIEW DRIVE #68
MARK HENDRICKSON	Mark Hendrickson	26290 PARKVIEW DRIVE DESERT CENTER CAL #183
Carol Hines	Carol Hines	11269 W Blueberry Ct Boise ID 83709
David Elliott	David Elliott	11269 W Blueberry Ct Boise, ID 83709
Arlene Gallegos	Arlene Gallegos	26250 Parkview Dr #31 Desert Center 92239
Kim Frazier	Kim Frazier	26250 Parkview #76 Desert Center 92239
Rick Frazier	Rick Frazier	26250 Parkview #78 Desert Center 92239
Mark Goddard	Mark Goddard	44001 Shadow Way Desert Center CA 92239
Rick Thomson	Rick Thomson #53	26250 Parkview Drive 92239

Comment Set B3 – Active Communities/Desert Center (continued)

59

B3-14 (cont'd)



SAVE LAKE TAMARISK OASIS

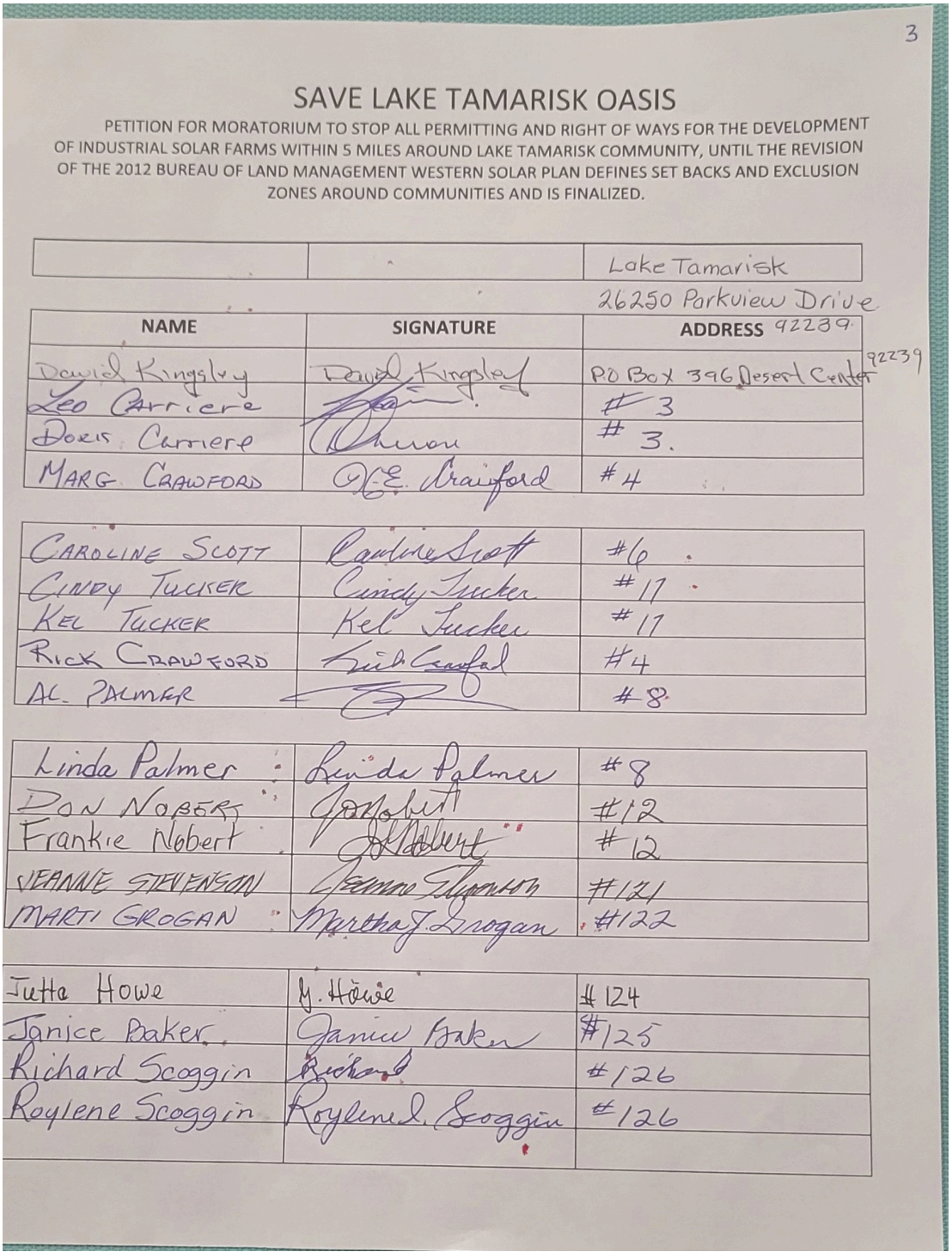
PETITION FOR MORATORIUM TO STOP ALL PERMITTING AND RIGHT OF WAYS FOR THE DEVELOPMENT OF INDUSTRIAL SOLAR FARMS WITHIN 5 MILES AROUND LAKE TAMARISK COMMUNITY, UNTIL THE REVISION OF THE 2012 BUREAU OF LAND MANAGEMENT WESTERN SOLAR PLAN DEFINES SET BACKS AND EXCLUSION ZONES AROUND COMMUNITIES AND IS FINALIZED.

NAME	SIGNATURE	ADDRESS
Sherrie Nelson		44040 SHADOW WAY 92239
LUCAS MIHALICH		44040 Shadow Way 92239
Freda Tisdel		43940 Shadow Way Desert Center Ca 92239
Betty Copeland		P.O. Box 534 92239
John Bell		P.O. Box 325 Desert Center Ca 92239
Jaden Kreidel		PO Box 165 Desert Center CA 92239
CHERYL COPELAND		26630 GREENVALE WAY DESERT CENTER 92239
Nicholas Garcia		26630 Greenvale Way Desert Center 92239
Jordan Garcia		26630 Greenvale Way Desert Center 92239
Alexia Brack		26630 Greenvale Way Desert Center 92239
Joe Jacquez		221 N. Intrim Blythe, Ca 92225
LaQuenda Capp		39955 Capp Rd Desert Center Ca 92239
David Capp		39955 Capp Rd Desert Center Ca 92239
Josh Foyle		26791 Fountain Cove St. 92239
Kelly Ramsey		23500 Rice Rd D Center Ca
Robert L Martin		23500 Rice Rd. D Center 92239
Bridgette Kristo		26660 Greenvale D.C.
KEVIN KIVISTO		26660 GREENVALE DR 92239
Bertha Alvarez		43980 Shadow Way 92239
Gregory Alvarez		43988 Shadow Way

Comment Set B3 – Active Communities/Desert Center (continued)

60

B3-14 (cont'd)



3

SAVE LAKE TAMARISK OASIS

PETITION FOR MORATORIUM TO STOP ALL PERMITTING AND RIGHT OF WAYS FOR THE DEVELOPMENT OF INDUSTRIAL SOLAR FARMS WITHIN 5 MILES AROUND LAKE TAMARISK COMMUNITY, UNTIL THE REVISION OF THE 2012 BUREAU OF LAND MANAGEMENT WESTERN SOLAR PLAN DEFINES SET BACKS AND EXCLUSION ZONES AROUND COMMUNITIES AND IS FINALIZED.

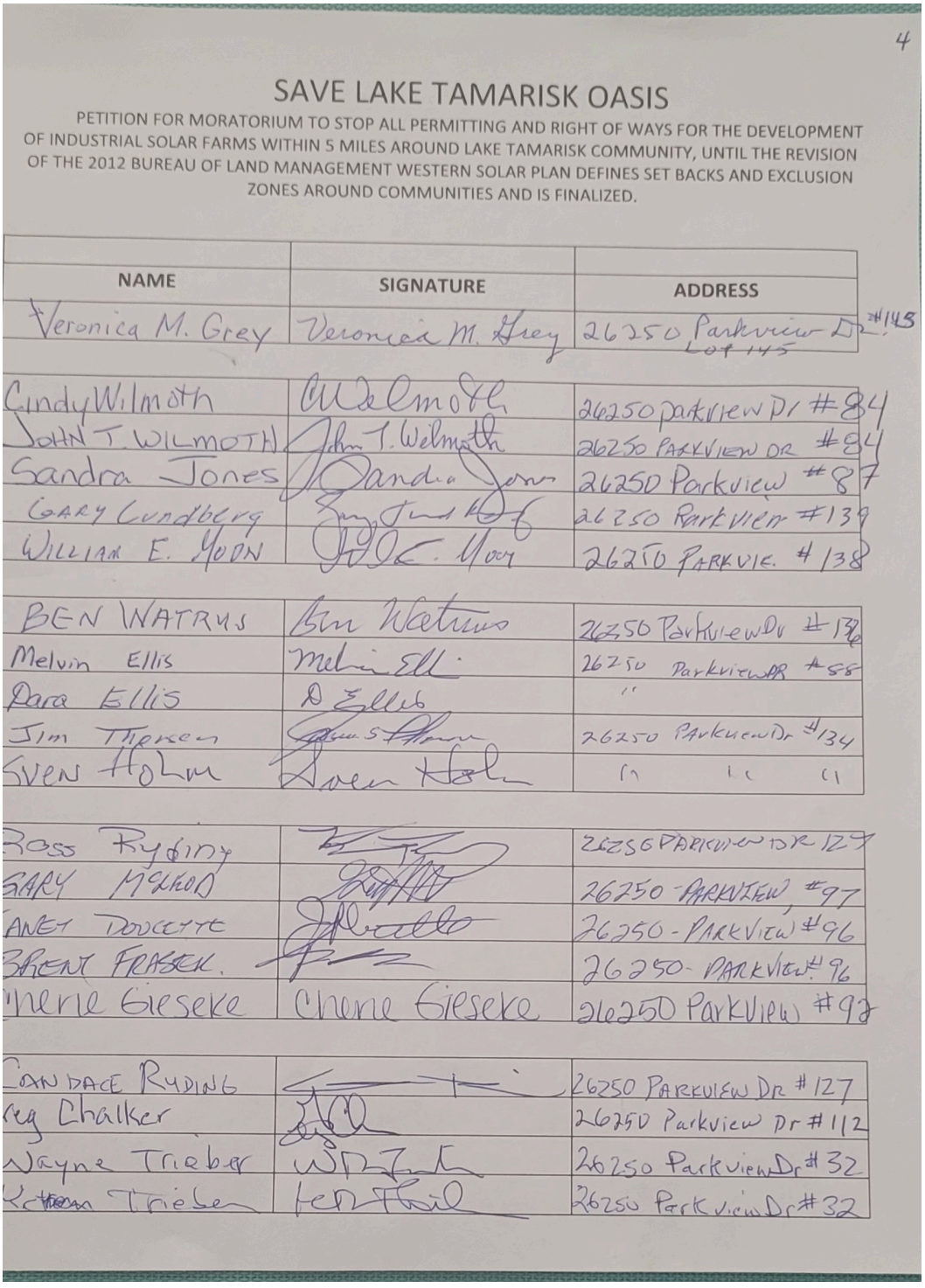
Lake Tamarisk
26250 Parkview Drive

NAME	SIGNATURE	ADDRESS 92239
David Kingsley	David Kingsley	PO Box 396 Desert Center 92239
Leo Carriere		#3
Doris Carriere		#3.
MARG. CRAWFORD	M.E. Crawford	#4
CAROLINE SCOTT	Caroline Scott	#6
CINDY TUCKER	Cindy Tucker	#17
KEL TUCKER	Kel Tucker	#17
RICK CRAWFORD	Rick Crawford	#4
AL PALMER		#8
Linda Palmer	Linda Palmer	#8
DON NOBERT	Don Nobert	#12
Frankie Nobert	Frankie Nobert	#12
JEANNE STEVENSON	Jeanne Stevenson	#121
MARTI GROGAN	Martha J. Grogan	#122
Jutta Howe	J. Howe	#124
Janice Baker	Janice Baker	#125
Richard Scoggin	Richard	#126
Roylene Scoggin	Roylene L. Scoggin	#126

Comment Set B3 – Active Communities/Desert Center (continued)

61

B3-14 (cont'd)



4

SAVE LAKE TAMARISK OASIS

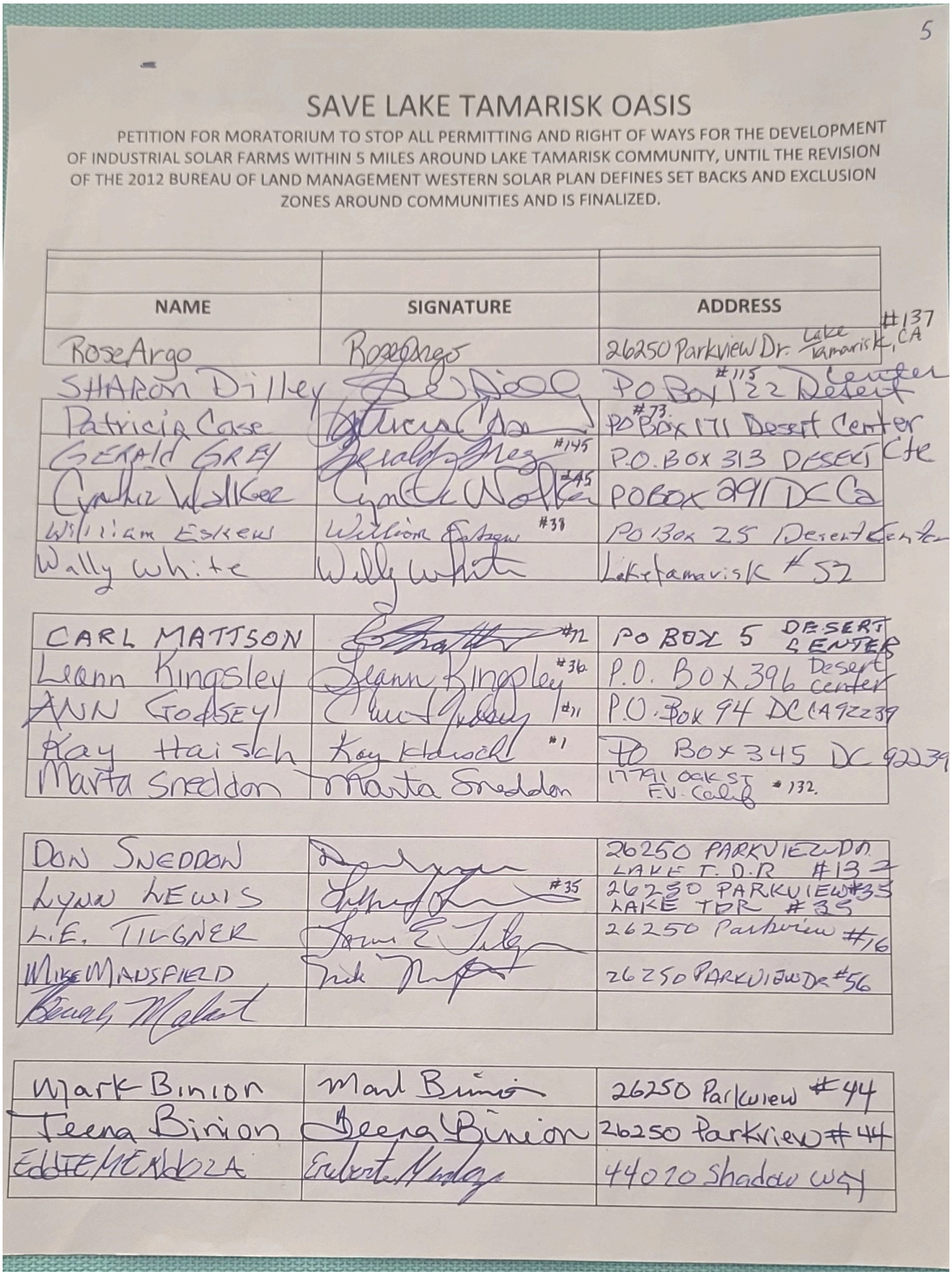
PETITION FOR MORATORIUM TO STOP ALL PERMITTING AND RIGHT OF WAYS FOR THE DEVELOPMENT OF INDUSTRIAL SOLAR FARMS WITHIN 5 MILES AROUND LAKE TAMARISK COMMUNITY, UNTIL THE REVISION OF THE 2012 BUREAU OF LAND MANAGEMENT WESTERN SOLAR PLAN DEFINES SET BACKS AND EXCLUSION ZONES AROUND COMMUNITIES AND IS FINALIZED.

NAME	SIGNATURE	ADDRESS
Veronica M. Grey	Veronica M. Grey	26250 Parkview Dr #143 LOT 143
Cindy Wilmoth	Cindy Wilmoth	26250 parkview Dr #84
John T. WILMOTH	John T. Wilmoth	26250 PARKVIEW DR #84
Sandra Jones	Sandra Jones	26250 Parkview #87
GARY Lundberg	Gary Lundberg	26250 Parkview #139
WILLIAM E. MOON	William E. Moon	26250 PARKVIE. #138
BEN WATRUS	Ben Watrus	26250 Parkview Dr #136
Melvin Ellis	Melvin Ellis	26250 Parkview DR #58
Dara Ellis	D Ellis	"
Jim Thiesen	Jim Thiesen	26250 Parkview Dr #134
SVEN Holm	Sven Holm	" " "
Ross Rydin		26250 PARKVIEW DR 127
GARY McKOD		26250 PARKVIEW #97
ANEY DOUCETTE		26250 - PARKVIEW #96
BRENT FRASER		26250 - PARKVIEW #96
Merle Gieseke	Merle Gieseke	26250 Parkview #92
JOAN DACE RYDING		26250 PARKVIEW DR #127
Greg Chalker		26250 Parkview Dr #112
Wayne Trieber		26250 Parkview Dr #32
Kathleen Trieber		26250 Parkview Dr #32

Comment Set B3 – Active Communities/Desert Center (continued)

62

B3-14 (cont'd)



5

SAVE LAKE TAMARISK OASIS

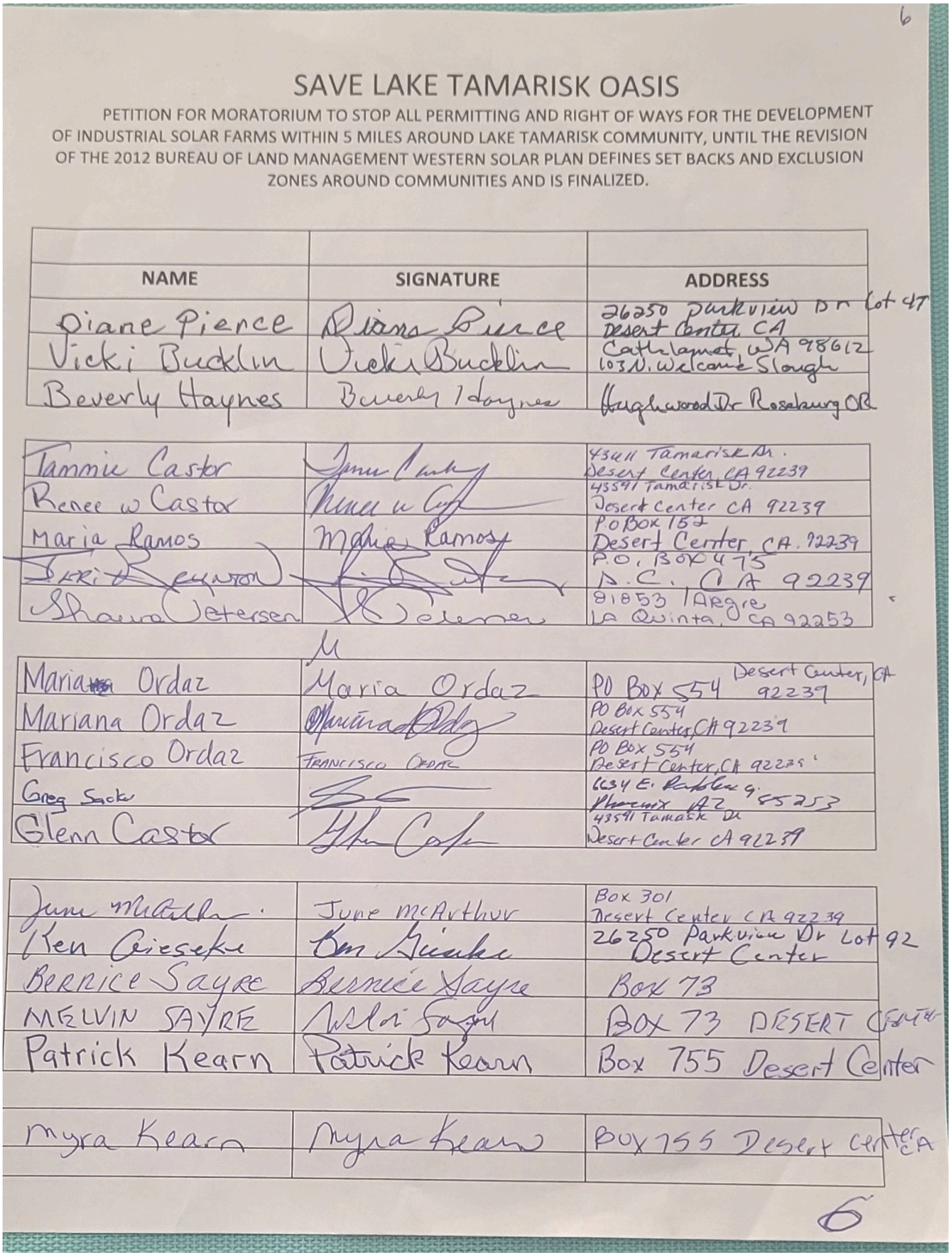
PETITION FOR MORATORIUM TO STOP ALL PERMITTING AND RIGHT OF WAYS FOR THE DEVELOPMENT OF INDUSTRIAL SOLAR FARMS WITHIN 5 MILES AROUND LAKE TAMARISK COMMUNITY, UNTIL THE REVISION OF THE 2012 BUREAU OF LAND MANAGEMENT WESTERN SOLAR PLAN DEFINES SET BACKS AND EXCLUSION ZONES AROUND COMMUNITIES AND IS FINALIZED.

NAME	SIGNATURE	ADDRESS
Rose Argo	Rose Argo	26250 Parkview Dr. Lake Tamarisk, CA #137
SHARON Dilley		PO Box 122 Desert Center #115
Patricia Case		PO Box 171 Desert Center #73
GERALD GREY	#145	P.O. BOX 313 DESERT Cte
Cynthia Walker	#45	POBOX 291 DC Ca
William Esrey	#38	PO Box 25 Desert Center
Wally White		Lake tamarisk # 52
CARL MATTSON	#72	PO BOX 5 DESERT CENTER
Leann Kingsley	#36	P.O. Box 396 Desert center
ANN GODSEY	#11	P.O. Box 94 DC CA 92239
Kay Haisch	#1	PO Box 345 DC 92239
Marta Sneddon		17741 oak ST #132. EV. Calif
DON SNEDDON		26250 PARKVIEW DR. LAKE T. D.R #13
LYNN LEWIS	#35	26250 PARKVIEW #35 LAKE TDR #35
L.E. TILGNER		26250 Parkview #16
MIKE MANSFIELD		26250 PARKVIEW Dr #56
Mark Binion		26250 Parkview #44
Teena Binion		26250 Parkview #44
EDDIE MENDOZA		44020 Shadow way

Comment Set B3 – Active Communities/Desert Center (continued)

63

B3-14 (cont'd)



6

SAVE LAKE TAMARISK OASIS

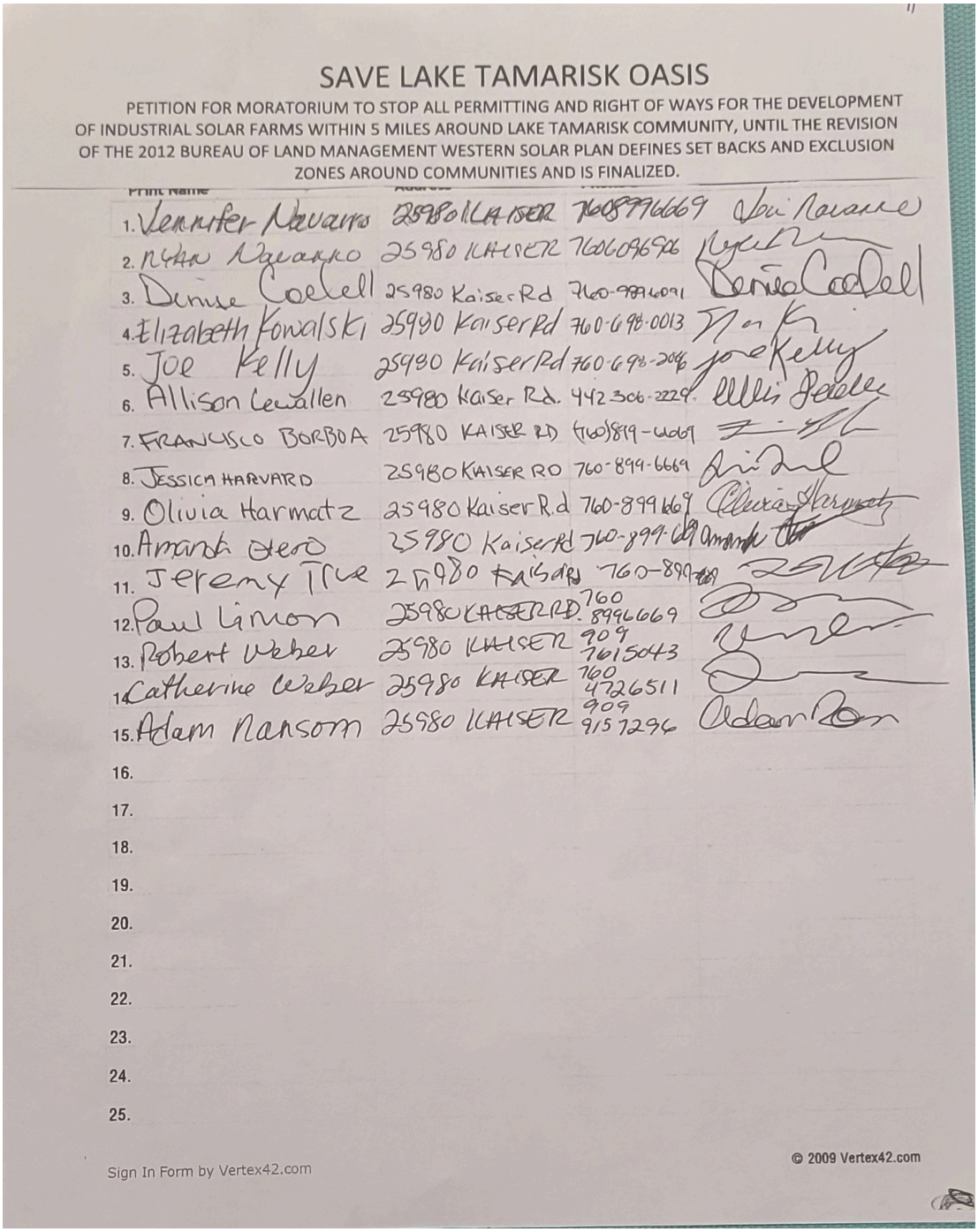
PETITION FOR MORATORIUM TO STOP ALL PERMITTING AND RIGHT OF WAYS FOR THE DEVELOPMENT OF INDUSTRIAL SOLAR FARMS WITHIN 5 MILES AROUND LAKE TAMARISK COMMUNITY, UNTIL THE REVISION OF THE 2012 BUREAU OF LAND MANAGEMENT WESTERN SOLAR PLAN DEFINES SET BACKS AND EXCLUSION ZONES AROUND COMMUNITIES AND IS FINALIZED.

NAME	SIGNATURE	ADDRESS
Diane Pierce	Diane Pierce	26250 Parkview Dr Lot 47 Desert Center, CA
Vicki Bucklin	Vicki Bucklin	Cathlamet, WA 98612 103 N. Welcome Slough
Beverly Haynes	Beverly Haynes	Hughwood Dr Roseburg OR
Tammie Castor		43411 Tamarisk Dr. Desert Center, CA 92239
Renee w Castor		43591 Tamarisk Dr. Desert Center CA 92239
Maria Ramos	Maria Ramos	PO Box 152 Desert Center, CA. 92239
Teri Kenyon		P.O. Box 475 D.C. CA 92239
Shawna Petersen		81853 Argyle La Quinta, CA 92253
Mariana Ordaz	Maria Ordaz	PO Box 554 Desert Center, CA 92239
Mariana Ordaz		PO Box 554 Desert Center, CA 92239
Francisco Ordaz	FRANCISCO ORDAZ	PO Box 554 Desert Center, CA 92239
Greg Sachs		1634 E. Robin Ln Phoenix AZ 85253
Glenn Castor		43591 Tamarisk Dr Desert Center CA 92239
June McArthur	June McArthur	Box 301 Desert Center CA 92239
Ken Griesedieck		26250 Parkview Dr Lot 92 Desert Center
BERNICE SAYRE	Bernice Sayre	Box 73
MELVIN SAYRE		BOX 73 DESERT CENTER
Patrick Kearn	Patrick Kearn	Box 755 Desert Center
Myra Kearn	Myra Kearn	Box 755 Desert Center CA

6

Comment Set B3 – Active Communities/Desert Center (continued)

B3-14 (cont'd)



SAVE LAKE TAMARISK OASIS

PETITION FOR MORATORIUM TO STOP ALL PERMITTING AND RIGHT OF WAYS FOR THE DEVELOPMENT OF INDUSTRIAL SOLAR FARMS WITHIN 5 MILES AROUND LAKE TAMARISK COMMUNITY, UNTIL THE REVISION OF THE 2012 BUREAU OF LAND MANAGEMENT WESTERN SOLAR PLAN DEFINES SET BACKS AND EXCLUSION ZONES AROUND COMMUNITIES AND IS FINALIZED.

Print Name	Address	Phone	Signature
1. Jennifer Navarro	25980 KAISER	7608996669	
2. Nyah Navarro	25980 KAISER	7606096926	
3. Denise Coebell	25980 Kaiser Rd	760-9946091	
4. Elizabeth Kowalski	25990 Kaiser Rd	760-698-0013	
5. Joe Kelly	25990 Kaiser Rd	760-698-2096	
6. Allison Lewallen	25980 Kaiser Rd.	442 306-2229	
7. FRANCISCO BORBOA	25980 KAISER RD	(760)819-4069	
8. JESSICA HARVARD	25980 KAISER RO	760-899-6669	
9. Olivia Harmatz	25980 Kaiser Rd	760-899-6669	
10. Amanda Herd	25980 Kaiser Rd	760-899-6669	
11. Jeremy True	25980 Kaiser Rd	760-899-6669	
12. Paul Limon	25980 KAISER RD.	760 8996669	
13. Robert Weber	25980 KAISER	909 7615043	
14. Catherine Weber	25980 KAISER	760 4726511	
15. Adam Ransom	25980 KAISER	909 9157296	
16.			
17.			
18.			
19.			
20.			
21.			
22.			
23.			
24.			
25.			

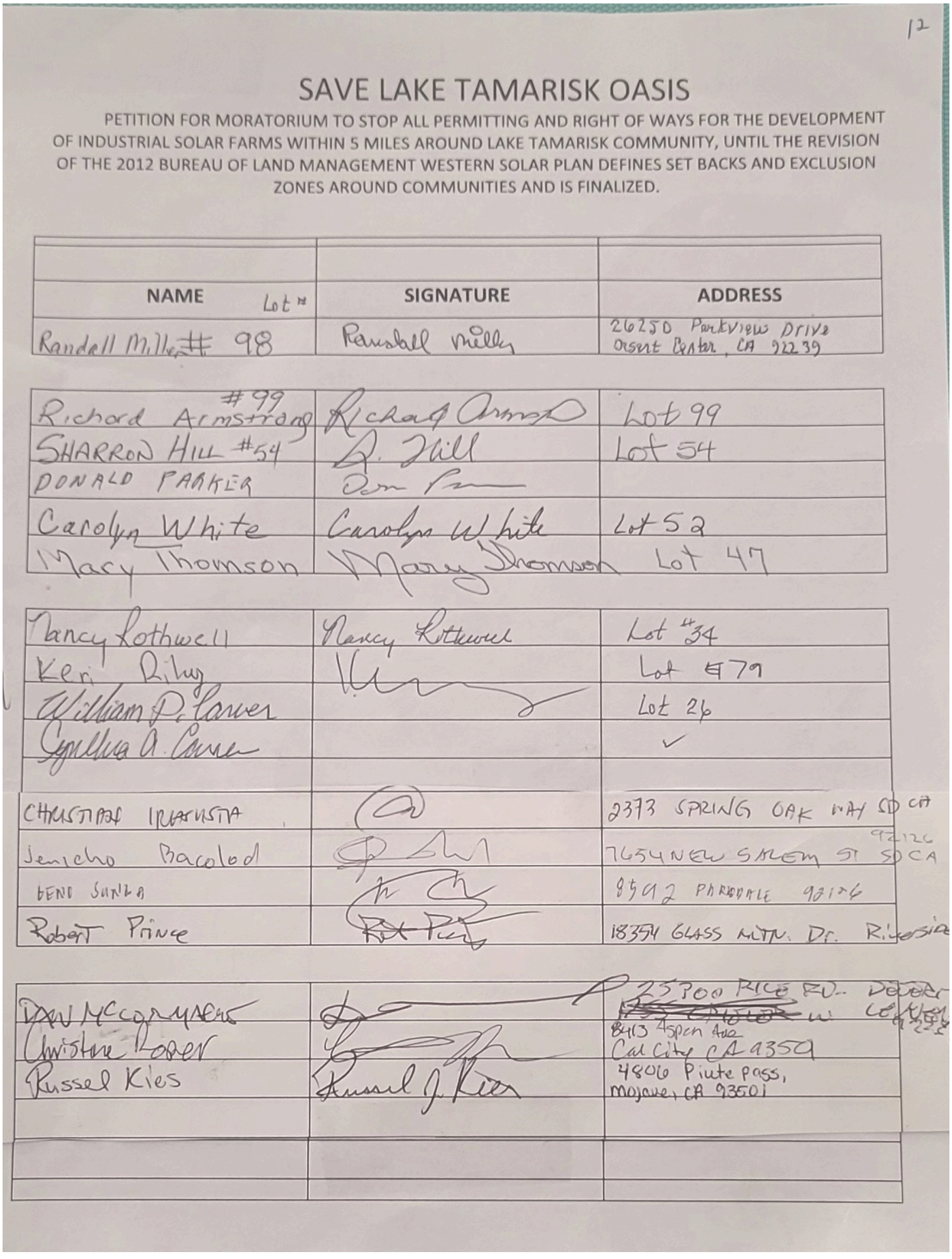
Sign In Form by Vertex42.com

© 2009 Vertex42.com

Comment Set B3 – Active Communities/Desert Center (continued)

65

B3-14 (cont'd)



12

SAVE LAKE TAMARISK OASIS

PETITION FOR MORATORIUM TO STOP ALL PERMITTING AND RIGHT OF WAYS FOR THE DEVELOPMENT OF INDUSTRIAL SOLAR FARMS WITHIN 5 MILES AROUND LAKE TAMARISK COMMUNITY, UNTIL THE REVISION OF THE 2012 BUREAU OF LAND MANAGEMENT WESTERN SOLAR PLAN DEFINES SET BACKS AND EXCLUSION ZONES AROUND COMMUNITIES AND IS FINALIZED.

NAME Lot #	SIGNATURE	ADDRESS
Randall Miller # 98	Randall Miller	26250 Parkview Drive Desert Center, CA 92239
Richard Armstrong #99	Richard Armstrong	Lot 99
SHARRON HILL #54	S. Hill	Lot 54
DONALD PARKER	Don Parker	
Carolyn White	Carolyn White	Lot 52
Macy Thomson	Macy Thomson	Lot 47
Nancy Rothwell	Nancy Rothwell	Lot #34
Keri Riley		Lot #79
William P. Carver		Lot 26
Cynthia A. Carver		✓
CHRISTINA IRAMISTA		2373 SPRING OAK WAY SD CA
Jericho Bacolod		7654 NEW SALEM ST SD CA 92126
BENO SUNGA		8942 PARADALE 92126
Robert Prince		18354 GLASS MTN. Dr. Riverside
DAN McCORMICK		25700 RICE RD. DESERT CENTER CA 92239
Christine Lorer		8413 Aspen Ave Cal City CA 93504
Russel Kies	Russel J. Kies	48016 Piute Pass, Mojave, CA 93501

Comment Set B3 – Active Communities/Desert Center (continued)

66

B3-14 (cont'd)

10

SAVE LAKE TAMARISK OASIS

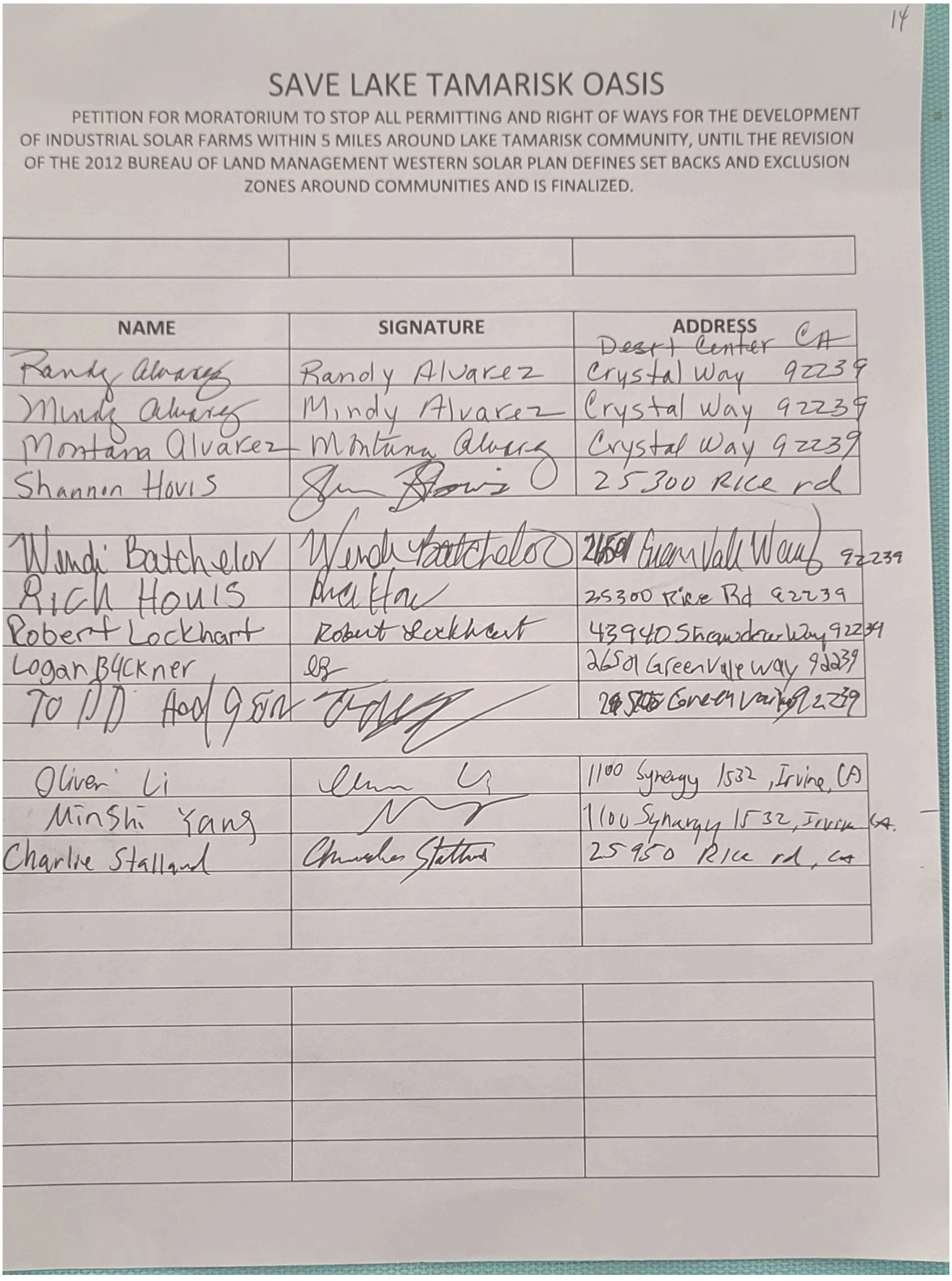
PETITION FOR MORATORIUM TO STOP ALL PERMITTING AND RIGHT OF WAYS FOR THE DEVELOPMENT OF INDUSTRIAL SOLAR FARMS WITHIN 5 MILES AROUND LAKE TAMARISK COMMUNITY, UNTIL THE REVISION OF THE 2012 BUREAU OF LAND MANAGEMENT WESTERN SOLAR PLAN DEFINES SET BACKS AND EXCLUSION ZONES AROUND COMMUNITIES AND IS FINALIZED.

NAME	SIGNATURE	ADDRESS
William R. Hakala	William R. Hakala	28950 C.R. 331 Buena Vista, CO 81211
Bob & Judy Walston	Judy Walston	PO Box 72 Desert Center, CA 92239
Carl Roden	Carl Roden	PO Box 122 Desert Center CA #115
NANCY H SMITH	Nancy H Smith	26250 Parkview Dr Desert Center, CA 92239 #85
JESSE J SMITH	Jesse J. Smith	26250 Parkview Dr #85 Desert Center CA 92239
MISHELLE A-DAVIS	MA Davis	26250 PARKVIEW DR DESERT CENTER CA 92239 #142
Michael R. DAVIS		26250 PARKVIEW #143 DESERT CENTER CA 92239
Jimi Coy		26250 Parkview Dr Desert Center #87
Penny Jacks	Penny Jacks	26250 Parkview Dr. Desert Ctr CA 92239 #90
Diane Pointon	Diane Pointon	26250 PARKVIEW DR DESERT CENTER CA #89
	Kenneth Jacks	26250 Parkview Spa 90 Desert Center CA.
Brian Hagman	Brian Hagman	Lake Tamarisk, CA
Rhonda McAuley	Rhonda McAuley	" " "
Ron Simmons	Ron Simmons #7	Lake Tamarisk
Fawn Weisgerber	Fawn Weisgerber #64	Lake Tamarisk

Comment Set B3 – Active Communities/Desert Center (continued)

67

B3-14 (cont'd)



14

SAVE LAKE TAMARISK OASIS

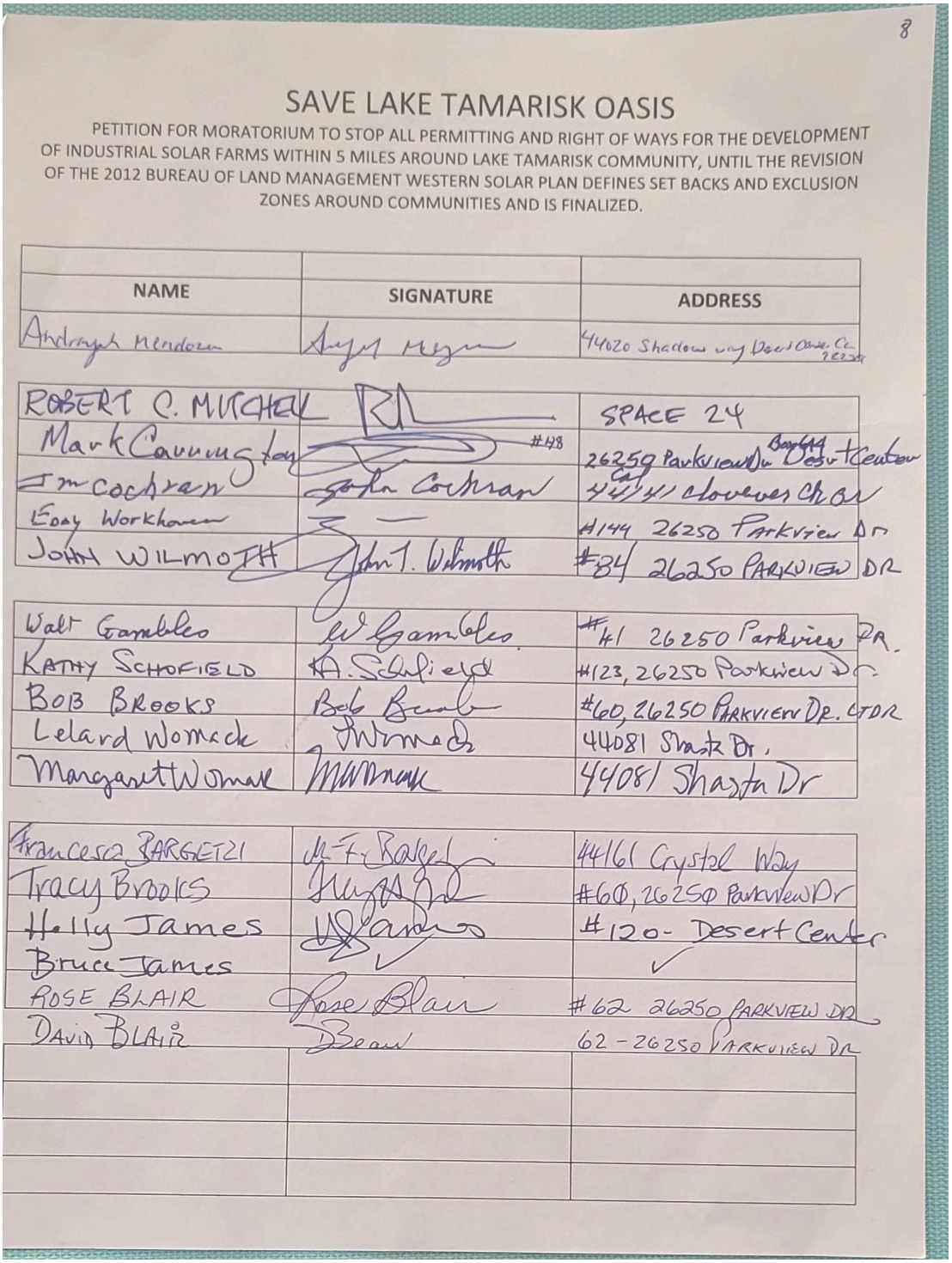
PETITION FOR MORATORIUM TO STOP ALL PERMITTING AND RIGHT OF WAYS FOR THE DEVELOPMENT OF INDUSTRIAL SOLAR FARMS WITHIN 5 MILES AROUND LAKE TAMARISK COMMUNITY, UNTIL THE REVISION OF THE 2012 BUREAU OF LAND MANAGEMENT WESTERN SOLAR PLAN DEFINES SET BACKS AND EXCLUSION ZONES AROUND COMMUNITIES AND IS FINALIZED.

NAME	SIGNATURE	ADDRESS
Randy Alvarez	Randy Alvarez	Desert Center CA Crystal Way 92239
Mindy Alvarez	Mindy Alvarez	Crystal Way 92239
Montana Alvarez	Montana Alvarez	Crystal Way 92239
Shannon Hovis	Shannon Hovis	25300 Rice rd
Wendi Batchelor	Wendi Batchelor	26501 Green Valley Way 92239
Rich Hovis	Rich Hovis	25300 Rice Rd 92239
Robert Lockhart	Robert Lockhart	43940 Strawberry Way 92239
Logan Backner	LB	26501 Green Valley Way 92239
TO DD Add/Sign		26501 Green Valley 92239
Oliver Li	Oliver Li	1100 Synergy 1532, Irvine, CA
Minshi Yang		1100 Synergy 1532, Irvine CA.
Charlie Stallard	Charlie Stallard	25950 Rice rd, ca

Comment Set B3 – Active Communities/Desert Center (continued)

68

B3-14 (cont'd)



8

SAVE LAKE TAMARISK OASIS

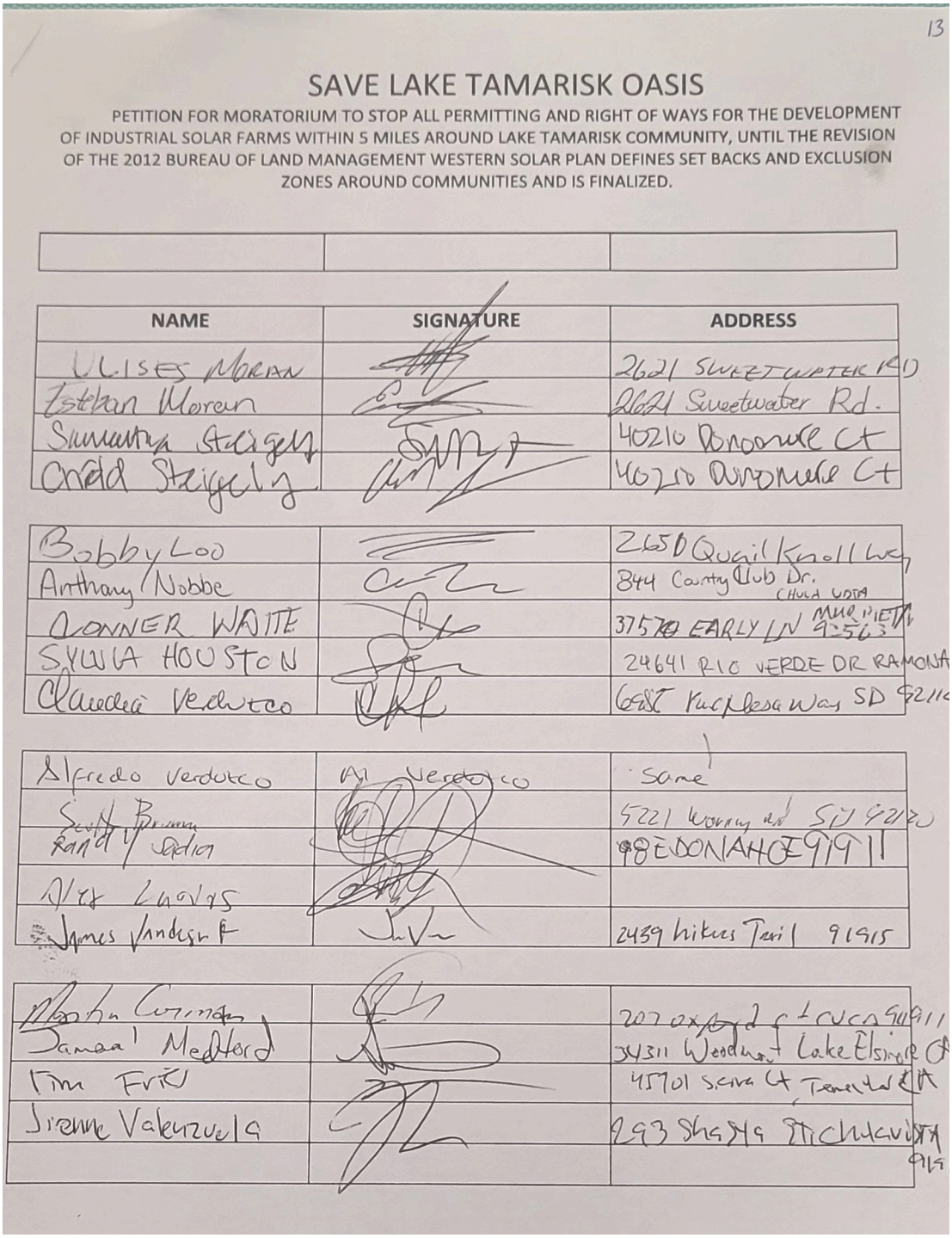
PETITION FOR MORATORIUM TO STOP ALL PERMITTING AND RIGHT OF WAYS FOR THE DEVELOPMENT OF INDUSTRIAL SOLAR FARMS WITHIN 5 MILES AROUND LAKE TAMARISK COMMUNITY, UNTIL THE REVISION OF THE 2012 BUREAU OF LAND MANAGEMENT WESTERN SOLAR PLAN DEFINES SET BACKS AND EXCLUSION ZONES AROUND COMMUNITIES AND IS FINALIZED.

NAME	SIGNATURE	ADDRESS
Andrayah Mendoza	Andrayah Mendoza	44020 Shadow way Desert Center, Ca. 92239
ROBERT C. MITCHELL	RM	SPACE 24
Mark Cavanaugh	#48	26259 Parkview Dr Desert Center
Jm cochran	John Cochran	44161 Clovewer Ct DC
Eddy Workhoven		#144 26250 Parkview Dr
JOHN WILMOTH	John T. Wilmoth	#84 26250 PARKVIEW DR
Walt Gambles	W Gambles	#41 26250 Parkview DR.
KATHY SCHOFIELD	KA. Schofield	#123, 26250 Parkview Dr.
BOB BROOKS	Bob Brooks	#60, 26250 PARKVIEW DR. DTDR
Leland Womack	Womack	44081 Shasta Dr.
Margaret Womack	Womack	44081 Shasta Dr
Francesca BARGETZI	F. Bargetzi	44161 Crystal Way
Tracy Brooks		#60, 26250 Parkview Dr
Holly James		#120 - Desert Center
Bruce James		✓
ROSE BLAIR	Rose Blair	#62 26250 PARKVIEW DR
DAVID BLAIR	Dblair	62 - 26250 PARKVIEW DR

Comment Set B3 – Active Communities/Desert Center (continued)

69

B3-14 (cont'd)



13

SAVE LAKE TAMARISK OASIS

PETITION FOR MORATORIUM TO STOP ALL PERMITTING AND RIGHT OF WAYS FOR THE DEVELOPMENT OF INDUSTRIAL SOLAR FARMS WITHIN 5 MILES AROUND LAKE TAMARISK COMMUNITY, UNTIL THE REVISION OF THE 2012 BUREAU OF LAND MANAGEMENT WESTERN SOLAR PLAN DEFINES SET BACKS AND EXCLUSION ZONES AROUND COMMUNITIES AND IS FINALIZED.

NAME	SIGNATURE	ADDRESS
ULISES MORAN		2621 SWEETWATER RD
Esteban Moran		2621 Sweetwater Rd.
Samantha Steigerwald		40210 Broome Ct
Gerald Steigerwald		40210 Broome Ct
Bobby Loo		2650 Quail Knoll Lane
Anthony Nobbe		344 Country Club Dr. CHULA VISTA
CONNER WHITE		37570 EARLY LN MURRIETA 92563
SYLVIA HOUSTON		24641 RIO VERDE DR RAMONA
Claudia Verduzco		6687 Rancho Mesa Way SD 92114
Alfredo Verduzco	Verduzco	same
Scott Brown		5221 Waring rd SD 92120
Randy Sexton		98 EDONAHOE 91911
Alex Lagos		
James Lindsey		2459 Hikers Trail 91915
Martha Cummings		207 Oxford Ct Lucas 91911
Samaa' Medford		34311 Woodland Lake Elsinore CA
Tim Fritz		45701 Seiva Ct Temecula CA
Jeanne Valenzuela		293 Shasta Richland WA 99354

Comment Set B3 – Active Communities/Desert Center (continued)

70

B3-14 (cont'd)

This Page is Left Blank Intentionally

Responses to Comment Set B3 – Active Communities/Desert Center

B3-1 The commenter's opposition to the proposed Project and alternatives that do not meet the "minimum design of the Respect Lake Tamarisk Alternative (RLTA)" is 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, General Response GR-8, and to General Response GR-1.

Please see Responses to Comments B3-13 and D5-2 through D5-19 regarding the Respect the Lake Tamarisk Alternative description, and Responses to Comments B3-14 and D5-20 through D5-49, which address the Lake Tamarisk Desert Resort's comments submitted during the NEPA scoping period.

B3-2 The commenter states the requirements for alternatives under the California Environmental Quality Act (CEQA) and lists the project objectives from the Draft EIR. The commenter states that the commenter-proposed "Respect Lake Tamarisk Alternative" to the Easley Solar Project meets or exceeds all Project objectives identified in the Draft EIR while significantly reducing the negative impacts on the environment. 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-proposed "Respect Lake Tamarisk Alternative" has been analyzed in the Partially Recirculated Draft EIR as Alternative C, Further Reduced Footprint Alternative with Berms.

B3-3 The commenter describes Board of Supervisor Policy B-29 as explained in Section 1.5 (Summary of the Project Evaluated in this EIR) of the Draft EIR.

The commenter is correct that Development Agreement (DA 2200016) would need to be signed between the Applicant and Riverside County in accordance with Board of Supervisors' Policy B-29 to compensate the County for the use of its real property.

B3-4 The commenter's opposition to the proposed Project and Lake Tamarisk Alternative is 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

B3-5 Please see Responses to Comments D5-2 to D5-85, which address the 17 requested requirements and the linked reference documents, as well as General Response GR-8.

B3-6 The commenter provides a photo of Lake Tamarisk Desert Oasis Community and a link to comments submitted to BLM during its NEPA scoping period (October 2023).

Responses to Comments D5-20 through D5-49 address the same scoping letter submitted by Lake Tamarisk Desert Resort during the NEPA scoping period. See also General Response GR-8.

B3-7 Please see Comment and Response to Comment D5-50, which includes the Desert Center Area Plan referenced here.

B3-8 The commenter suggests that it is inappropriate to apply the BLM's Visual Resources Management (VRM) Class IV management objective, which is the least restrictive management objective because it is not consistent with the guidance of the County General Plan. The commenter also states that the Project can be fully mitigated with the implementation of the commenter-proposed "Respect Lake Tamarisk Alternative (RLTA)."

The Draft EIR refers to VRM Class IV because that is the Management Classification that the Bureau of Land Management (BLM) has assigned to the BLM-administered lands affected by the

Project, which is outside of the jurisdiction of Riverside County and the CEQA analysis. CEQA and the goals and policies of the Riverside County General Plan pertain to the non-federal lands affected by the proposed Project. As noted in Section 3.2 (Aesthetics) of the Draft EIR, although the Project would be consistent with the applicable BLM VRM Class IV management objective (for BLM lands), it would result in significant and unavoidable aesthetics impacts (under CEQA) with respect to the affected non-BLM lands.

Potential aesthetic impacts of Alternative C (Further Reduced Footprint Alternative with Berms), which incorporates requested components of the RLTA, are addressed in Section 5.2.6.1 of the Partially Recirculated Draft EIR. While it is true that the aesthetics impacts on Lake Tamarisk Desert Resort would be substantially mitigated by Alternative C, this alternative would not mitigate the significant aesthetics impacts that would be experienced at other public viewing locations, such as along State Route 177/Rice Road.

B3-9 The commenter provides a photo of the surrounding desert area and describes potential future development, including a truck stop/charging station, and expansion in the Lake Tamarisk and Desert Center area.

Riverside County is not aware of a permit application by Desert Center Development Corporation for development of a truck stop/charging station with restaurants and amenities. Therefore, no revisions have been made to the cumulative scenario in the Final EIR.

Please see Comment Set D12, which was submitted by the Phase II developer, Allen Grant, and addresses Phase II. 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-requested 1-mile buffer around the Lake Tamarisk community, relocated onsite substation, and screening berms have been analyzed in the Partially Recirculated Draft EIR as Alternative C, Further Reduced Footprint Alternative with Berms.

B3-10 The commenter states that the proposed Chuckwalla National Monument will require tourist and housing needs. Please see Response to Comment D5-20.

The commenter's support for the commenter-proposed "Respect Lake Tamarisk Alternative" is noted.

B3-11 The commenter states that the Desert Center area can be a gateway to the proposed Chuckwalla National Monument and Lake Tamarisk can provide overnight amenities for visitors. Potential expansion plans at locations in the vicinity are noted (e.g., Chuckwalla Raceway, Eagle Mountain-related developments). The commenter notes that the Draft EIR quotes the DACP, saying little development is expected in the area. The commenter notes that the County will benefit greatly from all of these plans, including responsible utility-scale solar development.

The proposed Easley solar project is not within the boundaries of the proposed Monument and would not impede access to the Monument, should it be designated. The statement regarding little development being expected in the County's DACP (Revised 2021) is accurate; while there are proposals to undertake some expansion at particular sites, overall, there is little development envisioned in the area under County jurisdiction within the DACP area. Development of solar facilities on BLM land designated as suitable for such development is outside of County jurisdiction. The County agrees with the comment that there would be benefits from both planned development and utility-scale solar development.

B3-12 The commenter states that the commenter-proposed "Respect Lake Tamarisk Alternative" would meet or exceed all project objectives and the proposed Project and Lake Tamarisk Alternative

(now called Alternative B, Reduced Footprint Alternative, in the Partially Recirculated Draft EIR) would negatively impact the community's future. The commenter includes links to two figures showing the requested buffer area and showing two potential sites east of State Route 177/Rice Road where solar panels could be relocated. 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 states that the County cannot dictate whether the Project is built on federal lands, but will need to certify the EIR, which evaluates the whole of the project. The Draft EIR rightly analyzes impacts of the whole project on both private and BLM-administered public land.

The commenter points to two articles about renewable energy, and includes a quote in one from Sheldon Kimber, CEO of Intersect Power.

The Brookview example was linked as a Reference Article later in this comment letter. Please see Response to Comment B3-38. The Bloomberg Law article was also linked later in the letter as a Reference Article. Please see Response to Comment B3-41.

B3-13 The commenter includes 11 links to additional requested requirements for implementation of the commenter-proposed Respect Lake Tamarisk Alternative, which are each addressed below and in the remainder of Comment Set B3.

"Berm Construction" 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, General Response GR-8, and to General Response GR-1.

"Water Resources," "*Fugitive Dust Management*," and "*Land Use Element*" - Please see General Responses GR-2 and GR-3 and Responses to Comments B3-17, B3-18, B3-20, B3-21, and D5-2, which address the same links/attachments to the Respect the Lake Tamarisk Alternative as Fugitive Dust Management, Water Resources, and Land Use Element.

"*RLTA Outline*" - Please see Responses to Comments D5-2 to D5-85, which address the 17 requested requirements and the linked reference documents, several of which area also included in this comment.

"*Supplemental Comments*" - The commenter includes a link to Supplemental Comments, which are addressed in Response to Comment B3-23 and responded to in Comment Set D11 (Bob Brooks).

"*Comment Letters*" - The commenter includes a link to Comment Letters from residents of the Lake Tamarisk Desert Resort, which are addressed in Responses to Comments B3-24 through B3-36.

"*Pictures*" - The pictures of the Lake Tamarisk Desert Resort and surrounding area are addressed in Response to Comment B3-37.

"*Reference Articles*" - The Reference Articles are discussed in Response to Comments B4-38 to B3-51.

B3-14 Responses to Comments D5-20 through D5-49 address the Lake Tamarisk Desert Resort's comments submitted to the BLM during the NEPA scoping period. These comments do not concern the adequacy of the County's EIR.

The enclosed photos of the existing facilities in the area surrounding the Easley site are noted.

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 D5-49, which addresses the same photographs.

Finally, please also see Response to Comment D5-49 regarding the Save Lake Tamarisk Oasis petition, which has been noted by the County.

B3-15 The commenter submits three attachments depicting a "Phase II" development of the Lake Tamarisk Desert Resort. Please see Comment Set D12, which was submitted by the Phase II developer, Allen Grant, and addresses Phase II.

B3-16 The comment requests installation of two berms to address visual impacts of the Project to the Lake Tamarisk Desert Resort. 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 requested two earthen berms have been fully evaluated under Alternative C, Further Reduced Footprint Alternative with Berms, as described in Section 2.8, and fully analyzed in Chapter 5 of the Partially Recirculated Draft EIR and Final EIR.

B3-17 The commenter states the Chuckwalla Valley Groundwater Basin (CVGB) is an overdrafted groundwater basin and is concerned about the impacts the additional withdraw of groundwater for the proposed Easley Solar Project (Project) may have on the CVGB. The commenter's concerns include detrimental impacts to drinking water (availability and quality). The commenter indicated groundwater pumping for the construction of a cumulative project (Oberon Solar Project) in the CVGB resulted in a localized lowering of groundwater levels and degradation of groundwater quality observed in select nearby wells. The commenter requests the Colorado River and the Eagle Mountain Pumping Station be evaluated as alternative sources of water for the Project. The commenter includes references to a letter statement from Mr. Kent Madison dated February 9, 2024. Mr. Madison communicates similar sentiments as the commenter and included links to a PowerPoint slide deck on development of a CVGB groundwater budget using modeled groundwater recharge presented by U.S. Forest Service and BLM staff at the Arizona Hydrological Society 2021 Annual Symposium, a Lake Tamarisk Community Formal Scoping Input Document for the Sapphire Linear Facility Routes (dated January 25, 2024), California Sustainable Groundwater Management Act (SGMA) Code, and an article discussing the use of solar powered groundwater pumps and impacts to groundwater as a result of low-cost pumping (dated March 9, 2024).

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, the revised WSA at Appendix G, General Response GR-1, as well as General Response GR-3.

B3-18 This comment appears as "Attachment 4" to Comment Set B3 under the subtitle, "Minimum Requirements for the Implementation of the Respect Lake Tamarisk Alternative for the Easley Solar Project." The comment outlines a request for "minimum requirements" of a fugitive dust management plan.

The "Minimum Requirements" of this comment are also generally similar to Comments D5-51 to D5-55 (Comment Set D5, Mark Carrington). This Final EIR includes Responses to Comments D5-32, D5-33, and D5-51 through D5-55 to address the commenter's concerns regarding a fugitive dust management plan, fugitive dust monitoring, disturbed soils and stabilization, silica

exposure due to fugitive dust, and some of the commenter's concerns related to Valley Fever risks related to fugitive dust.

The comment includes a link to scoping comments submitted from U.S. EPA to BLM on October 23, 2023. Please see Responses to Comment D5-67, et al., in Comment Set D5 for a discussion of the U.S. EPA scoping comments.

The "Site Preparation" and "Construction" portions of this comment requests, among other things, multiple air quality monitors, site preparation techniques such as avoiding scarification and rolling, consideration of mulches as potentially effective soil stabilizers, and establishing work stoppage practices and punitive fines to manage fugitive dust. The site preparation techniques for the Project would include mowing and rolling vegetation to a height of 12 inches (EIR Section 2.4.4.1); this partial removal would be a means of preserving vegetation and avoiding ground disturbance. Scarification would only occur as part of restoration of compacted areas during decommissioning of the Project (EIR Section 2.6, Decommissioning and Repowering). This Final EIR (Section 3.4, Air Quality) includes additional contingency dust control measures in MM AQ-1 for "high wind" conditions that include potential work stoppages.

The comment notes several residents of Lake Tamarisk, including those with illnesses, are sensitive to air pollution. Receptors representing the seniors and children of Lake Tamarisk are considered to be sensitive, and EIR Impact AQ-3 discusses the potential for increased health risk and hazards.

General Response GR-2 addresses concerns related to fugitive dust and silica dust, with a consideration of an area-wide monitoring network. General Response GR-2 also describes how the Project is subject to an ambient particulate matter (PM10) standard determined by simultaneous sampling of upwind and downwind PM10, under SCAQMD Rule 403(d)(3), at the discretion of the SCAQMD Executive Officer.

General Response GR-2 details the consideration of steps taken to avoid airborne dust and wind-driven soil erodibility. The full scope of dust control includes efforts to protect natural vegetation and habitat by reducing the Project's ground disturbance and avoiding the removal of vegetation, as well as use of site watering and dust suppressants. Mulches may be considered (EIR Section 2.4.4.1), if available and demonstrated to be effective, consistent with MM AQ-1.

The commenter expressed concern on the effects of past projects in the area and submitted links to an informational article and video on biodiversity and human health effects of development. The article presents information on the habitat, community, and soils of the Mojave Desert; renewable energy development and economic growth; and silica, Valley Fever, and fugitive dust; and a discussion of how renewable energy development contributes to an increased risk of contracting Valley Fever for Mojave Desert residents. The video provides information on Valley Fever and its spread in soils of the western United States. This video was reviewed and noted.

B3-19 The commenter suggests an alternative substation location along State Route 177/Rice Road to the northeast of the substation location included as part of the Lake Tamarisk Alternative (called Alternative B, Reduced Footprint Alternative in the Partially Recirculated Draft EIR). The relocated onsite substation and overhead 500 kV gen-tie alignments have been incorporated into and evaluated as part of Alternative C (Further Reduced Footprint Alternative with Berms), which is described in Section 2.8 and fully analyzed by each issue area in Chapter 5 of the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapter 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

B3-20 The commenter lists several County land use policies and what the commenter feels are the benefits of a "Respect Lake Tamarisk Alternative" (RLTA). A principal feature of the commenter-proposed RLTA would be a buffer separating the proposed solar project and the Lake Tamarisk community. The commenter states that only the RLTA meets County policies. The commenter acknowledges that the RLTA would reduce the solar project output by as much as 100 MW and suggests alternative locations for some proposed project facilities. The buffer shown in the commenter-proposed RLTA was incorporated into Alternative C (Further Reduced Footprint Alternative with Berms), which is described in Section 2.8 and fully analyzed by each issue area in Chapter 5 of the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapter 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

Note that following publication of the Partially Recirculated Draft EIR, the Applicant performed additional preliminary engineering of Alternative C. Based on constraints, the Applicant determined that the loss of 530 acres of development under Alternative C would result in a loss of 80 MW to 110 MW, as compared to the proposed Project, for a total maximum output between 290 MW to 320 MW. EIR Section 2.8.4 has been updated in the Final EIR to reflect the updated potential output of Alternative C.

B3-21 The commenter cites several general plan land use policies regarding aesthetic and visual resources and expresses the opinion that only the RLTA can meet the requirements of those policies. Specifically, the commenter references a County land use policy (LU 4.1) requiring developments visually enhance, not degrade the character of the surrounding area through consideration of applicable design standards; zoning, building, and other code and regulatory requirements; and preserve natural features and vegetation wherever possible. Additional land use policies are cited regarding open space preservation, outstanding vistas and visual features, scenic highway corridors, location of electric distribution lines, grading and contours, and impact on open space and rural character. The commenter notes that the BLM's Visual Resource Management Class IV management objective is used when considering visual impacts on BLM-administered land and feels this is the opposite of County's General Plan identification of "high scenic value" for the area. The commenter states a belief that few of the "less than significant impact" conclusions in the Draft EIR are valid and that the RLTA would mitigate many of these impacts.

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.

B3-22 The commenter has included "Addendum A. 'Respect Lake Tamarisk Alternative' Outline," which was also submitted in Comment Set D5. Please see Responses to Comments D5-2 to D5-85, which addresses the 17 requested requirements and the linked reference documents.

B3-23 The commenter has included the same comments submitted by Bob Brooks. See Responses to Comment Set D11 (Bob Brooks).

B3-24 The commenter included a link to a comment letter submitted by Allen Grant, which is included herein as Comment Set D12.

B3-25 The commenter included a link to a comment letter submitted by Lynne Miller, which is included herein as Comment Set D8.

B3-26 The commenter included a link to a comment letter submitted by Mark Goddard, which is included herein as Comment Set D1.

B3-27 The commenter included a link to a comment letter submitted by Vicki Bucklin, which is included herein as Comment Set D6.

B3-28 The commenter included a link to a comment letter submitted by Bob and Tracy Brooks, which is included herein as Comment Set D4.

B3-29 The commenter included a link to a comment letter submitted by Julie and Lars Anderson, which is included herein as Comment Set D2.

B3-30 The commenter included a link to a comment letter submitted by Patti Cockcroft and Ken Stamp, which is included herein as Comment Set D3.

B3-31 The commenter included a link to a comment letter submitted by Teresa Pierce, which is included herein as Comment Set D10.

B3-32 The commenter included a link to a comment letter submitted by Rick Thomson.

See Responses to Comments B3-33 through B3-36, as well as Comment Set D9 submitted by Rick and Dalene Thomson.

B3-33 The commenter provides a detailed history of Lake Tamarisk Desert Resort (LTDR), including its community make-up and the range of activities available. The commenter states that the Easley Project would be acceptable if there were a 1-mile buffer between the community and the project, various environmental plans and monitoring were in place and accommodations provided for those affected by construction, and a property devaluation plan was in place. The commenter feels that the community will be uninhabitable at times based on air quality during construction.

The conditions the commenter identifies as needed to not oppose the project are noted and recorded. Air quality impacts and mitigation are addressed in EIR Section 3.4. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR and includes analysis of the RLTA's requested buffer as part of Alternative C. Please refer to the revised analysis at Chapter 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

B3-34 The comment letter states that the covenant of being a "Designated Desert Resort" has been broken if Easley is allowed to build to the Lake Tamarisk Desert Resort's property lines.

The commenters' opposition to the proposed Project is noted.

Rick Thomson's letter states that during this past year, property listings have more than doubled, values have dropped, and sales have considerably slowed. Please see Response to Comment D5-26, which addresses similar concerns about property values.

The comment states that once construction begins, the resort will be uninhabitable at certain times based on air quality alone. Air quality impacts are analyzed in Section 3.4 of the EIR. Please see General Response GR-2 regarding fugitive dust. Please also see Response to Comment D10-1 regarding construction nuisances.

B3-35 The commenter included reference to articles discussing land subsidence as result of aquifer depletion and shifting of the earth's rotational axis as a result of groundwater pumping. 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, the revised WSA at Appendix G, and to General Response GR-1.

The commenter states that large solar reflection areas are contributing to increasing surface temperatures. Regarding the heat island effects of solar development, 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-6, and to General Response GR-1.

B3-36 The commenter's support for solar power but opposition to the proposed Project is noted. The commenter expresses concerns about dust and electromagnetic radiation.

The analysis of Project alternatives has been revised and recirculated in the Partially Recirculated Draft EIR and includes analysis of a buffer as part of Alternative C. Please refer to the revised analysis at Chapter 5 of the Partially Recirculated Draft EIR, General Response GR-8, General Response GR-2, and to General Response GR-1.

See Response to Comment D10-1 regarding construction nuisances and Response to Comment D9-3 regarding concerns about Electric and Magnetic Fields (EMF).

B3-37 The photographs of the Lake Tamarisk Desert Resort and surrounding area and desert landscape are noted and are in line with the description of the Project area contained in the Draft EIR and Partially Recirculated Draft EIR. See also Response to Comment D5-49.

B3-38 The commenter includes reference to several articles discussing solar development, low-cost groundwater pumping, and depletion of groundwater, as addressed below.

Attachment 11a. Solar-Powered Farming is Quickly Depleting the World's Groundwater Supply

This article highlights the rapid adoption of using solar-powered pumps to extract groundwater in India and other regions. The article states that, while this practice reduces reliance on fossil fuels, it also enhances agricultural productivity, leading to the depletion of groundwater reserves. The article states that this practice threatens food security and risks significant drops in water tables. The article states that policies should be implemented that don't exacerbate water scarcity.

The Project will not be using solar-powered groundwater pumps to extract water for agricultural use. 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, the revised WSA at Appendix G, General Response GR-3, and to General Response GR-1.

Attachment 11b. Across America, clean energy plants are being banned.

The article highlights a challenge in the U.S.'s shift to green energy: that local governments are increasingly obstructing the construction of large-scale solar and wind projects, even though the country is aiming to reach the goal of 100% clean energy by 2035. Opposition and regulatory hurdles at the county level are complicating the process and raising questions about the feasibility of meeting clean energy targets.

This comment explains the difficulties of finding a site that is suitable for solar development. 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.

Attachment 11c. Controversial Solar Project Near Gettysburg Loses Again

This article reports on a solar project in Adams County, PA, that was refused permitting based on local zoning laws. The court found deficiencies in the project's application regarding storm-water management, access roads, and maximum lot coverage. Mount Joy Township has since passed an ordinance banning solar development on prime farmland and increased regulations for solar projects.

The comment demonstrates the ways that local regulations are complicating solar development. The proposed Project is not located on designated Prime Farmland, and the site was chosen due to its designation of DFA in the BLM's DRECP or proximity of private lands to designated DFA lands.

Attachment 11d. Humans are Depleting Groundwater

This article reports on the global issue of groundwater depletion in heavily farmed arid zones. The article also reports on several successful efforts to reverse this trend around the globe such as alternative water supplies, adopting policies to reduce groundwater demand, and enhancing aquifer recharge.

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, the revised WSA at Appendix G, and to General Response GR-1, as well as General Response GR-3.

Attachment 11e. Drone Video of Colorado River Water Flowing into Palm Springs

Video shows the Colorado river and shows the process that takes place to import water from the Colorado River to serve the half a million people that live in the 9 cities in the Coachella Valley. Since 1973 more than a trillion gallons of water have been imported. The water is diverted to large percolation ponds where the water seeps into the ground and refills the underground aquifer.

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, the revised WSA at Appendix G, and to General Response GR-1, as well as General Response GR-3.

B3-39 Attachment 11f. Environmentalists ask California Energy Commission to consider public health impacts - Courthouse News Service

The article states that environmental justice organizations have petitioned the California Energy Commission to adhere to state laws by considering environmental and public health impacts--- such as air quality and water quality impacts-- in its clean energy policy decisions, especially in disadvantaged communities. The groups also highlighted the negative implications, such as reduced incentives, of the states rooftop solar policies. The petition urges the commission to consider a broader array of impacts beyond mere energy generation and to initiate a rulemaking process to better integrate these considerations into California's energy planning.

In accordance with CEQA, the EIR analyzes potential impacts on air quality, water quality, and environmental resources with the potential to affect public health and considers potential alternatives to the Project.

Attachment 11g. Intensifying Atmospheric Rivers Are Leading to a Surge in Valley Fever

The article states that a surge in Valley Fever is due to fluctuating weather patterns, including periods of heavy rain followed by drought, which, the article states, create the ideal conditions for the fungus responsible for Valley fever. Climate change has been cited as a significant factor in the disease's increased prevalence and geographical spread to areas beyond its traditional confines. Researchers warn that ongoing climate shifts and human development could further increase Valley fever incidents, posing a growing public health challenge.

The EIR addresses the risk of Valley Fever and provides data confirming that it is a rising state-wide concern (EIR Section 3.4, Air Quality, and Section 3.10, Hazards and Hazardous Materials).

The risks of Valley Fever can be reduced by minimizing fugitive dust emissions at construction sites. The Project would be subject to SCAQMD Rule 403 which requires implementation of dust control measures. General Response GR-2 provides additional information on the mitigation for minimizing airborne dust.

Please see Response to Comment D1-1 regarding Valley Fever. For issues related to dust, please see General Response GR-2, Fugitive Dust Control and Site Preparation.

B3-40 Attachment 11h. Newsom limits appeals of controversial desert solar project (desertsun.com)

This article reports on Easley's SB-7, or Environmental Leadership Development Project (ELDP) certification. A certified ELDP project is subject to expedited judicial review if challenged by a lawsuit under CEQA. The Easley Project is the first renewable energy project to go through this process and be certified by the Governor. The article states that the project is facing opposition from the local residents, although the State of California has emphasized the importance of the project's role in achieving climate goals.

Section 1.1 of the EIR discusses that the project was certified as an Environmental Leadership Development Project (ELDP) by Governor Newsom in March 2024. As an ELDP, the project is eligible for a streamlined judicial review.

Attachment 11i. Nevada Supreme Court Rules Surface Water and Groundwater Are One And The Same (CleanTechnica)

The article summarizes a decision by the Nevada Supreme Court that rules that the state can limit new groundwater pumping to protect existing water users and wildlife. This is a shift in water management, because it recognizes surface and ground water as a single source. The ruling came in response to the severe drought in Nevada and depletion of aquifers, requiring a reevaluation of groundwater basin boundaries and interconnected water sources. The ruling came from a dispute over a development and could result in significantly less water available for development. The article states that this precedent supports actions based on scientific understanding of water resources, aiming to ensure sustainable water management and protect senior water rights holders and the environment.

Regarding groundwater, 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, the revised WSA at Appendix G, and to General Response GR-1, as well as General Response GR-3.

Attachment 11j. Aridity Could Dry Up Southwestern Mine Proposals - Inside Climate News

The article highlights the State of Arizona's insufficient groundwater protections and the potential water consumption of mining operations. The broader issue in the Southwest involves the tension between the need for critical minerals for clean energy transitions, such as lithium and copper, and the region's dwindling water resources. Environmental and tribal groups have raised concerns about the impacts of mining on water availability, sacred sites, and local ecosystems. The article states that the challenges are exacerbated by the mining law of 1872 which allows mining without royalties on federal lands and prioritizes mining over conservation and recreation without sufficient consideration of environmental impacts.

The proposed Project is not a mining operation. Regarding groundwater, 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, the revised WSA at Appendix G, and to General Response GR-1, as well as General Response GR-3.

B3-41 Attachment 11k. Bloomberg: Clean Energy Traffic Jam Snarls Grid Access in Key Solar Market (bloomberglaw.com)

The article discusses the challenges that are arising for renewable energy developers across California because of the California Independent System Operator's (CAISO) interconnection and study process. The interconnection process for many projects has been delayed due to an overwhelming number of grid connection applications to CAISO, caused by a surge in renewable energy project proposals. Efforts to streamline CAISO's process are in motion, yet local opposition and the challenge of connecting large-scale projects to the grid persist. CAISO aims to prioritize viable projects and direct developers towards areas with planned transmission expansions to meet the high demand for clean energy and support California's clean power goals.

As stated in Section 2.1, the Project proposes to interconnect to the CAISO grid via an existing substation on the Oberon site, then to the SCE Red Bluff Substation, via the existing Oberon 500 kV gen tie line. The Project site was chosen due to its close proximity to transmission lines and substations that have the capacity to transmit the proposed Project's electricity to the grid.

B3-42 Attachment 11l. Can the Tortoise Win This Race – KNPR

The commenter included a link to an NPR article discussing impacts to desert tortoise from solar development. The article details and discusses the potential impacts to desert tortoise from proposed solar projects in undisturbed desert ecosystems in California and Nevada.

The Project has been proposed in a BLM DRECP Development Focus Area (DFA) designated for renewable energy development and has been strategically designed to avoid and buffer microphyll woodlands except for minor incursion or where there is existing intervening infrastructure, in compliance with DRECP Conservation Management Actions (CMAs), to maximize opportunities for preservation of desert tortoise habitat and movement.

The Project site is also outside of desert tortoise critical habitat no live desert tortoises or active signs of tortoises were found during surveys. The gen-tie line (up to 7 structures) would cross desert tortoise critical habitat in the southeastern portion of the adjacent Oberon Project site. Regarding project impacts to desert tortoise, 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 P (Desert Tortoise Protection and Translocation Plan), EIR Appendix Q (Raven Management Plan), and to General Response GR-1.

B3-43 Attachment 11m. Pumped Storage Hydro Could be Key to the Clean Energy Transition. But Where Will the Water Come From? - Inside Climate News

This article concerns the proposed White Pines Pump Storage project, near Ely, Nevada, which is aimed at enhancing clean energy storage, but opponents say that it threatens the local environment and cultural sites. The project requires constructing two large reservoirs, potentially harming wildlife, depleting groundwater, and impacting tourism. Locals and environmentalists oppose the project, citing its environmental and cultural costs.

The Easley Solar Project is not a pumped storage project. R The analysis of Biological Resources, Cultural and Tribal Cultural Resources, and Hydrology and Water Quality for the Easley Project has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 (Biological Resources), Section 3.6 (Cultural and Tribal Cultural Resources) and Section 3.11 (Hydrology and Water Quality) of the Partially Recirculated Draft EIR, the revised WSA at Appendix G, and to General Response GR-1.

Attachment 11n. Proposed Utility Tax would increase electricity bills for millions, undermine rooftop solar, and discourage conservation (solarrights.org)

This article states that California's Legislature passed AB 205, removing a $10 monthly cap on Utility Taxes and mandating an uncapped Utility Tax for all residential ratepayers, leading to proposals for the highest Utility Tax in the U.S. of $30 to $70 per month. The article states that this move has sparked significant opposition from the Solar Rights Alliance, other organizations, and Californians due to concerns it would disproportionately affect those living in smaller homes, with solar panels, or who conserve energy. In response, state legislators introduced AB 1999, proposing a $10/month cap on the Utility Tax, though a loophole remains that could leave some ratepayers vulnerable. Critics argue that the Utility Tax does not address the underlying issues of high electricity costs and could discourage energy conservation and the use of rooftop solar and batteries, which are seen as essential for reducing grid reliance and costs.

The actions of the California Legislature and the Utility Tax are beyond the scope of this EIR.

Attachment 11o. Turning mine waste into healthy soil - Canadian Light Source

This article states that researchers at the University of Queensland have developed a method to transform harmful mining tailings into healthy soil, potentially saving billions of dollars and offering environmental benefits. Tailings, which can be biologically hostile due to soluble salts and metals, are currently a costly and risky burden due to their long-term storage needs. The team's process accelerates natural soil formation, using specific microbes and plant mulch from agricultural and urban green waste to convert tailings into a medium suitable for plant growth and microbial activity within as little as 12 months. This technique, validated through field and greenhouse trials, could also rejuvenate soils damaged by over-farming and climate change. The discovery, supported by the Canadian Light Source facility, awaits industrial application to mitigate mining's environmental impact and improve agricultural practices.

The proposed Project is a solar generation and energy storage project and would not produce mining tailings and therefore this comment is outside of the scope of the EIR. Impacts to soils are addressed in EIR Section 3.8 (Geology, Soils, and Mineral Resources).

B3-44 Attachment 11p. A desert fungus that infects humans is spreading (youtube.com)

This video discusses the fungus that causes Valley Fever, and what is not understood about it, such as where it is, how it spreads in the soil, and where it is going next. The video discusses the symptoms and the illness that can be caused by the fungus. The fungus is mostly present in CA and AZ, although Texas does not report Valley Fever and thus the cases of Valley Fever are thought to be underreported. There are three systems that are driving the spread of the fungus. These include how the fungus can be dormant in humans and animals, as well as the changing weather patterns due to climate change. Difficulties in finding the fungus in the wild due to unreliable tests and lack of scientific studies are cited as reasons there is a lack of information about it.

Please see Response to Comment D1-1 regarding Valley Fever, as the commenter referenced the same informational video.

The EIR addresses the risk of Valley Fever (EIR Section 3.4, Air Quality, and Section 3.10, Hazards and Hazardous Materials), and General Response GR-2, Fugitive Dust Control and Site Preparation, provides additional information on the mitigation for minimizing airborne dust.

B3-45 Attachment 11q. Groundwater (ca.gov)

This article states that groundwater is crucial for California, supplying up to 60% of the state's water during dry periods and serving as a key drought buffer. It is sourced from aquifers below

ground and supports about 83% of Californians. However, the article states that excessive extraction can lead to problems like land subsidence, posing risks to infrastructure. The Sustainable Groundwater Management Act (SGMA) of 2014 requires local plans to prevent overdraft and balance groundwater recharge. Groundwater recharge can be natural or engineered, but replenishing deep aquifers may take years. Groundwater and surface water are interconnected, highlighting the need for integrated management approaches.

Regarding groundwater, 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, the revised WSA at Appendix G, and to General Response GR-1, as well as General Response GR-3.

Attachment 11r. Solar Is Booming in the California Desert, if Water Issues Don't Get in the Way - Inside Climate News

This article states that in Desert Center, California, the expansion of solar farms is threatening local groundwater supplies and that insufficient data on the Chuckwalla Valley Groundwater Basin's (CVGB) capacity has raised concerns about over drafting the aquifer. The article states that this situation underscores the tension between advancing renewable energy initiatives and preserving vital water resources in drought-stricken regions.

Regarding groundwater, 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, the revised WSA at Appendix G, and to General Response GR-1, as well as General Response GR-3.

For issues related to dust, please see General Response GR-2, Fugitive Dust Control and Site Preparation.

B3-46 Attachment 11s. Biden's Solar Push Is Destroying the Desert and Releasing Stored Carbon – MishTalk

This article states that desert soils capture significant carbon underground, a process crucial for carbon sequestration but often overlooked. It further posits that construction of solar farms, such as the Yellow Pine Solar Project in Nevada, threatens this carbon storage by potentially destroying vegetation vital for capturing and storing carbon.

For issues related to dust control and site preparation, including impacts of disturbance, please see General Response GR-2, Fugitive Dust Control and Site Preparation.

Regarding groundwater, 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, the revised WSA at Appendix G, and to General Response GR-1, as well as General Response GR-3.

Regarding impacts to habitat and species, 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, as well as General Response GR-4.

Regarding alternatives to the Project, 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 EIR analyzes the potential for the Project to cause a loss in carbon sequestration (EIR Section 3.9.5, Impact GHG-1) and quantifies the GHG emissions as an adverse effect of land use

conversion (EIR Table 3.9-1). See Response to Comment B2-27 for additional information in response to comments on carbon storage in desert soils.

B3-47 Attachment 11t. Interior Department Proposes Rule to Bolster Solar and Wind Development on Public Lands, Continue Progress on Efficient and Responsible Permitting | U.S. Department of the Interior (doi.gov)

This article describes the U.S. Department of the Interior's proposal to update renewable energy regulations to foster solar and wind energy development on public lands, aiming to reduce fees by 80% and streamline processes. The proposed regulations were finalized in May 2024.

The East Riverside DFA where the Easley Project is located is an area that BLM identified for renewable energy development under DRECP LUPA, and renewable energy development has been concentrated in this target area. The Easley Project is utilizing the federal land designated for renewable energy development.

Attachment 11u. What's the impact of solar development on water resources? | Pahrump Valley Times (pvtimes.com)

This article discusses the Pahrump Valley in Nevada, where concerns are rising over the potential impact of 10 proposed solar projects on the local aquifer. The aquifer discussed in the article would not be affected by the Project.

Regarding groundwater and water supply for Easley, 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, the revised WSA at Appendix G, and to General Response GR-1, as well as General Response GR-3.

Attachment 11v. Researchers discover solar heat island effect caused by large-scale solar power plants (phys.org)

This article concerns a study led by Mitchell A. Pavao-Zuckerman, which found that solar power installations can increase local temperatures, creating a "heat island" effect, with temperatures around solar plants being 5.4-7.2 °F warmer than nearby natural areas. The heat island effect is addressed in the EIR's analysis of biological resources, which 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, as well as General Response GR-6 regarding the "Heat Island Effect".

Attachment 11w. A company is pumping 'unlimited' water in drought-stricken Arizona to grow crops for Saudi Arabia: 'It is a scandal' (msn.com)

This article states that a Saudi company, Fondomonte Arizona, is using state groundwater to grow water-intensive alfalfa in Arizona for export to Saudi Arabia, despite the state's severe drought conditions. According to the article, the situation has raised concerns about water scarcity, potential increases in water prices, and the need for restrictions, and Arizona's Attorney General is seeking to cancel the company's land leases to conserve water, while a federal bill proposes taxing water-intensive crops grown by foreign entities in drought-stricken areas.

The proposed Project is not an agricultural development. Regarding groundwater, 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, the revised WSA at Appendix G, and to General Response GR-1, as well as General Response GR-3.

B3-48 Attachment 11x. Solar Panel Farms Affecting Communities -Facebook

The County is unable to access this article at the link provided. Based on the title, please see Response to Comment D10-1 regarding concerns about construction nuisances (e.g., dust, noise, traffic, etc.) to nearby communities.

Attachment 11y. Ignored and Unrepresented: Lake Tamarisk Desert Resort Residents Say Elected Officials and Government Agencies Are Not Paying Attention to Their Plight

According to the article, residents of Lake Tamarisk Desert Resort, facing encroachment by industrial-scale solar projects, are reporting that they are having trouble selling their homes due to the proximity of these installations. The article states that studies suggest such projects can significantly lower property values and that the community is also concerned about health impacts, loss of natural desert aesthetics, potential temperature increases, and potential strain on the local aquifer. The article states that despite repeated attempts to raise these issues with government officials and agencies, the residents feel ignored and left to deal with the consequences of the solar expansion on their own.

Regarding alternatives to the project, 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.

Regarding groundwater and water supply, 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, the revised WSA at Appendix G, and to General Response GR-1, as well as General Response GR-3.

The “Heat Island Effect” is discussed in the EIR’s analysis of biological resources, which 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, as well as General Response GR-6.

Please see Response to Comment D2-4, which addresses the proximity of solar installations to homes and includes a discussion related to visual/aesthetic impacts.

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.

Health impacts related to Valley Fever and fugitive dust are discussed in General Response GR-2 and Response to Comment D1-1. Other health impacts, including EMF and electromagnetic hypersensitivity are discussed in Responses to Comments B3-36, B3-51, D5-31, and D9-3.

Attachment 11z. Newsome Proposes CEQA Reform to Speed Clean Energy Projects

This article states that Governor Gavin Newsom proposed significant reforms to the California Environmental Quality Act (CEQA) during a visit to a solar energy project site in the Central Valley. According to the article, the reforms aim to expedite the construction of clean energy projects by creating a "strike team" and introducing legislation to streamline regulations, and Newsom emphasized the importance of these reforms in achieving California's climate goals and utilizing federal infrastructure funds. According to the article, he proposed changes received support from Republicans, including Senate Minority Leader Brian Jones

The Easley Project is participating in a judicial streamlining process under Senate Bill 7. Section 1.1 of the EIR discusses that the project was certified as an Environmental Leadership Development Project (ELDP) by Governor Newsom in March 2024. As an ELDP, the project is eligible for a streamlined judicial review, if subject to a lawsuit under CEQA.

Attachment 11za. How solar farms took over the California desert: 'An oasis has become a dead sea' | California | The Guardian

According to this article, the expansion of solar power plants in the Mojave Desert, particularly in the Chuckwalla Valley, is causing concern among local residents and environmentalists. The article states that the area is now surrounded by industrial-scale solar projects, leading to concerns regarding health issues from dust, threats to local wildlife and ecosystems, and potential damage to ancient Indigenous cultural sites. Despite the significant role these solar farms play in the U.S. green energy revolution, the impact on the local environment and communities raises questions about the sustainability of such projects. The article states that residents are fighting back against the encroachment, emphasizing the need for careful consideration of where and how renewable energy projects are implemented, with critics suggesting exploring alternatives like rooftop solar to avoid disturbing untouched landscapes and habitats.

The analysis of Project Alternatives, Biological Resources, and Cultural and Tribal Cultural Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 (Alternatives), Section 3.5 (Biological Resources), and Section 3.6 (Cultural and Tribal Cultural Resources) of the Partially Recirculated Draft EIR and to General Response GR-1.

For issues related to dust, please see Section 3.4 (Air Quality) in the Draft EIR and General Response GR-2, Fugitive Dust Control and Site Preparation.

Attachment 11zb. Solar-powered warehouse rooftops could power nearly 19.4M US homes: report | The Hill

This article concerns a report which found that if solar panels were installed on all American warehouse rooftops, they could power nearly 19.4 million U.S. households annually. The report highlights California, Florida, Illinois, Texas, and Georgia as states with the highest solar potential and suggests businesses and government implement solar-friendly policies to maximize this renewable energy source, benefitting the environment, businesses, and the community.

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.

Attachment 11zc. Does Solar in the Desert Add Up

This article states that the California desert, often misperceived as barren, actually possesses high biodiversity and significant carbon sequestration capabilities and that challenges in measuring its carbon storage, especially below ground and in calcite deposits, have led to underappreciation of its ecological value. The article references a technical report that recommends preserving intact desert lands and situating solar projects only on previously disturbed areas to protect the desert's carbon sink capacity and biodiversity.

For impacts related to carbon sequestration, please see Response to Comment B2-27. 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.

B3-49 Attachment 11zd. California's role in 30x30

The article states that the desert's carbon storage process is distinct and differs significantly from more widely understood sectors such as forests, grasslands, chaparral, and wetlands. The article recommends that the desert ecosystem be left undisturbed to maximize the desert sector's contribution to carbon emission reduction.

This comment pertains to California land conservation goals expressed by Executive Order N-82-20 (October 2020), also known as the "30x30" goal. Executive Order N-82-20 focuses on promoting enduring conservation measures, and notes that: "*addressing the biodiversity crisis and accelerating nature-based solutions requires inclusive partnerships and collaboration among federal, state and local governments [. . .]*" The proposed Project falls within an example of prior agency partnership and collaboration for establishing conservation goals. The Desert Renewable Energy Conservation Plan (DRECP) was developed in a collaboration between the BLM, California Energy Commission, California Department of Fish and Game, and the U.S. Fish and Wildlife Service. As disclosed in the EIR Section 3.12 (Land Use and Planning), the portion of the Project that would be located on BLM land is designated as a Development Focus Area targeted for renewable energy development.

For impacts related to carbon sequestration, please see Response to Comment B2-27.

B3-50 Attachment 11ze. Desert Center Intaglio & Snake Intaglio/Geoglyph – YouTube

The comment includes a video that shows an aerial view of two intaglio sites.

- Site 1: Desert Center Intaglio: The largest pattern is a possible dance path that has an ovoid or eggplant shape. It measures about 150-feet by 103-feet wide. Connected to the western edge of the path is an intaglio/geoglyph measuring about 60-feet by 26-feet wide.
- Site 2: Possible Snake Intaglio: This has been described as an irregular dance path. A Harry Casey and Anne Morgan book, Geoglyphs of the Desert Southwest described it as a possible snake geoglyph.

The exact locations of the possible intaglios are not provided in the video. No intaglios were identified during the Easley cultural resources surveys, and there are no known intaglios near Desert Center, California. 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.

B3-51 Attachment 11zf. Colorado River: Can feds legally cut IID, other rural water district allotments? (desertsun.com)

This article states that federal officials announced potential across-the-board cuts to Colorado River water allocations due to unprecedented low levels in Lake Mead and Lake Powell, threatening the supply to states like those served by the Imperial Irrigation District (IID).

The proposed Easley Project does not propose using Colorado River water. Regarding groundwater, 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, the revised WSA at Appendix G, and to General Response GR-1, as well as General Response GR-3.

Attachment 11zg. Mixed feelings over solar in Desert Center (desertsun.com)

This article states that Desert Center, a once-bustling town on the old U.S. Route 60, now grapples with decline and vandalism, including a recent hit-and-run that injured a local. The article explains that the community, a mix of full-timers and snowbirds, experienced challenges like economic stagnation due to corporate land interests blocking development and that efforts like solar projects offer mixed economic benefits but may disrupt the desert and community fabric. The article states that residents hope for a sustainable future, holding onto the town's unique history, including its role in the birth of Kaiser Permanente health system, even as they face an uncertain path forward.

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 B4-7 regarding economic factors.

Attachment 11zh. Easy Being Green: Biden Approves Campaign Donors' Solar Project Over Environmentalist Objections (freebeacon.com)

The article states that the Biden administration approved a large solar farm project in Southern California by Intersect Power, despite environmental concerns and local opposition. The article states that the company's CEO, a major fundraiser for Biden's campaign, contributed significantly to his election efforts and states that critics argue the project threatens desert ecosystems and wildlife, highlighting the administration's pattern of supporting green energy initiatives linked to political donors.

The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 5 of the Partially Recirculated Draft EIR and to General Response GR-1, as well as General Response GR-8.

Attachment 11zi. Tell BLM to extend the comment deadline for the Western Solar Plan Revision to April 1st (constantcontact.com)

The article states that the Bureau of Land Management (BLM) is updating its solar energy development plan on public lands to meet a goal of deploying 25 GW of green energy by 2025 and asks readers to request a comment period extension on the proposed plan. The East Riverside DFA where the Easley Project is located is an area that BLM identified for potential renewable energy development under DRECP LUPA, and renewable energy development has been concentrated in this target area. The Easley Project is utilizing the federal land designated for renewable development. The Project has been designed to comply with DRECP Conservation Management Actions (CMAs) to prevent environmental impacts. The BLM's Western Solar Plan update would not affect solar development within the DRECP.

See Response to Comment D5-49 regarding the update to the Western Solar Plan.

Attachment 11zj. EAGLE MOUNTAIN: Giant desert landfill plan scrapped – Press Enterprise

The article states that the Eagle Mountain landfill project, intended to import up to 20,000 tons of trash daily from Los Angeles County to a site near Joshua Tree National Park, was dropped after 13 years due to environmental concerns and bankruptcy filings by the property owner.

A landfill project is different from a solar PV project. General Response GR-2 discusses fugitive dust control and site preparation, which addresses pollution concerns. 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 and to General Response GR-1, as well as GR-8.

Attachment 11zk. Building ties and strengthening bonds in the California desert • CALWILD

This article concerns an outing to the Colorado desert, including visits to Dos Palmas Preserve and Mecca Hills Wilderness, offered participants a unique connection to nature and each other. According to the article the group on the outing explored lush oases, admired endangered wildlife like the desert pupfish and a desert tortoise, and navigated the challenging Ladder Canyon, and these experiences in the desert's diverse landscapes highlighted the region's ecological

importance and turned strangers into a community with shared stories, showcasing the desert's power to unite and inspire.

This comment is not about the Easley Project, but generally focuses on the community aspect of the desert. See Response to Comment D2-4 which responds to the concerns of the Lake Tamarisk Desert Resort located near the Project.

Attachment 11zl. Desert Apocalypse – Facebook

"Desert Apocalypse" is a documentary series exploring the impact of renewable energy development on Nevada's public lands, particularly the Mojave and Great Basin ecosystems. The documentary series generally discusses the environmental impacts that may occur as a result of renewable energy development. The Easley Project would be located in the East Riverside DFA, an area that BLM identified for renewable energy development under DRECP LUPA.

Attachment 11zm. Causes, Effects and Solutions to Combat Desertification - Conserve Energy Future (conserve-energy-future.com)

The article states that desertification, the degradation of land in dry regions due to human activity and climate change, turns fertile areas into deserts. The article states that causes include overgrazing, deforestation, poor farming practices, and urbanization and that desertification leads to biodiversity loss, reduced crop yields, water scarcity, and increased poverty. The article states that solutions involve policy changes, education, technological advances, and sustainable practices like reforestation, and that addressing desertification is vital for ecosystem preservation and community livelihoods.

Desertification is typically caused by the reduction of biological productivity of drylands (arid and semiarid land), however as discussed in Response to Comments B2-4 and B2-6, while some grading and ground disturbance would occur during Project development, the desert dry wash woodlands would be avoided, the solar areas would not be subject to mass grading, most hydrologic patterns would be maintained, and mitigation measures would be implemented to reduce impacts to existing vegetation and revegetate temporarily impacted sites. 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.

Attachment 11zn. 'It’s Armageddon': Media Silent on Biden Admin Plan to Snatch Public Land For Solar Farms (freebeacon.com)

This article states that the media has largely ignored the Biden administration's plan to build solar farms on public lands in 11 Western states. The article states that this is in contrast with the critical coverage of Trump's land use proposals.

The BLM’s Western Solar Plan update would not affect solar development within the DRECP, such as the proposed Project.

Attachment 11zo. Oasis No More: Residents of Lake Tamarisk and Desert Center Worry About the Proliferation of Utility-Scale Solar Installations – Coachella Valley Independent (cvindependent.com)

This article states that Desert Center's Lake Tamarisk Desert Resort faces threats from nearby utility-scale solar installations. With 14 solar projects approved, the article states that residents are concerned about environmental damage, health risks from dust and electromagnetic fields, water supply depletion, and increased wildfire risks due to new transmission lines. According to the article, despite expressing their concerns, the development of these solar projects

continues, highlighting the challenges of balancing renewable energy expansion with community and environmental preservation.

For issues related to dust, please see General Response GR-2, Fugitive Dust Control and Site Preparation.

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, as well as General Response GR-8.

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.

See Section 3.10.1.10 (Electric and Magnetic Fields) in the Draft EIR and Response to Comment D9-3 for a discussion about health effects related to Electric and Magnetic Fields.

As discussed in EIR Section 3.19, Wildfire, MM FIRE-1 (Fire Safety) would include safety measures in addition to the Project's Fire Management and Prevention Plan to reduce the risk of fire during operation of the solar 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, the revised WSA at Appendix G, and to General Response GR-1, as well as General Response GR-3.

Attachment 11zp. Feds may expand solar and wind across the West, including the CA desert (desertsun.com)

The article states that residents of Lake Tamarisk Resort in Desert Center, including 72-year-old Mark Carrington, are facing the disruption of their desert retirement due to nearby large-scale solar projects like Oberon. According to the article, the community is concerned about environmental damage, such as increased dust and depleted water supplies, as the U.S. Bureau of Land Management and Riverside County approve thousands of acres for solar development. The article states that despite industry claims of minimizing conflict, residents feel their lifestyle and community identity are being eroded by the expanding solar farms and advocate for protective measures.

For issues related to dust, please see General Response GR-2, Fugitive Dust Control and Site Preparation.

Regarding groundwater, 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, the revised WSA at Appendix G, and to General Response GR-1, as well as General Response GR-3.

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.

Attachment 11zq. Not-So-Green Energy: CVindependent

That article states that the Bureau of Land Management approved Intersect Power's Oberon Renewable Energy Project in Desert Center, sparking concerns among environmentalists and locals about the impact of large-scale solar farms on biodiverse desert ecosystems and carbon sequestration. The article states that critics argue that such projects, while aiming for renewable

energy goals, could harm the environment by releasing stored carbon and destroying habitats. According to the article. they advocate for smarter clean energy solutions, such as rooftop solar, to protect desert lands.

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, as well as General Response GR-8.

For impacts related to carbon sequestration, please see Response to Comment B2-27.

Attachment 11zr. Hidden Impact of Massive Solar Farms: Residents and Wildlife Affected, Aquifers Threatened The Epoch Times

The article states that California's push for renewable energy through solar panel installations is criticized for harming wildlife, residents' health, property values, and tribal lands. According to the article, environmental concerns include ecosystem damage, water depletion, and animal displacement, and residents report health issues like Valley Fever and increased dust exposure. The article states that communities seek a moratorium on new solar farms near homes and that efforts to address these issues continue.

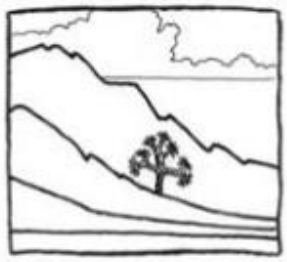
Please see Response to Comment D1-1 regarding Valley Fever. For issues related to dust, please see General Response GR-2, Fugitive Dust Control and Site Preparation.

Please see Response to Comment D2-4, which addresses the proximity of solar installations to homes. 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.

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, as well as General Response GR-8.

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. See Response to Comment D5-49 for more details.

Comment Set B4 – Basin and Range Watch



Basin and Range Watch

March 8th, 2024

To: Riverside County Planning Department

Attn: Tim Wheeler, Principal Planner (CUP 220021)
P.O. Box 1409
Riverside, CA 92502-1409
TWheeler@RivCo.org

re: Comments on the Environmental Impact Review for the Easley Solar Project: Draft EIR (CUP 220021/PUP 230002/VAR 230003/DA 2200016/SCH 2022110240)

Basin and Range Watch is a 501(c)(3) non-profit working to conserve the deserts of Nevada and California and to educate the public about the diversity of life, culture, and history of the ecosystems and wild lands of the desert. **B4-1**

Intersect Power LLC, proposes to construct, operate the Easley Renewable Energy Project on approximately 2,700 acres of BLM-managed public lands and 990 acres of private lands north of Desert Center on I-10. If approved, the project could generate and store up to 400 megawatts of photovoltaic solar energy.

Inadequate Scoping Meeting:

The public scoping meeting held on October 4th did not accept any public comments and there was no court recorder available. This could possibly eliminate potential commenters with disabilities who can not write letters. The scoping period should be extended two weeks to correct this.

Comment Set B4 – Basin and Range Watch

Easley Solar Will Impact Significant Resources B4-2

The Easley Solar Project will be built on 3,900 acres, 2,700 acres or 4.2 square miles of that is BLM Land. That much development will inflict significant impacts on the regions. The BLM and Riverside County have been streamlining large-scale solar applications in DRECP Development Focus Areas with inadequate Environmental Assessments, but the DRECP review was flawed and did not cover all the regional details. The DRCCP failed to consider community impacts and how specific issues like dust and water use would hurt these communities.

The impacts to the community of Lake Tamarisk cannot be mitigated. A good example is that Intersect Power had offered the community 6 trees to block the view of the project because they are aware their project will permanently change the view for the worse.

The Project site includes a desert tortoise linkage area as defined in the DRECP, the Pinto Wash Linkage.

The Project is located within the Chuckwalla Valley Groundwater Basin (CVGB), which is located in eastern Riverside County and encompasses an area of approximately 904 square miles.

Joshua Tree National Park boundary is located approximately 4 miles northeast of the Project site.

Two special status plant species, Emory's crucifixion thorn (*Castela emoryi*) and desert unicorn plant (*Proboscidea althaeifolia*), were identified as having a high potential for occurrence due to previous documented occurrences and suitable habitat on the Project site.

Burro deer likely move through the Project site and its vicinity to access artificial water sources from nearby agriculture and aquaculture farms. Burro deer scat and tracks were observed throughout the Project.

Sand transport for Mojave fringe-toed lizards will be disrupted.

Wildlife Movement - Movement between habitat areas is a typical part of wildlife activities and may be needed for long-term population sustainability. Land use changes can impact wildlife movement across the landscape, leading to habitat fragmentation and population isolation. Broad habitat linkages were identified in the Desert Linkage Network, and the most prominent linkage in the Project vicinity extends from the southern base of the Coxcomb Mountains south along the foothills of the Eagle Mountains and across the I-10 into the Chuckwalla and Orocopia Mountains.

Need for Easley Solar? B4-3

Comment Set B4 – Basin and Range Watch

The goal of the EIR should protect the community from industrial solar development as well as protect the environment and associated species from industrial scale solar development. **B4-3 (cont'd)**

The Need for the project should be analyzed by examining distributed energy alternatives. The nation of Vietnam deployed 9 GW of rooftop solar on their grid in 2020.[1] That is nearly 20 times the amount of power Easley Solar would produce.

The Inefficiency of This Utility-scale Solar Project Should Be Analyzed

In addition to poor efficiency of the project to cool Lithium battery containers, the applicant stated that to avoid large washes of microphyll, the project would be crammed into around 2,700 acres between the dry wash habitats, yet maintain a 500 MW rating. How would this be accomplished? The applicant states that the solar panels would be squeezed together more than usual, and this would result in overlap and shading of panels during the morning and afternoon hours. 400 MW would only be produced at peak time of day when the sun is overhead.

This is also unacceptable, to use high-value Colorado Desert ecosystems as places to build highly inefficient large-scale solar projects, as if these public lands are a renewable resource themselves—there is not enough land in the California Desert to achieve a 100% RPS, and lands should be maximized for resource conservation and the most efficient use for energy production. This argues for a much more efficient Distributed Energy Resource alternative and No Action, where rooftop and parking lot solar in a distributed urban environment could best maximize efficiencies of land use, and battery cooling in already air-conditioned structures, or coastal cities where summer temperatures would not result in parasitic loads simply to cool batteries.

Alternatives: **B4-4**

According to CEQA, an EIR must describe a reasonable range of alternatives to a proposed project that could feasibly attain most of the basic project objectives and would avoid or substantially lessen any of the proposed project's significant effects. Additionally, a "No Project" alternative must be analyzed. Because environmental factors must be considered when selecting alternatives, we would like to request the following alternatives with less environmental impacts.

Because environmental factors can define the selection of alternatives, the **No Project Alternative** is the most environmental of any alternatives BLM can select. This is because large-scale solar projects have inflicted multiple impacts on the East Riverside region, Chuckwalla Valley and Lake Tamarisk/Desert Center area. A No Action Alternative can be justified by

[1] Vietnam rooftop solar records major boom as more than 9GW installed in 2020 - PV Tech (pv-tech.org)

Comment Set B4 – Basin and Range Watch

distributed energy numbers that are already calculated. The nation of Turkey seeks to build 14 GW of rooftop solar by 2035[2]

The United States has enough usable rooftop space to deploy an amount of solar equal to its current nationwide generation levels, according to recent research on global photovoltaic potential. Researchers at Ireland's University of Cork leveraged big data, machine learning, and geospatial analysis to reach their findings, which were published in *Nature Communications*.

In the report, about 77,000 square miles of rooftop area worldwide was demarcated as usable PV surface area (for context, the state of Florida is roughly 65,000 square miles). The researchers said this area could result the production of 27 petawatt-hours, or 27 million GWh, if completely covered by conventional photovoltaics.[3]

B4-4 (cont'd)

Reduced Footprint Alternatives:

Reduce the project footprint to 300 MW or even 200 MW and only review a 1,500-acre project. Intersect Power has already developed and impacted a significant portion of the region, and it would be fair to reduce their Easley Solar footprint proposal on public lands by half or less. A large-scale solar developer can still make a profit off a 1,500 acre to 2,000-acre project. Project footprints are almost always reduced in final solar alternatives. Good examples are the Desert Sunlight Project, California, Yellow Pine Project, Nevada, Silver State South Project, Nevada.

Review alternatives that create buffers around the community of Lake Tamarisk. Buffers considered in alternatives should be at least one mile and up to 5 miles.

Other Alternative:

Move the whole project east of Hwy 177, east of the proposed Lycan Project which would avoid natural desert lands that have not been impacted by projects 5 miles north of Lake Tamarisk.

B4-5

Riverside County should work with BLM and Support a Land Use Plan Amendment Alternative:

The Desert Renewable Energy Conservation Plan (DRECP) is an amendment of the California Desert Conservation Area plan and is the dominant Land Use Plan of the region. The Desert Renewable Energy and Conservation Plan (DRECP) is a landscape-scale planning effort covering 22.5 million acres in seven California counties--Imperial, Inyo, Kern, Los Angeles, Riverside, San Bernardino, and San Diego. The California Energy Commission, U.S. Bureau of Land

[2] Türkiye can expand solar by 120 GW through rooftops | Ember (ember-climate.org)
[3] High resolution global spatiotemporal assessment of rooftop solar photovoltaics potential for renewable electricity generation | Nature Communications

Comment Set B4 – Basin and Range Watch

B4-5 (cont'd)

Management, California Department of Fish and Wildlife, and the U.S. Fish and Wildlife collaborated to develop the DRECP across jurisdictional boundaries.

In order to establish the DRECP, the BLM had to amend the original California Desert Conservation Area plan as well as local BLM land use plans.

The Federal Land Policy and Management Act (FLPMA) requires the BLM to maintain on a continuing basis an inventory of all public lands and their resources and other values (Inventories, Section 201).

Planning, per FLPMA Section 202, instructs that the Secretary of the Interior shall, with public involvement and consistent with the terms and conditions of the Act, develop, maintain, and, when appropriate, revise land use plans which provide tracts or areas for the use of the public lands.

The purpose of a Resource Management Plan (RMP) is to:

1. Allocate resources and determine appropriate multiple uses for the public lands;

2. Provide a strategy to manage and protect resources;

3. Establish systems to monitor and evaluate the health of resources and effectiveness of practices. RMPs are like a public lands version of municipal zoning. The Bureau of Land Management evaluates and amends or revises its land-use plans in response to changing conditions and demands on the public lands, or when new components are added to the National Conservation Lands that it manages. Keeping a plan up-to-date helps ensure that the BLM manages the public lands in ways that meet the multiple-use and sustained yield goals that Congress has set for these lands.

The DRECP Lands have been divided up inro the categories of conservation lands and Development Focus Areas.

The **DRECP failed to consider how renewable energy would impact communities** and failed to create a Conservation and Management Actions (CMAs) that buffers communities from renewable energy impacts. Under the National Environmental Policy Act, Environmental Justice and Socio-economic impacts are required to be analyzed. The DRECP has a surprising lack of these kind of impacts described and fails to include required setbacks to local communities.

The Easley Solar Project is being proposed very close to the community of Lake Tamarisk. A section of the project would be located only a few feet from the community.

The BLM should be proposing alternatives that create a buffer around the community. With a Land Use Plan Amendment, the BLM could create a permanent protected buffer on the federal land just north of Lake Tamarisk. BLM should consider a buffer up to 5 miles but could also designate the section north of Lake Tamarisk as a “Solar Exclusion Zone:

Comment Set B4 – Basin and Range Watch

A Land Use Plan Amendment could offer a number of actions that could be added to the DRECP Conservation Management Actions for the area. For example, all DRECP Development Focus Areas on BLM lands have been downgraded to Visual Resource Management (VRM) Class IV to help expedite approval of solar projects. The objective of VRM Class IV is to*: provide for management activities which require major modification of the existing character of the landscape. Allowed Level of Change: The level of change to the characteristic landscape can be high. Management activities may dominate the view and may be the major focus of viewer attention.*[4]

B4-5 (cont'd)

This is an oversight of the DRECP in the Lake Tamarisk and Desert Center area and a LUPA could potentially upgrade the VRM Class on a buffer zone to VRM Class II which has the objective is*: to retain the existing character of the landscape. Allowed Level of Change: The level of change to the characteristic landscape should be low. Management activities may be seen, but should not attract the attention of the casual observer.*

Community Setbacks:

B4-6

The DRECP has seemingly countless "conservation management actions" to protect biological and cultural resources in the area. Many of these are listed in the CMA's as "BIO 1 and CUL 1 for example. We would like to request a Land Use Plan Amendment that creates a CMA Mitigation category called **"Community Setbacks"** and these could be justified under the CEQA review for Socio-economics.

Community setbacks would potentially create long term solutions for communities that are facing large-scale solar plans coming up to their doorstep.

In the case of Easley Solar, a one to 5 mile buffer could be created specific to Lake Tamarisk but would not require a full-scale change to the entire DRECP Plan.

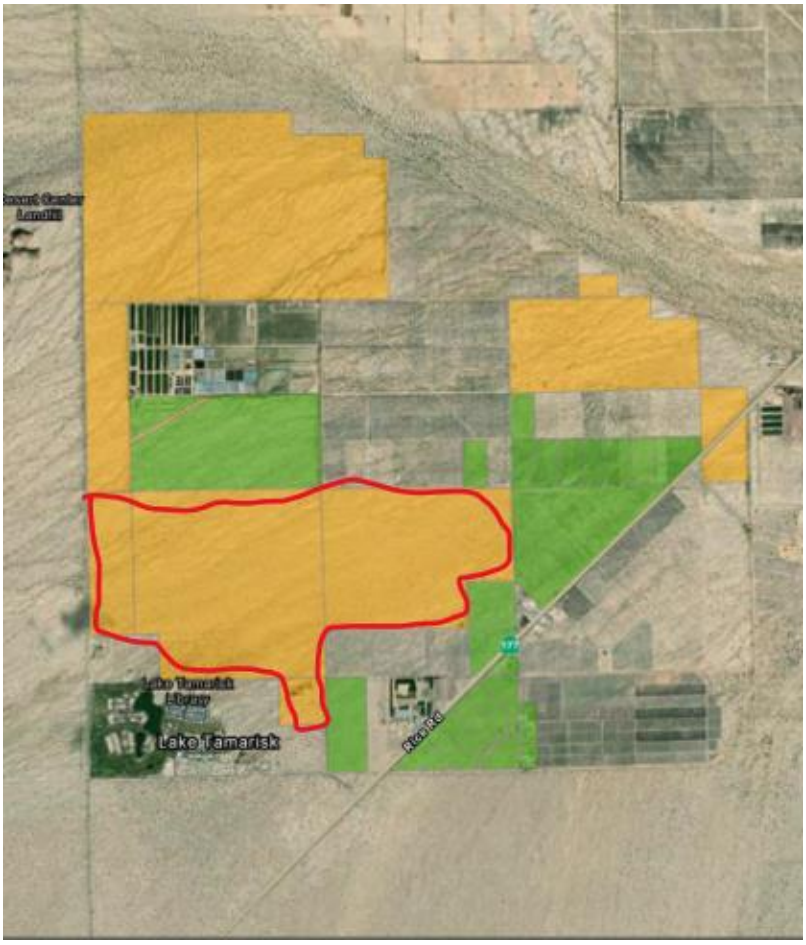
A Community Setback would protect property values, air quality, visual resources, groundwater, cultural and biological resources.

The DRECP as a major Land Use Plan would probably not be ripe for a holistic revision for 10 to 20 years. This is far too long for local desert communities to wait as conditions on the ground change and their quality of life is threatened. A small, local LUPA is therefore entirely reasonable and justified. Equally, Riverside County can create their own "community setbacks".

[44] Bureau of Land Management Visual Resource Management Classes (anl.gov)

Comment Set B4 – Basin and Range Watch

B4-6 (cont'd)



^In red, a potential solar exclusion zone which would protect the community of Lake Tamarisk as well as biological resources.

It should be noted that several environmental organizations requested that the entire DRECP be removed from the new update to the Western Solar Plan Programmatic Environmental Impact Statement and the BLM listened to them. A disadvantage to this is that the oversights to the DRECP regarding communities can't be included in this review, but it could be partially resolved in a Land Use Plan Amendment for the Easily Solar Project.

B4-7

Affected Environmental/ Environmental Consequences:

This environmental review needs an entire section on how the communities of Desert Center and Lake Tamarisk have been impacted by large-scale solar and how the communities will be impacted by a future full build-out scenario. This can be justified under the CEQA categories of

Comment Set B4 – Basin and Range Watch

socioeconomics and environmental justice. The impacts should include public health, property values, quality of life and long-term negative impacts of living next to large-scale energy projects.

B4-7 (cont'd)

Fugitive Dust:

B4-8

Large-scale solar projects have a poor record in violating air quality controls, as we have recorded in photographs such as at the 800-acre Sunshine Valley Solar Project in Amargosa Valley. This mowed-vegetation project repeatedly had fine particulate whirlwinds, and dust clouds emerging from disturbed desert surfaces in construction zones. Despite water trucks attempting to water-down loose dirt, the solar project was too large to control all dust. Construction continued on windy days, yet even on mild breezy days we saw wind-blown dust and clouds of fine particulates from disturbed ground in the construction site. Construction, especially on windy days, would create huge dust black-outs and greatly impact visibility. Removal of stabilized soils and biological soil crust creates a destructive cycle of airborne particulates and erosion. As more stabilized soils are removed, blowing particulates from recently eroded areas act as abrasive catalysts that erode the remaining crusts, thus resulting in more airborne particulates.

We are concerned that industrial construction in the region will compromise the air quality to the point where not only visual resources, but public health will be impacted. Epidemiologists 16 investigated an outbreak of valley fever that had sickened 28 workers at two large solar power construction sites in San Luis Obispo County.[5]

[5] 28 solar workers sickened by valley fever in San Luis Obispo County - Los Angeles Times (latimes.com)

Comment Set B4 – Basin and Range Watch

B4-8 (cont'd)



^ Photo of the fugitive dust caused by the Sunshine Valley Solar Project, Amargosa Valley, Nevada in summer of 2019.



^Oberon Solar Project - 2022

Comment Set B4 – Basin and Range Watch

B4-8 (cont'd)



^Desert Sunlight Solar Project 2010

B4-9

Heat Island Effect:

A recent study[6] showed that covering 20 percent of the Sahara Desert with solar farms raises local temperatures in the desert by 1.5 degrees Celsius, according to a model. At 50 percent coverage, the temperature increase is 2.5 degrees Celsius. This warming is eventually spread around the globe by atmosphere and ocean movement, raising the world's average temperature by 0.16 degrees Celsius for 20 percent coverage, and 0.39 degrees Celsius for 50 percent coverage. The global temperature shift is not uniform, though — the polar regions would warm more than the tropics, increasing sea ice loss in the Arctic. This could further accelerate warming, as melting sea ice exposes dark water which absorbs much more solar energy.

[6] Impacts of Large-Scale Sahara Solar Farms on Global Climate and Vegetation Cover

Zhengyao Lu, Qiong Zhang, Paul A. Miller, Qiang Zhang, Ellen Berntell, Benjamin Smith

First published: 11 December 2020

https://doi.org/10.1029/2020GL090789

Comment Set B4 – Basin and Range Watch



B4-9 (cont'd)

^Tornado over the Desert Sunlight Solar Project. Did a heat island effect create a local weather anomaly that caused this?

Mowing and Traditional Methods of Site Construction Need to Be Analyzed

B4-10

How much of the project is proposed to be mowed or “drive and crushed”? This should be mapped, and discussion of which areas are going to be developed using traditional disk and roll grading methods.

Comment Set B4 – Basin and Range Watch



B4-10 (cont'd)

^Photo showing the “drive and crush” method of construction at Sunshine Valley Solar Project in Amargosa valley, Nevada, a newer method which is supposed to be “less impactful” than traditional construction methods. We do not think this is a low-impact method, but highly degrades and destroys Mojave Desert habitats, biological soil crusts, crushes animal burrows, releases Carbon sequestered in roots and caliche soils, causes air quality problems, erosion, and pollinator disruption. These areas are subsequently mowed to keep the vegetation down. This extreme surface disturbance often results in invasive weed increase. This all needs analysis.

Groundwater:

B4-11

Large-scale solar projects in desert areas have no choice but to use up unsustainable amounts of groundwater to control fugitive dust because the projects require so much land to be economically viable.

The project could use over 1,000-acre feet of water for construction and additional water each year for panel washing. The perennial yield of the region is about 100-acre feet. Two wells have been reported as very low near the Intersect Power well for Oberon Solar.

The project groundwater analysis suggests that the multiple dry year analysis shows that a repeat of the longest consecutive dry period on record, with all cumulative projects in place, would result in a total groundwater deficit of approximately 102,900 AF. The Project would

Comment Set B4 – Basin and Range Watch

contribute 1,500 AF, approximately 1 percent, to this deficit. No water from the Chuckwalla aquifer should be allowed to be used for this project. **B4-11 (cont'd)**

Emotional Abuse of Local Residents **B4-12**

Most people who are forced to live next to a massive new energy project experience emotional trauma, depression and other negative psychological impacts. In fact, many of us believe the stress caused from the Desert Sunlight Solar Project killed our friend Donna Charpied who was forced to live on a farm surrounded on 3 sides from the project. The project destroyed the view, caused bad dust, killed wildlife and created noise. There are several others going through the same stress.

Sand Transport Corridors Should Be Analyzed **B4-13**

Maps, impacts of fences and sand piling up on fences, and impacts to the sensitive species Mojave fringe-toed lizard (Uma scoparia) should be analyzed. Cumulative impacts to this sand endemic lizard have been considerable in the Chuckwalla Valley, with the construction of the Desert Sunlight Solar Farm, Desert Harvest Solar Project, Palen Solar Project, Genesis Solar Energy Project, Blythe Solar Project, McCoy Solar Project, and proposed Crimson Solar Project, Arica and Victory Solar Projects, and Desert Quartzite Solar Project, along with new transmission and substation infrastructure. The cumulative significant impacts of these developments on removing fringe-toed lizard habitat, disturbance and blockage of sand flows, and the increase of invasive weeds, needs to be analyzed, as this group of populations could be a new undescribed taxon when finer genetic studies are undertaken in the future.

Avian-Solar Impacts Should Be Analyzed **B4-14**

As other large-scale solar projects in the DFA have resulted in the mortality due to “lakeeffect” impacts, resulting in collisions, this important concern should be fully analyzed and mitigation measures enumerated, including those not tiered to in the DRECP. This is a growing concern with waterbirds that fly across the desert from the Salton Sea and Gulf of California to Colorado River water bodies.

Data from 7 solar projects in California has revealed 3,545 bird

kills from 183 species from 2012 to 2016.[7] This can be referenced from the 2016 Multi-Agency Avian Solar Working Group conference from 2016.

Desert Tortoise: **B4-15**

[7] http://blmsolar.anl.gov/program/avian-solar/docs/Avian Solar_CWG_May_2016_Workshop_Slides.pdf

Comment Set B4 – Basin and Range Watch

B4-15 (cont'd)

The Mojave Population of the Agassiz's desert tortoise was listed as Threatened by the US Fish and Wildlife Service (USFWS) in 1990 followed by the designation of critical habitat in 1994. In 2000, the USFWS began systematically surveying tortoise populations in critical habitat and recovery unit areas to determine population trends. Based on their findings (USFWS 2015), which are briefly summarized in the chart, we convinced that the Mojave Population of the Agassiz's desert tortoise should be federally listed as Endangered rather than Threatened.

Recovery Unit: Designated Critical Habitat Unit/Tortoise Conservation Area	Surveyed area (km²)	% of total habitat area in Recovery Unit & CHU/TCA	2014 density/km² (SE)	% 10-year change (2004–2014)
Western Mojave, CA	**6,294**	**24.51**	**2.8 (1.0)**	**–50.7 decline**
Fremont-Kramer	2,347	9.14	2.6 (1.0)	–50.6 decline
Ord-Rodman	852	3.32	3.6 (1.4)	–56.5 decline
Superior-Cronese	3,094	12.05	2.4 (0.9)	–61.5 decline
Colorado Desert, CA	**11,663**	**45.42**	**4.0 (1.4)**	**–36.25 decline**
Chocolate Mtn AGR, CA	713	2.78	7.2 (2.8)	–29.77 decline
Chuckwalla, CA	2,818	10.97	3.3 (1.3)	–37.43 decline
Chemehuevi, CA	3,763	14.65	2.8 (1.1)	–64.70 decline
Fenner, CA	1,782	6.94	4.8 (1.9)	–52.86 decline
Joshua Tree, CA	1,152	4.49	3.7 (1.5)	+178.62 increase
Pinto Mtn, CA	508	1.98	2.4 (1.0)	–60.30 decline
Piute Valley, NV	927	3.61	5.3 (2.1)	+162.36 increase
Northeastern Mojave	**4,160**	**16.2**	**4.5 (1.9)**	**+325.62 increase**
Beaver Dam Slope, NV, UT, AZ	750	2.92	6.2 (2.4)	+370.33 increase
Coyote Spring, NV	960	3.74	4.0 (1.6)	+ 265.06 increase
Gold Butte, NV & AZ	1,607	6.26	2.7 (1.0)	+ 384.37 increase
Mormon Mesa, NV	844	3.29	6.4 (2.5)	+ 217.80 increase
Eastern Mojave, NV & CA	**3,446**	**13.42**	**1.9 (0.7)**	**–67.26 decline**
El Dorado Valley, NV	999	3.89	1.5 (0.6)	–61.14 decline
Ivanpah, CA	2,447	9.53	2.3 (0.9)	–56.05 decline
Upper Virgin River	***115***	***0.45***	***15.3 (6.0)***	***–26.57 decline***
Red Cliffs Desert	*115*	*0.45*	*15.3 (6.0)*	*–26.57 decline*
Range-wide Area of CHUs - TCAs/Range-wide Change in Population Status	**25,678**	**100.00**		**–32.18 decline**

^The table includes the area of each Recovery Unit and Tortoise Conservation Area (TCA), percent of total habitat, density (number of breeding adults/km2 and standard errors = SE), and the percent change in population density between 2004 and 2014. Populations below the viable level of 3.9 breeding individuals/km2 (10 breeding individuals per mi2) (assumes a 1:1 sex ratio) and showing a decline from 2004 to 2014 are in red.

The Easley Project site overlaps a desert tortoise linkage (Pinto Wash Linkage) as defined in the DRECP Land Use Plan Amendment (LUPA). A DRECP Desert Tortoise Conservation Area (TCA) is adjacent to the Project area across Kaiser Road. The Project site is outside of but adjacent to desert tortoise critical habitat, which is located approximately 0.8 mile west of Kaiser Road, extending to the west into Joshua Tree National Park and to the south, south of the I-10 freeway into the Chuckwalla Mountains. The TCA includes this critical habitat. The gen-tie line

Comment Set B4 – Basin and Range Watch

would cross desert tortoise critical habitat in the TCA south of BLM Open Route DC 379 and a DRECP multi-species linkage to interconnect to the Oberon Substation. **B4-15 (cont'd)**

The BLM approved development of the Oberon Solar Project on 600 acres of Desert Tortoise Critical Habitat. Tortoises use desert dry wash woodlands and eat the leaves and flowers of desert ironwood trees. Several desert dry wash woodlands cut through the site. Avoiding the washes will not avoid all tortoise habitat.

The Multispecies Wildlife Corridor Should Be Avoided **B4-16**

The Riverside East DFA Multispecies Wildlife Linkage should be discussed in detail with overview maps discussing what landscape blocks are being connected, between which 10 mountain ranges regionally, and which species depend on this linkage for genetic connectivity and dispersal.

This corridor should also be analyzed for use by Burro deer (*Odocoileus hemionus eremicus*), a Colorado Desert, California endemic. Solar fields next to washes and microphyll habitats may inhibit the movement of these uncommon desert deer, which favor ironwood thickets.

Cultural Impacts Should Be Better Analyzed **B4-17**

The DRECP did not analyze significant impacts to many regional cultural resources and concerns by local rural communities, including those of People of Color, low income communities in the desert, and native tribal cultural landscapes. This needs much broader outreach and analysis.

The area has been visually compromised by energy development but has been referred to as a "cultural landscape" by Native American tribes. The BLM should analyze how the cumulative impacts from all of the solar projects have degraded the cultural landscape.

Visual Resources: **B4-18**

The BLM Plan of Development Visual Simulations are not situated in enough locations to show the full impacts of the project.

Visual simulations should be situated from 3 additional locations in Lake Tamarisk and there should be simulations from higher elevations on Joshua Tree National Park.

Conclusion: **B4-19**

The most environmentally sane alternative for this project would be No Project, but the county needs to consider the community over the desires of the solar industry. This community has really taken one for the team. It appears that the solar industry and Interior Department have no limits on how much of this area can be sacrificed. The least BLM could do is amend the

Comment Set B4 – Basin and Range Watch

DRECP and create a Community Buffer around Lake Tamarisk. A small amendment would not create too much work for BLM and could go a long way in protecting people from this land rush of energy that is destroying our public lands. **B4-19 (cont'd)**

Thanks,

Kevin Emmerich

Basin and Range Watch

P.O. Box 70

Beatty, NV 89003

Responses to Comment Set B4 – Basin and Range Watch

B4-1 The commenter states that the public scoping meeting held on October 4, 2023, was inadequate as no public comments were accepted.

The meeting held on October 4 was led by the U.S. Bureau of Land Management (BLM) for the environmental review process under the National Environmental Policy Act (NEPA). The NEPA process, including its scoping period, is separate from the California Environmental Quality Act (CEQA) process being undertaken here by Riverside County.

As described in Section 1.6.2 (Public Scoping Meeting) of the Draft EIR, Riverside County held a CEQA scoping meeting on December 5, 2022, and accepted public comments at the time.

B4-2 The commenter states that the Project will inflict significant impacts on the region, and that the DRECP review was flawed since it failed to consider community impacts and how specific issues like dust and water use would hurt these communities.

The DRECP review was conducted by BLM and is outside of the scope of CEQA. The Draft EIR concludes that there would be significant and unavoidable impacts from the proposed Project. 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 Partially Recirculated Draft EIR concludes that there would be significant and unavoidable impacts from the proposed Project, Reduced Footprint Alternative, and Further Reduced Footprint Alternative with Berms to Aesthetics, and cumulatively considerable impacts to Aesthetics and Cultural and Tribal Cultural Resources.

The EIR properly considers impacts to nearby sensitive receptors and communities. See General Responses GR-2 and GR-3, which address fugitive dust and groundwater impacts, respectively. Please see Response to Comment D10-1 regarding concerns about construction nuisances (e.g., dust, noise, traffic, etc.) to nearby communities.

The commenter states that Intersect Power had offered the community 6 trees to block the view of the Project. Offers to the community to reduce Project impacts and discussions between Intersect Power and the Lake Tamarisk Desert Resort that are outside of the CEQA process have not been considered in the EIR analysis but may be considered by decisionmakers. 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, as well as General Response GR-8.

The comment correctly states that the Project site includes a desert tortoise linkage area as defined in the DRECP, the Pinto Wash Linkage. 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 commenter states that the Project is located within the Chuckwalla Valley Groundwater Basin (CVGB), which is located in eastern Riverside County and encompasses an area of approximately 904 square miles. Joshua Tree National Park boundary is located approximately 4 miles northeast of the Project site. 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, the revised WSA at Appendix G, and to General Response GR-1, as well as General Response GR-3.

The commenter states that two special status plant species, Emory's crucifixion thorn (*Castela emoryi*) and desert unicorn plant (*Proboscidea althaeifolia*), were identified as having a high

potential for occurrence due to previous documented occurrences and suitable habitat on the Project site.

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.

One live Emory's crucifixion thorn was observed during surveys within an area of desert dry wash (microphyll) woodland that would not be impacted by the Project. Desert unicorn plants are present on the Project site (224 locations) and are not very threatened in California. Impacts to native vegetation would be addressed through implementation of biological mitigation measures recommended Section 3.5.7 in the PRDEIR and Final EIR.

The commenter states that burro deer likely move through the Project site and its vicinity to access artificial water sources from nearby agriculture and aquaculture farms. 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 commenter states that sand transport for Mojave fringe-toed lizards will be disrupted. No aeolian sand deposits were observed on the Project site (see BRTR Figure 4 in EIR Appendix C). There is a low potential for Mojave fringe-toed lizard to occur on the Project site. 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.

Note that a portion of the original Easley application area was removed from the proposed Project following biological resources surveys, which mapped the area within an active sand corridor. These lands are analyzed in the Partially Recirculated Draft EIR under Alternative D, Offsite Alternative (see Partially Recirculated Draft EIR Section 2.8 and Section 5.2.7).

Finally, the commenter expresses concerns about impacts to wildlife movement 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.

B4-3 The commenter's support for distributed solar generation and the No Project Alternative are noted. Please see Response to Comment B2-26 for a discussion about distributed solar generation as an alternative to the Easley Project. Alternative E (Distributed Commercial and Industrial Rooftop Solar Alternative) fully analyzes distributed solar under each issue area in Chapter 5 of the Partially Recirculated Draft EIR.

California climate policies promote demand for renewable energy. Development of the Easley Project would serve this demand and make renewable energy available to the load serving entities that are required to procure renewable energy in compliance with California's climate programs.

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.

Furthermore, the No Project Alternative (Alternative A1) would not realize the beneficial impacts of the Project relating to long-term air quality benefits and reduction of greenhouse gas emissions with the use of renewable energy generation. Additionally, site remediation of

existing contamination would not occur under the No Project Alternative. The No Project Alternative does not have the potential to meet any of the Project objectives.

B4-4 The commenter states that the EIR must describe a reasonable range of alternatives, including the No Project Alternative, distributed solar, and reduced footprint alternatives, such as alternatives that would create buffers. 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.

B4-5 The commenter states that the Project should be moved east of State Route 177/Rice Road. General The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapter 5 of the Partially Recirculated Draft EIR and to General Response GR-1, as well as General Response GR-8.

The commenter also describes the DRECP Land Use Plan Amendment (LUPA) process and states that Riverside County should work with BLM and support a LUPA Alternative that would create a buffer around the Lake Tamarisk community. A buffer is analyzed in the PRDEIR's analysis of Alternative C.

The designation of a portion of the Project area as a solar development exclusion zone would be a separate DRECP and California Desert Conservation Area (CDCA) land use plan amendment process outside the scope of the Easley CEQA analysis.

B4-6 The commenter states that "community setbacks" should be considered in the DRECP LUPA and includes a map showing a suggested buffer area on BLM-administered land. BLM's land use planning process is outside the scope of the County's CEQA analysis for the Project.

Please see Response to Comment B4-5 for a discussion about amendments to the DRECP LUPA. A buffer is analyzed in the PRDEIR's analysis of Alternative C. Please refer to the revised analysis at Chapter 5 of the Partially Recirculated Draft EIR and to General Response GR-1

The commenter is correct that the DRECP Planning Area has been removed from the update to the Western Solar Plan Programmatic Environmental Impact Statement (EIS). A footnote to Table 1-1 (Scoping Issues Identified) in Section 1.7.2 of the Draft EIR states that 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."

B4-7 The commenter states that the environmental review should include a discussion of how communities such as Desert Center and Lake Tamarisk have been impacted by large-scale solar and how the communities would be impacted by a full build-out scenario. The commenter feels this is justified under CEQA for socioeconomics and environmental justice and should include public health, property values, quality of life, and impacts of living next to large-scale energy projects.

CEQA focuses on the potential physical impacts of a project. Economic and social effects may be considered under CEQA, but by themselves, are not treated as significant effects on the environment. The economic effects of a project need only be considered if those effects themselves would cause significant physical impacts on the environment. Such secondary effects are typically difficult to predict, and an EIR is not required to speculate about such secondary impacts.

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 due 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.

The public health-related impacts of the project are considered in the EIR's analysis of impacts related to various environmental resources environmental resources, including resources such as air, noise, and water, that may, in turn, affect public health. For example, Section 3.4 (Air Quality) addresses attainment of air quality standards, particulate matter, and Valley Fever.

B4-8 The commenter identifies concerns about wind-driven visible dust and Valley Fever. The comment includes photos of a project in the Amargosa Valley, Nevada, and other solar development nearer to the Project site, which may or may not have implemented emissions controls strategies similar to those that would be required of the Project. The text of this Final EIR (Section 3.4, Air Quality) includes additional contingency dust control measures for "high wind" conditions, and additional background information on the incidence rates of Valley Fever in Riverside County. See also General Response GR-2, Fugitive Dust Control and Site Preparation.

B4-9 The commenter cites a study that shows increasing global temperatures with increased coverage of solar farms. The commenter states that this warming spreads around the globe through atmospheric and oceanic movements. The study states that global change is not uniform with polar regions warming more than the tropics, resulting in loss of sea ice and accelerated warming due to increases in dark water that absorbs more solar energy.

The primary objective of the Project is to produce renewable energy to help achieve the necessary greenhouse gas reduction goals to combat climate change.

The referenced study, "Impacts of Large-Scale Sahara Solar Farms on Global Climate and Vegetation Cover," is based on modeling of solar generation to meet the energy demand for the entire world, which is beyond the scope of the Easley Project and CEQA. 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, as well as General Response GR-6.

B4-10 The commenter asks how much of the project is proposed to be mowed or "drive and crushed" and which areas are going to be developed using traditional disk and roll grading methods and recommends a map. The commenter is concerned about impacts to habitats, biological soil crusts, crushing animal burrows, release of carbon sequestered in roots and caliche soils, air quality problems, erosion, and pollinator disruption.

Section 2.4.4.1 (Construction-Related Grading and Vegetation Management) of the Draft EIR details the locations of specific ground treatments for the Project components shown in Figure 2-3 (Easley Renewable Energy Project Preliminary Engineering), such that an additional map is not necessary. The Project site would not be mass graded – panel areas would be mowed and rolled, leaving root balls intact, and areas that would comprise the foundation of the substation, BESS, inverters, and roads would require some grading and compaction. The EIR conservatively assumes that all land within the solar and BESS facility fence line would be impacted.

The analysis of biological resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapter 3.5 of the Partially Recirculated Draft EIR, EIR Appendix N (Integrated Weed Management Plan), EIR Appendix S (Vegetation Resources management Plan), and to General Response GR-1. Impacts to soils, including desert pavement and related to erosion, are discussed in Section 3.8 (Geology, Soils, and Mineral Resources). Impacts related to air emissions are discussed in Section 3.4 (Air Quality) of the Draft EIR.

See Response to Comment B2-27 related to carbon sequestration. The Project includes biological resources measures for minimizing vegetation and habitat impacts (see EIR Section 3.5.7, Mitigation Measures), integrated weed management, and preventing the loss of desert pavement, which promotes maintenance of native plants and soils. These practices would minimize the potential loss of carbon sequestration due to land use conversion.

B4-11 The commenter states that large-scale solar projects require unsustainable amounts of groundwater for dust control during project construction. The commenter states that water levels in two wells located near the Oberon Solar Project (a cumulative project within the Chuckwalla Valley Groundwater Basin [CVGB]) lowered significantly, potentially as a result of Oberon Solar Project groundwater pumping.

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, the revised WSA at Appendix G, and to General Response GR-1, as well as General Response GR-3.

B4-12 The commenter states that most people who are forced to live next to a massive new energy project experience emotional trauma, depression, and other negative psychological impacts.

The potential causes of stress identified in the comment have been analyzed in the following sections of the Draft EIR, respectively: Section 3.2 (Aesthetics as revised and recirculated in the Partially Recirculated Draft EIR), Section 3.4 (Air Quality), Section 3.5 (Biological Resources as revised and recirculated in the Partially Recirculated Draft EIR), and Section 3.13 (Noise and Vibration). Please also refer to Response to Comment D10-1, which details the mitigation measures recommended to reduce construction disturbance to nearby sensitive receptors.

B4-13 The commenter states that impacts to Mojave fringe-toed lizard should be analyzed and that impacts due to construction of many solar projects in the area and removal of habitat, disturbance and blockage of sand flows, and increase in weeds should be analyzed. The commenter states that the group of populations of lizards could be a new undescribed taxon when future genetic studies are undertaken.

Please refer to EIR Sections 3.5.1 and 3.8.1.7 for a discussion of sand transport and migration. Mojave fringe-toed lizard is discussed in Appendix A of the BRTR as having low potential to occur due to marginally suitable soils on the Project site. 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

B4-14 The commenter states that the "lake effect" impact should be fully analyzed and mitigation measures included, including those not tiered to the DRECP, and references the 2016 Multi-Agency Avian Solar Working Group Conference that documented fatalities at solar projects in California. 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 General Response GR-7 regarding impacts due to the "lake effect."

B4-15 The commenter states that the Mojave population of desert tortoise should be federally listed as endangered rather than threatened. The commenter presents a table of population declines in Critical Habitat Units and describes the Project's proximity to desert tortoise linkages, TCAs, and critical habitat. The commenter states that tortoises use desert dry wash woodland that cuts through the site, and that avoiding washes will not avoid all tortoise habitat.

Designation of wildlife as endangered is under the jurisdiction of wildlife agencies and is outside the scope of this CEQA document and the County's jurisdiction. 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.

B4-16 The commenter requests that the Riverside East DFA Multispecies Wildlife Linkage be discussed in detail and analyzed for use by endemic burro deer.

The gen-tie line would cross through the Oberon Project site, and overlap with the multispecies linkage; however, the gen-tie right-of-way would not be fenced, so the gen-tie line would not restrict wildlife movement in the area. 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

B4-17 The commenter states that the DRECP needs much broader outreach and analysis to examine significant impacts to many regional cultural resources and concerns by local rural communities. The commenter mentions People of Color, low-income communities in the desert, and native tribal cultural landscapes as topics that should generally be analyzed as part of the DRECP process.

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.

B4-18 The commenter states that more visual simulations are needed from Lake Tamarisk Desert Resort and that simulations from higher elevations in Joshua Tree National Park should be provided. 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, EIR Appendix I (Visual Analysis Report and Glare Assessment), and to General Response GR-1.

B4-19 The commenter's support for the No Project Alternative and an amendment to the DRECP LUPA to add a community buffer is noted.

Please see Response to Comment B4-3 regarding the No Project Alternative. See Response to Comment B4-5 regarding an amendment to the DRECP LUPA and Response to Comment B4-6 regarding a community buffer.

Comment Set B5 – California Native Plant Society and Defenders of Wildlife

March 11, 2024

County of Riverside
TLMA Planning Department
Attn: Tim Wheeler
4080 Lemon Street, 12th Floor
Riverside, California, 92502-1409

Submitted via email to: TWheeler@rivco.org

Re: Comments on Easley Renewable Energy Project

Dear Mr. Wheeler:

B5-1

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Easley Renewable Energy Project (Project). The following comments are submitted on behalf of the California Native Plant Society (CNPS) and Defenders of Wildlife (Defenders).

CNPS is a non-profit environmental organization with over 12,500 members in 36 Chapters across California and Baja California, Mexico. CNPS's mission is to protect California's native plant heritage and preserve it for future generations through the application of science, research, education, and conservation. We work closely with decision-makers, scientists, and local planners to advocate for well-informed policies, regulations, and land management practices.

Defenders has 2.1 million members and supporters in the United States, 316,000 of which reside in California. Defenders is dedicated to protecting all wild animals and plants in their natural communities. To that end, Defenders employs science, public education and participation, media, legislative advocacy, litigation, and proactive on-the-ground solutions to prevent the extinction of species, associated loss of biological diversity, and habitat alteration and destruction.

The proposed solar photovoltaic facility would generate up to 400 MW of solar energy and store up to 650 MW on approximately 3,735 acres in Riverside County. The land is comprised of approximately 990 acres of private land and approximately 2,745 acres of public land administered by the US Bureau of Land Management (BLM). The public lands are located within a Development Focus Area (DFA) of the Desert Renewable Energy Conservation Plan (DRECP). DFAs are areas of public land determined suitable for renewable energy project siting and development, and projects located in these areas typically receive expedited environmental review and permitting.

Comment Set B5 – California Native Plant Society and Defenders of Wildlife (continued)

The Project is located in the Chuckwalla Valley, 2 miles north of the town of Desert Center. The existing Desert Sunlight and Desert Harvest solar projects are located to the north of the project, and the Athos Renewable Energy Project is located to the east. The Oberon Renewable Energy Project is under construction to the southeast and the Arica and Victory Pass Solar Projects to the southeast. The proposed Sapphire Solar Project is adjacent to the northern area of the project.

B5-1 (con't)

Defenders, CNPS and other conservation organizations have a long history of advocating for the protection and conservation of resources within the California Desert Conservation Area (CDCA). Collectively, we have met with representatives from Intersect Power, the Project applicant, several times and are familiar with the previous modifications made in response to our recommendations and the applicant's intent to fully comply with the required Conservation Management Actions (CMAs) in the DRECP. We thank the staff of Intersect Power for their open dialogue, and we encourage continued commitment to altering the project to ensure the Project avoids sensitive resources in the CDCA.

B5-2

While CNPS and Defenders are generally supportive of renewable energy projects, these developments need to be carefully planned to avoid significant impacts to habitat and natural resources. The DEIR for this project failed to incorporate analysis of special status species found on site during biological surveys. These surveys did not use an accurate list of species with the potential to occur on the project site and did not follow current guidelines to ensure that they would be effective at identifying these special status species. The DEIR also did not consider species protected by the California Desert Native Plant Act (CDNPA), many of which are found on the project site and would require permitting for removal. Given the permanent and substantial impacts of the project to biological resources, the mitigation measures that only entail the avoidance and minimization of impacts need to include compensatory mitigation measures to offset the habitat lost to development. Given the great amount of information from the Biological Resources Technical Report (BRTR) that is not included in the DEIR, the inaccurate desktop review and outdated survey methods outlined in the BRTR, the lack of consideration for the CDNPA, the lack of alternatives that meet the intent of the California Environmental Quality Act (CEQA), and the insufficiency of the mitigation measures, we strongly recommend that additional surveys be performed to ensure that all special status species with the potential to occur are identified using 2018 California Department of Fish and Wildlife (CDFW) Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (Protocols)[1], and that a revised DEIR incorporating all of this information be prepared and circulated for public review.

Special Status Plant Surveys

The list of special status species with the potential to occur on this project site should include all species with known records from the USGS quads occupied by the project footprint and all adjacent quads. The list of forty-two special status plant species listed in Appendix B of the

[1] California Department of Fish and Wildlife. 2018. *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*.

Comment Set B5 – California Native Plant Society and Defenders of Wildlife (continued)

B5-2 (con't)

BRTR did not include several species with the potential to occur onsite. A CNPS Rare Plant Inventory query of the relevant quads showed that there are an additional 15 special status species with the potential to occur on or adjacent to the project site. Three of these have a California Rare Plant Rank of 1B, including one federally endangered species, the triple-ribbed milkvetch (*Astragalus tricarinatus*).

Section 3.4 Special Status Plants of the BRTR mentions the use of reference sites to ensure that most special status plant species with the potential to occur would be identifiable; however, reference sites were used for only the fall 2019 and spring 2020 surveys, and reference populations were only identified for two species with the potential to occur for fall surveys and for three species with the potential to occur for the spring surveys. A reference site should have been used to validate the ability to detect all species with the potential to occur, especially given the lack of substantial rain prior to both the 2019 and 2021 fall surveys. In desert ecosystems there is a large amount of annual variability of plant species present depending on climatic conditions. Many annual species may not germinate in years of low rainfall and many perennial species may remain dormant if suitable precipitation does not occur during their typical growth cycle.

The BRTR states that the survey methodology was consistent with several guiding documents, including the California Department of Fish and Game Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities from 2000. The surveys should have followed the CDFW Protocols. These protocols guide the timing and number of surveys needed, use of reference sites, and include guidance on how climatic conditions may have affected survey results.

> "Adverse conditions from yearly weather patterns may prevent botanical field surveyors from determining the presence of, or accurately identifying, some special status plants in the project area. Disease, drought, predation, fire, herbivory, or other disturbance may also preclude the presence or identification of special status plants in any given year. Discuss all adverse conditions in the botanical survey report.
>
> The failure to locate a known special status plant occurrence during one field season does not constitute evidence that the plant occurrence no longer exists at a location, particularly if adverse conditions are present. For example, botanical field surveys over a number of years may be necessary if the special status plant is an annual or shortlived plant having a persistent, long-lived seed bank and populations of the plant are known to not germinate every year. Visiting the project area in more than one year increases the likelihood of detecting special status plants, particularly if conditions change. To further substantiate negative findings for a known occurrence, a visit to a nearby reference site may help ensure that the timing of botanical field surveys was appropriate."

B5-3

The CDFW Protocols also offer guidance for preparation of a Botanical Survey Report and the information that should be included. The Botanical Survey Report in the BRTR did not include the following information as guided by CDFW Protocols:

- Total person-hours spent;
- Description(s) of reference site(s), if visited, and the phenological development of special

Comment Set B5 – California Native Plant Society and Defenders of Wildlife (continued)

status plant(s) at those reference sites;

- A list of all plant taxa occurring in the project area, with all taxa identified to the taxonomic level necessary to determine whether or not they are a special status plant;
- A discussion of the potential for a false negative botanical field survey;
- A discussion of how climatic conditions may have affected the botanical field survey results; and
- A discussion of how the timing of botanical field surveys may affect the comprehensiveness of botanical field surveys.

B5-3 (con't)

Wildlife Protocol Level Surveys

B5-4

Adequate biological surveys are vital to ensuring accurate results to establish the likelihood of occurrence, associated impacts and the appropriate avoidance, minimization and mitigation measures for each species. It is folly to proceed without conducting the appropriate species-specific surveys that fully adhere to protocol and wildlife agency guidelines, as it is impossible to fully identify the risk of significant impacts.

Crotch's bumble bee (CBB) is a candidate species for listing under the California Endangered Species Act and, as such, it receives the same protection as if it were listed. The BRTR acknowledges CBB suitable habitat occurs on the Project site. Despite the potential for the species, no CBB-specific surveys were conducted, and it was determined that no CBB were observed during wildlife or plant surveys. It is premature to state no individuals of this species were observed when protocol-level species-specific surveys were not conducted. We request CBB surveys be conducted in accordance with the CDFW methods as outlined in *Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species*.[2]

According to the BRTR, Desert Tortoise (DT) surveys were conducted in 2019-2022. US Fish and Wildlife Service (USFWS) guidelines state that if survey data is over a year old, the project proponent should contact USFWS to assess the circumstances under which the data was collected to determine whether additional surveys would be appropriate.[3] The DEIR fails to mention any discussions with USFWS to determine if the outdated surveys are still considered valid. Additionally, CDFW has previously recommended during the commenting process of other solar projects located within desert tortoise habitats that surveys be conducted within a year of the start of ground-disturbing activities during the appropriate survey period.[4] We request new DT protocol-level surveys be conducted to adhere to USFWS protocols within one year prior to ground disturbance to determine presence.

Information Not Incorporated Into the DEIR

B5-5

Several species discovered during the biological surveys, listed in the BRTR, were not included for analysis of impacts in the DEIR. Page 3.5-25 of the DEIR states that "No other special status-plant species were observed" but Table C 4. Noteworthy Plant Observations of the BRTR on

[2] California Department of Fish and Wildlife. 2023. *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species.*

[3] US Fish and Wildlife Service. 2019. *Preparing for any action that may occur within the range of the Mojave desert tortoise (Gopherus agassizii).*

[4] California Department of Fish and Wildlife. 2020. *BigBeau Solar Project (Project) Draft Environmental Impact Report (DEIR) SCH No. 2019071059.*

Comment Set B5 – California Native Plant Society and Defenders of Wildlife (continued)

page C-20 lists an occurrence of *Wislizenia refracta* ssp. *refracta* (jackass-clover), a 2B.2 listed species. The presence of the species is not acknowledged in the DEIR, nor is any additional information regarding the location of this occurrence, whether it would be avoided during construction and maintenance, or how impacts to this species would be mitigated. This is an annual herb that would be expected to senesce after completing its life cycle. The fact that the observed individual was dried does not preclude the need to analyze potential impacts. The fact that the observed individual had set fruit indicates that the live seeds enclosed would lead to this species germinating following suitable precipitation with the potential of several more individuals than were observed during the surveys, and potentially over a larger area. In Table D 2. Incidental Plant Species Observed of the BRTR lists *Euphorbia abramsiana* (2B.2) on page D-7, and *Bouteloua trifida* (2B.3) on page D-8 and impacts to these species must be analyzed and disclosed in the DEIR. *Chaenactis carphoclinia*, listed on page D-4 should have been identified to the variety level to ensure that the individuals present were not var. *peirsonii*, which is a 1B.3 listed taxon and has a high probability of being present given a California Consortium of Herbaria record of this taxon just south of the project site.

B5-5 (con't)

The DEIR also did not include any analysis of species protected under the CDNPA. Several of these species are found on the project site, as indicated in the BRTR, and would require permitting for removal, which may require the development of plans to salvage, transplant, manage and monitor plants that would be impacted by project activities. These include:

B5-6

- *Cylindropuntia echinocarpa*, golden cholla, unknown number of individuals
- *Cylindropuntia ramosissima*, branched pencil cholla, unknown number of individuals
- *Echinocereus engelmannii*, Engelmann's hedgehog cactus, 10 individuals
- *Echinocactus polycephalus*, cotton top cactus, 1 individual
- *Ferocactus cylindraceus*, barrel cactus, 4 individuals
- *Fouquieria splendens*, ocotillo, 3 individuals
- *Mammillaria tetrancistra*, fishhook cactus, 4 individuals
- *Olneya tesota*, desert ironwood, unknown number of individuals
- *Opuntia basilaris*, beavertail cactus, unknown number of individuals
- *Parkinsonia florida* (*Cercidium floridum*), blue palo verde, unknown number of individuals
- *Prosopis glandulosa*, honey mesquite, unknown number of individuals
- *Psorothamnus spinosus* (*Dalea spinosa*), smoke tree, unknown number of individuals
- *Senegalia greggii* (*Acacia greggii*), catclaw, unknown number of individuals

Mitigation Measures

B5-7

1. **Special Status Plant Species**
   Additional mitigation measures are needed to address impacts to special status species included in the BRTR not evaluated in the DEIR.

2. **Dry Desert Wash Woodlands**
   Mitigation measures should require post-construction monitoring of dry desert wash woodland (DDWW) habitats throughout the project site to ensure that grading during construction or operations of the facility do not have a future impact on habitat that was avoided during construction. Compensatory mitigation measures should be included to offset the loss of any DDWW impacted by construction or future losses of DDWW due to changes in the hydrology these vegetation communities rely on.

B5-8

Comment Set B5 – California Native Plant Society and Defenders of Wildlife (continued)

3. **Authorized Desert Tortoise Biologist** B5-9
Mitigation Measure (MM) Bio-1 states that during operation and maintenance, the Applicant's compliance manager may perform the duties of the Lead Biologist to ensure compliance with biological mitigation measures and shall conduct quarterly compliance inspection and reporting. We request the compliance manager also be required to be on-site during panel washing to ensure no impacts to DT occur.

4. **DT Buffers** B5-10
MM Bio -7 states that if a tortoise or occupied burrow is observed during surveys, work activities will adhere to a suitable buffer area, but fails to provide the specific buffer distance. The CDFW Incidental Take Permit for the nearby Oberon Renewable Energy Project required a 100-foot buffer during the non-active season and at least a 250-foot buffer during the active season (September-October and April-May). We recommend including the parameters of a 100-foot buffer during the non-active season and a 250-foot buffer during the active season within the MM.

5. **Exclusion Fencing Inspections** B5-11
Any desert tortoise exclusion fence should be inspected to ensure that DT is not exhibiting fence-pacing behavior following installation. MM Bio-7 states the exclusion fencing shall be inspected at least monthly and following all rain events but fails to require inspection directly following fence installation. We request the requirement of an inspection directly following installation to ensure there is no fence-pacing behavior.

6. **Burrowing Owl Buffers** B5-12
MM Bio-10 requires, if any burrowing owl (BUOW) or active burrows are observed during surveys, the lead biologist to coordinate with the construction contractor to implement avoidance and set-back distances. However, MM Bio-10 fails to provide guidance on the appropriate buffers. We recommend adherence to the avoidance buffers listed below, as established within the Staff Report on Burrowing Owl Mitigation.[5]

Table 1: Burrowing Owl Avoidance Buffers

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting Sites	April 1-Aug 15	200 meters	500 meters	500 meters
Nesting Sites	Aug 16-Oct 15	200 meters	200 meters	500 meters
Nesting Sites	Oct 16-Mar 31	50 meters	100 meters	500 meters

7. **Burrowing Owl Passive Relocation** MM Bio-10 requires the preparation and implementation of a BUOW avoidance and relocation plan. The MM specifies the plan will include detailed methods for passive relocation of BUOW, but it does not require B5-13

[5] California Department of Fish and Game. 2012. *Staff Report on Burrowing Owl Mitigation*.

Comment Set B5 – California Native Plant Society and Defenders of Wildlife (continued)

protection of habitat. It is discouraged to use passive relocation to artificial burrows without the protection of adjacent foraging habitat. We request the MM include the requirement to protect adjacent foraging habitat for passive relocation. Furthermore, the MM fails to provide the inclusion of a ratio for artificial burrow installation. We request that artificial burrows are installed at a ratio of 1:1, in accordance with BUOW guidelines.[6] Of note, CDFW does not encourage passive relocation if it can be avoided. We recommend utilizing exclusion and passive relocation only when necessary.

B5-13 (con't)

Compensatory Mitigation

B5-14

The proposed Project would result in the permanent conversion of 3,735 acres that provide habitat for several special status species, including DT and BUOW. Despite the Project resulting in this permanent conversion of habitat, compensatory mitigation lands are not provided. Given that BUOW's potential to occur was categorized as high due to the observation of two live individuals and eight burrows with BUOW sign, it is evident that the species will be impacted. We strongly recommend the Project applicant consult with CDFW to establish an appropriate ratio for BUOW habitat management lands.

The Project site is located within the Colorado Desert Recovery Unit for DT and is adjacent to USFWS-designated DT critical habitat. Furthermore, the Pinto Wash Linkage, identified as an interconnection between the Joshua Tree Tortoise Conservation Area (TCA) and the Chuckwalla TCA, overlaps with the northernmost portion of the Project site. Given the proximity of DT critical habitat and linkages, it is likely the Project will impact the species. Furthermore, the species was identified as having a low to moderate potential to occur within the Project site. In comments on the Lockhart Solar II Project, CDFW states "[f]or desert tortoise... compensatory mitigation ratios from 1:1 to 5:1 of mitigation acres to impacted areas are most typical. The higher mitigation ratios are often used for impacts that most affect the species, such as impacts of high quality, connected, other important habitat areas, and impacts to areas with greater distribution and presence of the species. The low mitigation ratios are often used for impact areas with low habitat value and low to very low presence of the species." Furthermore, the compensatory mitigation ratios for the loss of DT habitat are specified within the DRECP as 1:1 in non-critical habitat and 5:1 for critical habitat. We recommend consultation with CDFW and USFWS to assign adequate ratios for DT compensatory mitigation.

Any dry desert wash woodland or special status plant species that could be impacted by project activities should have a compensatory mitigation plan. We recommend that:

- Restoration plans be developed for all special status plants and Dry Desert Wash Woodland habitat with the potential to be impacted, including detailed criteria for determining the success of compensatory mitigation. Areas identified as potential recipient sites must be surveyed following CDFW Protocols to ensure that compensatory mitigation efforts would not cause harmful impacts to existing botanical resources. Low conflict areas that have been degraded by previous land uses should be prioritized for restoration, leaving intact natural habitat undisturbed by restoration efforts.
- While on site mitigation is preferred, if contiguous acreage to achieve mitigation needs is not present on the project site, restoration activities may be implemented offsite.
- Maintenance and monitoring of compensatory mitigation sites should occur each year for the first five years of the mitigation term. After five years of maintenance, yearly

[6] California Burrowing Owl Consortium. 1993. *Burrowing Owl Survey Protocol and Mitigation Guidelines*.

Comment Set B5 – California Native Plant Society and Defenders of Wildlife (continued)

B5-14 (con't)

monitoring of the site should demonstrate a self-sustaining area of occupation and population numbers with no management actions for years 6-8.

- If monitoring shows stable populations after three years with no maintenance, the populations should be monitored every two years in perpetuity.
- If the populations are not demonstrating stability after the initial five year maintenance and monitoring period, after three years without maintenance, or if subsequent monitoring shows loss or decline of populations, as determined by the required compensatory mitigation ratio, then yearly maintenance and monitoring shall be resumed for a five year period, again requiring that yearly monitoring show self-sustaining populations for three years post-maintenance before returning to a two year monitoring cycle.

The compensatory mitigation lands for all species must contain suitable habitat, including foraging habitat, and be managed in perpetuity by a qualified conservation organization, as defined by CA Civil Code Section 815.3. Alternatively, credits could be purchased in a CDFW-approved mitigation bank.

B5-15

Desert Tortoise Translocation Plan

The DEIR states, "[d]esert tortoise individuals within the solar facility fence line would be actively translocated to an approved site pursuant to an approved Translocation Plan to be developed in consultation with USFWS and the CDFW." Translocation of DT has an unproven track record of success; therefore, any translocation plan included as a mitigation strategy should be available as a part of the DEIR for decision-maker and public review.[7] The DT translocation plan is cited throughout the DEIR and is included in the list of references. Furthermore, it can be found on the BLM National NEPA Register for the Easley Solar Project. Any additional plan included as mitigation strategy should be available as a portion of the DEIR for public analysis and review and should not require the reviewer to find the plan elsewhere. As a recent court case stated, "[t]he point of an EIR is to inform decisionmakers and the public about the environmental consequences of a project before approving it."[8] It is impossible for decision-makers and the public to be fully informed on a project if key plans that aim to mitigate the environmental consequences are not available within the administrative record. We request that the DT translocation plan be included within the EIR for public and decision-maker review.

B5-16

Wildlife-Friendly Fencing

Wildlife-friendly fencing allows portions of the Project site to continue functioning as connectivity habitat for sensitive wildlife species. The DEIR states the applicant may elect to utilize wildlife-friendly fencing on the undeveloped portions of the Project that overlap the Pinto Wash Linkage, despite acknowledging the Project would have long-term impacts on 594 acres of the Pinto Wash Linkage. We recommend that wildlife-friendly fencing be required for this portion of the project, rather than optional at the discretion of the applicant. The wildlife-friendly fencing should allow DT connectivity through the Pinto Wash Linkage and DDWW and should prevent DT from accessing developed project areas where herbicides will be used to control invasive vegetation species.

Alternative Analysis

[7] Mack, J. S., and K. H. Berry. 2023. Drivers of survival of translocated tortoises. Journal of Wildlife Management 87:e22352. https://doi.org/10.1002/jwmg.22352

[8] *Make UC a Good Neighbor v. Regents of the University of California* (February 24, 2023) 88 Cal.App.5th 656.

Comment Set B5 – California Native Plant Society and Defenders of Wildlife (continued)

The DEIR did not meet the intent of CEQA § 15126.6. to evaluate a range of reasonable alternatives for this project that could "feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project." Due to the significant impacts described in section 3.5.5 of the DEIR, an alternative that would avoid all impacts to DDWW. Further, desert pavement should have been analyzed for this project. Given the extremely high ecological values of these vegetation types and the relatively small proportion of the project area, an alternative to analyze whether project objectives could have been achieved while avoiding these vegetation types should be considered in a revised DEIR, noting that CEQA § 15126.6. requires that an alternative achieve most, but not all, of the basic project objectives. B5-17

Project Decommissioning B5-18

The DEIR states that at the end of the Project's useful life, it will be decommissioned, and the land will return to its pre-project condition. Due to California's aggressive renewable goals[9], it is unlikely the project will be decommissioned in the foreseeable future. In the event the project is decommissioned, it is still unlikely that the project site will return to agricultural use, since industrial-scale infrastructure will already be constructed to serve the site, and the lands will have already been disturbed. Once the habitat and wildlife are destroyed, the land will not return to its current state. It is imperative to recognize the Project will reasonably foreseeably result in a permanent change to the site and not return to the pre-project condition.

In conclusion, we would recommend that a revised DEIR be prepared to include all special status species encountered during biological surveys as well as additional mitigation measures and an analysis of additional alternatives that could reduce the Project's environmental impacts. Thank you for the opportunity to comment on this project and please contact us with any questions.

Sincerely,

Brendan Wilce
Conservation Program Coordinator
California Native Plant Society
bwilce@cnps.org

Sophia Markowska
Senior California Representative
Defenders of Wildlife
smarkowska@defenders.org

[9] See https://www.energy.ca.gov/sb100

Responses to Comment Set B5 – California Native Plant Society and Defenders of Wildlife

B5-1 The commenter describes the California Native Plant Society and Defenders of Wildlife organizations and summarizes the Easley Project and its surrounding area. The commenter notes its support for renewable energy, gratitude towards Intersect Power for their open dialogue, and desire for a continued commitment to altering the Project to ensure the Project avoids sensitive resources in the California Desert Conservation Area (CDCA) and complies with the Desert Renewable Energy Conservation Plan (DRECP) Conservation and Management Actions (CMAs).

B5-2 The commenter states that the Draft EIR failed to incorporate analysis of special-status species found during biological surveys and that the surveys did not use an accurate list of species. The commenter states that the DEIR did not consider species protected by the California Desert Native Plant Act (CDNPA) that are found on the Project site and require permitting for removal. The commenter states that the Project needs to include compensatory mitigation for loss of habitat. The commenter recommends that additional surveys be performed to ensure all potential species are identified using 2018 CDFW protocols. The commenter states that a revised DEIR should be recirculated.

The commenter states that the list of special-status plants in the BRTR did not include several species with potential to occur. The commenter states that a reference site should have been used to validate all species with potential to occur, given lack of substantial rain prior to surveys. The commenter states that the surveys should have followed CDFW protocols.

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.

B5-3 The commenter states that CDFW Protocols provide guidance for Botanical Survey Reporting.

Botanical surveys conducted for the Project were completed in accordance with CDFW plant protocols and covered the entirety of the Project site, with systematic parallel transects. Results are presented in the BRTR (EIR Appendix C). Reference populations for plants that have some potential to occur were visited for those that were not perennials. Plants observed were identified to the taxonomic level with the exception of select plants that were at minimum, identified not to be the rare plants in question due to habitat or identifying characteristics. The BRTR and the EIR's 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.

B5-4 The commenter states that the BRTR acknowledges that Crotch bumble bee suitable habitat is present in the Project area, but that no species-specific surveys were conducted. The commenter states that the Project should not state that none were observed if protocol-surveys were not performed. The commenter requests CDFW protocol surveys be conducted for Crotch bumble bee.

The commenter states that the DEIR fails to mention any discussions with USFWS on desert tortoise surveys that are over a year old, and that CDFW previously recommended that surveys be conducted within a year of the start of ground-disturbing activities during the appropriate survey period. The commenter requests new desert tortoise protocol-level surveys be conducted per USFWS protocols within one year prior to ground disturbance to determine presence.

The BRTR and the EIR's 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 P (Desert Tortoise Protection and Translocation Plan), and to General Response GR-1

B5-5 The commenter states that several plants species listed in the BRTR were not included for analysis of impacts in the DEIR.

Regarding the discrepancy in the BRTR related to 3 plants: *Wislenzia refracta* spp *refracta*, *Bouteloua trifida*, and *Euphorbia abramsiana* were not observed on the Project site. These were data entry errors that were corrected with botanists during QA/QC when figures and analysis were produced, but the same errors were not revised on specific tables and lists. The errors have been rectified in the revised and recirculated BRTR (EIR Appendix C).

The analysis of Biological Resources has also 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

B5-6 The commenter states that the Draft EIR did not include an analysis of species protected under the CDNPA, which require permitting for removal and salvage, transplant, and monitoring plan.

Refer to the Response to Comment B5-2 regarding the CDNPA. 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 MM BIO-5, which requires cactus salvage requirements and required coordination with CDFW, CNPS, and the California Botanic Garden.

B5-7 The commenter states that additional mitigation measures are needed to address impacts to special-status species that are included in the BRTR and not in the Draft EIR.

Refer to Response to Comment B5-5. The BRTR and the EIR's 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 S (Vegetation Resources Management Plan), and to General Response GR-1.

B5-8 The commenter states that mitigation measures should require post-construction monitoring of desert dry wash woodlands to ensure construction does not have a future impact on habitat avoided during construction. The commenter states that compensatory mitigation should be included to offset impacts to desert dry wash woodland.

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.

B5-9 The commenter requests the MM BIO-1 be updated to require that the compliance manager be on-site during panel washing to ensure that no impacts to desert tortoise occur. 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.

B5-10 The commenter recommends that specific buffers be added to MM BIO-7 for desert tortoise protection. 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.

B5-11 The commenter requests that MM BIO-7 be revised to include desert tortoise exclusion fence inspections following installation to ensure desert tortoise are not exhibiting fence-pacing

behavior. 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.

Text was added in MM BIO-7 in the Final EIR, as suggested.

B5-12 The commenter recommends that adherence to burrowing owl avoidance buffers, as established in the CDFW Staff Report on Burrowing Owl Mitigation (CDFW, 2012), be added to the burrowing owl mitigation measure. 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.

B5-13 The commenter requests that the burrowing owl mitigation measure include a requirement to protect adjacent foraging habitat for passive relocation and a ratio for artificial burrow installation of 1:1, per CDFW burrowing owl mitigation guidelines. 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.

B5-14 The commenter recommends that CDFW and USFWS be consulted to establish appropriate mitigation ratios and compensation for impacts to habitat and species. 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.

B5-15 The commenter states that the Desert Tortoise Translocation Plan should be available as part of the DEIR for public review. 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 Desert Tortoise Protection and Translocation Plan is appended to the PRDEIR as Appendix P.

Refer to General Response GR-4 regarding mitigation plans.

B5-16 The commenter recommends that wildlife-friendly fencing be required for the portions of the project that overlap the Pinto Wash Linkage.

Pending results of wildlife-friendly fencing on the Oberon Project, successful revegetation of disturbance areas, and addressing Federal Energy Regulatory Commission (FERC) security considerations, the Applicant has stated that it would coordinate with USFWS and implement wildlife-friendly fencing on the portion of the Easley Project that overlaps with the Pinto Wash Linkage beginning in year 3 of operations or once vegetation has re-established.

Impacts to wildlife movement are described in EIR Section 3.5.5, Impact BIO-3. Section 2.5.4 of the Draft EIR explains the Applicant's proposal to use wildlife-friendly fencing. See Response to Comment PRB10-12 regarding details on wildlife-friendly fencing.

B5-17 The commenter states that the Draft EIR did not meet the intent of CEQA § 15126.6. to evaluate a range of reasonable alternatives for this project that could "feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project." The commenter states that due to the significant impacts described in Section 3.5.5 of the Draft EIR, an alternative should be considered that would avoid all impacts to desert dry wash woodland. Further, desert pavement should have been analyzed for this project. The commenter suggests an alternative to analyze whether project objectives could have been achieved while avoiding these vegetation types.

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 and to General Response GR-1. In addition to Section 3.5, desert pavement is also addressed in EIR Section 3.8 (Geology, Soils, and Mineral Resources).

B5-18 The commenter states that the EIR should recognize that it is reasonably foreseeable that the Project will result in a permanent change to the site and not return to the pre-project condition.

Section 2.1 (Introduction) and Section 2.6 (Decommissioning and Repowering) of the Partially Recirculated Draft EIR state that at the end of the Easley Project's useful life, the Project would be decommissioned, and the land returned to its pre-Project conditions. Revegetation would be conducted in accordance with the Decommissioning and Revegetation Plan, or such condition as appropriate in accordance with County and BLM policies at the time of decommissioning.

Please see Responses to Comments B5-2 though B5-17, which address the commenter's specific concerns regarding biological resources and alternatives.

See General Response GR-1 and Response to Comment B9-1 regarding recirculation of the Draft EIR.

Comment Set B6 – Morongo Basin Conservation Association

MBCA
morongo basin conservation association

Post Office Box 24, Joshua Tree CA 92252 – www.mbconservation.org
MBCA is a 501(c)3 non-profit, community based, all volunteer organization since 1969

March 11, 2024

RIVERSIDE COUNTY PLANNING DEPARTMENT
Attn: Tim Wheeler, Project Planner
PO Box 1409; Riverside,
CA 95202-1409
TWheeler@rivco.org

Comments In response to the:
DRAFT Environmental Impact Report for IP Easley LLC's Easley Renewable Energy Project
(SCH No. 2022-11-0240)
Conditional Use Permit No. 220021 Public Use Permit No. 230002 Variance No. 230003 Development Permit No. 2200016

Dear Mr. Wheeler,

The Morongo Basin Conservation Association is an advocate for responsible renewable energy development that preserves the economic and environmental welfare of desert communities while working to meet the federal and state climate change goals. **B6-1**

Please incorporate the Respect Lake Tamarisk Alternative and the extensive research supporting this plan into the following MBCA comment.

As currently planned, the Easley Renewable Energy Project impinges on the historic Lake Tamarisk Community that includes 80 homes consisting of families with and without children and 150 homes occupied by 55 year and older people. To protect their history, lifestyle, scenic vistas, and monetary investment, the Lake Tamarisk Desert Oasis Community has submitted the Respect Lake Tamarisk Alternative which meets all the state and federal goals of the Easley Renewable Energy Project while protecting the community and surrounding desert.

Biological Resources **B6-2**

We have all learned that solar fields mimic water and attract birds, frequently to their death. Lake Tamarisk is a bird watcher's haven. We don't have to guess this value since Cornell University's worldwide checklist https://ebird.org/hotspots has the data. As of March 11, 2024, 304 species have been seen with checklists submitted by 2058 birders https://ebird.org/hotspot/L419660 . Figure 1 below shows the strategic location of Lake Tamarisk on the 90-mile journey from the Colorado River to the Salton Sea. If there was a sea of solar panels only 600 feet from the boundary of Lake Tamarisk migrating birds looking for rest and refreshment could be confused and land on the panels (Figure 2). A mile buffer allows the surrounding ponds and the community's lawns, shrubbery, and trees to be seen by birds for landing and feeding (Figure 3).

Comment Set B6 – Morongo Basin Conservation Association (continued)

B6-2 (cont'd)

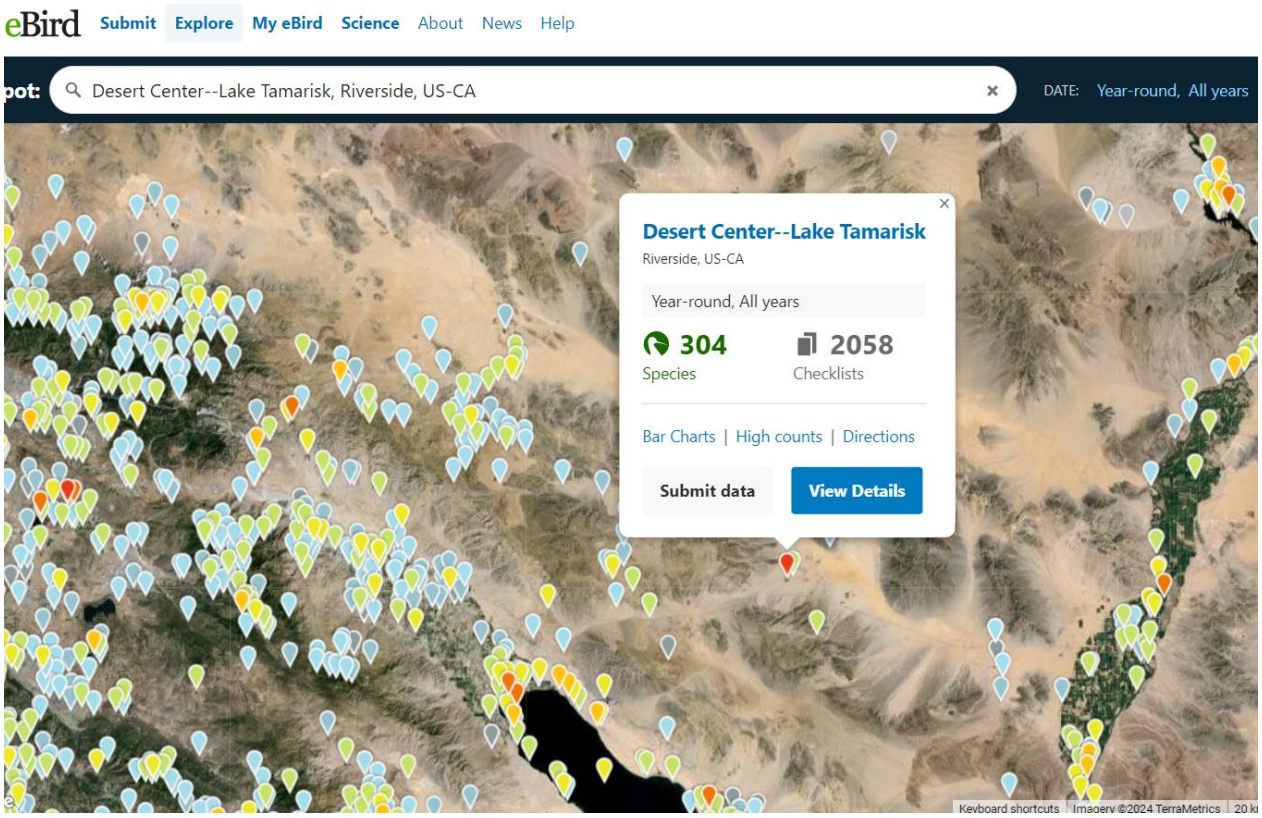


Figure 1: eBird map showing Lake Tamarisk and Salton Sea hotspots.

B6-3

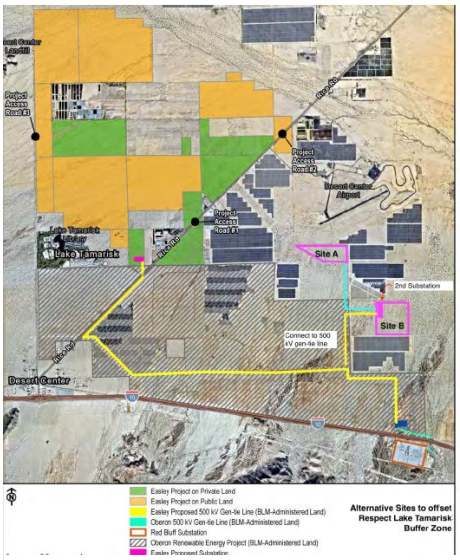


Figure 2: Lake Tamarisk surrounded by proposed and existing solar projects on BLM and private land.

Figure 4: Lake Tamarisk – a bird refuge



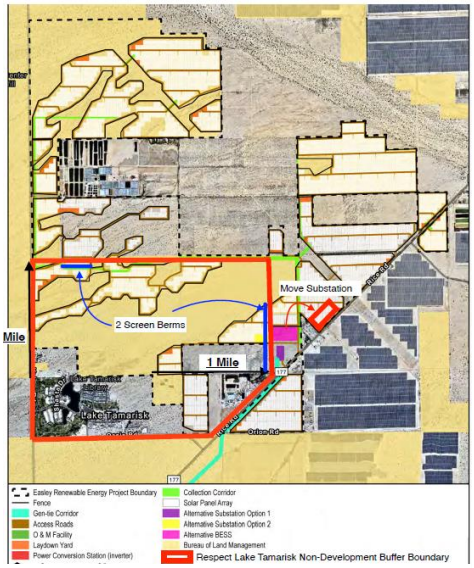


Figure 3: Boundary of Respect Lake Tamarisk Alternative in red.

Comment Set B6 – Morongo Basin Conservation Association (continued)

Thank you for adding this observation to the research provided by the Lake Tamarisk Desert Oasis Community.

Sincerely.



Pat Flanagan, Board Member MBCA

Cc:

Riverside County District 4 Supervisor V.
Manuel Perez
4080 Lemon St. 5th floor
Riverside CA. 92501
district4@rivco.org

Responses to Comment Set B6 – Morongo Basin Conservation Association

B6-1 The commenter's support for responsible renewable energy development and the commenter-requested "Respect Lake Tamarisk Alternative" is noted.

Please refer to Responses to Comment Sets B3 (Active Communities/Desert Center) and D4 (Mark Carrington), which address the specifics of the "Respect Lake Tamarisk Alternative." See also General Response GR-8.

B6-2 The commenter states that solar fields mimic water bodies, which attracts birds to their death. The commenter notes that Lake Tamarisk is a migratory stopover between Salton Sea and the Colorado River, and that the solar arrays would confuse migrating birds. The commenter notes that a 1-mile buffer would allow for birds to see the ponds and lawns, shrubbery, and trees for landing. 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 and to General Response GR-1.

Refer to General Response GR-8 regarding alternatives and General Response GR-7 regarding impacts due to the "lake effect."

B6-3 The commenter includes a photo of Lake Tamarisk and two figures that were submitted as part of the commenter-requested "Respect Lake Tamarisk Alternative," which illustrate the requested minimum 1-mile natural buffer, two screening berms, onsite substation relocation, and alternative parcels east of State Route 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, as well as General Response GR-8.

Comment Set B7 – EDF Renewables Development Inc (EDFRD) on behalf of Sapphire Solar LLC

Email: Easley Renewable Energy Project

From: Katie Kuplevich <Katie.Kuplevich@edf-re.com>
Sent: Monday, March 11, 2024 4:03 PM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Cc: Christa Hudson (Consultant) <Christa.Hudson.Consultant@edf-re.com>; Devon Muto <Devon.Muto@edf-re.com>; Neve Stearns <neve@intersectpower.com>; Camille Wasinger <camille@intersectpower.com>
Subject: EDFR Comment on IP Easley Renewable Energy Project Draft Environmental Impact Report

Good afternoon Mr. Wheeler,

EDF Renewables Development, Inc. (EDFRD), on behalf of Sapphire Solar, LLC, appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Intersect Power Easley Renewable Energy Project. As relevant to the Easley DEIR's cumulative impacts analysis, I write to provide the estimated groundwater consumption and construction workforce numbers for the Sapphire Solar Project, which will be used in the Sapphire Project's forthcoming California Environmental Quality Act and National Environmental Policy Act documents. B7-1

Groundwater Consumption

The Sapphire Solar Project's Water Supply Assessment (WSA) conservatively estimates that the Sapphire Project would require up to 300 acre-feet of water during construction (12 – 18 months) and approximately 9 acre-feet per year during operations. The Easley WSA estimates that Sapphire would use 500 acre-feet per year during a two-year construction period and 50 acre feet per year during operations. Accordingly, the Easley WSA and DEIR's analysis of cumulative groundwater consumption is conservative in its significant overestimate of Sapphire's anticipated groundwater usage. Cumulative groundwater impacts therefore are likely to be lower than indicated in the Easley DEIR.

Construction Workforce

The Sapphire Project would have a maximum daily workforce of 250 employees. The Easley DEIR overestimates this workforce at 322 (Table 3.18-1), rendering the Easley DEIR's estimate of cumulative construction trip generation conservative. Accordingly, cumulative construction Vehicle Miles Traveled and Level of Service impacts likely will be lower than indicated in the Easley DEIR.

EDFRD does not believe it is necessary that the above estimates be updated in the Easley Final EIR because they overstate rather than understate potential groundwater and construction workforce-related impacts.

Thank you for the opportunity to provide this information in support of the Easley DEIR's cumulative impacts analysis. Please do not hesitate to contact me if you have any questions.

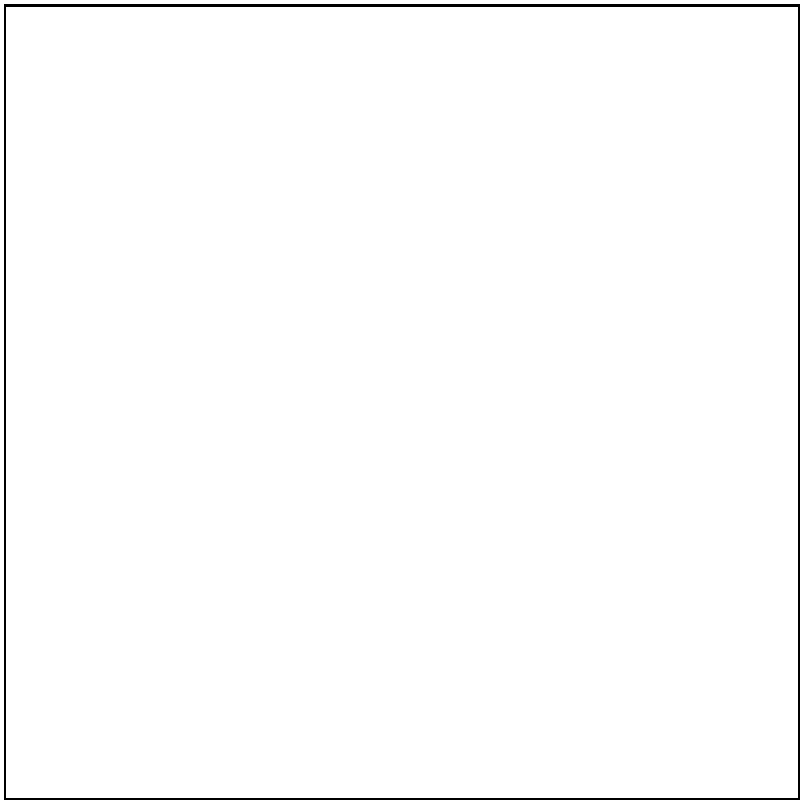
Comment Set B7 – EDF Renewables Development Inc (EDFRD) on behalf of Sapphire Solar LLC

Katie Kuplevich
Associate Director - Development

1999 Harrison Street, Suite 675
Oakland, CA 94612

T: 510.457.2144
M: 925.768.0800

katie.kuplevich@edf-re.com
www.edf-re.com



Disclaimer: *This email and any attachments sent to EDF employees or their intended recipients should be considered confidential, may contain legal, professional and/or other privileged information, and intended solely for the addressee. If you are not the intended recipient, do not use the information in this email in any way; delete and notify the sender.*

Responses to Comment Set B7 – EDF Renewables Development, Inc.

B7-1 The commenter states that the Easley Water Supply Assessment (WSA)(Appendix G in the Draft EIR) conservatively assumed that the Sapphire Solar Project would use 500 acre-feet per year during a 2-year construction period and 50-acre feet per year during operations, when in fact the Sapphire WSA estimates that the Sapphire Project would require up to 300 acre-feet of water during construction (12 – 18 months) and approximately 9 acre-feet per year during operations. Likewise, the commenter states that the construction workforce estimates for the Sapphire Project in the Transportation and Traffic analysis in Section 3.18 of the Easley Draft EIR overestimate the proposed number of workers.

The commenter does not believe it is necessary that the Sapphire water usage and construction workforce estimates be updated in the Easley Final EIR, because they overstate rather than understate potential groundwater and construction workforce-related impacts.

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, the revised WSA at Appendix G, and to General Response GR-1.

Comment Set B8 – Chiriaco Summit

Email: Easley Renewable Energy Project

From: Margit F. Chiriaco Rusche <mchiriacor@aol.com>
Sent: Monday, March 11, 2024 4:21 PM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Cc: mchiriacor@aol.com
Subject: CUP220021

Dear Mr. Wheeler:

I am writing to you on behalf of our community of Chiriaco Summit, est in l933, and wish to share some of our thoughts on the Intersect Power"s Easley Solar project. Being the closest neighbor to the Lake Tamarisk, Desert Center community, we understand some of their issues with the advance of the solar fields surrounding their homes. And indeed they are, and no stopping this freight train, however, I believe there must be serious discussion on ways to provide financial consideration for the needs of the community and inclusive of 501-C-3's in the area which could help resolve some of the serious concerns by the homeowners. I believe Intersect Power will be a good neighbor and responsible to their commitments to mutually agreed community projects, which could be support for the youth in the area , including the youth programs, library and museums., Lions club and other churches ...as well as other projects deemed necessary by all in the community. however I would oppose any projects that are already funded well through the state and county taxes. There should be a committee to monitor and disperse the money set aside, with representatives from several areas of the community. **B8-1**

Solar is here and becoming a part of the desert landscape and power grid for California but it is still not advanced enough as there is much to do to harness the sun with smaller panels, less area and increased power. I'm sure down the road the solar farms will be a thing of the past and I hope this is truly what will happen...our desert land is precious to us and very beautiful and just because there is not dense habitation here, does not mean that it up for grabs to become a vast wasteland for power hungry money investors.

But we have the fields now, so we need to create a climate of cooperation and care and move forward in a positive way that is inclusive of all interests....or I cannot support. -

Margit F. Chiriaco-Rusche
(760) 485-1576 Mobile
62450 Chiriaco Rd.
Chiriaco Summit, Ca 92201

Responses to Comment Set B8 – Chiriaco Summit

B8-1 The commenter is a resident of Chiriaco Summit, a community approximately 20 miles west of Desert Center. The commenter states the belief that Intersect Power will be a good neighbor and responsible to its commitments for community projects.

Financial commitments and community projects between the local community and Intersect Power are outside of the scope of CEQA. 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 local community.

The commenter's opposition to projects that are already funded well through state and county taxes is noted. Alternative E (Distributed Commercial and Industrial Rooftop Solar Alternative) fully analyzes distributed solar under each issue area in Chapter 5 of the Partially Recirculated Draft EIR.

As described in Section 1.5 (Summary of the Project Evaluated in this EIR) of the Draft EIR, the proposed Project is subject to Riverside County Policy B-29, and the developer would need to enter into a development agreement with the County. The purpose of Policy B-29 is to ensure that the County does not disproportionately bear the burden of solar energy production and ensure the County is compensated in an amount it deems appropriate for the use of its real property. The policy states that the solar power plant owner shall annually pay the County $150 for each acre of land involved in the power production process with an annual 2% escalation since the policy was implemented in 2013. It also lists requirements for solar power plant owners relating to sales and use taxes payable in connection with the construction of a solar power plant. Once the development agreement is enacted, the proposed Project would comply with this policy.

Comment Set B9 – Active Communities-Desert Center #2

ANGEL LAW

2601 Ocean Park Blvd., Suite 205
Santa Monica, CA 90405-5269
Tel: (310) 314-6433
fangel@angellaw.com

March 11, 2024

Riverside County Planning Department
Attn: Tim Wheeler, Project Planner
4080 Lemon Street, 12th Floor
Riverside, CA 92502

Via email to TWheeler@rivco.org

Re: IP Easley Renewable Energy Project Draft Environmental Impact Report (CUP220021 / PUP230002 / VAR230003 / DA2200016 / SCH 2022110240)

Dear Mr. Wheeler:

Angel Law submits the following comments on the draft environmental impact report (**DEIR**) for the Easley Renewable Energy Project (**Easley Project** or **Project**). We are legal counsel for and write on behalf of Active Communities/Desert Center (**AC/DC**), a key stakeholder in the environmental review and decision-making process for the Project.[1] B9-1

Discretionary entitlements for the Project are being applied for with the County of Riverside (**County**) by a Delaware limited liability company, IP Easley, LLC, a subsidiary of Intersect Power,

[1] AC/DC works to prevent the significant direct, indirect, and cumulative adverse impacts on the environment (including but not limited to loss of desert landscape aesthetics, biodiversity, and unsustainable groundwater withdrawals), and attendant human health and welfare effects, associated with overconcentration of large-scale, industrial solar energy development in the Lake Tamarisk, Desert Center and larger Chuckwalla Valley areas.

AC/DC advocates for responsible and innovative site planning of utility-scale renewable energy projects that leaves room for adequate development buffers from human habitation and ecologically significant wildlife habitat, and for early and meaningful community involvement, equity, transparency, dissemination of objective environmental information and analysis, as well as fair and independent decision-making processes, concerning those projects.

Comment Set B9 – Active Communities-Desert Center #2 (continued)

LLC, another Delaware limited liability company.[2] Pursuant to the California Environmental Quality Act (**CEQA**; Pub. Resources Code, § 21000 et seq.), the County is the lead agency for the Project. (See Pub. Resources Code, § 21067.)[3] As such, it has the *principal* responsibility for approving the Project. (*Id*.)

B9-1 (cont'd)

We request circulation of a revised DEIR containing the environmental information and assessments that should have been contained in the DEIR, as pointed out in our comments and the comments of others. Many comments and questions we raise arise from DEIR information disclosure omissions and broad, often formulaic conclusions, that prevent interested stakeholders from understanding or independently evaluating systematic findings of "No Significant Impact" for the adverse impacts on the environment of one of the most sprawling, utility-scale renewable energy projects that have come before the County.

***

B9-2

CEQA, in addition to requiring review of a project's adverse impacts on the environment, mandates assessment of these impacts on "human beings, directly or indirectly." (§ 21083, subd. (b)(3); see *id*., subd. (b)(2); *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1219-1220 (*Bakersfield Citizens*) [lead agency ordered to void EIR certification and project approvals due to EIR's failure to correlate adverse air quality impacts to resulting adverse health consequences]; CEQA Guidelines, §§ 15065, subds. (a)(3) & (4), 15126.2, subd. (a).) While the DEIR discusses 18 areas of environmental inquiry (§ 3.2 et seq.), what is entirely missing from this document is a holistic investigation and assessment of the direct and cumulative public health, safety and welfare impacts of the Easley Project on the human beings in the communities of Lake Tamarisk and Desert Center. The short shrift human beings impacted by the Easley Project are given in the DEIR not only cuts across important areas of environmental inquiry as the Project's adverse impacts on land use and vital resources, such as air and groundwater, are systematically being downplayed as "Not Significant"; also, it carries over into the alternatives review. Contrary to CEQA, the DEIR does not select for in-depth review *any* project alternative with *substantial* environmental advantages over the Project.

The Community of Lake Tamarisk is currently surrounded by "Surrounding Renewable Energy Projects." (DEIR Figure 2-1; see also Figure 2-4.) With the Easley Project, Intersect will be closing in on this human community on three sides. If the Project is approved as proposed, the community will be literally sandwiched between Intersect's Oberon Project (to the south) and Intersect's Easley

[2] We will hereafter refer to the Project applicant as "**Intersect**."

[3] Unlabeled statutory references in this comment letter are to the Public Resources Code. We will refer to the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) as the "**CEQA Guidelines**."

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Project (to the north and the northeast), with additional Easley solar arrays, the Easley Substation and the Easley Battery Energy Storage System (**BESS**) immediately to the east. The level of disrespect Intersect shows for this Riverside County community is unprecedented.

B9-2 (cont'd)

Unquestionably, the utility-scale solar tsunamis the Chuckwalla Valley area has been experiencing over the past decade disproportionately impact neighboring human communities. They're exposed to sand and dust storms blowing massive quantities of soil particles from desert lands scraped or graded for solar farms, toxic soot and smog from diesel motors, exhaust from transportation of oversize/overweight loads and construction traffic, and the pounding sounds of pile drivers, among myriads of other sources of noise. They witness distressing incremental losses of desert biodiversity and landscape aesthetics.

Yet they're not saying no to responsible renewable energy development. They know that the County's decision makers must balance competing interests when faced with renewable energy projects.[4] It is in that spirit, to allow the County's decision makers to strike a reasonable balance, that AC/DC has put forth a meaningful, feasible Project alternative that achieves all basic Project objectives -- the Respect Lake Tamarisk Alternative.[5] Importantly, even if the Respect Lake Tamarisk Alternative results in increased expenses or diminished profitability for Intersect, that won't justify its rejection. Any additional costs or lost profitability would have to be " 'sufficiently severe as to render it impractical to proceed with the project.' (*Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, 1181 (*Goleta I*).)" (*Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336, 1352 (*Preservation Action*).) To this point, note that there are many profitable utility-scale photovoltaic solar energy facilities in California, including in Riverside County, that generate substantially less than 400 MW (the Easley Project's maximum generation capacity target), or are located on lands receiving lower levels of insolation than the County's Sonoran Desert region.

***

We are guided in our comments and questions on the DEIR by CEQA's foundational requirement that EIRs and EIR review serve to foster informed decision-making and public participation, and that to do so, an EIR " 'must contain facts and analysis, not just the agency's [or the EIR drafters'] bare conclusions or opinions.' [Citations.]" (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 404 (*Laurel Heights I*.) "An EIR must include detail

[4] The comments of citizens Bruce and June McArthur are illustrative: "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." (03-04-2024 email to Tim Wheeler.)

[5] Context and justification for this alternative is provided below.

Comment Set B9 – Active Communities-Desert Center #2 (continued)

sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project." (*Ibid.*)[6]

B9-2 (cont'd)

PROJECT DESCRIPTION

B9-3

Our comments concerning the DEIR's Project description are premised on the logic that incomplete, vague, confusing, enigmatic, or conflicting descriptions of a project or its components corrupt the impact analysis. (See *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 654-656 & fn. 4, 672 (*Merced*); *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 734 (*Stanislaus*).) Omissions, inaccuracies, or lack of clarity and ambiguities in descriptions of the baseline physical conditions against which environmental impacts must be measured, such as not or not clearly identifying baseline assumptions relevant to required areas of environmental inquiry (aesthetics, agricultural resources, air quality, etc.; DEIR, § 3.2 et seq.), likewise, skew the impact analysis. (*Merced*, 149 Cal.App.4th at pp. 656-659; *Stanislaus*, 27 Cal.App.4th at pp. 723-724.)

The DEIR (at 2-1) states that depending on the timing of its interconnection agreement, the Easley Project "could be operational as early as late 2025." (DEIR at 2-1.) This is speculation.[7] What *is* the timing of the interconnection agreement Intersect will require, and what factors will affect it? Have Phase-I and Phase-II interconnection studies been submitted? Has Intersect secured power purchase agreements? If so, with what load serving entities and for what procurement amounts?[8] Responsive information to these questions is further relevant because the timing of Project operation affects achievement of the horizon dates provided in the Project objectives for a decarbonized energy grid (promised Project benefits). We understand curtailments of renewable

[6] Accord, *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 510, 522; *Natural Resources Defense Council, Inc. v. City of Los Angeles* (2023) 98 Cal.App.5th 1176, 1201, 1204; *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 869 (*King & Gardiner*); *Preservation Action*, *supra*, 141 Cal.App.4th at pp. 1351, 1353.)

[7] Considering the 20-month timeframe for the Project's construction phase (DEIR at 2-12, 3.4-9), it is safe to say that Intersect itself does not believe in the late 2025 online date. (Daniel Moore, *Clean Energy Traffic Jam Snarls Grid Access in Key Solar Market*, Bloomberg Law (Dec. 4, 2023), available at <https://news.bloomberglaw.com/environment-and-energy/solar-energy-traffic-jam-snarls-access-to-california-power-grid> (**Bloomberg Law**)).

[8] The levels of severity of the cumulative environmental effects of a new industrial project's construction phase depend on the timing of the construction phase. For example, when the construction phases of the Easley Project and other probable future solar projects in the Riverside East Solar Energy Zone overlap in time, the cumulative effects of concurrent construction phase emissions of ground-level ozone precursors nitrogen oxide (**NOx**) and volatile organic compounds (**VOC**), as well as fugitive dust (**PM10** and **PM2.5**), carbon monoxide (**CO**), and sulfur oxides (**SOx**), is substantially more severe than in a scenario of consecutive construction phases, where the Easley Project would be operational as early as late 2025, before the related Sapphire Project and other reasonably probable development in the Mojave Desert Air Basin.

Comment Set B9 – Active Communities-Desert Center #2 (continued)

energy generation have been steadily increasing due to oversupply originating in the Riverside East Solar Energy Zone and regionwide transmission and interconnection capacity constraints. The California Independent System Operator (**CAISO**) is reported to have imposed "a one-year delay to study results of recently proposed power plants seeking to connect to the state's electrical grid." (Bloomberg Law, *supra*.) "CAISO says an unprecedented surge in interest from developers like Kimber [Intersect/Easley] have overwhelmed the operator's ability to move the projects through the grid-connection study process." (*Id*.)[9] To this point: **B9-3 (cont'd)**

What specific *offsite* network transmission infrastructure development does bringing the Easley Project online call for -- e.g., upgrades to the Southern California Edison Red Bluff Substation and upgrades in the 500 kV transmission corridor on the Interstate 10 (**I-10**), part of CAISO's SCE Eastern Planning Zone)?[10] What are the environmental impacts of offsite infrastructure development in terms of both Project-induced direct impacts and cumulative impacts, accounting for the related solar projects identified in Table 3.1-1? Where are these offsite impacts and their effects expected to occur or be felt? **B9-4**

The DEIR estimates the Project operation phase to be a "minimum of 35 years and up to 50 or more years." (DEIR at 2-1.) This Project description is far too vague for an accurate assessment of the environmental impacts of the operation phase (e.g., impacts on the groundwater resource). The level of significance of an adverse impact on any given environmental resource obviously depends on the length of time the impact persists. **B9-5**

Even assuming a useful life of no more than 35 years, that's long enough for the DEIR to disclose and assess direct and cumulative Project-related effects on resources specifically identified in the legislation that will establish the Chuckwalla National Monument (**CNM**). The CNM will be in existence decades before the Project is decommissioned.[11] Portions of the CNM are in close **B9-6**

[9] See also Lawrence Berkeley National Laboratory. April 2023. Queued Up: Characteristics of Power Plants Seeking Transmission Interconnection, available at <https://emp.lbl.gov/queues>.

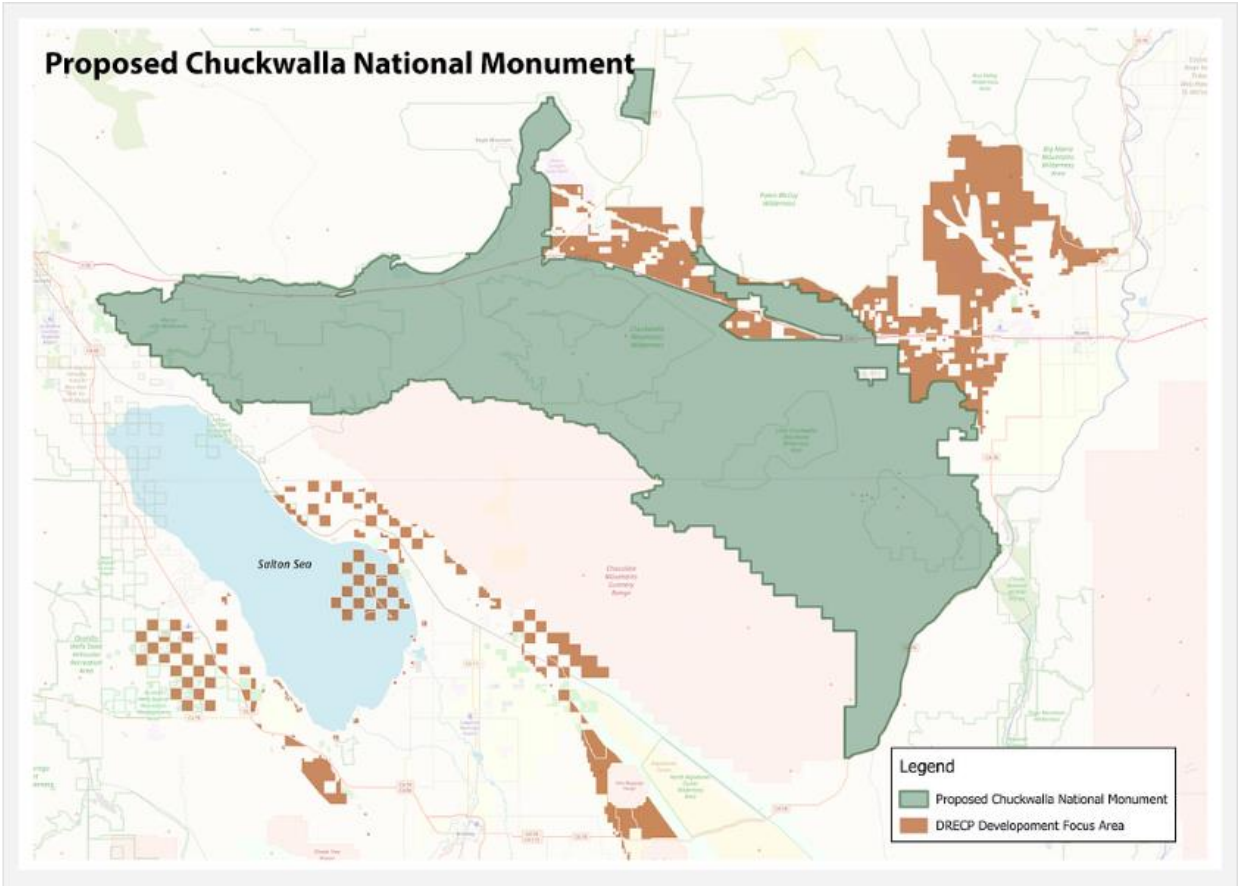
[10] Standing in the shoes of an interconnection customer vis-à-vis CAISO, Intersect must have that information. It will be required to bear its fair cost allocation share in financing the network upgrades to move through CAISO's inundated interconnection queue toward an interconnection agreement.

[11] On September 21, 2023, Congressman Paul Ruiz introduced H.R. 5660 to establish the CNM. It describes the purpose of the CNM as follows: "(1) conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, *scenic*, wildlife, *recreational, cultural*, historical, natural, educational, and scientific resources of the Monument; and (2) provide for collaborative management with culturally affiliated Tribes of Monument resources." (Italics added.) The CNM will indeed include the ancestral homelands of the Iviatim, Nüwü, Pipa Aha Macav, Kwatsáan and Maara'yam peoples (Cahuilla, Chemehuevi, Mojave, Quechan, and Serrano nations), reintroduce the Sonoran Pronghorn antelope to the region, and offer what has been hailed "a historic

Comment Set B9 – Active Communities-Desert Center #2 (continued)

proximity to the Easley Project, both on the west and south of the Project site. Oddly enough, the DEIR views the CNM only as a probable future project that could add to the Easley Project's cumulative impacts (Table 3.1-1), thus telling us, for example, that the CNM would not contribute to cumulative visual or cultural impacts. (DEIR at 3.2-33, 3.6-33.) But the question is not whether the CNM would have adverse visual or cultural impacts -- unlike a solar farm it's being created to *preserve* scenic views and cultural resources. Rather, the inquiry should have focused on the Easley Project's adverse direct and cumulative aesthetic effects *on* the CNM. That inquiry is missing from the DEIR.

B9-6 (cont'd)



The DEIR (at 2-2) erroneously refers to the Oberon Project as "under construction." Many figures referred to in the text of the DEIR, here and elsewhere, suffer from more problematic flaws --

B9-7

opportunity to ensure equitable access to outdoor recreation for communities in the eastern Coachella Valley," all the while making a very significant contribution to state and federal commitments to protect at least 30% of public lands by 2030. (<https://protectchuckwalla.org/2023/09/25/new-chuckwalla-national-monument-joshua-tree-national-park-expansion-proposed-for-the-california-desert/> [as of March 11, 2024].)

Comment Set B9 – Active Communities-Desert Center #2 (continued)

design flaws. They make extensive use of analogous color schemes that minimize contrast and differentiation between shades of the same color; use of inconsistent color codes from figure to figure -- for example, different codes are used in different figures to identify identical land designations, such as land designated by the BLM's Desert Renewable Energy Conservation Plan (**DRECP**) as Development Area Focus (**DFA**); use of inconsistent terminology without explaining the reason why -- e.g., "gen-tie line" vs. "gen-tie corridor; or failure to identify on a figure what is referenced in the text.

B9-7 (cont'd)

These flaws frustrate rapid and full assimilation by the reader of information relevant to meaningful public review, contrary to the CEQA Guidelines.[12] Similarly, because the Project description leaves open the question whether there will be one or two substation yards and does not indicate the location of the operations and maintenance building "plus four to six 40-foot CONEX containers," it is unclear whether 25+ or 50+ acres of land will be graded for these facilities and impacted by the uses associated with them throughout the operational phase. What scenario (one or two substation yards) has been used for the impacts analyses? If two, where does it show this?

B9-8

The DEIR states (at 2-3) that a system of 34.5 kV interior collection power lines between inverters and substations would be "located either underground or installed overhead on wood poles." Undergrounding these lines would help mitigate aesthetic impacts and wildland fire hazard. Will they be undergrounded?

B9-9

The DEIR (at 2-9–2-10, 2-21, 3.5-42) leaves open the question whether fencing referred to as "wildlife-friendly" will be installed during Project operation. It states "[i]f" it is, "the roadway system would be specially designed to accommodate the safe passage of desert tortoise and other wildlife across the site." (DEIR at 2-9.) Which other species? Would the wildlife-friendly fencing for wildlife species other than the desert tortoise be the fencing described in Section 2.5.4?

Why is the replacement of exclusion fencing with wildlife-friendly fencing for the operation phase not a given in the first place? Wouldn't wildlife-friendly fencing prevent Desert tortoise death by hyperthermia or dehydration by preventing the pacing of exclusion fences by individuals removed from the construction fence alignment or translocated? (Displaced desert tortoises tend to return to their home ranges and burrows.) And why should it be assumed that only if wildlife-friendly fencing is installed, will wildlife need a roadway system design that accommodates safe passage? What science and studies support making roadway design decreasing mortality rates of a federally- and state listed threatened species (and other species of concern or of low mobility), and mitigating

B9-10

[12] "EIRs shall be written in plain language and may use appropriate graphics so that decisionmakers and the public can *rapidly* understand the documents." (CEQA Guidelines, § 15140, italics added.) Likewise, maps, plot plans, diagrams and similar information must be included in the EIR and must be "sufficient to permit *full* assessment of significant environmental impacts by reviewing agencies and members of the public." (*Id*., § 15147, italics added.) In short, presentation matters. (See *Merced*, *supra*, 149 Cal.App.4th at p. 659, and cases cited.)

Comment Set B9 – Active Communities-Desert Center #2 (continued)

habitat fragmentation, dependent on the installation of wildlife-friendly perimeter fencing for the Project? Also, what would the special roadway design consist of? What types of wildlife crossings? **B9-10 (cont'd)**

If wildlife-friendly fencing is not installed, such that the roadway system wouldn't be specially designed to accommodate safe passage of the desert tortoise and other wildlife, do the findings of "Impact Less than Significant with Mitigation" regarding Impacts BIO1, BIO-2, and BIO-3 still hold for the direct or cumulative impacts of the Easley Project? If so, what science supports such a conclusion? Translocation is an experimental mitigation measure as it is, with anything but guaranteed success.[13]

The DEIR fails to identify a definite source of water supply for the construction and operations phases. It states (at 2-10, 2-22) that the water would be obtained from "either an on-site groundwater well or purchased off site." What offsite entity would supply the water? Would this be imported Colorado River water? **B9-11**

The DEIR states (at 2-14): "Clearance surveys are challenging to complete within the limited temperature constraints during the protocol survey period since ambient temperatures often exceed 100 degrees Fahrenheit before the end of April and into October in Chuckwalla Valley. Therefore, temperature thresholds for clearance surveys may be up to 40 degrees C (104 degrees F) in areas that do not have a high modelled desert tortoise occupancy; and/or historical data did not have active desert tortoise sign within the area or in immediate adjacent areas; and/or are adjacent to SR-177/Rice Road, with a higher level of human disturbances." (*Id*.)[14] These statements are ambiguous at best. To fudge on whether before site preparation clearance surveys for the desert tortoise (considered not just threatened, but effectively Critically Endangered), the burrowing owl and mammals will be conducted at the appropriate times or at all, undercuts the findings of no significant impact on the species specifically identified for passive relocation and translocation. As for areas adjacent to SR-177/Rice Road, why shouldn't they be surveyed given that access to the Project site would be through SR-177/Rice Road via multiple driveway entrances? (DEIR at 2-9; Figure 3.18-1.) Wouldn't the "higher level of human disturbances" adjacent to SR-177/Rice Road be a reason justifying clearance surveys to prevent incidental takes? **B9-12**

The DEIR refers to (at 2-18) "any required upgrades to the Oberon Substation." What upgrades? What determines whether they would be required? **B9-13**

[13] See, e.g., Jeremy S. Mack, Kristin H. Berry. 2023. Drivers of survival of translocated tortoises. J. Wildl. Manage. 87, e22352, available at <https://doi.org/10.1002/jwmg.22352>.

[14] Isn't mowing, grubbing and grading equally challenging to complete when ambient temperatures exceed 100 degrees Fahrenheit before the end of April and into October in the Chuckwalla Valley?

Comment Set B9 – Active Communities-Desert Center #2 (continued)

The reference to spraying with an "approved" herbicide (DEIR at 2-19) to remove vegetation is misleading and application of herbicides is indefensible. "Approved" or registered herbicides are still toxic (e.g., glyphosate, the main ingredient in Roundup, indaziflam, dinoseb), and toxicity varies depending on the species exposed to the herbicide, concentration levels, combinations of active ingredients and adjuvants, inter alia. While we request avoidance of herbicides and rodenticides, the herbicides and pesticides for pest management (DEIR at 2-20), the specific areas of application, and the desert scrub habitat and wildlife species targeted must be fully identified; and the environmental impacts on humans, wildlife and native plant species must be disclosed and evaluated, accounting for all exposure pathways and all sources of exposure, including drift to forbs, sensitive plant species and communities, microphyll woodlands and other desert scrub habitat. **B9-14**

The DEIR states that inverters and units would be swapped out within 10 to 25 years of operation, but thereafter the Project would continue delivering electricity "for many decades." (DEIR at 2-22.) How can that be if decommissioning occurs at the end of its useful life of 30 to 50 years? **B9-15**

ENVIRONMENTAL SETTING **B9-16**

According to the DEIR (at 3.1-1), "[w]ithin the Project area parcels, the development footprint consists of the areas within the fenceline where the solar facility, on-site substation, and BESS would be constructed." It defines the "Project area" as "the site of the proposed Project, shown on Figure 2-2, and the *immediate vicinity* around the Project *where Project impacts could affect the environment*." (*Id*., italics added.)

For purposes of disclosing the environmental effects of "the whole of an action" (CEQA Guidelines, § 15378; see *id*., § 15125), including indirect effects, what is the development or Project-related activity (or use) footprint outside the "Project area"? Has it been determined? Does the DEIR assume no construction footprint or activity associated with the Project will impact physical baseline conditions outside the immediate vicinity around the Project?

The DEIR (at 3.1-3) includes in the category of impacts deemed "significant and unavoidable" any significant impact "where either no feasible mitigation can be implemented, *or* the impact remains significant after implementation of mitigation measures." (Italics added.) This is problematic. To characterize residual significant impacts as "unavoidable" even when mitigation measures (or alternatives) are feasible, whether to further reduce any significant effect (albeit not to a level of insignificance), or to reduce it below of significance, mischaracterizes avoidable impacts as "unavoidable." This misinforms the public and County decision makers.

The DEIR predicates cumulative impact analysis on another, foundational error, with repercussions throughout the DEIR's cumulative impacts assessments, calling into question findings of no **B9-17**

Comment Set B9 – Active Communities-Desert Center #2 (continued)

significant or considerable cumulative effect in many areas of environmental inquiry, such as air quality, hydrology and groundwater quality, biological resources, noise, or light and glare. As stated in the DEIR, "[f]or purposes of this EIR" cumulative impacts are limited to the following scenarios: the Project would result in a significant cumulative impact only if: (a) a "substantial enough" direct Project impact adds up to the cumulative effects of other past, current, and probable future projects themselves deemed insignificant without the Project; or (b) the cumulative effects of such other projects are already significant without the Project, and the Project would result in "a cumulatively considerable contribution to the already significant effect." (DEIR at 3.1-4–3.1–5.)

B9-17 (cont'd)

This analytic framework forecloses findings of significant cumulative impacts when the direct incremental impacts of the Project are individually minor, but increase, compound or interact with cumulative impacts of other past, present and probable future projects deemed not already significant without the Project. But a mandatory finding of significance is called for when a project's effects are "cumulatively considerable" though "individually limited." (§ 21083, subd. (b)(2); CEQA Guidelines, § 15065, subd. (a)(3); see *id*., § 15130, subd. (a), par. one.)[15] As noted in the CEQA Guidelines' definition of "cumulative impacts":

> "The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from *individually minor but collectively significant* projects taking place over a period of time."

(*Id*., § 15355, italics added; accord, *North Coast Rivers Alliance v. Kawamura* (2015) 243 Cal.App.4th 647, 682-683; *Kings County*, *supra*, 221 Cal.App.3d at pp. 719-720.) Quantified baseline data and quantitative analysis are crucial to meaningful analysis of cumulative (and direct) Project impacts, as well as meaningful comparison of the Project to alternatives. (See *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 440-441 (*Vineyard*); *Kings County*, *supra*, 221 Cal.App.3d at pp. 733, 735.)

Finally, we note that the DEIR (at 3.1-3) erroneously refers the reader to Section 4 (instead of Section 5) for a comparison of project alternatives. What specific environmental or land use

B9-18

[15] Courts have cautioned repeatedly:

> " 'One of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact.' [Citations.]"

(*Bakersfield Citizens*, *supra*, 124 Cal.App.4th at p. 1214.)

Comment Set B9 – Active Communities-Desert Center #2 (continued)

planning factors have come to the attention of the EIR drafters causing them to add the Section 4 discussion ("Other CEQA Considerations") to the Easley Project DEIR before circulating it for public review?

B9-18 (cont'd)

AIR QUALITY

B9-19

The DEIR (at 3.4-15) states that "[b]ecause construction-related air pollutant emissions would be mitigated and would entirely cease after construction, within approximately 20 months, the construction emissions would not cause substantial long-term cumulative impacts." The DEIR's review of the Project's construction-phase impacts on air quality offers no support for this reasoning.[16] It is deficient in several regards.

First, the Mojave Desert Air Basin (in which the Project is located) is a state nonattainment basin for ozone and PM10 pollution.[17] Even so, the DEIR does not reveal any baseline air quality levels for PM10 and NOx (or other toxic air pollutants) against which to assess the emissions tabulated in Tables 3.4-6–3.4-9. The failure to compare increased emissions to baseline conditions undermines both the conclusions of no significant direct impacts (AQ-2 & AQ-3) and the conclusions of no significant cumulative impacts for the construction phase. The relevant inquiry should have been the extent to which Project emissions contribute to already existing (ambient) air pollution, and the question to address was whether the additional amounts of ozone precursor and PM10 particulate pollution from the Project during its construction phase should be considered significant in light of the serious nature of the ozone and PM10 problems in this air basin. (See *Kings County*, 221 Cal.App.3d at p. 713, fn. 3; *id*. at pp. 718-724.)

B9-20

Second, though daily construction-phase emissions of NOx and PM10 remain high even after mitigation -- 99.42 lb/day and 78.06 lb/day, respectively; without mitigation they significantly exceed SCAQMD significance thresholds (DEIR at 3.4-10) -- the DEIR fails to quantify, investigate and assess the level of significance of *concurrent* air pollutant emissions for the Project and the related projects identified in Table 3.1-1 or in the adjacent Coachella Valley. The combined concurrent emissions from all sources attributable to the Project and all related projects must be evaluated and compared against current significance thresholds. (See *Kings County*, *supra*, 221 Cal.App.3d at pp. 716-718.) Findings regarding cumulative air quality impacts are inaccurate and misleading

[16] Even if effects occurring within a 20-month timeframe could be considered short-term, nothing in CEQA suggests that short-term effects cannot be "significant" or ""considerable" within the meaning of CEQA. (See *No Oil, Inc. v. Los Angeles* (1974) 13 Cal.3d 68, 85.)

[17] The Coachella Valley -- the area closest to the Project site for which the South Coast Air Quality Management District (**SCAQMD**) maintains a network of monitoring sensors -- fails to meet federal *and* state air quality standards for ozone and particulate matter. (<https://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2022-air-quality-management-plan/final-2022-aqmp/10-ch7.pdf?sfvrsn=18>.)

Comment Set B9 – Active Communities-Desert Center #2 (continued)

without evaluating (1) the combined effects of concurrent construction-phase emissions; and (2) the combined effects of concurrent construction- and operation-related emissions. Failure to do so underreports adverse impacts on air quality and the attendant health and safety problems. (See *Bakersfield Citizens*, *supra*, 124 Cal.App.4th at p. 1219.)

B9-20 (cont'd)

Third, contrary to CEQA, the DEIR does not correlate adverse air quality impacts to resulting adverse public health effects. (See *id*. at pp. 1219-1220 & fn. 10.) An EIR that fails to investigate the level of significance of concurrent construction-phase and operation-phase related air pollutant emissions from related projects cannot perform that correlation. [18]

BIOLOGICAL RESOURCES

B9-21

The desert, contrary to popular belief, is not a lifeless dumping ground just waiting to be even further exploited. Scientists are aghast at what amounts to defamation of the desert -- "[o]ne of the most persistent mischaracterizations is that the California desert is a barren wasteland with low biodiversity and limited capacity for carbon storage."[19] In reality, "the California desert has extremely high biodiversity, and is a significant carbon sink with tremendous opportunity to sequester carbon and help our state meet its atmospheric carbon reduction goals."[20] Unfortunately, the DEIR perpetuates and relies on these misconceptions in an otherwise deficient analysis of the Project's impacts on biological resources. These deficiencies must be cured in a recirculated DEIR.

Sensitive Plant Species and Communities

We will begin with the DEIR's analysis of the Project's impact on plant life. It's important to note that the DEIR's first analyzed impact to biological resources (Impact BIO-1), taken from the County of Riverside's Environmental Assessment Form, reads as follows: "The Project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, *sensitive*, or special status species in local or regional plans, policies, or regulations, *or by the California Department of Fish and Wildlife* or U.S. Wildlife Service." (DEIR at 3.5-20, italics added.)

[18] On this issue, we will submit additional comment by separate letter, pointing to health effects the DEIR has barely touched upon, including recent data and information concerning the threat of Coccidioidomycosis (Valley Fever).

[19] Michael Allen, et al. 2023. AB 1757 Nature Based Solutions, Desert Sector. Submitted to CNRA/Expert Advisory Committee, available at <https://desertreport.org/wp-content/uploads/2023/10/c.-technical-report-on-sequestration.pdf>.

[20] *Id*.

Comment Set B9 – Active Communities-Desert Center #2 (continued)

B9-21 (cont'd)

The California Department of Fish and Wildlife (**CDFW**) submitted a comment letter during the Project's scoping period. (DEIR Appendix B at 70.) CDFW provided its concrete definition of sensitive plant communities: "Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level." (*Id*. at p. 73.) CDFW also provided the DEIR preparers with the database within which they could obtain these rankings -- the California Natural Diversity Database (**CNDDB**). (*Id*. at 73.) Finally, CDFW instructed that "[t]he DEIR should include measures to fully avoid and otherwise protect sensitive plant communities from project-related direct and indirect impacts." (*Id*. at 73-74.)

In spite of these clear instructions, the DEIR ignores and replaces the statewide ranking system when it is convenient to do so. When discussing desert dry wash woodland, which the DEIR preparers know "is likely to be regulated by [CDFW] as jurisdictional State waters" (DEIR at 3.5-3), the DEIR identifies it as "a sensitive vegetation community recognized with a rarity rank of S4." (*Id*.) However, in its discussion of what it calls "Special-status Plants" (*id*. at 3.5-5), the DEIR ignores the word "sensitive" in Impact BIO-1 altogether. The DEIR's "Special-status Plants" section of its Biological Resources environmental setting discussion (DEIR § 3.5.1.3) decides that "special-status plants" are those "plants ranked as California Rare Plant Rank (**CRPR**) 1b *and, in some cases, may include CRPR 2, 3, or 4 plant occurrences, which may be regionally significant if the occurrence is located at the periphery of the species' range, or exhibits unusual morphology, or occurs in an unusual habitat/substrate*." (DEIR at 3.5-5, italics added.) The DEIR does not explain why it utilizes a different rarity ranking system here -- the CRPR -- instead of utilizing the CDFW-sanctioned system, i.e., the CNDDB statewide ranking system. It also does not provide any authority for categorizing as "not special-status" CRPR 2-4 plant species whose occurrence is not "located at the periphery of the species' range," does not "exhibit unusual morphology," or does not "occur[] in an unusual habitat/substrate." This qualifying language (italicized above) regarding CRPR 2, 3, or 4 plant species, in effect, gives the DEIR cover to "analyze" and dismiss *sensitive* plant species present on the Project site as borderline "special status" species. Impact BIO-1 requires analysis of impacts to sensitive species (especially sensitive species identified as sensitive by CDFW), and CEQA requires mitigation of those impacts.

For example, the DEIR (at 3.5-6) discusses Desert unicorn-plant (*Proboscidea althaeifolia*) under "Special-status Plants" because it is ranked as CRPR 4. Desert unicorn-plant has a state rarity ranking of S-4.[21] Thus, under CDFW's definition, it should be considered a sensitive species, and the Project's impacts on it should be fully analyzed and mitigated. Instead, the DEIR (at 3.5-6) gives short shrift to this sensitive species --"Desert unicorn plant has limited distribution but is not very threatened in California." The DEIR gives the same dismissive treatment to the Spiny Abrojo

[21] CRPR rankings and CNDDB statewide rankings can be found by querying plant species at the California Native Plant Society's Rare Plant Inventory at <https://rareplants.cnps.org/Home/Index/>.

Comment Set B9 – Active Communities-Desert Center #2 (continued)

(*Condalia globose var. pubescens*). The spiny abrojo has a state rarity ranking of S-3, but a CRPR ranking of 4.3. The DEIR dismisses the sensitive spiny abrojo as "not very threatened in California and can also be found in Arizona and Mexico." (*Id*.) **B9-21 (cont'd)**

The intent of this ranking system swap is revealed by the following DEIR conclusion buried within its discussion of the gen-tie line's effects on "special status plants" under Impact BIO-1: "Desert unicorn-plant and spiny abrojo were observed on the Oberon Project site; however, *as a CRPR 4 (watch list) species without additional reasons for conservation concern (e.g., geographic range, unusual morphology, or unusual habitat/substrate)*, potential impacts to desert unicorn-plant and spiny abrojo are *not significant*." (DEIR at 3.5-30, italics added.) This is not a valid reason to sidestep analysis of potential significant direct and cumulative impacts of the gen-tie line to the unicorn-plant and spiny abrojo. These species are considered sensitive by CDFW, so the Project's impacts on them are significant within the meaning of Impact BIO-1.

Additionally, the DEIR's Impact BIO-4 reads: "The Project would have a substantial adverse effect on any riparian habitat or other *sensitive natural community* identified in local or regional plans, policies, and regulations *or by the California Department of Fish and [Wildlife]* or U. S. Fish and Wildlife Service." (DEIR at 3.5-45, italics added.) The DEIR admits that desert pavement has "a State rarity rank of S4, [and] was identified on the Project site." (*Id*.) In spite of that rarity ranking and CDFW's identification of S4 communities as sensitive, the DEIR comes to the bare, unsupported conclusion that desert pavement "is not considered sensitive." (*Id*.) Thus, the DEIR does not analyze desert pavement under Impact BIO-4, even though it must. **B9-22**

Federally Endangered Bird Species **B9-23**

The U.S. Fish and Wildlife Service (**USFWS**) also submitted a comment letter during the Project's scoping period, expressing very specific direction and requests regarding, among other things, federally endangered bird species. (Appendix B at p. 64.) USFWS informed the County and the Applicant that "[f]ederal trust resources that likely occur in the Project area include the federally…endangered Yuma Ridgway's rail (*Rallus obsoletus yumanensis*), endangered southern willow flycatcher (*Empidonax trailii extimus*), [and] endangered western distinct population segment of yellow-billed cuckoo (*Coccyzus americanus*)." (*Id*. at p. 65.) USFWS is particularly concerned about the fate of Yuma Ridgway's rail:

> "Available data suggests that solar facilities in the desert pose a hazard to which variable rail species and other water-associated birds are particularly vulnerable. To date, we know two Yuma Ridgway's rails were killed at solar PV projects; one in May 2013 at the Desert Sunlight project and one in Imperial County in April 2014. Vulnerability of Ridgway's rail is also evidence[d] by several incidentally observed fatalities of sora (*Porzana carolina*) and Virginia rail (*Rallus limicola*) at solar and transmission projects along the I-10 corridor and in

Comment Set B9 – Active Communities-Desert Center #2 (continued)

> the Imperial Valley. These data indicate a risk of mortality to all rail species caused by project-related features such as gen-tie lines, solar panels, and perimeter fencing."

B9-23 (cont'd)

(Appendix B at p. 66.) USFWS also expressed its concern for cumulative impacts to Yuma Ridgway's rail, in addition to the Project's direct and indirect effects, "especially given the large cumulative disturbance footprint of existing and planned projects in the California desert." (*Id.*) USFWS continued:

> "Because of the large size of these projects and the apparent lack of effective adaptive management measures and other design modifications sufficient to avoid the risk of an incidental take, we anticipate recurrent but low levels of take of Yuma Ridgway's rail at various project sites. *Therefore, we recommend the draft EIR address the risk of take to Yuma Ridgway's rail, considering the direct, indirect, and cumulative effects of the Project to this federally endangered species. We also recommend the Project include CMAs regarding Yuma's Ridgway Rail and other listed birds in the draft EIR*."

(*Id.*, italics added.) In addition, "[d]ead willow flycatchers and yellow-billed cuckoos have been documented on or near existing solar projects in the California desert within their migratory range, *yet distant from suitable habitat*." (*Id.*, italics added.) Thus, USFWS instructed that the DEIR "should include a *rigorous analysis* to determine the vulnerability of all avian taxa that could occur at the project site, *with a risk assessment that quantifies potential fatalities and incidental take of listed species*. This risk analysis should be based on a robust program of post-construction monitoring." (*Id.*, italics added.)

Despite the above USFWS-provided information and direction, the DEIR informs the reader (at 3.5-11) that only "[o]utlier observations [of Yuma Ridgway's rail] have been documented at Harper Dry Lake, East Cronese Dry Lake, and Desert Center, all at a great distance from known breeding areas." The DEIR also generally states (at 3.5-37) that four federally endangered bird species "have a moderate potential to occur in the Project area during migration periods, but there is no suitable nesting or foraging habitat on the site for these species." USFWS brought up this not-suitable-habitat contention during the scoping period -- in spite of it, dead Yuma Ridgway's rails, willow flycatchers, and yellow-billed cuckoos are still appearing on or near solar projects in the area. The DEIR fails to address this disconcerting phenomenon; it does not include a rigorous avian vulnerability analysis or a risk assessment estimating potential fatalities and incidental take of these species.

According to the DEIR (at 3.5-37), no federally endangered bird species "were observed during field surveys. There would be no direct or indirect effects to nests, nest success, or nesting habitat." In the next sentence, the DEIR contradicts itself: "The Project's impacts to nesting and foraging habitat and individuals would be similar to those described for other threatened and

Comment Set B9 – Active Communities-Desert Center #2 (continued)

endangered birds." (*Id*. at 3.5-38.) So, does the Project impact nests, nest success, or nesting habitat, or not? And what are these similar impacts? **B9-23 (cont'd)**

These "similar" impacts are generally alluded to as deterrence "from foraging on the Project site due to land use conversion"; the collision hazard of vertical structures; construction noise and lighting "disrupt[ing] foraging activities" or "caus[ing] wildlife to avoid otherwise suitable habitat surrounding the site"; the potential for "[i]ncreased human presence and activity [to] increase incidents of vehicle strikes or endanger individuals by attracting them to work sites with trash, food, and water"; and "[s]ignificant impacts to vegetation used for cover and foraging habitat." (*Id*. at 3.5-36 – 3.5-37.) This is not the rigorous analysis requested by USFWS.

The DEIR (at 3.5-38) concludes that "[i]mplementation of MMs BIO-1 through BIO-5 would minimize significant impacts to native vegetation, thereby minimizing impacts to foraging and nesting habitat. MM BIO-6 (Wildlife Protection) and MM BIO-8 (Bird and Bat Conservation Strategy) would minimize direct impacts to birds with site inspections, monitoring and avoidance of nesting seasons, and adaptive management for bird mortality during O&M." It also concludes (at 3.5-57) that, despite a "cumulatively significant impact for native birds," "[t]he incremental contribution of the proposed Project to the cumulative impacts to native bird habitat and nesting success would not be considerable because pre-construction nesting bird surveys would be performed to avoid impacts, and native habitat loss would be offset." These conclusions are unsupported. The DEIR does not adequately explain how these mitigation measures will actually reduce the Project's significant impacts to federally endangered bird species to a less than significant level. **B9-24**

To start, USFWS recommended that the DEIR include DRECP Conservation and Management Actions (**CMAs**) "to reduce the effects of renewable energy development to Federal trust resources." (Appendix B at 65.) As noted and italicized above, USFWS also "recommend[ed] the Project include CMAs regarding Yuma's Ridgway Rail and other listed birds in the draft EIR." (*Id*. at 66.) The DEIR does not contain CMAs regarding Yuma's Ridgway Rail or any other listed birds. In fact, the DEIR largely does not include specific CMAs -- mention of CMAs amounts mostly to extremely general statements. For example, under Impact BIO-1, the DEIR concludes that "[c]ompliance with applicable CMAs and any Project-specific mitigation measures developed during the NEPA process would further minimize impacts of the proposed Project on special-status species on BLM lands." (DEIR at 3.5-20.) Which CMAs will be applied? And how will they mitigate impacts to Federal trust resources like federally endangered bird species? What other mitigation measures will the NEPA process bear? Another example: "Impacts to desert dry wash woodland would be avoided on private lands, as on BLM lands in accordance with the DREPC [sic.] CMAs. Habitat impacts on BLM lands would also be mitigated in accordance with the DRECP and mitigation measures in the final NEPA document." (*Id*. at 3.5-24.) Which CMAs will be applied? And **B9-25**

Comment Set B9 – Active Communities-Desert Center #2 (continued)

how will they mitigate impacts to Federal trust resources like federally endangered bird species? Again, the EIR needs to explain these measures. **B9-25 (cont'd)**

Similar general statements are found under Impact BIO-2 (at 3.5-33 – 3.5-34, 3.5-38), Impact BIO-3 (at 3.5-43), Impact BIO-4 (at 3.5-46), Impact BIO-5 (at 3.5-49, 3.5-52), and Cumulative Impacts (at 3.5-53 – 3.5-54, 3.5-57). But the only specifically identified CMAs in the DEIR are DRECP CMA LUPA-BIO-13 (at 3.5-42) and DRECP CMA LUPA-BIO-IFS-1 (at 3.5-43) in connection with connectivity corridors and DRECP CMA LUPA-BIO-VEG 5 & 7 (at 3.5-63) in connection with cactus salvage. Aside from ignoring USFWS's request for inclusion of CMAs in the DEIR, these vague acknowledgments of additional, to-be-determined Project mitigation measures constitute impermissible deferred mitigation, which will be discussed in more depth below.

Moreover, the DEIR preparers ignored the USFWS's request "to develop and implement a *statistically robust, systematic* avian monitoring program as a component of a project-specific Bird and Bat Conservation Strategy (**BBCS**), *which should be analyzed as part of the draft EIR*." (Appendix B at p. 67, italics added.) The Project's BBCS, identified as MM BIO-8, is nowhere to be found in the DEIR -- aside from a parenthetical reference to the Project's Plan of Development (**POD**) submitted to the BLM last year -- let alone analyzed. Appendix M to the POD includes a BBCS, but it is unclear whether this is the "final BBCS" contemplated in MM BIO-8. (DEIR at 3.5-68.) This is especially unclear considering the DEIR states that "MM BIO-8 (Bird and Bat Conservation Strategy) *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." (*Id*. at 3.5-27, emphasis added.) Has the final BBCS been prepared? This language implies that it is not. Additionally, the DEIR states that "[a]s an Appendix to the BBCS, the Applicant *will prepare* and implement a Nesting Bird Management Plan (**NBMP**), to include nest surveys, avoidance, and protection." (*Id*. at 3.5-68, italics added.) Has the NBMP been prepared? Or, as the DEIR suggests, is its formulation deferred to the future? Regardless, the BBCS and NBMP were not included, nor were their effectiveness analyzed, in the DEIR. A recirculated DEIR must contain and analyze the effectiveness of these plans. **B9-26**

Like the BBCS, many of the DEIR's Biological Resources mitigation measures impermissibly defer mitigation to the future, as shown below.

Deferred Mitigation **B9-27**

The DEIR preparers should be well aware of the impermissibility of deferred mitigation. Not just because of their experience in CEQA review and documentation; also, CDFW explicitly warned against deferred mitigation in its scoping comment:

Comment Set B9 – Active Communities-Desert Center #2 (continued)

> "If sensitive species and/or their habitat may be impacted from the Project, CDFW recommends the inclusion of specific mitigation in the DEIR. CEQA Guidelines section 15126.4, subdivision (a)(1)(8) states that formulation of feasible mitigation measures should not be deferred until some future date. The Court of Appeal in *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645 struck down mitigation measures which required formulating management plans developed in consultation with State and Federal wildlife agencies after Project approval. Courts have also repeatedly not supported conclusions that impacts are mitigable when essential studies, and therefore impact assessments, are incomplete (*Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d. 296; *Gentry v. City of Murrieta* (1995) 36 Cal. App. 4th 1359; *Endangered Habitat League, Inc. v. County of Orange* (2005) 131 Cal. App. 4th 777)."

B9-27 (cont'd)

(Appendix B at 74.) The formulation of mitigation measures may not be deferred until some future time, except "when it is impractical or infeasible to include [specific] details during the project's environmental review" *and* "the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure." (Guidelines, § 15126.4, subd. (a)(1)(B); see *Sierra Watch v. County of Placer* (2021) 69 Cal.App.5th 86, 110 (*Sierra Watch*); *King & Gardiner*, *supra*, 45 Cal.App.5th at pp. 856-858.) Likewise, actual implementation of a mitigation measure may not be delayed until after the project activity it is designed to mitigate has commenced. (*King & Gardiner*, 45 Cal.App.5th at pp. 860, 862.)

"An EIR is inadequate if '[t]he success or failure of mitigation efforts may largely depend upon management plans that have not yet been formulated, and have not been subject to analysis and review within the EIR.' ([*Merced*]*, supra*, 149 Cal.App.4th at p. 670.) 'A study conducted after approval of a project will inevitably have a diminished influence on decisionmaking. Even if the study is subject to administrative approval, it is analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA. [Citations.]' (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 307.)" (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal. App. 4th 70, 92.) And finally, "[t]he fact that the future management plans would be prepared only after consultation with wildlife agencies does not cure these basic errors under CEQA, since no adequate criteria or standards are set forth." (*Merced*, *supra*, 149 Cal.App.4th at p. 670.) Suffice it to say, CEQA's rules against deferred mitigation are well-established.

Even so, the DEIR's Biological Resources section is riddled with reliance on deferred environmental review and deferred mitigation. As noted above, the DEIR's analyses for Impact BIO-1 through Impact BIO-5 all rely on "applicable CMAs and any Project-specific mitigation measures developed during the NEPA process." Again, the DEIR largely fails to identify the

Comment Set B9 – Active Communities-Desert Center #2 (continued)

specific CMAs it will rely on for mitigation, and measures "developed during the NEPA process" have clearly not yet been formulated or publicized, as BLM has not yet released its Environmental Assessment. This is piecemealing parts of the environmental review and mitigation measures. On the same note, the DEIR repeatedly (at 3.5-26, 3.5-53, 3.5-58, 3.5-63) relies on "habitat compensation," "the Project's offsite compensation package," and "offsite compensation for native habitats" to mitigate direct, indirect, and cumulative significant impacts. However, the DEIR never discloses what these compensation actions (or packages) are. Will the Applicant be purchasing and maintaining replacement habitat? Where? And to which "package" will individuals of each impacted species be translocated? These questions, and more, remain unanswered in the DEIR. All mitigation measures the Project relies on need to be disclosed and analyzed in the DEIR.

B9-27 (cont'd)

Additionally, multiple mitigation measures included in the DEIR's Biological Resources section consist of plans that (1) have not yet been formulated or (2) fail to identify and adopt specific performance standards. MM BIO-3, Minimization of Vegetation and Habitat Impacts, is vague and lacks specific performance standards:

> "Construction activities shall *minimize* soil and vegetation disturbance *to minimize impacts* to soil and root systems. Upon completion of construction activities in any given area, all unused materials, equipment, staking and flagging, and refuse shall be removed and *properly disposed of*, including wrapping material, cables, cords, wire, boxes, rope, broken equipment parts, twine, strapping, buckets, and metal or plastic containers… *Hazardous materials shall be handled*, and spills or leaks shall be promptly corrected and cleaned up *according to applicable requirements*. Vehicles shall be *properly maintained* to prevent spills or leaks… Vegetation height and density shall be *managed as needed* for O&M and fire safety, but vegetation management shall otherwise *focus on maintaining habitat and soil conditions*."

(DEIR at 3.5-62, italics added.) Questions abound which, if answered, might spell out specific performance standards for this mitigation measure. How exactly would construction activities minimize soil and vegetation disturbance? How is "minimize" determined? What is the proper method for disposal of unused materials? How exactly will hazardous materials be handled? What are the applicable requirements for correcting and cleaning up spills and leaks? What kind and how much management of vegetation height and density is needed for O&M and fire safety? What criteria determine proper maintenance of habitat and soil conditions? The answers to these questions do not appear in the DEIR.

MM BIO-4, an Integrated Weed Management Plan, is apparently yet to be produced, as the DEIR states: "The Applicant *shall prepare and implement* an Integrated Weed Management Plan (**IWMP**) to minimize or prevent invasive weeds from infesting the site or spreading into surrounding habitat." (*Id*. at 3.5-62 – 3.5-63, italics added.) "The IWMP shall identify weed species occurring or

B9-28

Comment Set B9 – Active Communities-Desert Center #2 (continued)

potentially occurring in the Project area, means to prevent their introduction or spread (e.g., vehicle cleaning and inspections), monitoring methods to identify infestations, and timely implementation of manual or chemical (as appropriate) suppression and containment measures to control or eradicate invasive weeds. The IWMP shall identify herbicides that may be used for control or eradication, and avoid herbicide use in or around any environmentally sensitive areas. The IWMP shall also include a reporting schedule, to be implemented by the Lead Biologist." (*Id*. at 3.5-63.) Similar questions to those asked above arise for this mitigation measure. Which weed species occur or potentially occur in the Project Area? How will these species be prevented from sprouting up and spreading? How will infestations be identified and monitored? How fast is "timely" implementation of manual or chemical suppression and containment measures? Which herbicides will be used? What are the adverse biological impacts of using them? Specific performance criteria are not provided. Finally, MM BIO-4 also requires CDFW, BLM, and Riverside County to approve the yet-to-be-produced or disclosed IWMP. That does not make up for its lack of specific performance criteria. (See *Merced*, *supra*, 149 Cal.App.4th at p. 670.)

B9-28 (cont'd)

MM BIO-5, a Vegetation Resources Management Plan, also, according to the DEIR, has yet to be produced: "The Applicant *shall prepare and implement* a Vegetation Resources Management Plan (**VRMP**), *to be reviewed and approved by CDFW, BLM, and Riverside County*…" (*Id*. at 3.5-63, italics added.)

B9-29

MM BIO-6, Wildlife Protection, lists a myriad of "measures [which] shall be subject to review and approval by CDFW, BLM, and Riverside County . . . ." (*Id*. at 3.5-64.) These measures cannot be properly evaluated by the reader if they are subject to change post-approval of the EIR. In addition, none of these vague measures contain specific performance criteria. The worst example is the wildlife netting or exclusion fencing measure, which states that "[t]he Applicant *may* install temporary or permanent netting or fencing around equipment, work areas, or Project facilities to prevent wildlife exposure to hazards such as toxic materials or vehicle strikes or prevent birds from nesting on equipment or facilities. Bird deterrent netting shall be maintained free of holes and shall be deployed and secured on the equipment in a manner that, *insofar as possible*, prevents wildlife from becoming trapped inside the netted area or within the excess netting." (*Id*. at 3.5-64 – 3.5-65, italics added.) Here, the agency does not "(1) commit[] itself to the mitigation, [or] (2) adopt[] specific performance standards the mitigation will achieve . . . ." (Guidelines, § 15126.4, subd. (a)(1)(B).) Another MM BIO-6 measure for dead or injured wildlife doesn't even mention that "mortality monitoring typically requires carcass collection, which must be authorized by a Special Purpose Utility Permit (**SPUT**)." (Appendix B at p. 67.)

B9-30

Although, compared to the other mitigation measures in this section, MM BIO-7 Desert Tortoise Protection contains more detail, it, too, has shortcomings. It provides that during O&M, *"[a]t the Applicant's discretion, and in consultation with resource agencies*, permanent desert tortoise exclusion fencing *may be installed* around each solar facility site, *or the Applicant may prepare and*

B9-31

Comment Set B9 – Active Communities-Desert Center #2 (continued)

implement a monitoring and avoidance program to ensure no take of desert tortoise during O&M, while allowing wildlife (possibly including desert tortoise) to move through the facilities uninjured." (DEIR at 3.5-67, italics added.) The agency cannot commit itself to this measure if implementation is at the Applicant's discretion. And this monitoring and avoidance program is apparently yet to be produced. Moreover, again, as in MM BIO-6, the measure in MM BIO-7 addressing dead or injured desert tortoises does not mention the SPUT requirement. And finally, according to the DEIR, "[t]he Applicant will develop and implement a Raven Management Plan . . . ." (*Id*. at 3.5-68.) This also yet-to-be-formulated plan does not contain specific success criteria -- the DEIR only mentions that the plan will identify conditions that might attract ravens, describe management practices and monitoring, and that the Applicant will pay $105 per acre into a regional raven management plan. (*Id*.)

B9-31 (cont'd)

The deferred mitigation of MM BIO-8, the BBCS and NBMP, is described above in the subsection on Federally Endangered Bird Species. To demonstrate the vagueness of the DEIR once again, consider this: "The BBCS includes conservation measures and an adaptive management framework to be implemented through design and operations to minimize bird and bat fatalities at the solar facilities and gen-tie line." (*Id*. at 3.5-69.) Which conservation measures? What is the adaptive management framework, and what are its success criteria?

MM BIO-10 (Burrowing Owl Avoidance and Relocation) and MM BIO-11 (Desert Kit Fox and American Badger Relocation) also both postpone formulation of their respective plans and require review and approval from various agencies, according to the DEIR. (*Id*. at 3.5-70.) MM BIO-10 contemplates a "Plan for wildlife relocation, including burrowing owl and other species (i.e., desert kit fox, American badger), as needed," and MM BIO-11 contemplates a "Plan for wildlife relocation, including desert kit fox, American badger, and other species (i.e., burrowing owl), as needed." (*Id*.) Are these two Plans in fact just one Plan? What does "as needed" mean -- will the Plan(s) change depending on which species are found on the Project site? MM BIO-11 states: "Alternatively [to a 500-foot no disturbance buffer around on-site active dens], a designated biologist authorized by CDFW shall trap and remove animals from occupied dens and move them off site into appropriate habitat." (*Id*. at 3.5-70 – 3.5-71.) The DEIR did not pay heed to CDFW's express warning that "the temporary relocation of onsite wildlife does not constitute effective mitigation for the purposes of offsetting project impacts associated with habitat loss." (Appendix B at 75.)

B9-32

MM BIO-12 (Streambed and Watershed Protection) requires a Stormwater Pollution Prevention Plan (**SWPPP**) or SWPPP-equivalent document to "be prepared by a qualified engineer or erosion control specialist, and… approved by the State Water Resources Control Board and a BLM hydrologist . . . ." (DEIR at 3.5-71.) It also requires that the Applicant "obtain a Lake and Streambed Alteration Agreement (LSAA) from the CDFW and Waste Discharge Requirements (WDR) from the RWQCB" "[p]rior to ground-disturbing activities in jurisdictional waters of the State." (*Id*.) None of these documents exist yet, thus the substance of this mitigation measure cannot be ascertained by

B9-33

Comment Set B9 – Active Communities-Desert Center #2 (continued)

the reader. MM BIO-12 contains no explanation of how these permits will be enforced or how their eventual existence will mitigate the Project's significant impacts on jurisdictional waters. It only vaguely states that "[t]he SWPPP shall include BMPs for stormwater runoff quality control measures, management for concrete waste, stormwater detention, watering for dust control, and construction of perimeter silt fences, as needed." (*Id*.) **B9-33 (cont'd)**

The mitigation measures proposed in the DEIR's section on Biological Resources fall dramatically short. Plans may or may not yet exist, and they may or may not change post-approval depending on input from various agencies or on the Applicant's whim. Deferred mitigation measures here overwhelmingly do not contain specific performance criteria. As a result of these deficiencies, it is impossible to evaluate whether the Project's significant impacts to biological resources will be mitigated to a less than significant level, as the DEIR claims. The DEIR reader and decisionmakers are severely deprived of information to consider and assess information required by CEQA to be disclosed. A complete DEIR, one that includes all required information and does not defer mitigation to the future, must be recirculated.

Additional Question

B9-34

MM BIO-1 (Biological Monitoring) provides that "[d]uring O&M, an Applicant staff member serving as a compliance manager may perform the duties of the Lead Biologist to ensure compliance with biological mitigation measures, such as performing inspections for entrapped wildlife and fence condition, reporting dead or injured wildlife, and avoiding nesting birds." (DEIR at 3.5-60.) MM BIO-1 also requires that the Lead Biologist be "approved by Riverside County, BLM, CDFW, and USFWS as the primary point of contact for the BLM and resource agencies regarding biological resources mitigation and compliance. The Lead Biologist shall have an approved MOU with Riverside County prior to commencing work on the Project." (*Id*. at 3.5-59.) Does the Applicant staff member performing the duties of the Lead Biologist during O&M also have to have an MOU with the County and subject to approval by the BLM, USFWS, and CDFW?

Copy and Paste Errors

B9-35

The following is just one example of potentially many errors within the DEIR's Biological Resources section that evidence the DEIR's hasty production: "The closest known breeding habitat [of the Least Bell's vireo] *to the Athos site* is to the northwest in the Big Morongo Canyon." (DEIR at 3.5-12, emphasis added.) Even if this is an accurate statement if "Athos" is replaced with "Easley," it begs the question: Might there be numerous inaccurate or inapplicable statements in the Easley DEIR copy-and-pasted from other solar project EIRs in the area?

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 23

B9-36

GREENHOUSE GAS EMISSIONS

American deserts "sequester an estimated 50 teragrams of carbon per year."[22] In a study of the northern Mojave Desert, "researchers measured an average of 4.17 metric tons of stored carbon per acre and an average sequestration rate of 0.4 to 0.51 metric tons of carbon per acre, per year."[23] Though these numbers may seem relatively small compared to those for, say, a forest, "the vast expanse of the desert and the relative intactness of the Mojave Desert highlights their importance in the carbon cycle."[24]

The DEIR (at 3.9-4) states that "[t]he threshold of significance for GHG emissions from industrial facilities in the SCAQMD is 10,000 MTCO2e per year." Citing a 2008 SCAQMD "Board Meeting Report" regarding "*Interim* CEQA GHG Significance Threshold for Stationary Sources, Rules and Plans" (DEIR at 7-11, italics added), the DEIR claims that "[c]onstruction-phase GHG emissions arising from short-term activities may be *amortized* over the longer-term life of the Project, defined as 30 years, and added to the operational emissions for comparison with the threshold." (*Id*. at 3.9-4 – 3.9-5, italics added.) Is this amortization method valid? If so, why is the authority for it a 16-year-old staff report on *interim* significance thresholds?

These questions are important because if this amortization method has no valid authority, then the math doesn't check out to conclude that the Project's construction period will not have a significant GHG impact. If "[t]he sum of emissions from…one-time construction activities would be 11,978 MTCO2e" (DEIR at 3.9-5), and assuming a 20-month construction period and an even spread of those emissions across that period, that's approximately 7,187 MTCO2e emitted in the first year. Tacking on 16,098 MTCO2e per year of sequestration capability lost to "vegetation removal, compacted soils for access roads, and impervious areas for equipment at the site" (*id*. at 3.9-6), that's about 23,285 MTCO2e emitted in the first year. 23,285 MTCO2e is much greater than the 10,000 MTCO2e threshold. The DEIR claims "a net GHG reduction would occur as a result of implementing the Project, by avoiding around 316,630 MTCO2e annually" (*id*. at 3.9-7), but the Project's emission avoidance would only occur at and after the Project's operation phase. Thus, without valuing emissions through amortization over a 30-year period, at least the construction period of the Project will result in significant, irretrievable emissions.

Please provide updated authority for use of this amortization method.

---

[22] Tiffany Yap, D.Env/Ph.D. et al. 2023. Hidden in Plain Sight: California's Native Habitats are Valuable Carbon Sinks. Center for Biological Diversity, available at <https://www.biologicaldiversity.org/programs/urban/pdfs/Hidden-in-Plain-Sight-report.pdf?_gl=1*1jjrz9i*_gcl_au*MTM5NTg3NDc0NC4xNjk5NDgzNjEz>.

[23] *Id*. at p. 12.

[24] *Id*.

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 24

B9-37

HYDROLOGY AND WATER QUALITY / AQUIFER DRAWDOWN

Water Quality

Water use and its allocation in an arid desert environment requires extremely careful planning even without new demands from new projects. The Chuckwalla Valley Groundwater Basin (**CVGB**) is no exception. Especially for people who live in areas dependent on groundwater for drinking water, "it is extremely important to protect the quality and quantity of the water supply source. The degree to which water users in a basin rely on groundwater increases the potential for degraded water quality to affect beneficial uses."[25] In 2021, Regional Water Quality Control Board (**RWQCB**) staff identified the CVGB as a groundwater basin with potential threats to water quality.[26] The DEIR informs us that "[t]otal dissolved solids (**TDS**) concentrations across the CVGB range from 274 milligrams per liter (mg/L) to 12,300 mg/L… Water quality in the CVGB has concentrations of sulfate, chloride, fluoride, and TDS that are higher than recommended levels for drinking water use. Likewise, elevated concentrations of boron, TDS, and percent sodium impair groundwater for irrigation use. In general, groundwater in the CVGB is sodium chloride to sodium sulfate-chloride in character." (DEIR at 3.11-5.)

Concurrent with the onset of operation of the Oberon utility-scale solar plant, area residents were already having issues with pumping and water quality:

> "Recently, since February of 2023 when Intersect Power's Oberon Project drilled and began pumping out of their own well, 4 wells are experiencing issues. Green Acres RV Park had to replace a pump due to the creation of a cone of depression. The water table was down 50 feet at the time Intersect was notified in February of the existence of a cone of depression. John Beaches' pump needs to be replaced. The 2 fish farms, one on Kaiser Road and one on 177 are having pump issues. The one on Kaiser Road Lake View Ranch can only use one of his pumps. Because there is not enough water to do both at the same time. The Global Organic Ranch is pumping muddy and brackish water. All these areas are LESS THAN two miles to Lake Tamarisk."[27]

[25] Cathy L. Sanford, PG. 2021. Colorado River Basin Regional Groundwater Basin Evaluation. California Regional Water Quality Control Board, Colorado River Basin Region, available at <https://www.waterboards.ca.gov/coloradoriver/board_decisions/adopted_orders/orders/2021/0015snmp_basinplan_staff_rpt.pdf> ("Sanford").

[26] *Id*.

[27] Lake Tamarisk Community Formal Solar Scoping Input Document, submitted to BLM on October 23, 2023.

Comment Set B9 – Active Communities-Desert Center #2 (continued)

It is "established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes." (Water Code, § 106.3, subd. (a).)

B9-37 (cont'd)

And yet, regarding the Project's direct and indirect impacts and cumulative impacts on water quality from dramatically increased pumping in the CVGB, the DEIR basically says, "Just trust us." The DEIR's analysis of the Project's impacts on groundwater resources relies "primarily [on] the Project's Water Supply Assessment (**WSA**)" (DEIR at 3.11-3) prepared by GSI Water Solutions, Inc. (**GSI**) "[f]or Intersect Power (IP Easley, LLC, a subsidiary of Intersect Power, LLC) and Aspen Environmental Group." (Appendix G at p. 2.) GSI's, and thus the DEIR's, water quality conclusions are as follows:

"*Based on the simulated drawdown* due to Project and cumulative project pumping, and the size and storage capacity of the CVGB, the Project is *not anticipated* to result in changes in water quality that affect other beneficial uses." (DEIR at 3.11-22; Appendix G at p. 62, italics added.) Additionally, in regard to the cumulative impacts of this Project and other operational and future projects in the area, the DEIR is similarly conclusory: "[T]he magnitude of *the simulated drawdown is not anticipated* to adversely affect existing water users and water rights claimants in the CVGB." (DEIR at 3.11-32; Appendix G at p. 58, italics added.)

We are told that "[t]o evaluate the potential cone of depression induced by proposed Project groundwater pumping and cumulative drawdown from all cumulative projects… a predictive MODFLOW groundwater model (Model) was developed and projected for the 52-year duration of the Project." (DEIR at 3.11-32; Appendix G at p. 57.) We're also told that "[m]odel calibration demonstrates that the model is capable of simulating field-measured heads and flows (Anderson and Woesnner, 1992). The groundwater model is evaluated primarily on the statistical evaluation of residuals (measured minus observed groundwater elevations) in target wells across the model domain. The primary calibration goal is to achieve a relative error of less than 10 percent (ESI, 2000−2020; Spitz and Moreno, 1996). The CVGB part of the model has a relative error of 6.54 percent." (Appendix G at p. 57.) The DEIR does not provide access to this simulation for independent evaluation from members of the public. It provides no meaningful explanation of how the model -- (or simulation? Are they the same thing?) -- works, or why the reader should trust the DEIR's/GSI's interpretation of the results. We are told the model has been properly calibrated because its relative error is apparently below 10 percent. But we are not provided with the "statistical evaluation of residuals" that supposedly determines this relative error. We are also not provided with the number of target wells used in this statistical evaluation. If the number of target wells is very low, wouldn't that small sample size affect the reliability of the statistical evaluation? Also, what are "target wells"? And we are only informed of the relative error of the "CVGB part of the model" -- what about other parts of the model? Do other parts have relative errors over 10 percent? If so, wouldn't that mean, by the DEIR's/GSI's own standards, that the model wasn't

B9-38

Comment Set B9 – Active Communities-Desert Center #2 (continued)

calibrated properly and thus isn't reliable? Also, what do "not anticipated to result in changes in water quality…" and "not anticipated to adversely affect existing water users and water rights claimants" mean? Does "not anticipated" imply some level of probability that adverse impacts to water quality will occur?

B9-38 (cont'd)

The DEIR assures that "[t]he Project's contribution to cumulative impacts on groundwater would be actively monitored through the development and implementation of a GMRMP [(Groundwater Monitoring, Reporting, and Mitigation Plan)] for the Project in coordination with the RWQCB and BLM to ensure that groundwater wells surrounding Project supply well(s) are not adversely affected (i.e., chronic lowering of groundwater levels and/or degradation of groundwater quality) by Project activities (MM HWQ-4)." (DEIR at 3.11-32.) "The Project's contribution to cumulative impacts would also be monitored through the development of a Colorado River Water Supply Plan (**CRWSP**) to monitor groundwater extractions from the Project operated on-or off-site well(s) and prevent, replace, or mitigate Project impacts that deplete the PVMGB [(Palo Verde Mesa Groundwater Basin)] groundwater budget to prevent impacts (MM HWQ-3)." (*Id*.) These mitigation measures would purportedly make cumulative impacts to water quality less than significant. (*Id*. at 3.11-33.)

B9-39

However, the GMRMP and CRWSP are plans that, once again, are discretionary, contingent on future events and various agency approvals, and apparently do not yet exist. "Before the Project uses groundwater pumped from any Applicant owned and/or operated well (on site or off site) that extracts water from the CVGB, *the Applicant shall retain a BLM-approved qualified hydrogeologist to develop a GMRMP*, in coordination with the RWQCB and BLM, to ensure that groundwater wells surrounding Project supply well(s) are not adversely affected by Project activities." (DEIR at 3.11-36, italics added.) "*If* water for the Project, to be obtained from on-or off-site well(s) within the Chuckwalla Valley Groundwater Basin (CVGB), is extracted from on-or off-site well(s) that is/are owned and/or operated by the Applicant, *the Applicant shall develop a Colorado River Water Supply Plan (CRWSP)* to monitor groundwater extractions from the Applicant owned and/or operated on-or off-site well(s) and prevent, replace, or mitigate Project impacts that deplete the PVMGB groundwater budget to prevent impacts to the adjacent PVMGB related to groundwater extraction below the Colorado River Accounting Surface." (DEIR at 3.11-35, italics added.) These mitigation measures are impermissibly deferred to the future, and thus the public and decisionmakers are unable to evaluate their effectiveness in mitigating significant impacts. Deferral of these mitigation measures is addressed further below.

Water Supply

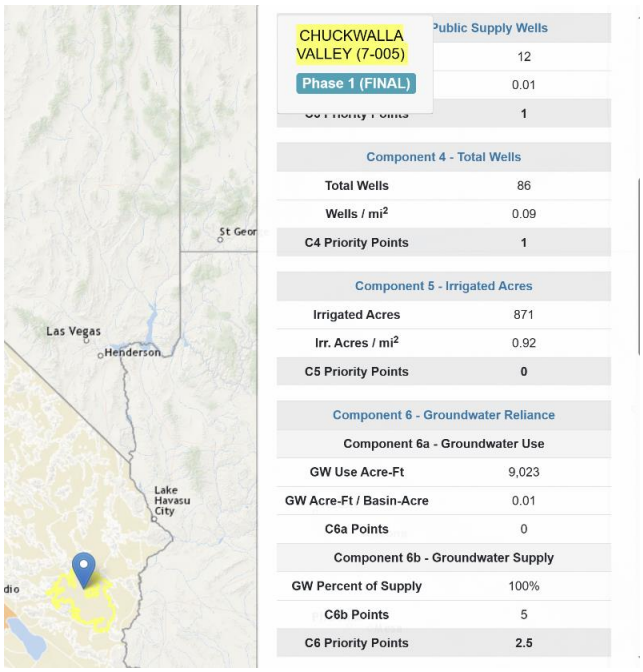
B9-40

The DEIR claims that "[g]roundwater has been identified as the primary source of water in the CVGB." (DEIR at 3.11-3.) So begins the DEIR's euphemistic and vague analysis of groundwater supply in the CVGB—according to the Department of Water Resource's (**DWR**) Sustainable

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Groundwater Management Act (**SGMA**) Prioritization Dashboard, groundwater makes up 100% of the CVGB urban water usage.[28]

B9-40 (cont'd)



The DEIR (at 3.11-5, italics added), citing an AECOM study from 2010, claims that "[h]istorical groundwater level data from the Desert Center area indicate *rising, or recovering*, groundwater levels following the cessation of most agricultural usage since the 1980s." However, in a 2021 presentation on the CVGB at the Arizona Hydrological Society Annual Symposium, Noel Ludwig of the U.S. Forest Service and Peter Godfrey of the BLM share that "[w]ell data in western part of the basin show water table elevations *have not fully recovered to levels prior to intensive irrigation pumping* (1975-1992). *Wells also show gradual water table drops since 2007*."[29]

GSI's WSA for the Project, which the DEIR entirely relies on, comes to a rather shocking overall conclusion in light of its analysis: "Based on the available historical data and the analyses discussed above, the additional proposed groundwater demand of the Project is *not anticipated to exacerbate any existing overdraft conditions, nor cause significant change to the quantity of groundwater that affects beneficial uses*." (Appendix G at p. 62, italics added.)

[28] DWR's SGMA Prioritization Dashboard available at <https://gis.water.ca.gov/app/bp-dashboard/final/>.
[29] Noel Ludwig (U.S. Forest Service) & Peter Godfrey (Bureau of Land Management). 2021. Renewable Energy Impacts on Ground Water in a Desert Basin. Arizona Hydrological Society 2021 Annual Symposium, attached as Exhibit 1.

Comment Set B9 – Active Communities-Desert Center #2 (continued)

B9-41

At the same time, the DEIR states: "Development of a 52-year (equivalent to the total Project duration) groundwater budget projection, assuming average precipitation and the Project and all cumulative projects in place, indicates *there would be an initial groundwater deficit of 6,960 AF in the year 2024* (first year of Project construction). *The cumulative groundwater deficit would increase to approximately 118,420 AF by the end of the 52-year period*. *Without the Project and all other cumulative projects in place, there would be a surplus of 5,200 AF at the end of the 52-year period*." (DEIR at 3.11-32, italics added.) How can GSI's conclusions possibly be reconciled with this scenario? An immediate 6,960 AF deficit in the first year of the Project and a 118,420 AF deficit after the life of the Project, as opposed to a 5200 AF surplus without the Project and its neighboring projects -- those impacts don't constitute a significant impact? And those numbers represent the best case scenario -- average precipitation, calculated from historical data, in a groundwater basin rife with uncertainty "due to lack of reliable data and the aridity of the region." (Appendix G at p. 32.) "The amount of inflow from the Pinto Valley and Orocopia Valley Groundwater Basins is highly uncertain, and there have been a wide range of estimates from different publications ranging from a low of 372 AFY to a high of 6,575 AFY." (*Id*. at p. 31.) Prior estimates of the CVGB's recharge from infiltration by precipitation "have ranged from 2,060 AFY to 11,501 AFY." (*Id*. at p. 32.)

Because of these and other acknowledged, wide-ranging uncertainties, GSI also considered a "reduced groundwater recharge scenario." Under this scenario, "using reduced infiltration and underflow estimates results in a *total cumulative project deficit of about 352,760 AF*." (DEIR at 3.11-32, italics added.) The DEIR (at 3.11-31 – 3.11-32) explains away the Project's cumulative impacts on groundwater supply by stating that it would contribute only 2% and 1%, respectively, "of the total cumulative operational extractions for all qualifying projects not already in place." On that same note, the DEIR claims that in the reduced recharge scenario, "the CVGB would not recover the groundwater deficit *with or without the Project*." (DEIR at 3.11-32, emphasis added.) Even if that were reassuring to the public, which it isn't, that is not the standard for determining whether cumulative impacts are significant.

In *Kings County*, the court explicitly rejected a cumulative impacts analysis that "avoids analyzing the severity of the problem and allows the approval of projects, which, when taken in isolation, appear insignificant, but when viewed together, appear startling." (*Kings County*, 221 Cal.App.3d at 720-721.) The EIR in that case used a " 'ratio' theory" similar to the improper cumulative impacts excuses used in this DEIR -- "the greater the over-all problem, the less significance a project has in a cumulative impacts analysis." (*Id*.) The court ruled:

> "We conclude the standard for a cumulative impacts analysis is defined by the use of the term 'collectively significant' in Guidelines section 15355 and *the analysis must assess the collective or combined effect of energy development*. The EIR *improperly focused upon the*

Comment Set B9 – Active Communities-Desert Center #2 (continued)

> *individual project's relative effects and omitted facts relevant to an analysis of the collective effect this and other sources will have* upon air quality."

B9-41 (cont'd)

(*Id*., italics added.) Substitute "groundwater supply and quality" for "air quality" in the above quote, and you have an accurate description of this DEIR's cumulative impacts analysis.

The DEIR's conclusion that the Project and cumulative projects won't cause a significant impact to groundwater supply is made even more baffling by its dry years and climate change-induced estimates. According to GSI and the DEIR, "[u]sing the driest 52-year period recorded at the Blythe Airport meteorological station, with the Project in place there would be a total groundwater surplus of approximately 17,530 AF at the end of 52 years. *Using reduced recharge data, the same analysis, with the Project in place, results in a groundwater deficit totaling approximately 217,520 AF after 52 years*." (DEIR at 3.11-24, italics added.) And these numbers don't even take cumulative projects into account: "With all cumulative projects in place, the CVGB total groundwater *deficit at the end of the 52-year period would be approximately 112,560 AF*. *Using reduced recharge data, the 52-year deficit would total approximately 347,640 AF*." (Appendix G at p. 61, italics added.) How can these estimates possibly be reconciled with a conclusion of insignificance?

B9-42

Even further, GSI estimates, using DWR climate change data, that "[u]nder 2030 conditions… recharge from precipitation used for the groundwater budget under normal climatic conditions would decrease by approximately 20 AFY" and approximately 70 AFY under the reduced recharge scenario. (Appendix G at p. 33.) And using DWR's 2070 conditions, those decreases would be 18 AFY and 70 AFY, respectively. (*Id*.) Additionally, GSI estimates that evapotranspiration at Palen Dry Lake, a measure of outflow from the CVGB, would increase by approximately 10 AFY and 30 AFY under 2030 and 2070 condition respectively. (Appendix G at p. 35.) The DEIR does not mention any of these climate change estimates. Why not? Wouldn't these numbers change the all-important groundwater budget estimates and calculations? The following sentence appears to be the DEIR's only mention of climate change in its section on Hydrology and Water Quality: "Commenters recommended that the impacts of changing precipitation patterns due to climate change should be analyzed, and this should be considered regarding groundwater availability…" (DEIR at 3.11-17.)

The DEIR is keen to blame climate change, as opposed to the Project, when addressing scoping period concerns about potential upticks in termite and rattlesnake occurrences in the Project vicinity. (DEIR at 4-8 – 4-9.) According to the DEIR, "[t]he potential increase in termites at the Lake Tamarisk Desert Resort could be driven by climate change and warming temperatures," and rattlesnakes "may have smaller ranges due to climate change…" (*Id*.) But when the effects of climate change could prove to be unfortunate for maintaining convenient groundwater impact conclusions, the DEIR turns the other cheek. A recirculated DEIR must include a complete analysis

Comment Set B9 – Active Communities-Desert Center #2 (continued)

of the Project's and cumulative projects' impacts on groundwater supply, taking full account of future climate change-induced conditions in the CVGB. **B9-42 (cont'd)**

Moreover, at a basic level of information disclosure, the DEIR refuses to clearly identify where the Project's water will come from. It states (at 3.11-23 – 3.11-24, italics added) that "[w]ater for construction, operation, and decommissioning would be obtained from several *potential* sources, including an on-site groundwater well, an off-site groundwater well, and trucked from an off-site water purveyor. However, it is *assumed* all Project water needs would be sourced from the CVGB. Groundwater has been identified as the primary source of water in the CVGB." How much water will be pumped from an on-site well? Where will that on-site well be sited? How much water will be pumped from an off-site well? Where will that off-site well be sited? How much water will be "trucked from an off-site water purveyor"? All of these questions are essential to answer considering the uncertain and very delicate present and future of the CVGB. **B9-43**

The case law, too, is clear as to "how firmly future water supplies for a proposed project must be identified or, to put the question in reverse, what level of uncertainty regarding the availability of water supplies can be tolerated in an EIR . . . ." (*Vineyard*, *supra*, 40 Cal.4th at p. 428.) CEQA "require[s] that the FEIR show a likelihood water would be available, over the long term, for this project." (*Id*. at p. 441.) As in *Vineyard*, here, "[f]actual inconsistencies and lack of clarity in the [D]EIR leave the reader—and the decision makers—without substantial evidence for concluding that sufficient water is, in fact, likely to be available…at full build-out." (*Id*. at p. 439.) "[S]peculative sources and unrealistic allocations ('paper water') are insufficient bases for decisionmaking under CEQA." (*Id*. at p. 432, citing *Santa Clarita Org. for Planning v. County of Los Angeles* (2003) 106 Cal.App.4th 715, 720-723.) And finally, "where, despite a full discussion, it is impossible to confidently determine that anticipated future water sources will be available, CEQA requires some discussion of possible replacement sources or alternatives to use of the anticipated water, *and of the environmental consequences of those contingencies*." (*Vineyard*, *supra*, 40 Cal.4th at p. 432, italics added.) As we will explain below, the main mitigation measures that the DEIR relies on to bring groundwater supply and quality impacts below significance are questionable, vague, and/or impermissibly deferred to the future; thus, these measures cannot ensure likely long-term water availability.

Questionable Mitigation Measure **B9-44**

MM HWQ-3—Palo Verde Mesa Groundwater Basin (**PVMGB**) Protection—is highly questionable. First of all, the name is a misnomer. This mitigation measure is meant to protect the *Colorado River* water supply, not the PVMGB water supply. The measure calls for the Applicant to "develop a Colorado River Water Supply Plan (CRWSP) to…prevent, replace, or mitigate Project impacts that deplete the PVMGB groundwater budget *to prevent impacts to the adjacent PVMGB related to*

Comment Set B9 – Active Communities-Desert Center #2 (continued)

groundwater extraction below the Colorado River Accounting Surface." (DEIR at 3.11-35, italics added.)

B9-44 (cont'd)

The Metropolitan Water District (**MWD**) warned during the Project's scoping period: "Water is a scarce resource in the desert southwest, and its use should reflect that scarcity. Metropolitan is primarily concerned with the individual and cumulative impacts of any new demands on Colorado River water resources because the water supplies allocated to California are already fully apportioned and utilized." (Appendix B at p. 80.) "To the extent the proposed Project uses Colorado River water, it must have a documented right to do so." (Appendix B at p. 81.) The DEIR itself acknowledges that "direct *or indirect* use of Colorado River water requires documented entitlement. Therefore, Project-related groundwater use inducing flow of Colorado River water…from the adjacent [PVMGB] into that CVBG [sic.] was considered." (DEIR at 3.11-24, italics added.) It also acknowledges that "[e]ntities in California are using California's full apportionment of Colorado River water, meaning that all water is already contracted, and no new water entitlements are available in California." (*Id.* at 3.11-12.)

Despite MWD's warning, and the DEIR's own understanding of the Colorado River situation, MM HWQ-3 "does not address the potentially significant impacts associated with" its implementation. (*Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1118 (*Gray*).) For example, in *Gray*, "the EIR fail[ed] to explain how the [mitigation measure of] use of nonpotable water to irrigate the land…would have an impact on livestock, wildlife and habitats." (*Id*.)

Here, MM HWQ-3 provides that "[t]he Applicant shall implement *water conservation/offset activities* to reduce the amount of water *withdrawn from within or below the Colorado River Accounting Surface and to replace Colorado River water on an acre-foot by acre-foot basis*." (DEIR at 3.11-35, italics added.) First, the DEIR does not identify what water conservation/offset activities are, let alone which ones will be implemented. Where will these activities take place? Will these activities produce their own significant impacts on the environment? Second, even if these activities effectively reduce and replace diverted Colorado River water, wouldn't the Project still be indirectly using Colorado River water without entitlement to it? California can't issue any more Colorado River entitlements. At the very least, wouldn't the Project be indirectly using Colorado River water without entitlement until that consumed water is effectively replaced? Or are these "activities" instantaneously replenishing? In *Gray*, the court found that "common sense informs us that the mitigation measures will not effectively replace the water that could be lost by the neighboring landowners." (*Gray*, *supra*, 167 Cal.App.4th at pp. 1116-1117.) Here, common sense points to unentitled use of Colorado River water and mysterious activities ineffectively replacing water lost by the Colorado River.

B9-45

Additionally, the DEIR (at 3.11-29) lists 7 mitigation measures (MM BIO-3, MM BIO-5, MM BIO-13, MM HWQ-1, MM HWQ-2, MM HWQ-3, and MM HWQ-5) for an "Impact HWQ-5" and concludes

Comment Set B9 – Active Communities-Desert Center #2 (continued)

that "[t]his impact would be less than significant with the implementation of recommended mitigation measures." However, the DEIR contains no description or discussion of an Impact HWQ-5. The DEIR only discusses Impacts HWQ-1, 2, 3A, 3B, 3C, 3D, and 4. What is Impact HWQ-5? Or, if it doesn't exist, why does a nonexistent impact need 7 mitigation measures? **B9-45 (cont'd)**

Deferred Mitigation **B9-46**

Our discussion of CEQA's rules against deferred mitigation in the above Biological Resources section holds true for this Hydrology and Water Quality section of the DEIR. For example, in *Gray*, the court held that "the County ha[d] committed itself to a specific mitigation *goal*—the replacement of water lost by neighboring landowners because of mine operations." (*Gray*, *supra*, 67 Cal.App.4th at p. 1119, italics added.) A specific goal was not enough, of course -- the court concluded that "the County ha[d] not committed itself to a specific *performance standard*," and thus it had improperly deferred mitigation to the future. (*Id*., italics added.) And in *Vineyard*, the court held that "[w]hat the County could not do was avoid full discussion of the likely water sources for the… project by referring to a not yet complete comprehensive analysis…," as "CEQA's informational purpose 'is not satisfied by simply stating information will be provided in the future.' " (*Vineyard*, 40 Cal.4th at pp. 440-441, quoting *Santa Clarita Org. for Planning v. County of Los Angeles* (2003) 106 Cal.App.4th 715, 723.)

MM HWQ-1, a Drainage Erosion and Sedimentation Control Plan (**DESCP**), seems to not yet exist, as it "shall be prepared, stamped, and sealed by a professional engineer or Qualified SWPPP Developer," and "can be included in the [SWPPP]," which we know from MM BIO-12 also does not yet exist. (DEIR at 3.11-33 – 3.11-34.) The DESCP also only includes general goals as opposed to specific performance standards. For instance, under "Best Management Practices Plan," the MM HWQ-1 requires that "BMPs shall include measures designed to control dust, stabilize construction access roads and entrances, and control stormwater runoff and sediment transport." (*Id*. at 3.11-34.) How is dust determined to be under control? How are construction access roads and entrances determined to be stabilized? How are stormwater runoff and sediment transport determined to be under control?

MM HWQ-3 requires the Applicant to develop the CRWSP and get it reviewed and approved by the U.S. Bureau of Reclamation and BLM. The DEIR admits that the apparently not-yet-in-existence CRWSP also does not enjoy the benefit of specific performance criteria, as MM HWQ-3 requires that the CRWSP include "[p]erformance measures to evaluate the amount of water reduction and replacement by each identified activity." (DEIR at 3.11-35.)

MM HWQ-4 requires the Applicant to, "[b]efore the Project uses groundwater pumped from any Applicant owned and/or operated well…that extracts water from the CVGB," "retain a BLM-approved qualified hydrogeologist to develop a GMRMP, in coordination with the RWQCB and

Comment Set B9 – Active Communities-Desert Center #2 (continued)

BLM, to ensure that groundwater wells surrounding Project supply well(s) are not adversely affected by Project activities." (DEIR at 3.11-36.) The GMRMP also appears not to exist yet, and it must be reviewed and approved by the RWQCB and BLM. (*Id*.) In addition, "[t]he designated agencies shall determine whether groundwater wells surrounding the 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." (*Id*.)

B9-46 (cont'd)

The formulation of mitigation measures may not be deferred until some future time, except "when it is impractical or infeasible to include [specific] details during the project's environmental review" *and* "the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure." (Guidelines, § 15126.4, subd. (a)(1)(B); see *Sierra Watch, supra*, 69 Cal.App.5th at p. 110; *King & Gardiner*, *supra*, 45 Cal.App.5th at pp. 856-858.) And, "[t]he fact that the future management plans would be prepared only after consultation with wildlife agencies does not cure these basic errors under CEQA, since no adequate criteria or standards are set forth." (*Merced*, *supra*, 149 Cal.App.4th 645, 670.)

These Hydrology and Water Quality mitigation measures fall short of the above standards. Plans may or may not yet exist, and they may or may not change post-approval depending on input from various agencies or on the Applicant's whim. Deferred mitigation measures here overwhelmingly do not contain specific performance criteria. As a result of these deficiencies, it is impossible to understand or evaluate whether the Project's significant impacts to water supply and quality will be mitigated to a less than significant level, as the DEIR claims. The DEIR reader and decisionmakers are severely deprived of information to consider and assess -- information required by CEQA to be disclosed. A complete DEIR, one that includes all required information and does not defer mitigation to the future, must be recirculated.

Accuracy of Estimates

B9-47

One final note on hydrology and water quality—our discussion above of the DEIR's and GSI's groundwater budget estimates assumes that those estimates are valid and relatively accurate considering the availability of data for the CVGB. However, at least a few of GSI's estimation decisions are not properly explained:

1. "Fang et al. (2021) (using the CVGB precipitation estimate of 205,376 AFY) estimates a range of approximately 3.4 percent to 5.6 percent of precipitation that falls within the Chuckwalla Valley watershed contributes to groundwater; resulting in a groundwater recharge from precipitation range of approximately 6,983 AFY to 11,501 AFY… The groundwater budget developed for the Project WSA (GSI, 2024) uses 8,846 AFY of

Comment Set B9 – Active Communities-Desert Center #2 (continued)

groundwater recharge from precipitation. *The recharge from precipitation estimate is approximately 4.3 percent of the Fang et al. (2021) estimated annual CVGB watershed precipitation*. *Because of the uncertainties of water budget components included in the Fang et al. (2021) water balance (see GSI, 2024, Section 5.7.1), the 5.6 percent recharge from precipitation from Fang et al. (2021) could not be used in conjunction with all of the inflow water budget components included the Project WSA*. The resulting groundwater inflow estimate would have exceeded the upper bounds of the total recharge estimated by Fang et al. (2021)." (DEIR at 3.11-6 – 3.11-7, italics added.)

a. How did GSI land on 4.3% as the proper proportion of precipitation to use as groundwater recharge? Why not 4.5%, which is halfway between Fang's 3.4% - 5.6% range?
b. If the 5.6% value "could not be used in conjunction with all of the inflow water budget components included in the Project WSA" "[b]ecause of the uncertainties" included in the Fang study, is the Fang study even reliable? Isn't it evident that something is off if "[t]he resulting groundwater inflow estimate [using 5.6%] would have exceeded the upper bounds of the total recharge estimated by Fang"?

B9-47 (cont'd)

2. "Subsurface outflow from the CVGB is to the Palo Verde Mesa Groundwater Basin and has been estimated as ranging from 400 to 1,162 AFY (CEC, 2010). The Argonne 2013 study of the CVGB assumed zero subsurface outflow; however, justification was not well documented. Using gravity data, Wilson and Owens-Joyce (1994) found that the area through which discharge is *suspected* to occur is significantly more limited than previously thought due to the presence of a buried bedrock ridge. Given that this discovery was made after the 1,162 AFY estimate was reported (which was in 1990), the lower estimate of 400 AFY outflow was adopted for the Project WSA." (DEIR at 3.11-7, italics added.)
    a. Why is the lowest value of the 2010 California Energy Commission range (**CEC**) (400 AFY) used? The Wilson and Owens-Joyce study occurred 16 years before the CEC study -- was the CEC not aware of this "suspected" limitation? Why would the mere suspicion of a limiting buried bedrock ridge warrant use of the lowest value? Why not use 781 AFY -- halfway between 400 and 1,162 AFY?

B9-48

3. "Select groundwater models developed to assess a cumulative analysis of renewable energy projects on the CVGB include Leake et al. (2008), Greer et al. (2013), Shen et al. (2017), and Fang et al. (2021). Based on *CGBA* stakeholder and BLM feedback, the Shen et al. (2017) and Fang et al. (2021) models were primary references in the development of this WSA." (Appendix G at p. 30, italics added.)
    a. Who, or what, is CGBA? Why were its stakeholders included in this decision?
    b. Why exactly were Leake et al. (2008) and Greer et al. (2013) disregarded in favor of Shen et al. (2017) and Fang et al. (2021)?

B9-49

Comment Set B9 – Active Communities-Desert Center #2 (continued)

WILDLFIRE **B9-50**

The DEIR states (at 2-21) that "a Fire Management and Prevention Plan will be prepared in coordination with the County, BLM Fire, or other emergency response organizations to *identify the fire hazards* and response scenarios that may be involved with operating the solar facility and BESS." Identification of fire hazards (e.g., thermal runaway) and information on response to accidents involving downed power lines or accidents involving damage to solar arrays and facilities, in a post-approval environmental document -- one to be prepared by the Project owner at that, not the lead agency (*id*. at 3.19-24) -- constitutes improperly deferred, post hoc environmental review, just as identifying or developing response scenarios in such document constitutes improperly deferred mitigation. For example, the DEIR hedges on whether onsite fuel tanks will be utilized for equipment refueling. (DEIR at 2-11.) Fire hazard cannot be accurately evaluated without definite identification of ignition sources at the Project site.

The Fire Management and Prevention Plan must be shared with those who may be forced to evacuate due to fires originating or spreading on the Project site. This plan must be included in a recirculated DEIR because response scenarios and other measures critical to the public's safety may not be hidden from the public and public input before the County decides whether to approve the Project.

PROJECT ALTERNATIVES **B9-51**

CEQA establishes a public duty for the County "to avoid or minimize environmental damage where feasible." (CEQA Guidelines, § 15021.) To that end, CEQA's EIR review procedures are intended to assist public agencies in "systematically identifying" feasible alternatives, in addition to feasible mitigation measures. (§ 21002; see *id*., §§ 21002.1, subds. (a), (b), 21001, subd. (g).) "Systematically" identifying feasible alternatives means the public DEIR review process must remain open to identifying alternatives not skewed to favor project applicants, but shaped by the interests of all stakeholders in the environmental review process, including frontline human communities who bear the brunt of a project's adverse impacts.

The DEIR correctly states that EIR alternatives review is governed by a rule of reason. (DEIR 3.1-3, citing CEQA Guidelines, § 15126.6, subd. (f).) This rule means that:

> "Each case must be evaluated on its facts, which in turn must be reviewed in light of the statutory purpose. Informed by that purpose, . . . an EIR for any project subject to CEQA review must consider a reasonable range of alternatives to the project, *or to the location of the project*, which: (1) offer substantial environmental advantages over the project proposal (Pub. Resources Code, § 21002); and (2) may be 'feasibly accomplished in a successful

Comment Set B9 – Active Communities-Desert Center #2 (continued)

> manner' considering the economic, environmental, social and technological factors involved. [Citations.]"

B9-51 (cont'd)

(*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 566 (*Goleta II*), original italics; accord, *Preservation Action*, *supra*, 141 Cal.App.4th at p. 1350.) A reasonable range of alternatives satisfying the two *Goleta II* parameters must be reviewed in-depth in the DEIR. (See *Goleta II*, 52 Cal.3d at p. 569.) *Goleta II*'s feasibility criterion means an EIR must "make an in-depth discussion of those alternatives identified as at least *potentially* feasible. [Citation.]" (*Preservation Action*, *supra*, 141 Cal.App.4th at pp. 1350-1351, italics added.)

Consistent with the rule of reason and the legislative policy that undergirds it (§ 21002), alternatives may not be suppressed from in-depth EIR review because they " 'would impede to some degree the attainment of the project objectives, or would be more costly' " (*Laurel Heights I*, *supra*, 47 Cal.3d at p. 400; *Preservation Action*, *supra*, 141 Cal.App.4th at p. 1354; Guidelines, § 15126.6, subd. (b)); or because they wouldn't achieve some of the project's objectives. (CEQA Guidelines, § 15126.6, subd. (c).) They would have to fail to meet "most of the basic project objectives" to be eliminated from detailed EIR consideration. (*Id*.)

The DEIR alternatives review falls woefully short of these requirements. Viewed in the light of its listing of narrow, Intersect-centric Project objectives -- development of a photovoltaic PV-battery hybrid plant with the same maximum levels of solar energy generation (400 MW) and BESS storage capacity (650 MW) as the Project, to be sited on contiguous lands -- it purports to drastically curtail the range of feasible alternatives for EIR consideration.[30]

B9-52

No Reasonable Range of Alternatives

Besides the obligatory No Project Alternative (see CEQA Guidelines, § 15126.6, subd. (e)), the DEIR identifies for in-depth review but one alternative -- the so-called "Lake Tamarisk Alternative." The DEIR represents (at 2-25) that this alternative was "developed in response to concerns expressed by the Lake Tamarisk Desert Resort community during the CEQA scoping process." It would be "*similar to*" the Project, except for the removal of solar panels on approximately 30 acres -- *less than 1% of the Project site* -- which would increase the distance of solar arrays from the northeast corner of the developed (Phase I) portion of Lake Tamarisk Desert Resort from "750 feet" to "2,350 feet." (*Id*.) Unsurprisingly, ground disturbance would only be "slightly" reduced (DEIR at 5-5.) Furthermore:

[30] Solar energy projects need not be located on contiguous land parcels. The adjacent Athos Project is but a nearby case in point. (DEIR Figure 3.5-9.)

Comment Set B9 – Active Communities-Desert Center #2 (continued)

> "The Lake Tamarisk Alternative, like the proposed Project, would meet *all* of the Project objectives, would be feasible, would generate the *same* amount of renewable energy and would have the *same* energy storage capacity."

B9-52 (cont'd)

(*Id*., italics added)[31] The onsite substation and the BESS would be relocated no more than 0.7 mile to the northeast from its proposed location. (*Id*., compare Figure 2-3 with Figure 2-14.) But solar panels would fill the open space available as a result of the relocation of the substation and BESS -- a fact the DEIR's brief discussion of the Lake Tamarisk Alternative passes over in silence.[32]

One alternative -- besides the mandatory No Project Alternative, which does not meet any of Intersect's objectives" at that (DEIR at 2-25) -- is not a "range" of alternatives, let alone a "reasonable range." (*Goleta II*, *supra*, 52 Cal.3d at p. 566.) Speaking of "alternatives" in the plural, *Goleta II*'s rule of reason unmistakably calls for in-depth review of " 'a reasonable range of alternatives to the project, *or to the location of the project* . . . .' " (*Id*.) *Goleta II* articulated this rule citing section 21002, which expresses legislative intent that public agencies "systematically" identify "feasible alternative*s*" (italics added), designed to "avoid or substantially lessen [a project's] significant effects." Likewise, CEQA Guidelines section 15126.6 provides that "the EIR shall also identify an environmentally superior alternative *among the other alternatives*" when, as in this case (DEIR at 5-4), the environmentally superior alternative is the 'no project' alternative. (*Id*., § 15126.6, subd. (e)(2), italics added.)

B9-53

As such and evaluated in the case-specific factual and geographic context, the DEIR's alternatives review violates the rule of reason. Well over 1,000 acres of public and private lands in the Project's close vicinity, as yet unoccupied by solar farms and uncommitted to pending renewable energy projects, offer space for partial relocation of the Project, thereby allowing the creation of a buffer between the Project and the Community of Lake Tamarisk that, unlike the Lake Tamarisk Alternative, would substantially and feasibly reduce the Project's significant effects on the Community of Lake Tamarisk, *without* compromising the basic Project objectives (including generation of up to 400 MW of energy and up to 650 MW battery energy storage capacity), and *without* encroachment on any DRECP-identified Area of Critical Environmental Concern (**ACEC**).

The lands available for partial relocation are located between SR-177 to the west and the Palen Mountains Wilderness Area/Palen Dry Lake ACEC (a wildlife habitat block identified by the California Desert Connectivity Project in cooperation with the BLM) to the east, north of the I-10, and generally south of the Desert Lily Preserve ACEC and the boundary line separating this

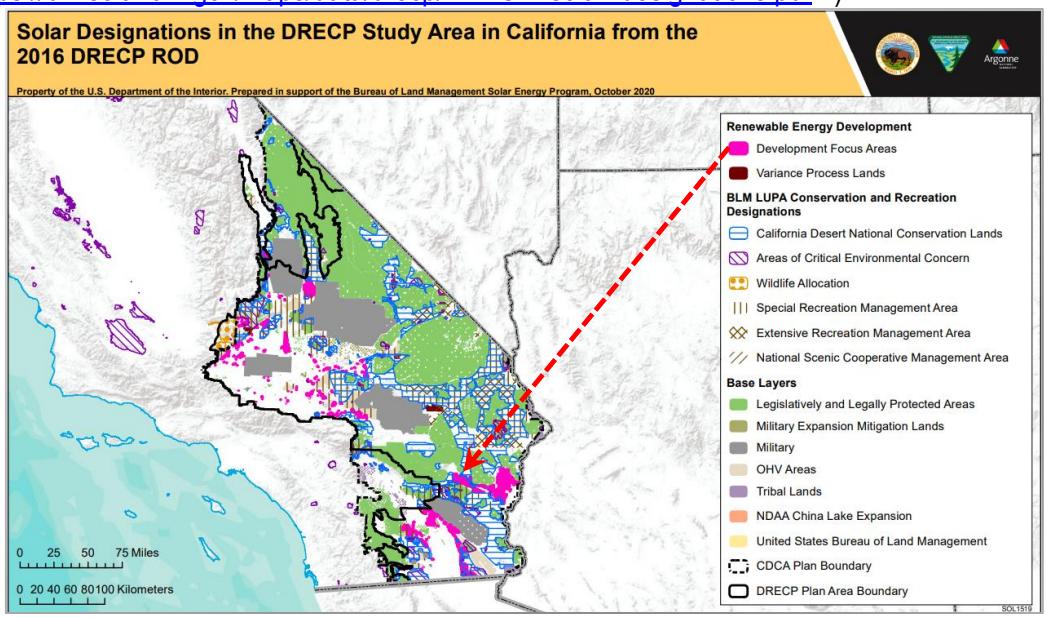
[31] The DEIR elsewhere states that "electrical output would not be appreciably reduced compared to the proposed Project." (*Id.* at 2-25.) Which is it? What is "not appreciably?" Please quantify the output reduction, if any, under the Lake Tamarisk Alternative and explain how it is calculated.

[32] That open space is a privately-owned parcel directly bordering on the Community of Lake Tamarisk. (Figure 2-2.)

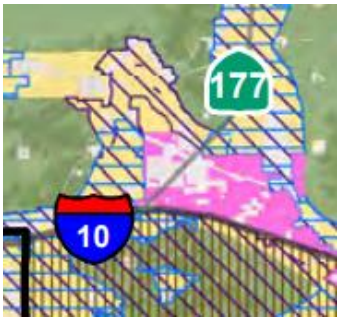
Comment Set B9 – Active Communities-Desert Center #2 (continued)

B9-53 (cont'd)

preserve and other ACEC-designated wildlands from DRECP-designated Development Focus Area (**DFA**). All public lands in this vast expanse of available open space are BLM-managed lands *specifically set aside for solar development* in the DRECP-delineated DFA. (DEIR Figures 2-1, 2-4, 3.1-1, 3.5-1; Map of Solar Designations in the DRECP Study Area, reproduced below, available at <https://blmsolar.anl.gov/maps/data/drecp/DRECP_solar_designations.pdf>.)[33]



Zoomed in:



[33] There is no dearth of DFA-designated lands in the Riverside East Solar Energy Zone. Data posted by the BLM (available at <https://blmsolar.anl.gov/drecp/dfa/>) show that the DFA-designated subregion encompassing the Project's environmental setting (the Colorado Desert subregion) comprises 148,000 acres of public lands. As summarized on the BLM's main Solar Energy Permitting and Program Resources Webpage (available at <https://blmsolar.anl.gov/drecp/>), and as explained in the DRECP itself (available at < https://eplanning.blm.gov/public_projects/lup/66459/133460/163124/DRECP_BLM_LUPA_ROD.pdf>; see pp. 5, 13, 31-32, 39), renewable energy projects sited within DFA acreage qualify for streamlined federal permitting and incentives. Most of this acreage remains available for renewable energy development.

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Some of the privately-owned land parcels in this expanse not committed to solar energy development are listed for sale. So are private lands west of SR-177, north of the Project's northeasterly boundary, adjacent to DFA and the northerly component of the Athos Project. (DEIR Figure 3.5-9.) This is the for-sale sign for these: **B9-54**



These public and private lands are closer to Southern California Edison's Red Bluff Substation than other existing or proposed projects (Desert Sunlight, Harvest, Lycan). All are in the general vicinity of the Project site. (DEIR Figure 3.5-1; compare DEIR at 3.1-8–3.1-11 with Figure 3.1-1.)

Putting up the Lake Tamarisk Alternative as the only feasible, environmentally superior solar energy development alternative does not evince a good-faith effort at giving the County's decision makers a meaningful or a " 'reasonable choice of alternatives so far as environmental aspects are concerned.' " (*Laurel Heights I*, supra, 47 Cal.3d at p. 406.) The impacts of the alternative and the Project are "similar." (DEIR at 5-3.) And so, the DEIR must concede that the Lake Tamarisk Alternative is incapable of "reduc[ing] *any* of the Project's significant and unavoidable impacts to a **B9-55**

Comment Set B9 – Active Communities-Desert Center #2 (continued)

B9-55 (cont'd)

less-than-significant level" and does not result "in a change to overall impact classifications or significance conclusions." (*Id*., italics added; see *id*. at 3.2-32 [in the Lake Tamarisk Alternative, visual impacts at all KOPs "remain significant"] & Figures 3.2-1A, 3.2-4A, 3.2-4B, 3.2-5D, 3.2-5E, 3.2-5F; *id*. at 3.3-10 [in the Lake Tamarisk Alternative, impacts to agriculture and forestry "would remain significant and unavoidable"]; see also *id*. at 3.3.13-14 [the Lake Tamarisk Alternative would result in no more than "a slight decrease in the potential for sensitive receptors to be exposed to noise and vibration near the existing community of LTDR"].) In short, the Lake Tamarisk Alternative does not offer any *substantial* environmental advantage over the Project (*Goleta II*, *supra*, 52 Cal.3d at p. 566.) It does not "avoid or *substantially* lessen" any significant impact. (§ 21002, italics added; CEQA Guidelines, § 15126.6, subds. (a), (f).)[34]

It defies logic and common sense for the DEIR to suggest that the Lake Tamarisk Alternative is the best the County can do to reduce the Project's significant impacts on the human communities of Lake Tamarisk, without rendering infeasible Intersect's plan to operate a utility-scale PV electrical generating and storage facility in the Desert Center area. The Sapphire Project, proposed by EDF Renewables, which borders on the Easley Project on three sides, proposes to generate *117 MW* of electricity and store 59 MW in its BESS on a *1,123-acre footprint*, including 41 acres for the linear facility routes. The average amount of solar power generated by a utility-scale solar facility in the Project area (based on 21 utility-scale solar facilities listed as past and present projects in DEIR Table 3.1-1) is 332.5 MW. Thus, even in a hypothetical scenario of no available land for a partially relocated footprint to accommodate both a substantially enhanced buffer between the Project and the Community of Lake Tamarisk, and solar photovoltaic electrical generating capacity at a maximum level of 400 MW, a substantially enhanced buffer between the developed and undeveloped lands of the Community of Lake Tamarisk, and the Project, still would permit Intersect to develop a profitable, utility-scale renewable energy facility, whether on the 3,735 acres that comprise the Project site or on fewer parcels.

B9-56

The legal authorities noted above teach that even if a utility-scale Project alternative reducing electrical generation capacity to less than 400 MW impedes to some degree attainment of Project objectives, or would be more costly, that does not justify its rejection. To this point, it bears emphasis that increased expenses or diminished profitability are insufficient to show that an

[34] In its "Comparison of Alternatives" section, the DEIR gets off on the wrong foot by positing that CEQA's substantive mandate only requires the County to select one feasible alternative over others if that alternative "will avoid one or more significant effects on the environment compared to other alternatives." (DEIR at 5-1–5-2.) In fact, CEQA's substantive mandate "requir[es] public agencies to refrain from approving projects with significant environmental effects if 'there are feasible alternatives or mitigation measures' that can *substantially lessen or* avoid those effects." (*County of San Diego v. Grossmont-Cuyamaca Community College Dist.* (2006) 141 Cal.App.4th 86, 98, italics added.) Contrary to the DEIR, an alternative need not altogether avoid a significant effect before the Board of Supervisors must refrain from approving the Project as proposed.

Comment Set B9 – Active Communities-Desert Center #2 (continued)

alternative is financially infeasible. (*Preservation Action*, *supra*, 141 Cal.App.4th at p. 1352.) Rather:

> " 'What is required is evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project.' "

(*Ibid*., citing *Goleta I*, 197 Cal.App.3d 1167, 1181.) The long and the short of it is: To offer the County decision makers a reasonable choice of alternatives, a revised DEIR must be circulated, including in-depth review of a feasible alternative that would accommodate a substantially enhanced buffer from the Community of Lake Tamarisk, either by partially relocating the Project site (to maintain or roughly maintain the 400 MW capacity), or scaling back the proposed 400 MW capacity, which would impede to some degree just one of the 11 separate Project objectives listed in the DEIR -- "Deliver up to 400 MW of affordable, wholesale renewable energy to California ratepayers under long-term contracts with electricity service providers." (DEIR at 1–3.)[35]

B9-56 (cont'd)

Unreasonably Narrow Project Objectives

B9-57

The curtailed range of alternatives appears to have been preordained by the DEIR's narrow tailoring of the Project objectives to fit the electricity output and storage capacity desired by Intersect.[36] A key purpose of an EIR's statement of objectives, besides aiding the decision makers "in preparing findings or a statement of overriding considerations, if necessary[,]" is to help "the Lead Agency develop a reasonable range of alternatives to evaluate in the EIR . . . ." (CEQA Guidelines, § 15124, subd. (b).)

The Project objectives of "[d]eliver[ing] up to 400 MW of affordable, wholesale renewable energy to California ratepayers under long-term contracts with electricity service providers" (DEIR at 1-3) and "[e]nhanc[ing] California's fossil-free resource adequacy capabilities and help to solve California's 'duck curve' power production problem by installing up to 650 MW of 2-hour and/or 4-hour battery energy storage capacity" (*ibid*.) are literally identical to the DEIR's description of the Project as a proposal to generate "up to 400 MW" of renewable electricity via arrays of solar

[35] We note that the objective "Further the purpose of Secretarial Order 3285A1, establishing the development of environmentally responsible renewable energy as a priority for the Department of the Interior" is listed twice.

Also, what circumstances and concerns prompted the late addition of the listed last objective, stating: "Make the highest and best use of primarily disturbed, retired agricultural land in and around a federal 'Solar Energy Zone' and 'Development Focus Area' to generate, store, and transmit affordable, wholesale solar electricity"?

[36] Comparing the objectives of the Oberon Project, as listed in the final EIR (at 1-2–1-3) for that project (available at <https://static1.squarespace.com/static/6148aef7bc421a5376b2bc84/t/65542dfb43c8e67ed3cd762f/1700015642351/Oberon+EIR+Main+Text>), in several ways, corroborates this conclusion.

Comment Set B9 – Active Communities-Desert Center #2 (continued)

photovoltaic panels, and store "up to 650 MW." (DEIR at 1-1; see *id*. at 2-1.) Because no project delivering less than up to 400 MW of electricity would meet that objective, no reduced solar array footprint alternative capable of substantially lessening the Project's significant impacts on the environment and human beings, including purportedly "unavoidable" impacts, would meet that objective. The separate objective of "siting the facility on relatively flat, *contiguous* lands" (italics added) further limits the range of alternatives. The layout of the adjacent Athos Renewable Energy Project (Fig. 3.5-1) shows that this objective is unnecessary, if not gratuitous.

B9-57 (cont'd)

Narrow tailoring of a project's objectives to fit a project or an alternative similar to the project virtually guarantees flawed alternatives. It artificially restricts the reasonable range of alternatives an EIR must review in depth. It has been found to violate CEQA and the National Environmental Policy Act (**NEPA;** 42 U.S.C. § 4321 et seq.).[37]

***

One reasonable alternative that falls well within the reasonable range is the environmentally substantially superior Respect Lake Tamarisk Alternative put forth by AC/DC. This alternative avoids the false choice between the Project and an alternative with basically the same level of development as the Project -- the DEIR's Lake Tamarisk Alternative. (See *Watsonville Pilots Assn. v. City of Watsonville* (2010) 183 Cal.App.4th 1059, 1088 [EIR discussed two alternatives with the same level of development as the project; analysis of a reduced development alternative "would have provided the decision makers with information about how most of the project's objectives could be satisfied without the level of environmental impacts that would flow from the project]; *Western Watersheds*, *supra*, 543 F.Supp.3d at p. 983 [plaintiff's proposed middle ground alternative found to stand "uniquely and substantively apart" from environmental assessment's "all-or-nothing approach"].)

B9-58

[37] See, e.g., *We Advocate Thorough Environmental Review v. County of Siskiyou* (2022) 78 Cal.App.5th 683 (*We Advocate*) [by describing the principal objective of a water bottling project as operating the project as proposed, and as soon as possible, county provided no meaningful analysis of alternatives and prevented informed decision making and public participation]; *Nat'l Parks & Conservation Ass'n v. BLM* (9th Cir. 2010) 606 F.3d 1058, 1070 ["An agency may not define the objectives of its action in terms so unreasonably narrow that only one alternative from among the environmentally benign ones in the agency's power would accomplish the goals of the agency's action, and the EIS would become a foreordained formality"] (*Nat'l Parks & Conservation Ass'n*); *id*. at p. 1072 [by adopting as its own the interests of the owner of the former iron ore mine near Eagle Mountain in developing a landfill, BLM crafted a purpose and need statement "so narrowly drawn as to foreordain approval of the land exchange" and "necessarily" considering "an unreasonably narrow range of alternatives"]; *Western Watersheds Project v. Bernhardt* (D.Idaho 2021) 543 F.Supp.3d 958, 984, fn. 12 [same; "To the extent BLM's objective was to *maximize* the availability of mineral resources, it would violate NEPA"].)

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 43

B9-58 (cont'd)

The central concept underlying the Respect Lake Tamarisk Alternative is that, as compared to the Lake Tamarisk Alternative, it provides for a substantially enhanced buffer between the Community of Lake Tamarisk and the Project.[38] This buffer varies between one mile and 3/4 of a mile, as shown by Figure 1, below. Figure 2, below, identifies three general areas, each including DFA or private land parcels (some with no habitat or degraded habitat due to earlier anthropogenic habitat modifications) not committed to existing or probable future solar projects. These and yet additional other lands included in the original Easley Project (Figure 2) present opportunities for Intersect to make up for the loss of solar panels in the enhanced buffer zone. We estimate the buffer zone in the Respect Lake Tamarisk Alternative to cut generation capacity by no more than 100 MW. Thus, even without making up for this reduction, the combined production from the Easley and the Oberon facilities will still amount to 300 MW + 500 MW = 800 MW (an average of 400 MW per project), that is, 88.88 % of 900 MW the two adjacent facilities would together generate if Easley's 400 MW capacity is not reduced.

[38] Consistent with AC/DC's scoping input, this alternative still also requires that toxic silica-based fugitive dust be fully contained and abated within the project boundaries.

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 44

B9-58 (cont'd)

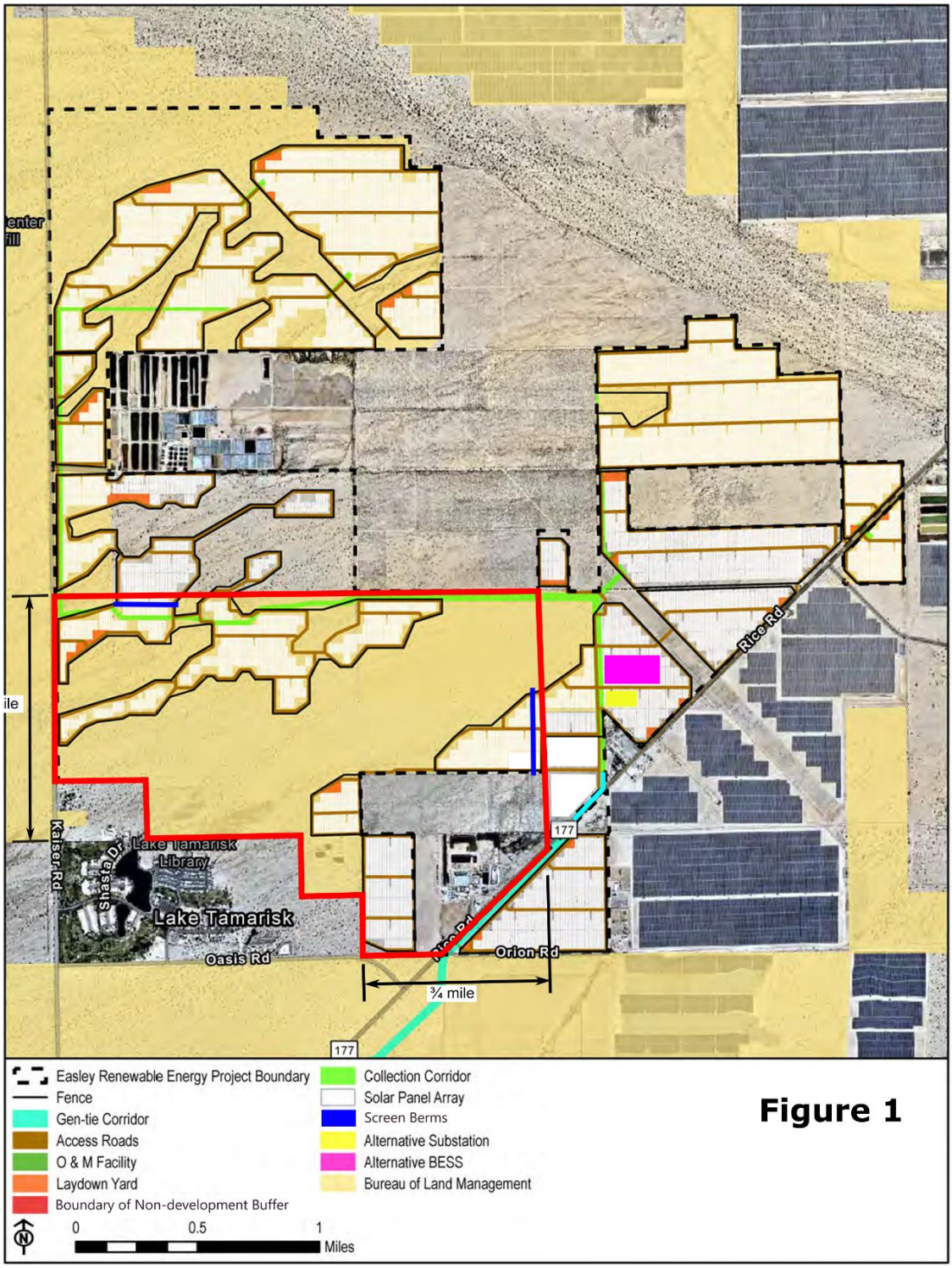
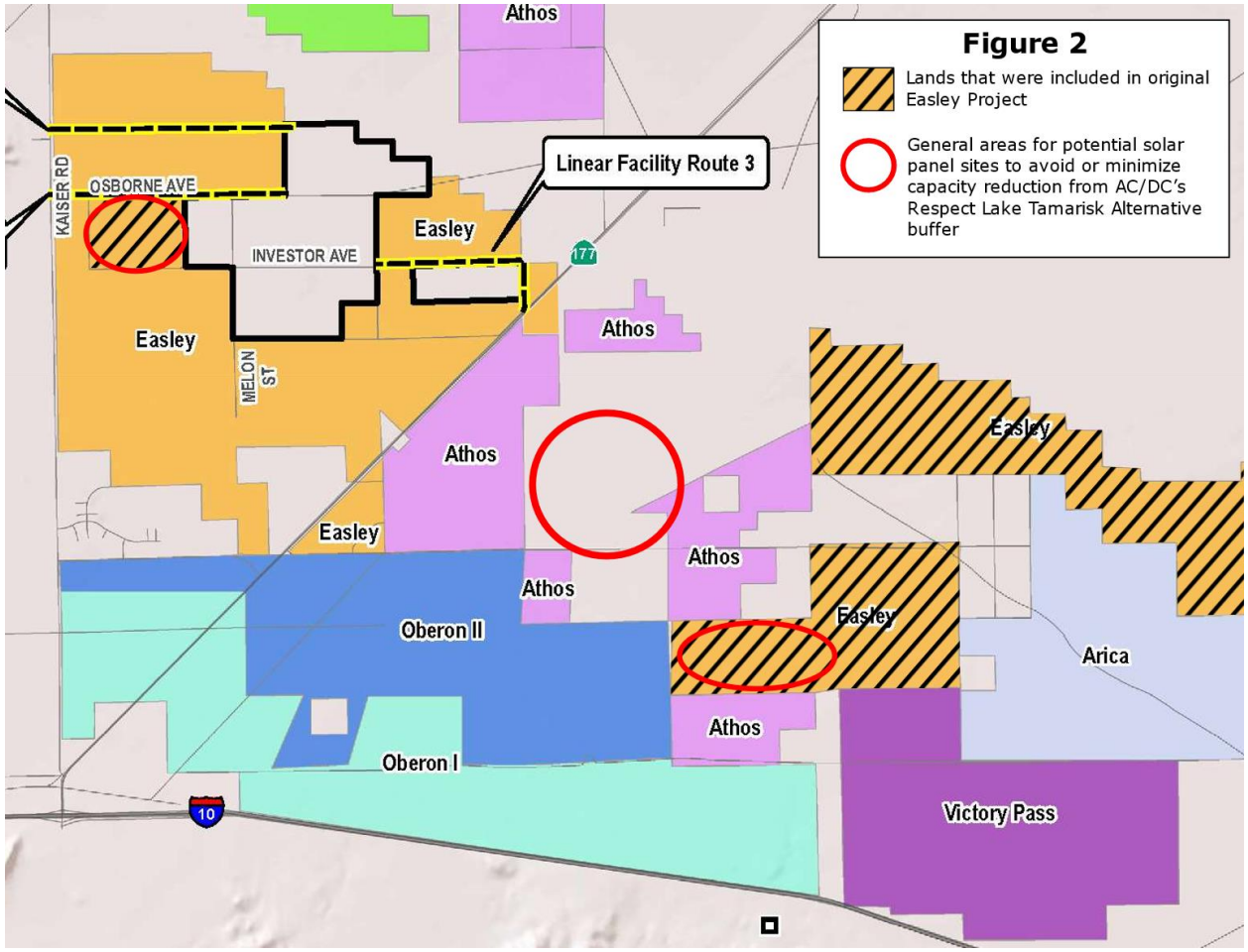


Figure 1

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 45



B9-58 (cont'd)

The Respect Lake Tamarisk Alternative has substantial environmental advantages over the Project. To name just a few:

B9-59

First, the Respect Lake Tamarisk Alternative would minimize the Project's significant impact on highly valued views from public and private residential viewing areas in the Community of Lake Tamarisk of a landscape said to be of "moderate to high visual sensitivity" (DEIR at 3.2-20–3.2-21) -- largely composed of "primarily intact" BLM-administered lands (*id*. at 3.2-2; Figures 2-2, 3.5-2) -- by avoiding solar arrays and alteration of the landscape to industrial character in the portion of the DEIR's five-mile viewshed that is closest to (bordering on) the Community of Lake Tamarisk, i.e., where solar arrays present as more dominant features than as seen from the Alligator Rock ACEC, the I-10, and KOPs 5 and 6 on SR-177. Still, the portion of the five-mile viewshed AC/DC's

Comment Set B9 – Active Communities-Desert Center #2 (continued)

alternative would protect is also closer to the Alligator Rock ACEC than any other area the Project would impact in the viewshed.[39]

B9-59 (cont'd)

Second, unlike the Lake Tamarisk Alternative, the Respect Lake Tamarisk Alternative will avoid both solar facilities encroachments on and construction as well as operation-related disturbances in the site's largest concentration of Desert Dry Wash Woodlands. (Compare DEIR Figures 3.2 & 3.5.2.)[40] The proposed enhanced buffer zone is also host to most of the Project site's Desert unicorn plants (DEIR Figure 3.5-4), a perennial sensitive plant species with habitat values and ethnobotanical uses the DEIR fails to disclose.

B9-60

Third, based on the model for the statistical probability of desert tortoise occurrence used by the DEIR drafters, the Respect Lake Tamarisk Alternative protects the Project site's most suitable Desert tortoise habitat. "Desert tortoise habitat has lower predicted occupancy levels in the northernmost portion of the Easley Project site (0 to 0.2) and increases toward the south, with the highest occupancy levels of 0.5-0.6 in the southwest portion of the Project site." (DEIR at 3.5-8; Figure 3.5-5.)

Fourth, reducing solar arrays as proposed in the Respect Lake Tamarisk Alternative, will reduce "lake effect" mortality of water-associated and water-obligate bird species, including the federally endangered Yuma Ridgway's rail, the sora and the Virginia rail. Solar arrays create this threat by polarizing light in a way that mimics how water polarizes light. As the U.S. Fish and Wildlife Service warned in its scoping comments, "solar facilities in the desert pose a hazard to which variable rail species and other water-associated birds are particularly vulnerable." (Letter to Tim Wheeler, dated 12-22-2022, at 3 [noting two instances of known Yuma Ridgway's rail takes, one at the nearby Desert Sunlight facility and one at another solar photovoltaic facility in Imperial County]; *id*. at 4 ["There is a growing recognition that 'polarized light pollution' or a 'lake effect' presents a particular hazard to water-associated birds and other species seeking aquatic migratory stopover habitat"].)

B9-61

[39] The DEIR acknowledges that under the Lake Tamarisk Alternative, direct and cumulative impacts on public and private views experienced at Lake Tamarisk Desert Resort and all other KOPs selected for the visual analysis, including the Alligator Rock ACEC, would not be reduced to a less-than-than-significant level. (DEIR at 3.2-32, 3.2-34–35.)

[40] The DEIR but briefly describes this ecologically significant desert riparian habitat. Still, we learn this much: "This habitat provides greater opportunities for food, nesting, and cover, and its wildlife diversity is generally greater than in the surrounding desert. Many of the species occupying the surrounding upland desert shrublands are found in greater numbers in microphyll woodlands." (DEIR at 3.5-3.) Evidently, an alternative that insulates sensitive microphyll woodlands from Project activities associated with a utility-scale solar facility offers multiple substantial environmental advantages.

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Fifth, compared to the Lake Tamarisk Alternative, scaling back the solar panels as proposed in the Respect Lake Tamarisk Alternative will effectively and substantially reduce noise and vibration pollution for the Community of Lake Tamarisk.[41] The one-mile buffer zone requested by AC/DC accomplishes that result. The DEIR states (at 2-24) that under Applicant Proposed Measure APM NOISE-1, Intersect "will avoid 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)." (Italics added.)

B9-62

We note that APM NOISE-1 specifies no metric for "minimize." Worse yet, Intersect qualifies its noise measure to the point of making it meaningless. The DEIR goes on to state: "If based on the final construction schedule, use of such equipment is necessary within this geographic area during the aforementioned time period, the Applicant will avoid or minimize this construction activity prior to 7:00 am and after 6:00 pm." (*Id*.) In other words, noise caused by pile driving and other heavy duty construction activity may occur during the winter months of highest residency or in other seasons, anytime from 7:00 a.m. to 6:00 p.m.

We further note that the DEIR discussion of Noise and Vibration (§ 3.13) fails to correlate any of the direct and cumulative impacts of the multiple types of new noise emissions (with various levels of dB, impulsiveness, intermittency and duration, and different Hz frequencies), to the adverse, physical, physiological and psychological health effects those emissions carry on human beings, directly or indirectly.

Self-contradictory, Self-serving Dismissal of the No Project Alternative

B9-63

In its comparison of alternatives, the DEIR assumes the circumstance under which the Project does not proceed, leaving the baseline conditions of the 3,735-acre site unaltered, and concluding that the No Project Alternative "does not have the potential to meet any of the Project objectives." (DEIR at 5.3–5.4.) However, in its description of the No Project Alternative, the DEIR states "If the Project were not constructed, it is highly likely that a different solar developer would apply to construct a *similar* solar project at this location. (DEIR at 2.25.) If a different solar project were to be constructed in this location, the impacts of that solar project would be evaluated under CEQA and NEPA and may be similar to those identified for the proposed Project, as presented in Section 3 of this EIR." (*Id*.)

[41] Under the Lake Tamarisk Alternative, the smaller decrease in solar panel area is said to result in but "a slight decrease in the potential for sensitive receptors to be exposed to noise and vibration near the existing community of [Lake Tamarisk Desert Resort] when compared with the impacts of the proposed Project." (DEIR at 3.13-14.)

Comment Set B9 – Active Communities-Desert Center #2 (continued)

This is a false equivalency and a speculative assumption, which views any solar photovoltaic project by any other developer "at his location" through the narrow lens of the DEIR's Intersect-centric objectives. (See *We Advocate*, *supra*, 78 Cal.App.5th at p. 694.) The claim that it would be "highly likely" a different solar developer would apply to construct a similar project "at this location" sidesteps discussion of the consequence of disapproval of the project when such action by the Board of Supervisors would result in a project proposed by a responsible developer not indifferent to the effects the Easley Project would have on the human beings in the Community of Lake Tamarisk, on the Chuckwalla Valley Groundwater Basin they and others depend on, or on the microphyll woodland habitat in the Project site's southwestern portion.[42]

B9-63 (cont'd)

The speculative assumption that another project by a different solar developer would have impacts similar to Intersect's Easley Project appears to be just another excuse for skipping environmental review of a reasonable, feasible alternative that may not maximize production up to "the same amount of renewable energy" as both the Project and Intersect's Lake Tamarisk Alternative do (DEIR at 5-5), and for forcing the Board of Supervisors to choose between the Project and the Lake Tamarisk Alternative.

Cursory Rejection of Federal Land Alternative

B9-64

The DEIR cursorily rejects for in-depth consideration an alternative Intersect itself originally submitted in an application to the BLM as the Easley Project. The original Project, now labelled "Federal Land Alternative," occupied some 10,160 acres -- 8,338 acres of BLM-administered land and 1,822 acres of private parcels. (DEIR at 2-26.) The DEIR states that "BLM-administered lands within the East Riverside DFA and located to the east of SR-177/Rice Road, were included in the original Easley Project application to BLM . . . ." (*Id*.)

According to the DEIR, 3,847 acres were eliminated from the Federal Land Alternative due to their location within an active sand (aeolian) transport corridor, presenting "engineering challenges"; and within habitat for the Mojave fringe-toed lizard and rare plants, chapparal sand verbena and Harwood's wooly aster, presenting supposedly "significant biological resources development constraints from compliance with the DRECP Conservation and Management Actions (CMAs) and resource buffers." (DEIR at 2-26.) The DEIR goes on to state: "The remaining acreage was removed due to constraints with siting of the medium voltage collector lines from the parcels to the project substation and compliance with the DRECP CMAs." (*Id*.) These CMA-based grounds for relinquishing BLM-administered public land are not explained -- what CMAs? And where? They're puzzling too. CMAs didn't cause Intersect to abandon the Oberon Project or deter other solar

[42] By CEQA Guidelines section 15126.6, "[i]f disapproval of the project under consideration would result in predictable actions by others, such as the proposal of some *other* project, this 'no project' consequence should be discussed." (*Id*., subd. (e)(3)(B), italics added.)

Comment Set B9 – Active Communities-Desert Center #2 (continued)

developers from seeking ROW grants from the BLM. Like any discretionary permit for a project with adverse environmental impacts, ROW grants are subject to conditions in the form of required compliance with impact mitigation measures. The benefit of a ROW grant for the right to use a large swath of federal land to produce and sell energy doesn't come without burdens. **B9-64 (cont'd)**

As for the brief reference to an "engineering challenge" allegedly because somewhere in the Federal Land Alternative there is an "active sand (aeolian) transport corridor," it is difficult to accept that contention at face value as well, noting, for example, the existence of a large, operational solar farm in the same area, east of SR-177 -- the 3,400-acre Athos Renewable Energy Project. (DEIR Figures 3.1-1, 3.5-1, 3.5-9.) Does the DEIR suggest that solar farms in the Riverside East Solar Energy Zone operate without exposure to dust storms and aeolian deposits? It is normal for all solar farms in a desert environment to experience sand deposition impact on module output power, which is a function of multiple determinants, like relative humidity, module height, orientation, tilt settings, and routine maintenance. The DEIR provides no information or comparative data concerning rates of decrease in the power output and conversion efficiency of photovoltaic solar panels over time in the Riverside East Solar Energy Zone, traceable to sand particle deposition.

The DEIR should inform the reader how the County defines an "active" sand corridor and where exactly the sand transport corridor mentioned in the DEIR is located; its direction; how the corridor was delineated; and how many acres it extends over. Evidence of its characteristics and its contribution to declines in photovoltaic module performance rates over time, relative to other factors affecting performance, should have been provided. If it is claimed that the engineering challenge is so great as to render infeasible the deployment of any type of commercially available photovoltaic panels in this sand transport corridor, the County must demand from Intersect, independently review, and disclose the evidence for such a claim. **B9-65**

The DEIR also fails to explain how many of the 3,847 acres eliminated from the Federal Land Alternative are wildlife or rare plant habitat, or indicate where exactly this habitat is located. It is also unclear whether the remaining acreage eliminated from the Federal Land Alternative is 6,313 acres (10,160–3,847), 4,491 acres (10,160 – [3,847 + 1,822]), or a different figure if the remaining acreage is a mix of BLM-administered lands and private parcels. Color-coded maps should have been provided, delineating the boundaries of the predecessor project, containing the same information as DEIR Figures 2-1–2-3 and 3.5-1– 4.4-B. **B9-66**

Without information and evidence supporting the DEIR's conclusory statements purporting to justify rejection of the Federal Land Alternative for in-depth DEIR review, there can be no meaningful

Comment Set B9 – Active Communities-Desert Center #2 (continued)

public participation or informed decision making.[43] (See *Laurel Heights I*, *supra*, 47 Cal.3d at p. 405 ["alternatives and the reasons they were rejected . . . must be discussed in the EIR in sufficient detail to enable meaningful participation and criticism by the public"]; *Preservation Action Council, supra*, 141 Cal.App.4th at p. 1356 [EIR found defective because readers could not evaluate the validity of a claim that a reduced-size warehouse alternative would be "more expensive to build" or "operationally infeasible"; there were "no independent facts or analysis" to support the claim that such an alternative would place the applicant at a competitive disadvantage].)

B9-66 (cont'd)

***

Holding itself out as a leader in community engagement, Intersect Power has signed an agreement, known as the "Collaboration Agreement on Large-Scale U.S. Solar Development," negotiated under the auspices of Stanford University's Woods Institute for the Environment as part of the Institute's "Uncommon Dialogues" program.[44] The parties to this Agreement recognized that when a developer has made early, good-faith community outreach efforts "and made reasonable changes to a project in response to community and stakeholder feedback, a permitting authority is more likely to find that the project serves the public interest, even if there is some remaining opposition"; and that "every community is unique, with values, priorities, and historical considerations. . . ." (Agreement, p. 6.)

B9-67

Unfortunately, Intersect Power has not practiced what it preaches, and what it has committed to as a party to the Collaboration Agreement. Community engagement was pro forma here and it shows: No changes of substance in site planning have been put forth. The voices of the people of the Community of Lake Tamarisk have not really been heard. They have been marginalized.

There are alternatives that serve the public interest far better than this Project, all without compromising feasible access to interconnection and high-voltage transmission lines, or California's objective of fully decarbonizing the grid by 2045. A revised draft EIR must be

[43] *With* that information, the public and the County's decision makers will be able to identify BLM-administered, DFA-designated lands east of SR-177, suitable for a potential partial relocation of the Project.

[44] Uncommon Dialogues is a forum for scholars and various stakeholders in the outcomes in broad environmental conflicts and controversies to exchange views and explore best practices to inform those who make and implement decisions affecting the environment. (<https://woods.stanford.edu/events/dialogues-workshops> [as of March 11, 2024].)

Comment Set B9 – Active Communities-Desert Center #2 (continued)

circulated, including a meaningful, preferred alternative, not the disrespectful all-or-nothing choice Intersect has forced into the DEIR. **B9-67 (cont'd)**

Sincerely,

ANGEL LAW

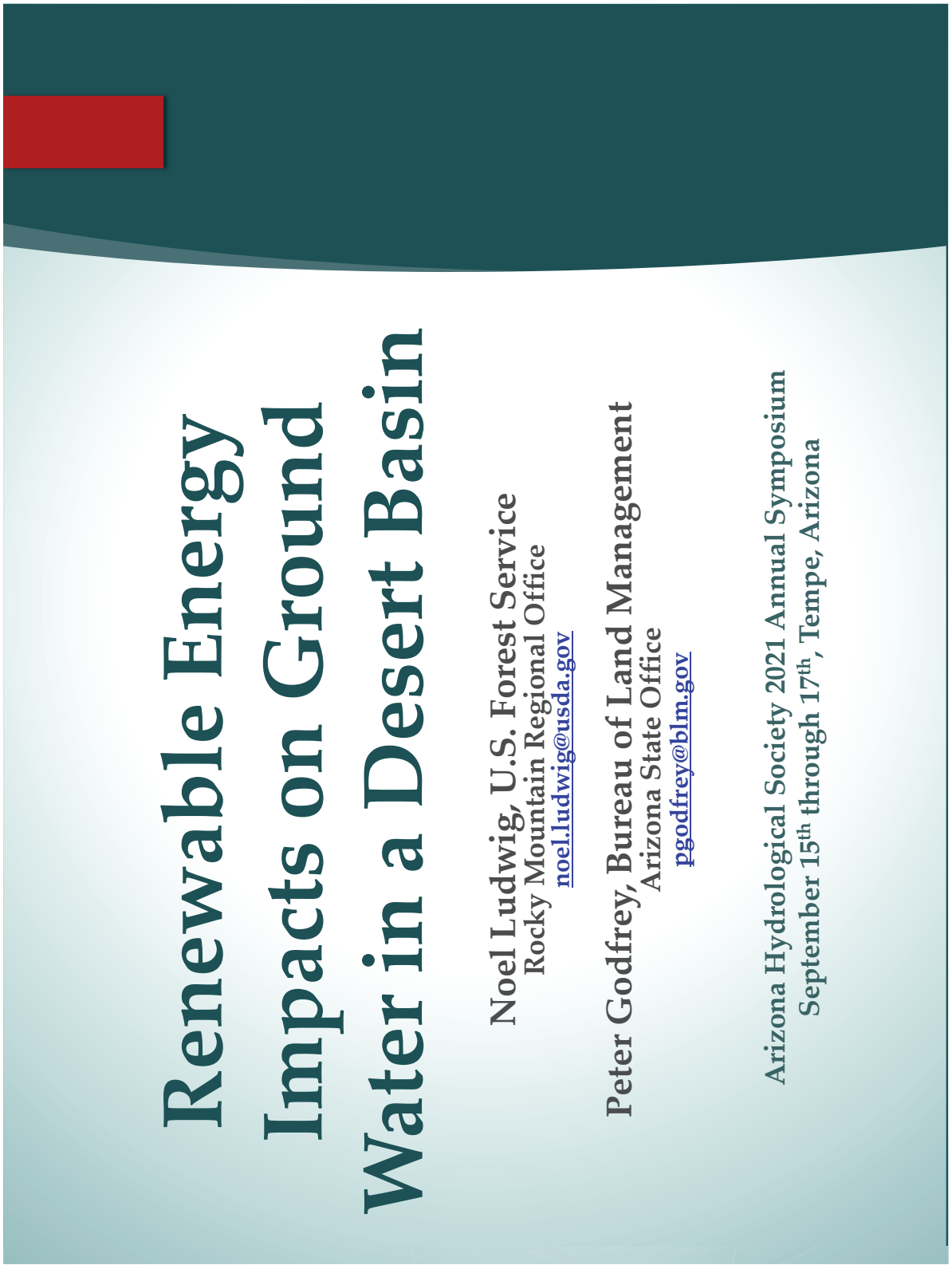
Frank P. Angel Cooper Kass

Comment Set B9 – Active Communities-Desert Center #2 (continued)

B9-68

EXHIBIT 1

Comment Set B9 – Active Communities-Desert Center #2 (continued)



B9-68 (cont'd)

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Introduction

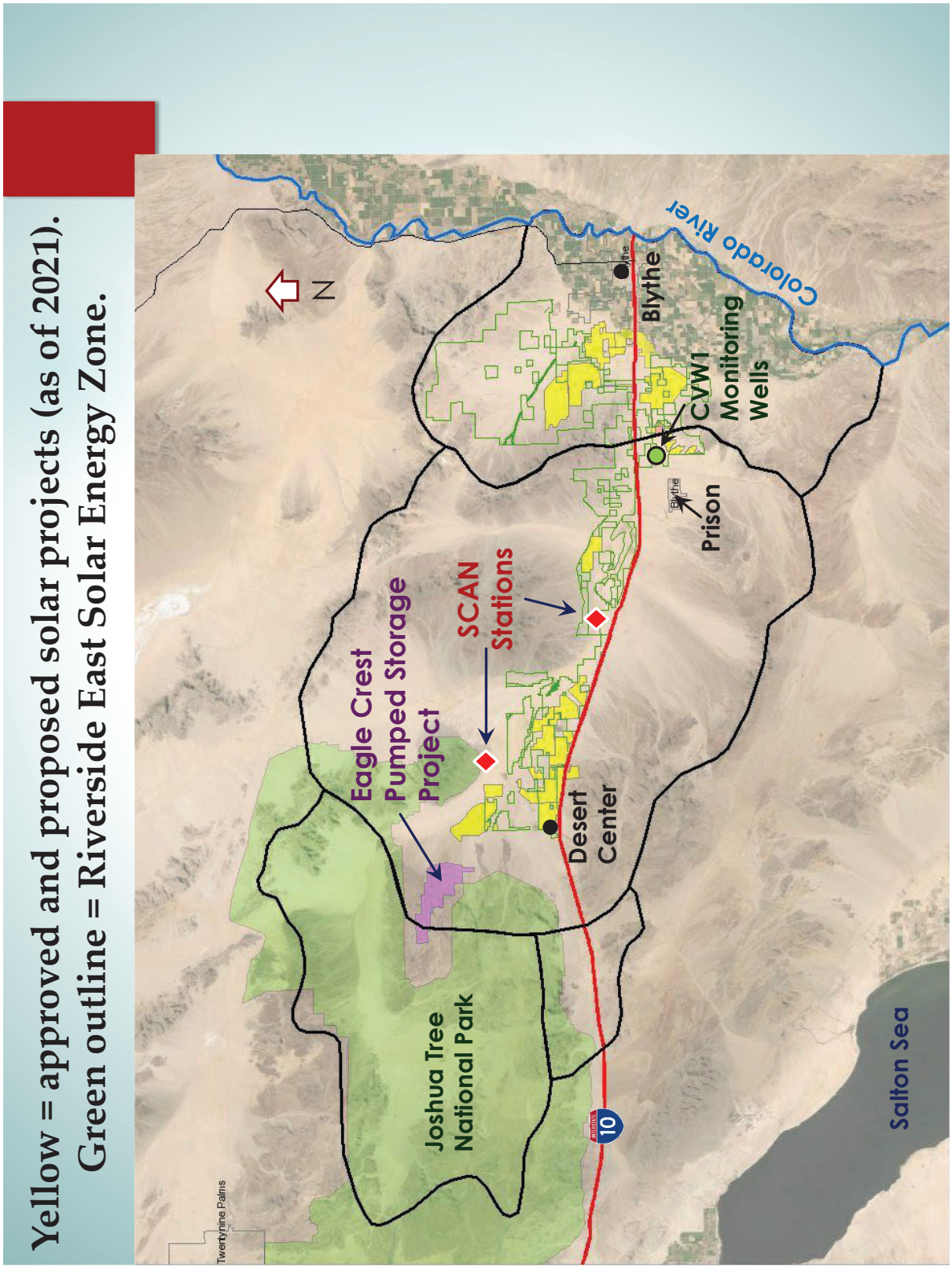
- In 2020, more than 80% of new energy supply worldwide was renewable, dominated by solar and wind.
- Renewables development in the U.S is concentrated on land managed by the Bureau of Land Management (BLM).
- In 2012, BLM created solar energy zones (SEZs) in six southwestern states, the largest of which is the 231.1 mi^2 Riverside East SEZ (RESEZ).
- The most concentrated development of large-scale renewable energy projects worldwide may be in California's Chuckwalla Valley.

B9-68 (cont'd)

Comment Set B9 – Active Communities-Desert Center #2 (continued)

B9-68 (cont'd)

Comment Set B9 – Active Communities-Desert Center #2 (continued)



B9-68 (cont'd)

Comment Set B9 – Active Communities-Desert Center #2 (continued)

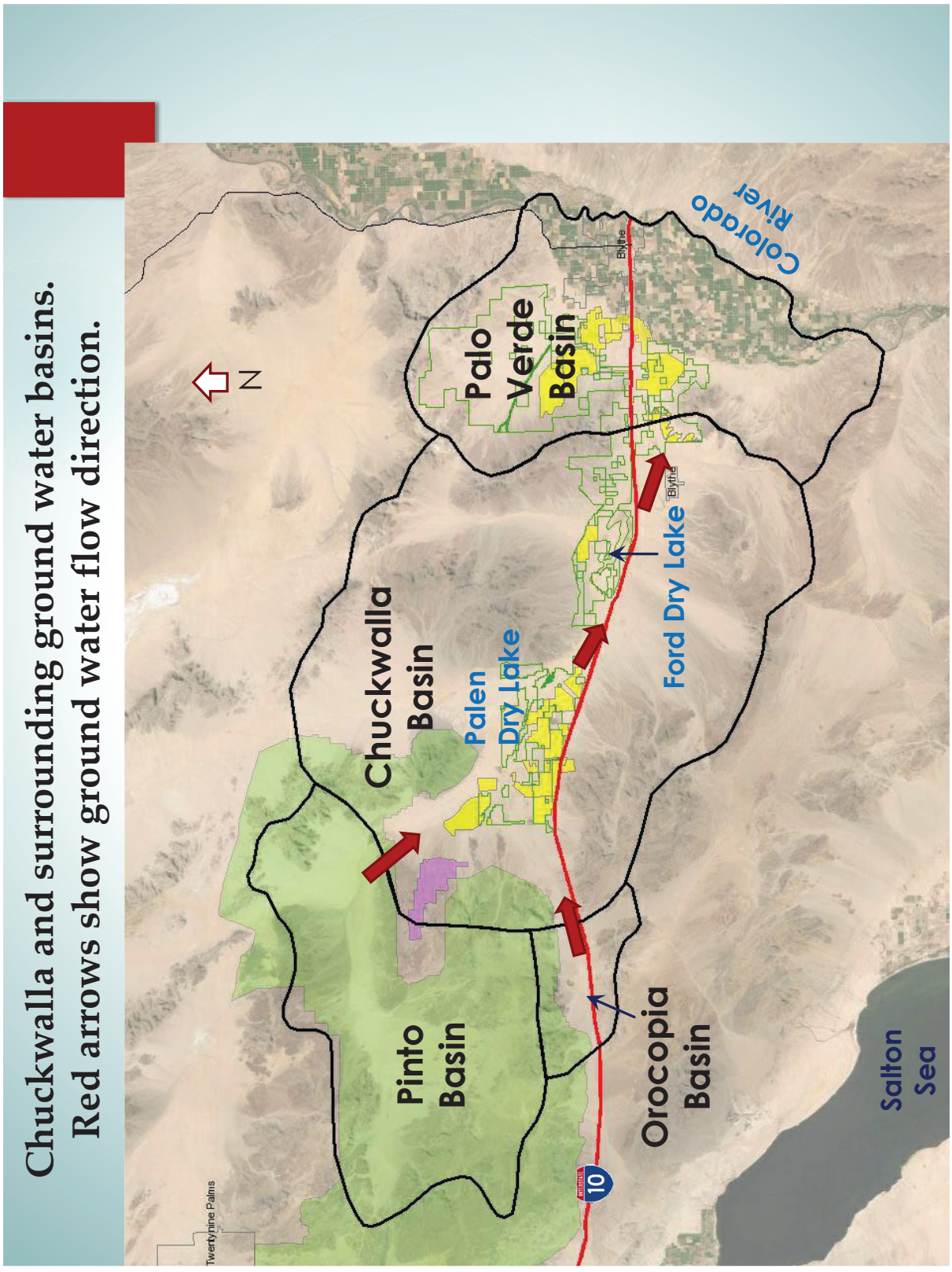
Basin Surface Water

- Chuckwalla Basin (including Orocopia and Pinto Valleys) covers 1344 mi^2 (over 80% Federally managed); receives ~3 inches of rain/yr.
- Surface water divide causes runoff to internal playas. In the eastern portion - to Ford Dry Lake, and in the western portion to Palen Dry Lake.
- From mountain foot to valley center, alluvial fans and desert pavement are dissected by sandy washes, grading to unconsolidated alluvium and then fine-grained clays in the playa areas.

B9-68 (cont'd)

Comment Set B9 – Active Communities-Desert Center #2 (continued)

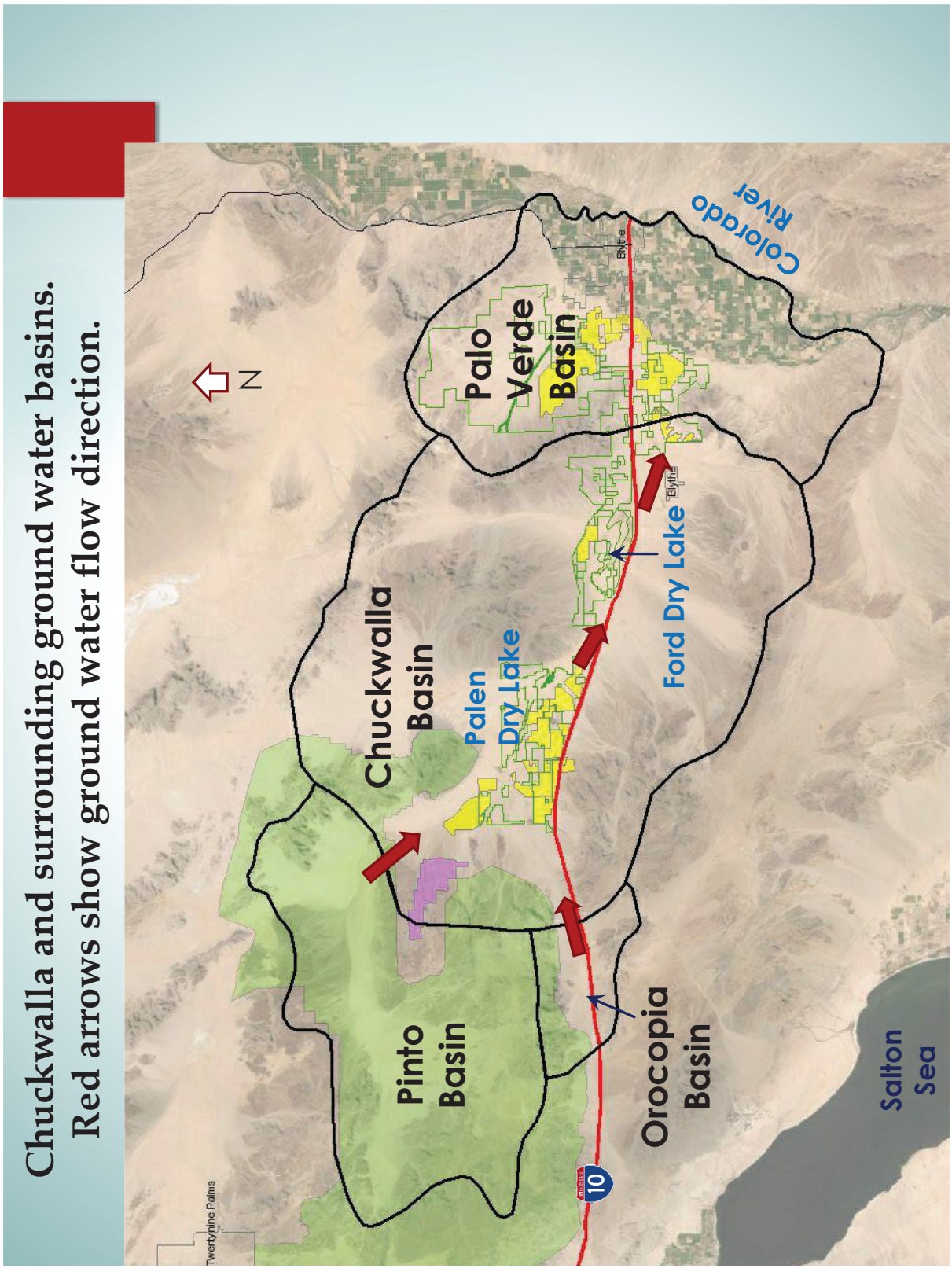
B9-68 (cont'd)



Comment Set B9 – Active Communities-Desert Center #2 (continued)

B9-68 (cont'd)

Comment Set B9 – Active Communities-Desert Center #2 (continued)

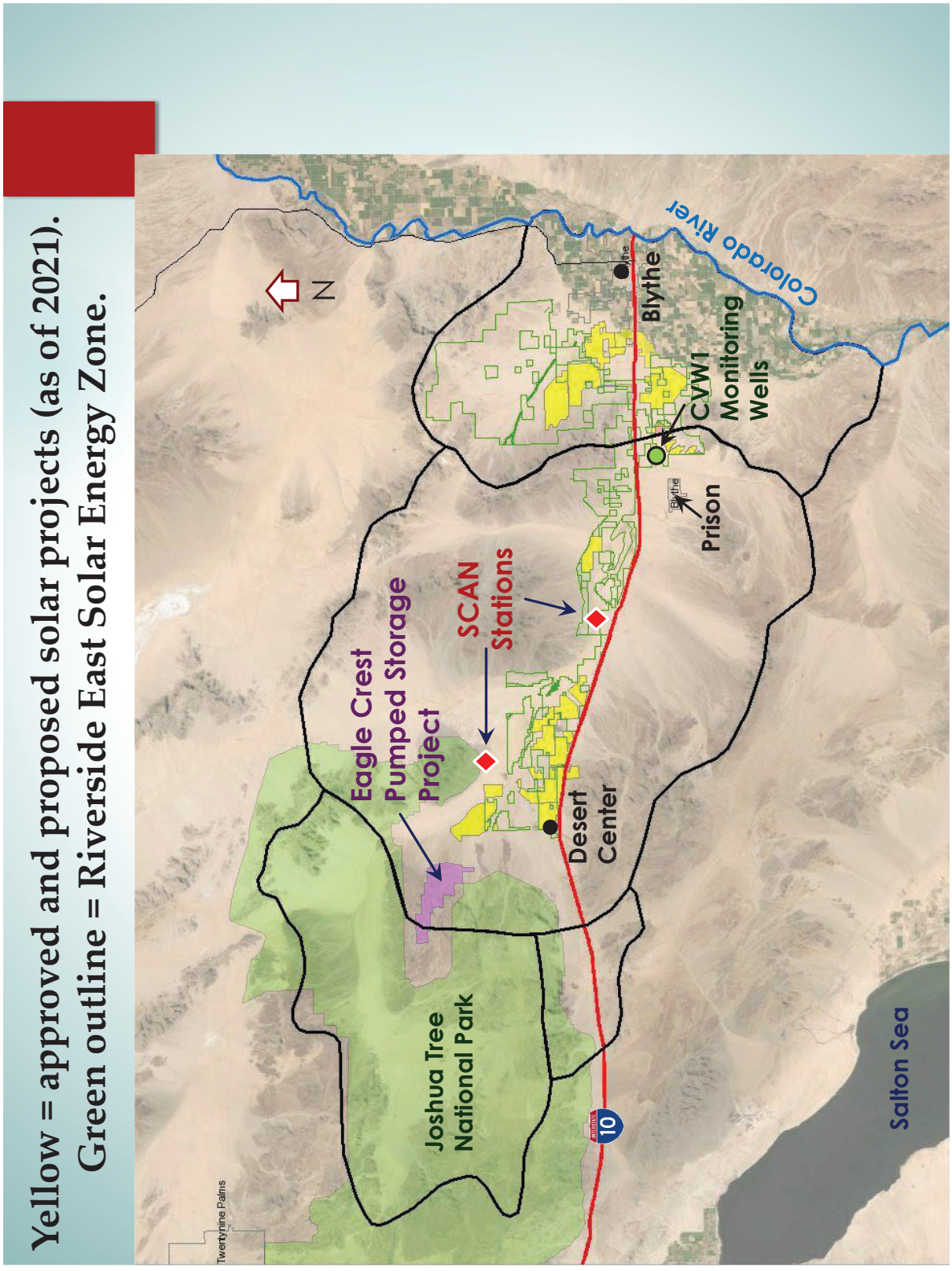


B9-68 (cont'd)

Comment Set B9 – Active Communities-Desert Center #2 (continued)

B9-68 (cont'd)

Comment Set B9 – Active Communities-Desert Center #2 (continued)

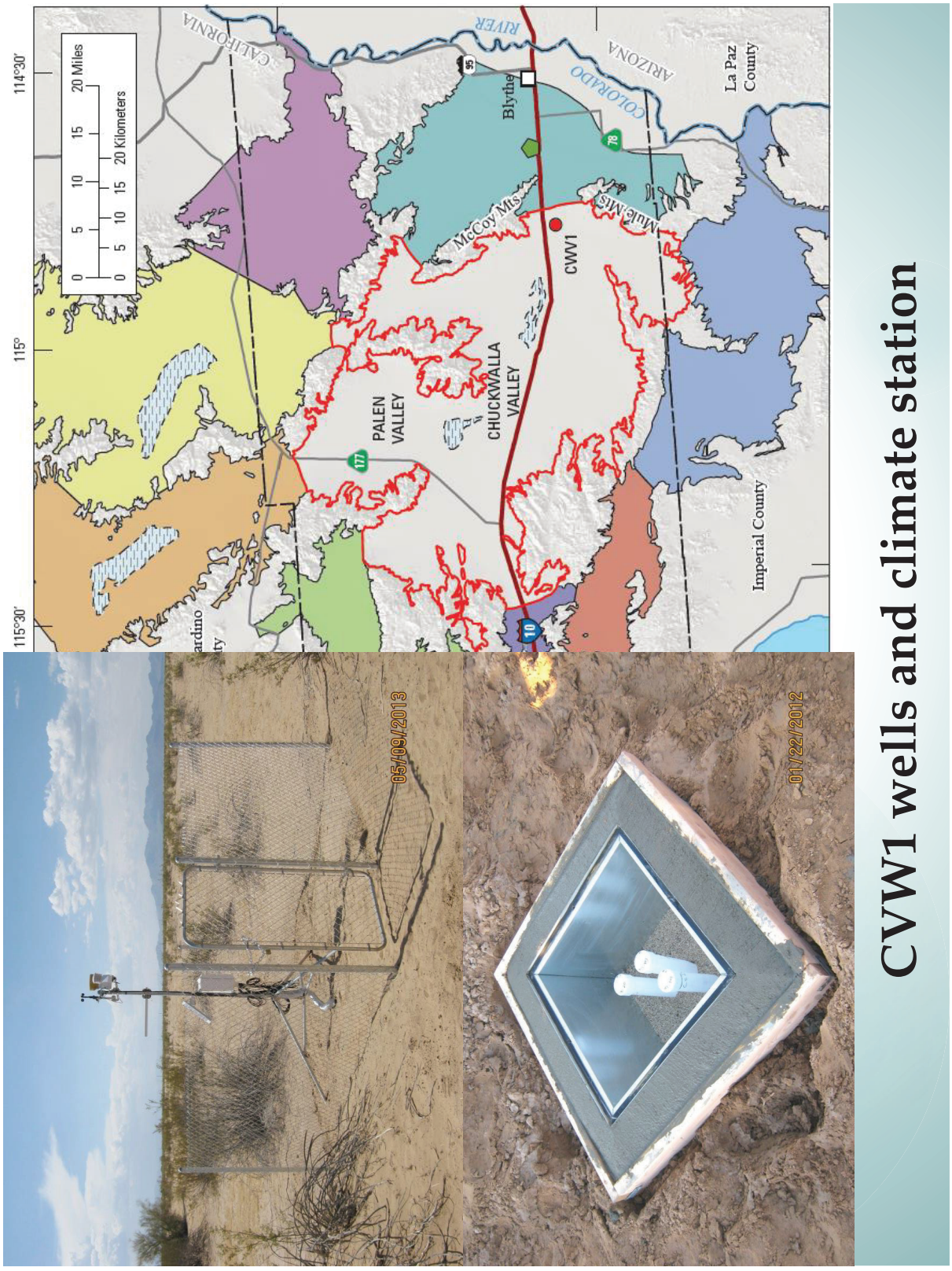


B9-68 (cont'd)

Comment Set B9 – Active Communities-Desert Center #2 (continued)

B9-68 (cont'd)

Comment Set B9 – Active Communities-Desert Center #2 (continued)

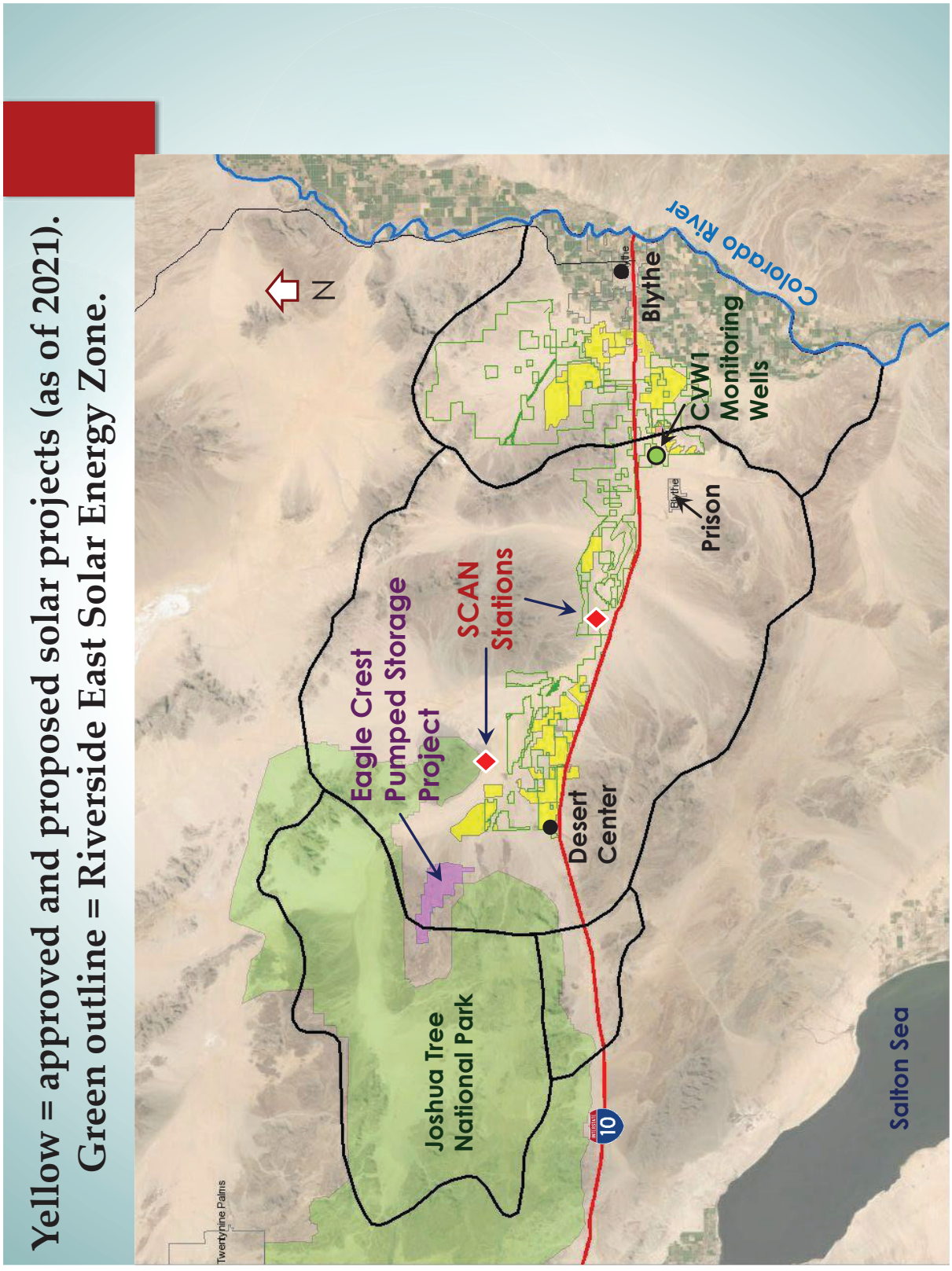


B9-68 (cont'd)

Comment Set B9 – Active Communities-Desert Center #2 (continued)

B9-68 (cont'd)

Comment Set B9 – Active Communities-Desert Center #2 (continued)



B9-68 (cont'd)

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Energy Projects

- Until recently ground water was primarily used for agriculture, a retirement community, two prisons, and a mine.
- Solar projects extract water for dust suppression, panel cleaning, and in some cases cooling of heat transfer fluid.
- The Eagle Crest project, licensed in 2014, would pump 8100 acre-feet per year (afy) during the four-year fill phase, and 1800 afy thereafter to replace evaporated water.
- Collectively, these energy projects would extract 12,780 afy during construction and 2033 afy during operation.

B9-68 (cont'd)

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Basin Recharge Modeling

- Several methods have been used to produce recharge estimates for arid basins, including the Maxey-Eakin method and USGS' MODFLOW model.
- The authors commissioned researchers at Pennsylvania State University to apply a new model to the basin. The Process-based Adaptive Watershed Simulator (PAWS) models surface and ground water, providing recharge estimates which are passed to MODFLOW-PEST, which runs and calibrates ground water flow.

B9-68 (cont'd)

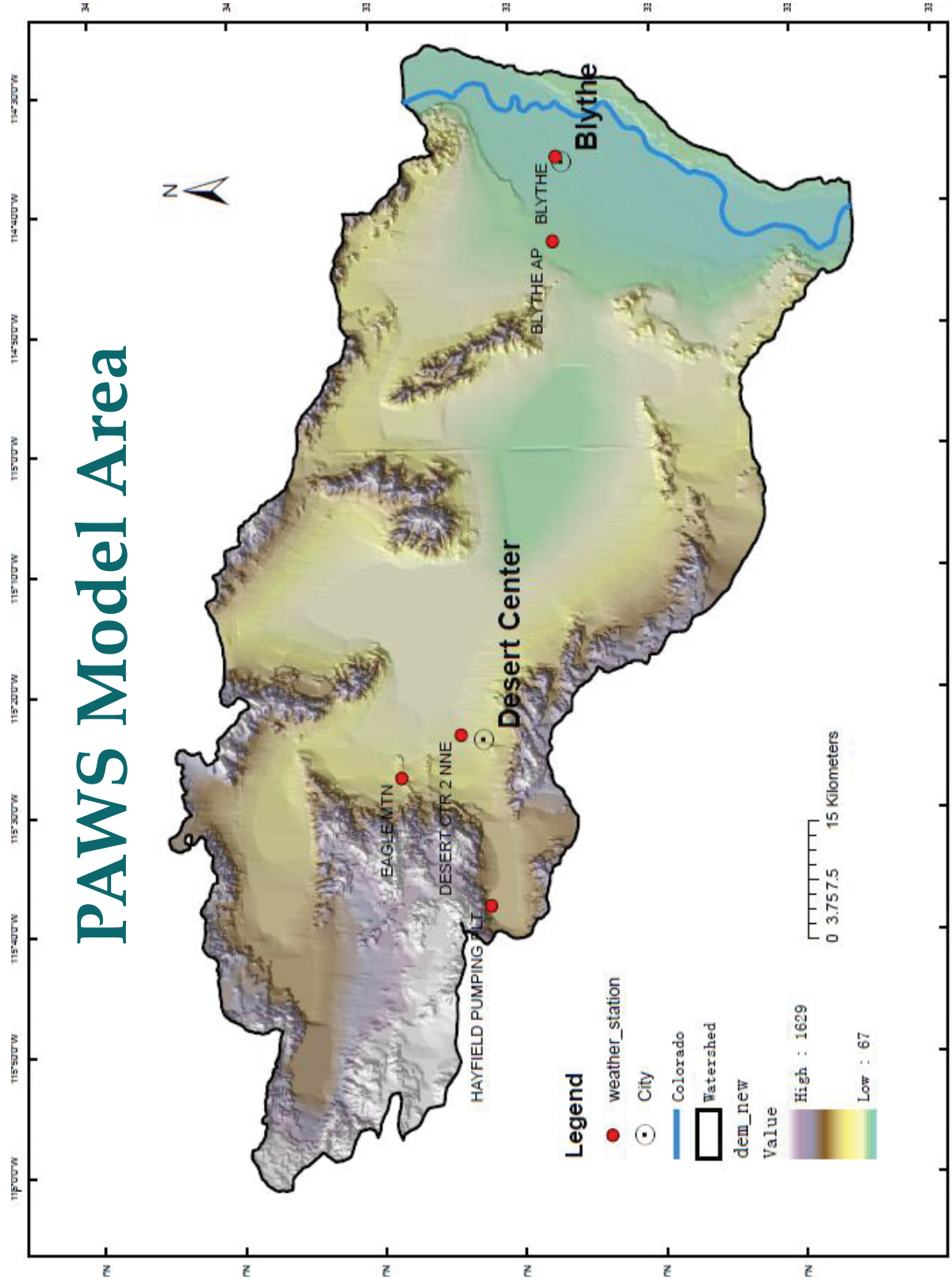
Comment Set B9 – Active Communities-Desert Center #2 (continued)

PAWS Model Features

- Components
  - Surface water (overland flow and stream flow)
  - Subsurface water (unsaturated and saturated zones)
  - Daily variability in evaporation and transpiration
  - 5 subsurface layers
- Unlike most surface flow models, PAWS simulates recharge concentration along alluvial fans at mountain fronts and ephemeral washes, where runoff infiltrates into the alluvium.
- This dual-model approach narrows the range of estimated pumping drawdowns, providing a geographically-appropriate drawdown distribution under each pumping scenario.

B9-68 (cont'd)

Comment Set B9 – Active Communities-Desert Center #2 (continued)



B9-68 (cont'd)

Comment Set B9 – Active Communities-Desert Center #2 (continued)



Water Balance Estimates (afy)

Basins and Current Parameters	NPS (Karst, 2012)	GEI (2010)	Greer et al. (2013)	CEC (2015) & AEG (2018)	PAWS	Mean
Chuckwalla Basin Recharge from Precipitation	2060 – 4120	6125	3200	8588	6780 to 10,635	5942
Pinto Basin Inflow	624 – 1248	5875	937	3173	354 to 877	2703
Orocopia Basin Inflow	329 - 658	675	658	327	Included in Chuckwalla	430.7
Return Flows (ag + wastewater)	1631	1631	1631	1631	1631	1631
Total Basin Recharge	4644 to 7657	14,306	6156	13,719	8765 to 13,143	10,257
% of Precip that becomes Recharge	2.24%	3.0%		3.0%	3.4% to 5.6%	2.63%
Total Outflow[a]	11,329	11,329	11,329	11,329	11,329	11,329
Remaining Available Water	-5178	2977	-5173	2390	-375	-1072

B9-68 (cont'd)

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Basin Water Balance

- Basin recharge estimates vary between studies, from less than 5000 afy to more than 13,000 afy. Due in large part to large differences in hydraulic conductivity (K).
- Mean recharge between these studies is 10,257 afy, which we accept as our baseline recharge value for this study.
- Since current total outflow is calculated as 11,329 afy, the basin would be outside sustainable yield even without additional development.
- Proposed solar projects in the basin plus Eagle Crest would extract approximately 12,780 afy more if construction was concurrent, with total outflow more than double the basin inflow.

B9-68 (cont'd)

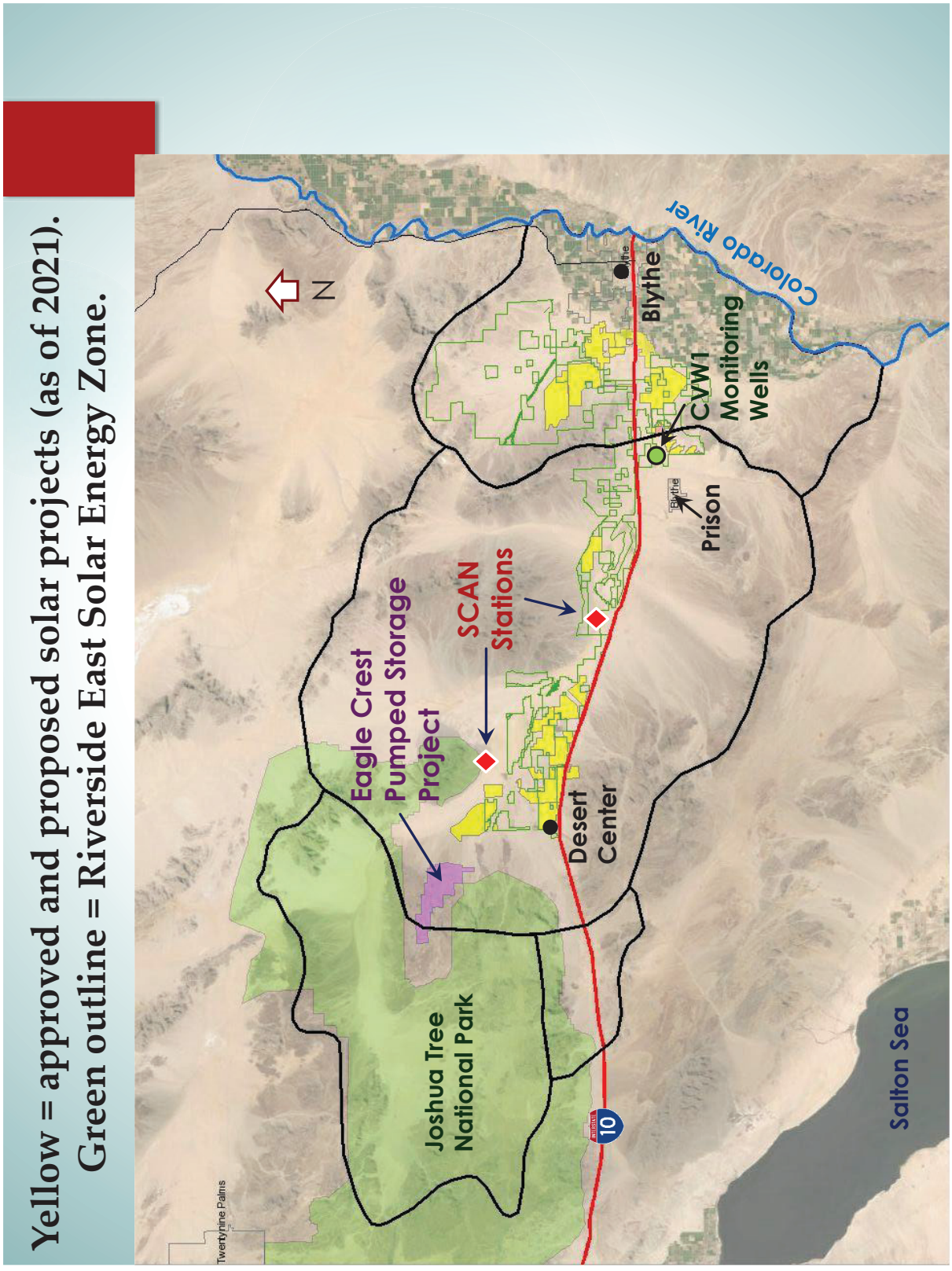
Comment Set B9 – Active Communities-Desert Center #2 (continued)

Supporting Evidence from Other Sources

- USGS isotopic data has produced uncorrected C-14 age dates of >15,000 years for water from a well near Desert Center and >28,000 years for a well hear the state prison.
- SCAN station data suggests infiltration rates may be an order of magnitude less than rates of 10 to 15 ft/day assumed here, due to presence of near-surface clay layers, even beneath sandy washes.
- Well data in western part of the basin show water table elevations have not fully recovered to levels prior to intensive irrigation pumping (1975-1992). Wells also show gradual water table drops since 2007.

B9-68 (cont'd)

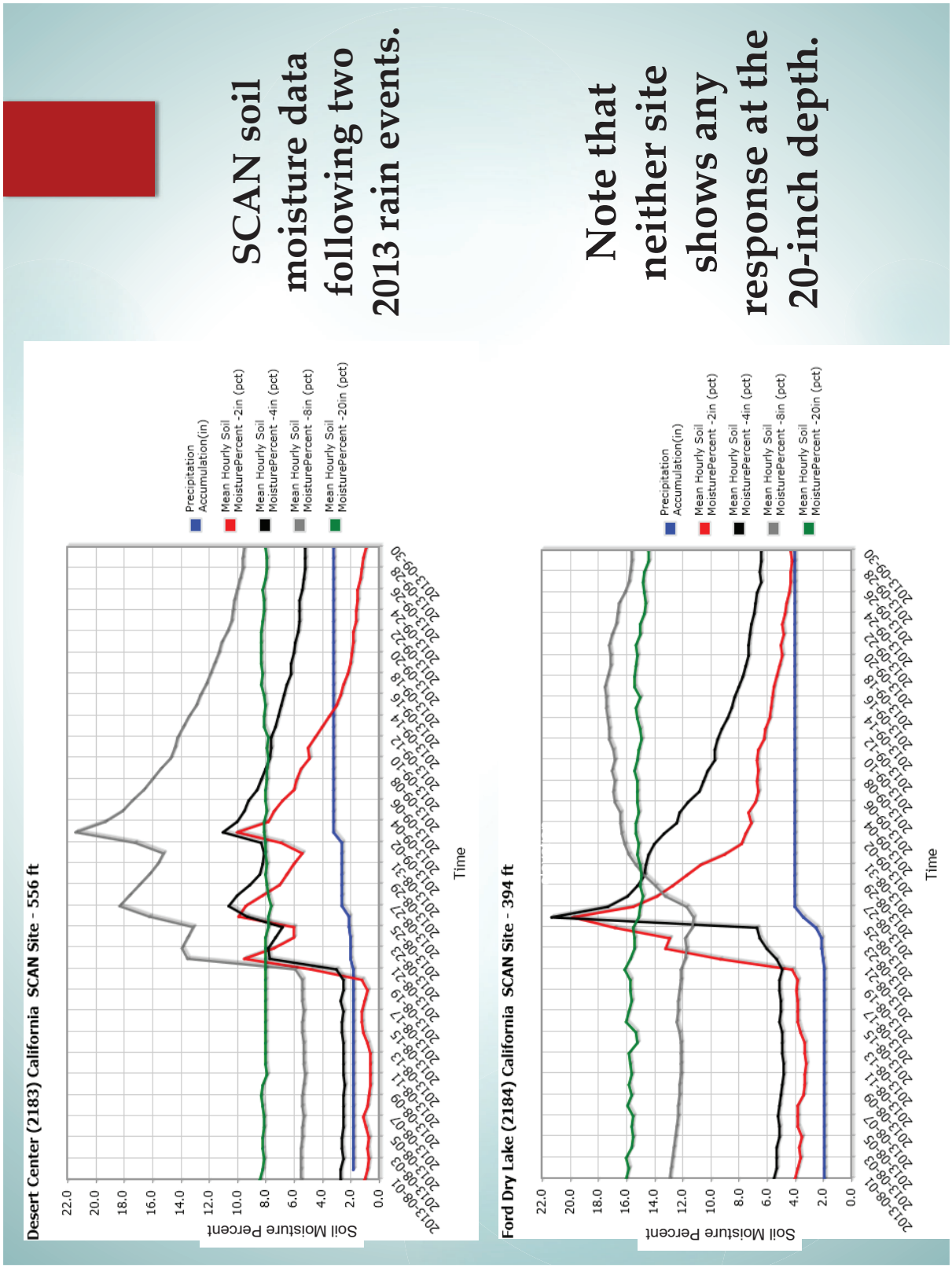
Comment Set B9 – Active Communities-Desert Center #2 (continued)



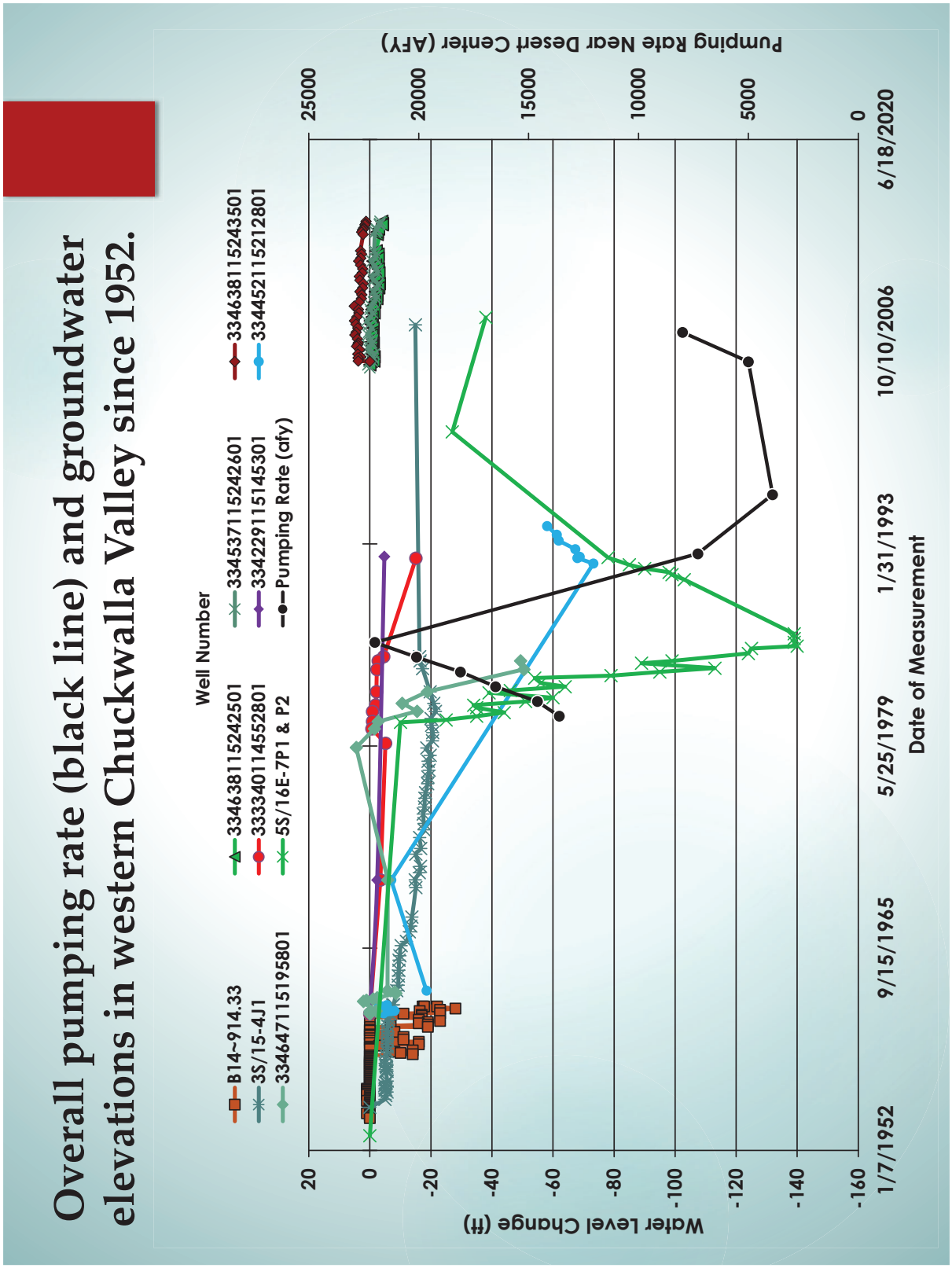
B9-68 (cont'd)

Comment Set B9 – Active Communities-Desert Center #2 (continued)

B9-68 (cont'd)



Comment Set B9 – Active Communities-Desert Center #2 (continued)



B9-68 (cont'd)

Comment Set B9 – Active Communities-Desert Center #2 (continued)

B9-68 (cont'd)

Comment Set B9 – Active Communities-Desert Center #2 (continued)



B9-68 (cont'd)

Comment Set B9 – Active Communities-Desert Center #2 (continued)

References

Alley, W.M., T.E. Reilly, and O.E. Franke. 1999. *Sustainability of Groundwater Resources*. U.S. Geological Survey Circular 1186. Denver, Colorado.

Aspen Environmental Group (AEG). 2018. *Palen Solar Project Water Supply Assessment*. Appendix G of the Final Supplemental Environmental Impact Statement/Environmental Impact Report/Land Use Plan Amendment. U.S. Bureau of Land Management, Palm Springs, CA.

California Energy Commission (CEC). 2015. *Palen Solar Power Project Revised Staff Assessment Part II*. CEC-700-2010-007-REV-PT2, Docket No. 09-AFC-07.

Everett, R.R. 2013. *Chuckwalla Valley Multiple-Well Monitoring Site, Chuckwalla Valley, Riverside Valley, CA*. USGS Open file Report 2013-1221. San Diego, CA.

Fang K., X. Ji, C. Shen, N. Ludwig, P. Godfrey, T. Mahjabin, and C. Doughty. 2019. Combining a land surface model with groundwater model calibration to assess the impacts of groundwater pumping in a mountainous desert basin. *Advances in Water Resources* 130, pp. 12-28.

GEI Consultants, Inc. 2010. *Eagle Mountain Pumped Storage Project, Draft Environmental Impact Report Vol. III, Technical Memorandum*, Appendix C. Rancho Cordova, CA.

Greer, C., J.J. Quinn, A. Carr, and B. O'Conner. 2013. *A Groundwater Model to Assess Water Resource Impacts at the Riverside East Solar Energy Zone*. Argonne National Laboratory, Oak Ridge, TN.

International Renewable Energy Agency (IRENA). (2021). *Renewable Capacity Statistics 2021*. Abu Dhabi.

Karst, G. 2012. "Historical Water Budget and Water Level Data Analyses to Confirm Recharge Estimates in Chuckwalla Valley." Presented at the Nevada Water Resources Association 2012 Annual Conference, March 5-8. National Park Service, Fort Collins, CO.

Natural Resources Conservation Service (NRCS). 2020. Soil Climate Analysis Network [online]: https://www.wcc.nrcs.usda.gov/scan/. Accessed 11/3/2020.

Wright, M.T. 2012. Personal communication. Hydrologist, USGS Pacific Southwest Office, San Diego, CA.

B9-68 (cont'd)

Responses to Comment Set B9 – Angel Law on behalf of Active Communities/ Desert Center

B9-1 The commenter requests circulation of a revised Draft EIR. Please refer to General Response GR-1 regarding partial recirculation of the Easley Draft EIR. Responses to Comments B9-2 through B9-68, below, address the specifics of the commenter's concerns about the content and conclusions of the Original Draft EIR.

B9-2 The commenter states that the EIR is missing a holistic investigation and assessment of the direct and cumulative public health, safety and welfare impacts of the Easley Project on the human beings in the communities of Lake Tamarisk and Desert Center, and that impacts to air quality and groundwater are downplayed.

Under CEQA, a lead agency must consider whether a project's impacts may cause substantial adverse effects on human beings. Pub Res Code §21083(b)(3); 14 Cal Code Regs §15065(a)(4). Under this standard, a change to the physical environment that might otherwise be minor may be treated as significant if people will be significantly affected. This factor relates to adverse changes to the environment of human beings generally, not to effects on particular individuals. (See *Taxpayers for Accountable Sch. Bond Spending* v *San Diego Unified Sch. Dist*. (2013) 215 Cal.App.4th 1013, 1042; *Lucas Valley Homeowners Ass'n* v *County of Marin* (1991) 233 Cal.App.3d 130, 156; *Topanga Beach Renters Ass'n* v *Department of Gen. Servs.* (1976) 58 Cal.App.3d 188, 195.) CEQA is generally concerned with effects on the environment, not with effects on particular persons or particular businesses. (Clews Land & Livestock v City of San Diego (2017) 19 Cal.App.5th 161, 196; *Friends of Davis* v *City of Davis* (2000) 83 Cal.App.4th 1004, 1021.) This standard relating to adverse effects on human beings applies only when the adverse effects on human beings will result from a project's changes to the physical environment. (*Preserve Poway* v *City of Poway* (2016) 245 Cal.App.4th 560, 579.) A project's economic and social effects alone may not be treated as significant effects on the environment.

In accordance with CEQA, the Draft EIR and Partially Recirculated Draft EIR analyze in detail 18 environmental impact areas, including the potential for adverse impacts to the environment of human beings in the communities of Lake Tamarisk and Desert Center. For example, Section 3.2 addresses potential viewshed impacts from the Lake Tamarisk Desert Resort, Section 3.4 addresses potential air quality impacts to nearby sensitive receptors, Section 3.10 addresses potential impacts from hazardous materials, Section 3.11 addresses water quality and groundwater impacts, Section 3.13 addresses noise impacts to the nearby communities, and Section 3.16 addresses public services impacts in the surrounding area. The analysis of alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapter 5 of the Partially Recirculated Draft EIR and to General Response GR-1. Accordingly, the EIR provides extensive discussion of the direct and cumulative public health, safety and welfare impacts of the Easley Project on the human beings in the communities of Lake Tamarisk and Desert Center.

Air Quality impacts, discussed in Section 3.4 of the Draft EIR, have been addressed consistent with Appendix G of the State CEQA Guidelines and based on additional significance criteria from the County of Riverside's Environmental Assessment Form. Please see General Response GR-2, which addresses fugitive dust. Please also see Response to Comment D10-1 regarding construction nuisances (dust, noise, fumes, traffic) and Response to Comment D2-4 regarding aesthetic impacts. The analysis of Hydrology and Water Quality, including groundwater, 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 Section 3.11 (Hydrology and

Water Quality) of the Partially Recirculated Draft EIR and to General Response GR-1, as well as General Response GR-3.

B9-3 The commenter requests information on the timing of the Applicant's interconnection agreements, indicating that these agreements may affect Project objectives and could result in cumulative air impacts if construction overlaps with the construction of other projects in the surrounding area.

The Applicant has confirmed that Phase I and Phase II results have been received. Easley's Large Generator Interconnection Agreement is expected to be executed in fall 2024.

Easley has a fully executed power purchase agreement (PPA) for a portion of the Project output and a PPA for the balance of Project capacity is in process. Accordingly, the Draft EIR reasonably notes that the Project could be operational in late 2025; however, the Project could still achieve its objectives if operations are delayed beyond 2025, as the objectives are not tied to a 2025 operations date. Please also refer to the revised project description in Chapter 2 of the Partially Recirculated Draft EIR and to General Response GR-1.

Regarding potential cumulative air quality impacts, the Draft EIR analyzes the potential for cumulative air quality impacts in the Mojave Desert Air Basin based on the assumption that the "construction-phase emissions related to the proposed Project would likely occur concurrently with other cumulative projects in the Mojave Desert Air Basin and would contribute to the adverse effects of other cumulative projects to result in a cumulative impact to air quality that is significant." Therefore, the Draft EIR already addresses the commenter's concern and concludes that cumulative air quality impacts would be less than significant with implementation of MM AQ-1 (Fugitive Dust Control Plan) and MM AQ-2 (Control On-Site Off-Road Equipment Emissions).

The commenter requests information regarding whether offsite network transmission infrastructure development is required for the Project and the associated environmental impacts. Please refer to the revised project description in Chapter 2 of the Partially Recirculated Draft EIR and to General Response GR-1, which addresses upgrades to the Oberon Substation.

The CAISO administers the large generator interconnection process, which identifies network upgrades within the larger grid for purposes of meeting reliability and clean energy goals. Based on a review of CAISO Board-approved transmission plans for future transmission projects planned for the area including the Red Bluff Substation, this Final EIR includes revisions to identify two additional projects planned for Riverside County, shown in EIR Table 3.1-2, Probable Future Projects in the Project Area. Neither of these projects will occur as a result of the Easley Project, but rather are planned by CAISO to increase the ratings of the existing lines and reduce deliverability constraints.

Upgrades to the Colorado River-Red Bluff and Devers-Red Bluff 500 kV lines have been added to Table 3.1-2 (Probable Future Projects in the Project Area) and analyzed in the cumulative analysis for each issue area in Chapter 3 of the Final EIR. An increase to line rating was found to be needed in the CAISO's 2022-2023 Transmission Plan. The work required by Southern California Edison to achieve an increase in line rating is not yet known, and these projects do not appear in the "Transmission Project Review Process" data made publicly-available by Southern California Edison, as of June 3, 2024. An expansion to Red Bluff Substation is not currently proposed nor anticipated as reasonably foreseeable under CEQA. Please see Section 4.3 of the Draft EIR for a discussion of growth inducing impacts.

B9-4 The comment probes whether upgrades would be necessary within the Red Bluff Substation or along the 500 kV lines within the I-10 corridor.

As provided above in Response to Comment B9-3, this Final EIR includes revisions to identify two additional projects planned for Riverside County, shown in EIR Table 3.1-2, Probable Future Projects in the Project Area. Neither of these projects will occur as a result of the Easley Project.

B9-5 The commenter states that the Draft EIR statement that the Project operation phase would be a "minimum of 35 years and up to 50 or more years" is too vague for an accurate assessment of the environmental impacts of the operation phase (e.g., impacts on the groundwater resource). The commenter states that the level of significance of an adverse impact on any given environmental resource depends on the length of time the impact persists. Please refer to the revised project description in Chapter 2 of the Partially Recirculated Draft EIR and to General Response GR-1. The analysis of Hydrology and Water Quality, including groundwater impacts, 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 regarding groundwater impacts.

B9-6 The commenter notes that portions of the proposed Chuckwalla National Monument are near the proposed Easley solar project and that the operational period of the Easley project before decommissioning would overlap with the existence of the Monument. Because of this, the commenter states that the EIR should have considered the direct and cumulative aesthetic effects of the project on the proposed Monument. The commenter states this issue is missing from the EIR, and the effect of the project on the proposed Monument was not considered.

The analysis of Aesthetics and Cultural and Tribal Cultural Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.2 (Aesthetics) and Section 3.6 (Cultural and Tribal Cultural Resources) of the Partially Recirculated Draft EIR and to General Response GR-1.

B9-7 The commenter states that Section 2.1 of the Draft EIR states that the Oberon Project is under construction. Please refer to the revised project description in Chapter 2 of the Partially Recirculated Draft EIR and to General Response GR-1.

The commenter states that the figures use analogous color schemes that minimize contrast and use inconsistent color codes. The commenter mentions DFAs, however, DRECP DFA lands are indicated in the color pink in all figures within EIR Appendix A. In some cases, hatching is used so that other data remains visible underneath.

In general, the figures are thematic maps and the color scheme among figures in the Draft EIR is consistent. However, different figures within the EIR and its appendices require highlighting of different content to show complex resource to land ownership relationship via a map representation, which results in some variation in coloring between figures.

The legend on each figure explains what each color or design represents. A gen-tie corridor is the right of way within which a gen-tie line is located. This comment does not raise any significant environmental issues. Please refer to the revised project description in Chapter 2 and revised figures in Appendix A of the Partially Recirculated Draft EIR and to General Response GR-1.

B9-8 The commenter states that the EIR Project Description leaves open the question whether there will be one or two substation yards and does not indicate the location of the operations and maintenance building "plus four to six 40-foot CONEX containers." The commenter states that it is unclear whether 25+ or 50+ acres of land will be graded for these facilities and impacted by the uses associated with them throughout the operational phase. Please refer to the revised

project description in Chapter 2 of the Partially Recirculated Draft EIR and to General Response GR-1.

B9-9 The commenter asks whether the 34.5 kV collector lines will be undergrounded and states that underground lines are preferred to reduce aesthetic and wildland fire impacts. Please refer to the revised project description in Chapter 2 of the Partially Recirculated Draft EIR and to General Response GR-1.

B9-10 The commenter states that the Draft EIR does not determine whether wildlife-friendly fencing will be used. The commenter questions why use of a specially designed roadway system should be dependent on the installation of wildlife-friendly fencing and questions the roadway design. The commenter asks whether not using wildlife-friendly fencing would affect the significance findings regarding Impact BIO-1, BIO-1, and BIO-3. Please refer to the revised project description in Chapter 2 of the Partially Recirculated Draft EIR and to General Response GR-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.

B9-11 The commenter states that the Draft EIR fails to identify a definite source of water supply. Please refer to the revised project description in Chapter 2 of the Partially Recirculated Draft EIR and to General Response GR-1. 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, the revised Water Supply Assessment at Appendix G, and to General Response GR-1.

B9-12 The commenter expresses concerns regarding clearance surveys for the desert tortoise and the identified temperature constraints for surveying in the Chuckwalla Valley. Please refer to the revised project description in Chapter 2 of the Partially Recirculated Draft EIR and to General Response GR-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.

B9-13 The commenter asks what upgrades would be required to Oberon Substation in order to interconnect the Easley Project. Please refer to the revised project description in Sections 2.3 and 2.3.4 of the Partially Recirculated Draft EIR and to General Response GR-1.

B9-14 The commenter states that spraying with an “approved” herbicide is misleading and application of herbicides is indefensible, noting that “approved” herbicides are still toxic. Please refer to the revised project description in Chapter 2 of the Partially Recirculated Draft EIR and to General Response GR-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, as well as the draft Integrated Weed Management Plan (IWMP) at Appendix N.

B9-15 The commenter asks for clarification on the decommissioning and repowering process, including replacing inverters after 10 to 25 years of operation. Please refer to the revised project description in Chapter 2 of the Partially Recirculated Draft EIR and to General Response GR-1.

As provided in Section 2.6, at the end of the initial power purchase agreement’s contract term of approximately 10 to 25 years, the Project would still be able to generate power. Thus, at that time, the facility would likely be optimized to increase the plant’s efficiency by swapping out inverters for more efficient units, and potentially swapping out some of the facility’s modules. Full decommissioning would not occur until the end of the Project’s useful life.

B9-16 The commenter questions how the EIR defines "project area."

For clarity, the Final EIR has been revised in Section 3.1.1.1 (page 3.1-1) as follows:

> "For purposes of these discussions, the term "Project area" refers to the site of the proposed Project, shown on Figure 2-2, and the vicinity around the Project where Project impacts could affect the environment. The extent of the affected environment can vary depending on the resource being considered and the nature and characteristics of the resource. For example, Aesthetics considers the entire viewshed, which is based on topography and distance, while Traffic and Transportation considers road characteristics and traffic volumes near the project site. The Environmental Setting in each resource discussion identifies the extent of the area considered for that resource. Within the parcels comprising the Project area ~~parcels~~, the development footprint consists of the areas within the fenceline where the solar facility, on-site substation, and BESS would be constructed."

The commenter also questions the EIR category of impacts deemed "Significant and Unavoidable" (at page 3.1-3). These impacts would occur when an impact is determined to be significant, and either no feasible mitigation can be implemented or the impact remains significant even after implementation of feasible mitigation measures. This conclusion is made using the following process: if an impact is determined to be significant, mitigation measures are imposed to reduce the impact to a less than significant level. If no feasible mitigation is available to address a significant impact or if, even after application of all feasible mitigation, the impact remains significant, then the impact is deemed to be significant and unavoidable.

B9-17 The commenter states that the methodology for determining the Project's contribution to cumulative effects is in error and questions the cumulative impact findings of the EIR. The commenter states that the analytic framework described in the EIR forecloses findings of significant cumulative impact when the direct impacts of the Project are minor. As the commenter notes, a mandatory finding of significance is called for when a project's effects are "cumulatively considerable" though "individually limited." The commenter mischaracterizes the Draft EIR's description of cumulative impacts. The commenter writes:

> *As stated in the DEIR, "[f]or purposes of this EIR" cumulative impacts are limited to the following scenarios: the Project would result in a significant cumulative impact only if: (a) a "substantial enough" direct Project impact adds up to the cumulative effects of other past, current, and probable future projects themselves deemed insignificant without the Project; or (b) the cumulative effects of such other projects are already significant without the Project, and the Project would result in "a cumulatively considerable contribution to the already significant effect."*

The complete EIR statement (EIR page 3.1-4) is that a project would cause a cumulatively considerable impact if:

> *The cumulative effects of other past, current, and probable future projects without the Project are not significant and the Project's incremental impact is substantial enough, when added to the cumulative effects, to result in a significant cumulative impact; or*
>
> *The cumulative effect of other past, current, and probable future projects without the Project are already significant and the Project would result in a cumulatively considerable contribution to the already significant effect. The standards used herein to determine whether the contribution is cumulatively considerable include the existing baseline environmental conditions, and whether the project would cause a substantial increase in impacts, or otherwise exceed an established threshold of significance.*

The Draft EIR explains further that the EIR uses the list method and employs a two-step approach:

> *The first step determines whether the combined effects from the proposed Project and other projects would be cumulatively significant. This was done by adding the proposed Project's incremental impact to the anticipated impacts of other probable future projects and/or reasonably foreseeable development. Where the analysis determines that the combined effects of the projects and/or projected development would result in a significant cumulative effect, the second step evaluates whether the proposed project's incremental contribution to the combined significant cumulative impact would be cumulatively considerable as required by State CEQA Guidelines section 15130, subdivision (a).*

The comment claims that the Draft EIR analysis forecloses findings of significant cumulative impacts when the direct incremental impacts of the Project are individually minor, but increase, compound, or interact with cumulative impacts of other past, present, and probable future projects deemed not already significant without the Project. This is not accurate. As stated above, the Draft EIR states that a cumulatively considerable impact would occur if the Project combined with the other past, current, and probable future projects would result in a significant cumulative impact.

The Draft EIR analysis is consistent with the requirements of CEQA. "Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." (CEQA Guidelines § 15355 (b).) As stated in CEQA Guidelines Section 15065(a)(3), "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." Guidelines Section 15130 discusses cumulative impacts in more detail. It notes that "[w]here a lead agency is examining a project with an incremental effect that is not "cumulatively considerable," a lead agency need not consider the effect significant, but shall briefly describe its basis for concluding that the incremental effect is not cumulatively considerable." (CEQA Guidelines § 15130(a).) Guidelines Section 15130(a)(3) states further: "An EIR may determine that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus is not significant. A project's contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact. The lead agency shall identify facts and analysis supporting its conclusion that the contribution will be rendered less than cumulatively considerable."

The key element in the analysis is whether a project's contribution is "cumulatively considerable" even if minor. Each discipline in the EIR considered cumulative impacts, which included the impacts of past, current, for reasonably foreseeable projects and their effects, in combination with the identified impacts of the proposed project, including minor impacts, as required under CEQA.

B9-18 The text in Section 3.1.1.7 (Impacts of Alternatives) of the Final EIR has been updated to update its reference to the comparison of alternatives from "Section 4" to "Section 5."

The commenter asks what specific environmental or land use planning factors caused the EIR preparers to add Section 4 before circulating it for public review.

Chapter 4 includes discussions of various topics required by CEQA that are not covered in the impact analysis in Chapter 3 of the Draft EIR. These topics include: Section 4.1, significant and unavoidable impacts, which summarizes the conclusions presented in Chapter 3 (CEQA Guidelines Section 15126.2(b)); Section 4.2, significant irreversible and irretrievable commitment of resources (CEQA Guidelines Section 15126.2); Section 4.3, growth-inducing effects (CEQA

Guidelines Section 15126.2(d)); and Section 4.4, energy consumption (Public Resources Code section 21100(b)(3)).

In addition, Section 4.5 (Other Public Concerns) contains a discussion of issues raised in the scoping effort conducted by the Riverside County Planning Department, that are not discussed in Chapter 3 because the issues raised are outside of the scope of CEQA. These topics include property values, a solar moratorium, and nuisance animal encounters (termites, rattlesnakes). Finally, Section 4.6 of the Draft EIR contains a summary of the EIR analysis relevant to permitting requirements of the California Department of Transportation (Caltrans) related to ingress/ egress driveways or installation of any overhead/underground lines in or across the Caltrans right-of-way (ROW). Caltrans will require permitting for four features of the Easley Renewable Energy Project that would be located within the Caltrans ROW for SR-177/Rice Road.

B9-19 The comment claims that the cumulative impact analysis for construction air quality (EIR Section 3.4.6) and evaluation of direct impacts to air quality does not disclose baseline ozone and PM10 conditions and does not compare project emissions with baseline emissions. The comment states that the Draft EIR should have instead examined the incremental impacts of project emissions of ozone precursors and PM10 and determined whether those emissions are significant in light of the air basin's non-attainment status.

The EIR air quality analysis first describes baseline air quality conditions for the region, including that the air basin currently attains the federal ambient air quality standards but does not attain state level standards for ozone and PM10 (EIR Table 3.4-2). The EIR further describes that the SCAQMD has adopted an Air Quality Management Plan (AQMP) to evaluate air pollution control strategies to be taken by air quality management agencies in order to bring the area into compliance with the state ambient air quality standards. SCAQMD's 2022 AQMP is based on regional growth factors, hence it is assumed that new development will continue to occur. Such development would not rise to a level of significance, however, when a project is within the regional significance emissions thresholds established by SCAQMD.

Project emissions were modeled and quantified, including emissions increases for PM10 and ozone precursors (Impact AQ-2). In accordance with SCAQMD recommendations, the Draft EIR then evaluated whether the quantified Project emissions would exceed the regional and local significance thresholds established by SCAQMD (EIR Tables 3.4-4, 3.4-5, 3.4-8, 3.4-9, and 3.4-10).

Because certain emissions of the proposed Project exceeded the SCAQMD thresholds, the Draft EIR determined that mitigation was required to ensure that SCAQMD mass daily emissions thresholds would not be exceeded. It is reasonable for the County as lead agency to rely upon the recommendations of the local expert agency, SCAQMD, for determining the proper methodology for analysis of air quality impacts, including use of the mass daily emissions thresholds of significance, to determine whether a project significantly contributes to existing nonattainment conditions. By comparing the increased emissions with the SCAQMD-recommended thresholds (in Impact AQ-2 and Impact AQ-3), the EIR properly characterizes how the Project contributes to the baseline and existing air quality-related adverse health effects of ozone and PM10 concentrations. As provided in Impact AQ-2 and AQ-3, with implementation of mitigation for dust control practices (MM AQ-1) and off-road equipment engine standards (MM AQ-2) the maximum daily emissions of all pollutants during construction would be reduced to levels below the SCAQMD thresholds. The impact of increased criteria air pollutant emissions during construction would be less than significant with mitigation.

B9-20 The comment claims that the cumulative impact analysis for air quality (EIR Section 3.4.6) does not quantify or assess concurrent air emissions for the Project and related projects during

construction and operation. The comment also claims the EIR does not correlate adverse air quality impacts to resulting public health effects.

First, the EIR properly evaluates whether cumulatively considerable emissions would occur due to the Project in both Section 3.4.5 and 3.4.6. The EIR describes that the geographic scope of cumulative effects for air quality is the entire Mojave Desert Air Basin. The analysis of project impacts for Impact AQ-2 is inherently a cumulative analysis, asking the question whether the Project would result in a cumulatively considerable net increase of any criteria pollutant for which the Project region in non-attainment under an applicable federal or state ambient air quality standard. As described in Response to Comment B9-19, the Draft EIR followed the methodology recommended by SCAQMD for this evaluation.

The Project would increase the generation of criteria air pollutants in the region consistent with expected growth. Individual projects are required to implement feasible mitigation measures for criteria air pollutants emissions if the project emissions exceed the thresholds of significance adopted by the SCAQMD. The Project includes mitigation measures to reduce short-term construction and long-term operational emissions of criteria air pollutants and precursors. The Project would also be subject to SCAQMD regulations as well as regulations promulgated by the State of California that are intended to reduce air quality emissions. In establishing the mass daily thresholds (EIR Section 3.4.4), SCAQMD recommends that CEQA lead agencies use these emissions thresholds for informing decisions on regional and localized air quality impacts. The thresholds are set at levels that facilitate determining whether emissions could cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard (SCAQMD, 2009). The project-specific significance thresholds are indicators of whether emissions are cumulatively considerable, and the project-specific and cumulative significance thresholds are the same. Projects that do not exceed the project-specific thresholds are not considered to be cumulatively significant (SCAQMD, 2003).

Because the proposed Project's emissions would be mitigated below the threshold levels, the individual project contribution to the cumulative effects would not be cumulatively considerable.

Second, with respect to public health effects from air pollution, U.S. EPA and ARB have established health-based air quality standards for criteria pollutants at the national and state levels, respectively. These standards were established to protect the public (with a margin of safety) from adverse health impacts caused by exposure to air pollution. California has also established standards for sulfates, visibility-reducing particles, hydrogen sulfide, and vinyl chloride. Table 3.4-1 of the Draft EIR lists the national ambient air quality standards (NAAQS) and California ambient air quality standards (CAAQS). The Draft EIR describes that concentrations of ozone and PM10 for the proposed Project area occur at nonattainment levels for the California air quality standards, which as stated above, are set at levels to adequately protect the health of the public, including infants and children, with an adequate margin of safety. (Draft EIR, p. 3.4-1) The U.S. EPA sets the NAAQS based on a lengthy process that involves science policy workshops, a risk/exposure assessment (REA) that draws on the information and conclusions of the science policy workshops to develop quantitative characterizations of exposures and associated risks to human health or the environment, and a policy assessment by U.S. EPA staff that bridges the gap between agency scientific assessments and the judgments required of the U.S. EPA administrator, who then takes the proposed standards through the federal rulemaking process (U.S. EPA 2017). Similar to the federal process, the standards for the CAAQS are adopted after review by ARB staff of the scientific literature produced by agencies such as the OEHHA; the Air Quality Advisory Committee, which is comprised of experts in health sciences, exposure assessment, monitoring methods, and atmospheric sciences appointed by the Office of the President of the University of California; and public review and comment (ARB, 2024).

Operation of the Project would not result in emissions that exceed the County's emission thresholds for any criteria air pollutants. Regarding VOCs, some VOCs would be associated with motor vehicles, the emissions of which would not result in the exceedances of the County's thresholds.

In addition, VOCs and NOx are precursors to ozone. The health effects associated with ozone are generally associated with reduced lung function. The contribution of VOCs and NOx to regional ambient ozone concentrations is the result of complex photochemistry. The highest ozone concentrations in the air basin due to ozone precursor emissions tend to be found down-wind of densely populated areas sources, because the ozone precursors require time for the photochemical reactions to occur (SCAQMD, 2022). The VOC and NOx emissions associated with Project operation could minimally contribute to regional ozone concentrations and the associated health impacts. Due to the minimal contribution during operation (the Project would not exceed County thresholds), the Project would not result in significant health impacts.

Similar to ozone, operation of the Project would not exceed thresholds for PM10 or PM2.5 and would not contribute to exceedances of the NAAQS and CAAQS for particulate matter. The proposed project would also not result in substantial DPM emissions during operation and, therefore, would not result in significant health effects related to DPM exposure. Due to the minimal contribution of particulate matter during operation, the Project would not result in significant health impacts from particulate matter emissions.

Regarding NO_2, according to the operation emissions analysis, the proposed project would not contribute to exceedances of the NAAQS and CAAQS for NO_2 (for analysis purposes, NOx emissions were assumed to be NO_2 emissions). NO_2 and NOx health impacts are associated with respiratory irritation. However, these NOx emissions during operation would be minimal and infrequent. Therefore, the Project would not result in significant health impacts.

The VOC and NOx emissions, as described previously, would minimally contribute to regional ozone concentrations and the associated health effects. In addition to ozone, NOx emissions would not contribute to potential exceedances of the NAAQS and CAAQS for NO_2. As shown in Table 3.4-2, the existing NO_2 concentrations in the area are below the NAAQS and CAAQS. Thus, it is not expected the Project's operational NOx emissions would result in exceedances of the NO_2 standards or contribute to the associated health effects.

CO tends to be a localized impact associated with congested intersections. The Project would not create any CO hotspots, and CO impacts would be less than significant. Thus, the Project's CO emissions would not contribute to significant health effects associated with this pollutant.

This Final EIR, in the environmental setting for air quality, Section 3.4.1, includes additional background information on the adverse health effects of the criteria air pollutants and the existing conditions of the Project area.

As stated above, the increased emissions brought about by the Project need not be correlated to specific, quantifiable health impacts. The EIR describes and defines the ambient air quality standards (EIR Table 3.4-1) and discloses the health-protective nature of the ambient air quality standards. Because the NAAQS and CAAQS are health protective values, these health-based regulatory standards are the basis for the emissions thresholds recommended by SCAQMD for whether the Project would cause a significant air quality impact as a result of substantial pollutant concentrations. This information illustrates the existing health impacts of air pollution and the level to which the Project's emissions would contribute to these health impacts. In summary, the mitigated emissions quantities would fall below SCAQMD thresholds and not occur at levels that require additional quantification of health impacts.

B9-21 The commenter states that CDFW provides a definition of sensitive communities, including S1, S2, S3, and S4 designated communities, and that S4 communities were ignored in analysis. 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.

B9-22 The commenter states that the Draft EIR recognizes desert pavement as a CDFW S4 community, but it is not considered sensitive. 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.

Also refer to EIR Section 3.8.5 under Impact GEO-3 for a discussion of impacts to desert pavement.

B9-23 The commenter states that the USFWS submitted scoping comments regarding federally listed riparian birds and that the USFWS recommended the Draft EIR address risk of take to Yuma Ridgway's rail and provide a rigorous analysis on the vulnerability of avian taxa. The commenter states that the DEIR does not include a rigorous avian vulnerability analysis or a risk assessment estimating potential fatalities and incidental take of these species. The commenter notes that the Draft EIR is contradictory regarding federally endangered birds and impacts to nesting. 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 M (Bird and Bat Conservation Strategy), and to General Response GR-1. Refer also to General Response GR-7 regarding the "lake effect."

B9-24 The commenter states that the Draft EIR does not adequately explain how mitigation measures will actually reduce the Project's significant impacts to federally endangered bird species to a less-than-significant level. 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 M (Bird and Bat Conservation Strategy), and to General Response GR-1.

B9-25 The commenter states that the Draft EIR does not include CMAs related to Yuma Ridgway's rail or other listed birds, and that the DEIR does not specify CMAs that would be used and how they will mitigate impacts to federally endangered bird species. 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 M (Bird and Bat Conservation Strategy), EIR Appendix O (Nesting Bird Management Plan), and to General Response GR-1.

B9-26 The commenter states that the BBCS is not included in the DEIR, resulting in deferred mitigation. 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, the draft BBCS at EIR Appendix M, and to General Response GR-1.

B9-27 The commenter states that the formulation of mitigation measures may not be deferred and that an EIR is inadequate if the success of mitigation depends on management plans that are not yet formulated. The commenter states that the Draft EIR analysis relies on "applicable CMAs and mitigation measures developed during the NEPA process", which has not yet been published.

The commenter states that the Draft EIR relies on a compensation package that is not detailed and that mitigation measures consist of plans that have not been formulated or fail to identify specific performance standards.

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. Draft biological resources-related plans were added as Appendix M through Appendix S in the Partially Recirculated Draft EIR.

Refer also to General Response GR-4 regarding the timing and content of mitigation plans.

B9-28 The commenter states that the Integrated Weed Management Plan (IWMP) is yet to be produced and that specific details of the plan are not provided. 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, the IWMP at Appendix N, and to General Response GR-1.

Refer to General Response GR-4 regarding the timing and content of mitigation plans.

B9-29 The commenter states that the Vegetation Resources Management Plan (VRMP) is yet to be produced. 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, the VRMP at EIR Appendix S, and to General Response GR-1.

Refer also to General Response GR-4 regarding the timing and content of mitigation plans.

B9-30 The commenter states that the protective measures outlined for Wildlife Protection (MM BIO-6) cannot be properly evaluated if they are subject to change from resource agency approvals and that none of the measures contain specific performance criteria. The commenter states that wildlife netting and exclusion fencing is not a commitment to the mitigation and that performance standards are not outlined. The commenter states that mortality monitoring and carcass collection must be authorized by a Special Purpose Utility Permit (SPUT). 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, the Wildlife Protection and Relocation Plan at EIR Appendix R, and to General Response GR-1.

See also General Response GR-4 regarding the timing and content of mitigation plans.

The requirement for a SPUT permit from USFWS has been added to MM BIO-8 in the Final EIR.

B9-31 The commenter states that MM BIO-7 identifies that desert tortoise exclusion fencing may be used or that the Applicant may implement a monitoring and avoidance program. The commenter states that the measure cannot be committed to if it is at the Applicant's discretion and the monitoring and avoidance program is yet to be produced. The commenter reiterates that a SPUT permit is required to handle carcasses. The commenter states that the Raven Management Plan is yet to be produced and does not contain specific success criteria. The analysis of biological resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapter 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

The commenter states that the deferred mitigation of MM BIO-8 on BBCS is described previously in the comment letter for Federally Endangered Bird Species. 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, the draft BBCS at Appendix M, and to General Response GR-1.

Refer to General Response GR-4 regarding the timing and content of mitigation plans. The requirement for the Applicant to obtain a SPUT permit for handling of carcasses was added to MM BIO-7 in the Final EIR for clarification.

B9-32 The commenter states that MM BIO-10 (Burrowing Owl) and MM BIO-11 (Desert Kit Fox and Badger) (in the Draft EIR) postpone formulation of respective plans and questions whether the measures refer to one plan. The commenter states that including a provision to trap and remove animals from occupied dens and move them off site does not comply with CDFW's warning that temporary relocation of wildlife does not constitute effective mitigation for offsetting impacts associated with habitat loss. 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 General Response GR-4 regarding the timing and content of mitigation plans.

B9-33 The commenter states that MM BIO-12 (in the Draft EIR) requires a SWPPP, LSAA, and WDR from resource agencies, none of which have been produced yet. The commenter states that the measure does not explain how the permits will be enforced or how the permits will mitigate the significant impacts to jurisdictional waters. 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.

B9-34 The commenter asks whether the Applicant staff member performing the duties of the Lead Biologist during O&M also have to have an MOU with the County, subject to approval by the BLM, USFWS, and CDFW. 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.

B9-35 The commenter identifies a typographical error in the Biological Resources section. 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.

B9-36 The comment identifies concerns on the potential for the Project to cause a loss in carbon sequestration, and the comment requests clarification on whether construction-related GHG emissions should be amortized over the life of the Project. The comment identifies scientific research on the level of stored carbon and the rate of average sequestration for the Northern Mojave Desert.

The Project site is more likely within a southern Mojave region, defined by characteristics of the Colorado Desert and the Sonoran Desert ecoregion. Absent a site-specific sequestration rate, the EIR analysis of the potential loss of carbon sequestration due to land use conversion uses a factor of 4.31 MTCO2e per year per acre, which is conservatively high because the rate is based on the removal of grassland vegetation, and the EIR assumes this sequestration rate drops to zero with the Project. The comment documents a rate of up to 0.51 MT of elemental carbon per year, which equates to about 1.9 MTCO2e. Based on the rate identified in the comment, the EIR greatly overestimates the likely amount of change in the rate of carbon sequestration rate at the site. Additionally, the EIR overstates the effect of this change by assuming it perpetuates year after year although site restoration would help to restore the vegetation of the site.

To provide guidance to local lead agencies on determining significance for GHG emissions in their CEQA documents, the SCAQMD staff convened a GHG CEQA Significance Threshold Working Group. Members of the working group included government agencies implementing CEQA and representatives from various stakeholder groups that provided input to the SCAQMD staff on developing GHG CEQA significance thresholds. On December 5, 2008, the SCAQMD Governing Board adopted the staff proposal for an interim GHG significance threshold for projects where the SCAQMD is lead agency and to assist other lead agencies in analyzing GHG impacts in their

CEQA documents. This interim GHG significance threshold remains the current and generally accepted guidance from SCAQMD on the topic. For characterizing the environmental impact of GHG from the construction-related activities, the EIR amortizes construction emissions over 30 years, as recommended in the December 5, 2008, SCAQMD Board-adopted threshold. This conservatively overestimates the annual effects of construction emissions when compared with the anticipated 35- to 50-year project life. It is reasonable for a lead agency to rely upon published SCAQMD guidance documents for CEQA analysis. Amortizing construction-related GHG emissions (and adding them to operational emissions) also is routinely used by other agencies, given that GHG emissions are by their nature inherently a long-term concern with a global scope. As stated in Draft EIR Appendix J, Greenhouse Gas Emissions Impacts, it would take less than one month of Project operation for a 650 MW BESS to fully offset construction phase emissions or less than two months for a 200 MW BESS (App. J, p. 24).

Additional guidance on the treatment of construction emissions appears for the NEPA context in the 2023 "*Guidance on Consideration of Greenhouse Gas Emissions and Climate Change*" from the Council on Environmental Quality, which includes (88 FR 1202, January 9, 2023): "*Absent exceptional circumstances, the relative minor and short-term GHG emissions associated with construction of certain renewable energy projects, such as utility-scale solar and offshore wind, should not warrant a detailed analysis of lifetime GHG emissions.*"

B9-37 The commenter discusses water quality as reported by the Regional Water Quality Control Board for the Chuckwalla Valley Groundwater Basin (CVGB). The commenter notes that there are reports of lowered water levels and degraded water quality in wells located near the Oberon Solar Project (a cumulative project located in the CVGB). The commenter questions the results of the predictive MODLFOW groundwater model used for the proposed Easley Solar Project (Project) Water Supply Assessment (WSA) cumulative impact analysis. The analysis of Hydrology 35- to 50-year project life 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, the revised WSA at Appendix G, and to General Response GR-1, as well as General Response GR-3.

B9-38 The commenter questions the results of the calibration and reliability of the predictive MODLFOW groundwater model used for the proposed Easley Solar Project (Project) Water Supply Assessment (WSA) cumulative impact analysis and use of "not anticipated" in reference to adverse impacts. 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, the revised WSA at Appendix G, and to General Response GR-1.

B9-39 The commenter restates the objective of the Groundwater Monitoring, Reporting, and Mitigation Plan (GMRMP) per the DRECP LUPA CMA Soil and Water (SW-) 24. The commenter states that these plans constitute deferred mitigation. 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 Responses GR-3 and GR-4.

B9-40 The commenter references the SGMA Basin Prioritization Dashboard and states 100 percent of urban water usage is determined to get sourced from groundwater. The commenter questions the statement regarding historical water level trends in the DEIR and references a 2021 presentation at the Arizona Hydrological Society Annual Symposium. The commenter questions the Draft EIR statement that water use from the Project is not anticipated to exacerbate any existing overdraft conditions, nor cause significant change to the quantity of groundwater that affects beneficial uses.

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, the revised WSA at Appendix G, and to General Response GR-1.

B9-41 The commenter questions the Project Draft EIR impact conclusion based on the water budget presented in the Project Water Supply Assessment (WSA; EIR Appendix G). 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 3.11.6 and 3.11.7 of the Partially Recirculated Draft EIR, the revised WSA at Appendix G, and to General Response GR-1.

B9-42 The commenter recommends that the impacts of changing precipitation patterns due to climate change should be analyzed, and this should be considered regarding groundwater availability. 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, the revised WSA at Appendix G, and to General Response GR-1.

B9-43 The commenter states that the Draft EIR does not clearly identify where the Project's water will be sourced. 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, the revised WSA at Appendix G, and to General Response GR-1.

B9-44 The commenter questions the feasibility of the proposed Easley Solar Project (Project) DEIR mitigation measure (MM) HWQ-3 (Palo Verde Mesa Groundwater Basin [PVMGB] Protection). 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.

B9-45 The commenter states that a heading and mitigation for a non-existent Impact HWQ-5 are included in 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.

B9-46 The commenter states that the EIR hydrology and water quality mitigation measures constitute deferred mitigation. 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 see also General Response GR-4 regarding preparation of plans and deferred mitigation.

B9-47 The commenter is requesting clarification on the 4.3% of the Fang et al. (2021) groundwater recharge from precipitation water budget component for the proposed Easley Solar Project (Project) Water Supply Assessment (WSA; DEIR Appendix G). 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, the revised WSA at Appendix G, and to General Response GR-1.

B9-48 The commenter is requesting clarification of the use of 400 acre-feet per year (AFY) of subsurface outflow from the Chuckwalla Valley Groundwater Basin to the Palo Verde Mesa Groundwater Basin. 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, the revised WSA at Appendix G, and to General Response GR-1.

B9-49 The commenter is requesting clarification of the selection of the Fang et al. (2021) model for use in the proposed Easley Solar Project (Project) Water Supply Assessment (WSA; EIR Appendix G). 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, the revised WSA at Appendix G, and to General Response GR-1.

B9-50 The comment states that the Fire Management and Prevention Plan constitutes "improperly deferred post hoc environmental review." The comment states that the Fire Management and Prevention Plan must be shared with the public, and the Draft EIR must be recirculated.

Mitigation is not deferred if the measures specify performance standards and identify the types of actions that may achieve compliance with the performance standards. As provided in EIR Section 3.19, Wildfire, the Project would be required to comply with Mitigation Measure (MM) FIRE-1, which requires the preparation and approval of a Fire Management and Prevention Plan. MM FIRE-1 specifies various elements in detail that would be included in the Fire Management and Prevention Plan to reduce risk of fire associated with various construction and operational activities. For example, the Fire Management and Prevention Plan would include 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; work restrictions during Red Flag Warnings; use of spark arrestors; protections for equipment parking areas; requirements for fire extinguishers and fire-fighting equipment; training for first responders; BESS shut down procedures; and routine fire patrols, among other measures. The Fire Management and Prevention Plan also would comply with applicable BLM and Riverside County regulations and is required to be provided to BLM for review and approval and to RCFD for review and comment prior to issuance of a Notice to Proceed and the start of construction. Accordingly, MM FIRE-1 does not constitute deferred mitigation, as it establishes performance standards of ensuring the safety of workers and the public during project construction, operation, and decommissioning, and provides for various actions that would achieve that standard. This information was made available to the public for review with the Draft EIR and a final plan is not required to adequately analyze environmental impacts under CEQA.

The commenter also suggests that the EIR fails to identify potential ignition sources. However, the Draft EIR identifies potential ignition sources at the Project site in Impact FIRE-2 through Impact FIRE-4, including potential onsite fuel tanks (p. 3.19-9). The Draft EIR determines that wildfire impacts would be less than significant with mitigation (MM FIRE-1) as well as compliance with other applicable regulations. Therefore, no changes to the EIR have been made as a result of this comment and recirculation is not required.

B9-51 The commenter states the CEQA requirements for alternatives, and states that the Draft EIR falls short of the requirements. 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.

B9-52 The commenter states that a reasonable range of alternatives has not been considered since the No Project Alternative and only one other alternative, the Lake Tamarisk Alternative (now called Alternative B, Reduced Footprint Alternative), were analyzed in the Draft EIR. 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.

B9-53 The commenter states that the alternatives analysis violates the rule of reason, because there are DRECP-designated DFA lands available to the east of Rice Road for partial relocation that would allow a buffer around the Lake Tamarisk Alternative (now called Alternative B, Reduced Footprint 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 and to General Response GR-1.

B9-54 The commenter states that there is private land available located west of State Route 177, north of the Project's northeasterly boundary, adjacent to DFA and the northerly component of the Athos Project. 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 PR

See also Response to Comment PRB11-186 and General Response GR-8 regarding alternatives east of State Route 177/Rice Road.

B9-55 The commenter states that presenting the Lake Tamarisk Alternative (now called Alternative B, Reduced Footprint Alternative) as the only feasible, environmentally superior solar energy development alternative does not evince a good-faith effort at giving the County's decision-makers a meaningful or a 'reasonable choice of alternatives so far as environmental aspects are concerned.' 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, as well as General Response GR-8.

B9-56 The commenter states that a revised Draft EIR must be circulated, including in-depth review of a feasible alternative that would accommodate a substantially enhanced buffer from the Community of Lake Tamarisk, either by partially relocating the Project site (to maintain or roughly maintain the 400 MW capacity), or scaling back the proposed 400 MW capacity, which would impede to some degree just one of the Project objectives. 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, as well as General Response GR-8.

B9-57 The commenter states that the range of alternatives appears to have been preordained by the DEIR's narrow tailoring of the Project objectives to fit the electricity output and storage capacity desired by the Applicant. 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.

B9-58 The commenter's support for the commenter-requested Respect Lake Tamarisk Alternative (RLTA) is noted. The commenter describes the Respect Lake Tamarisk Alternative, as detailed in Comment Sets B3 (Active Communities/Desert Center) and D5 (Mark Carrington). 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, as well as General Response GR-8.

B9-59 The commenter states that the commenter-requested RLTA has substantial aesthetics advantages over the Proposed Project, particularly with respect to Lake Tamarisk Resort and Alligator Rock ACEC. 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.

B9-60 The commenter states that the commenter-requested RLTA will avoid disturbances to desert dry wash woodlands, desert unicorn plants, and desert tortoise habitat. 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 also see Chapter 3.5 of the Partially Recirculated Draft EIR regarding analysis of biological resources.

B9-61 The commenter states that reducing solar arrays as proposed in the commenter-requested "Respect Lake Tamarisk Alternative" will reduce "lake effect" mortality. 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 also see Chapter 3.5 of the Partially Recirculated Draft EIR regarding analysis of biological resources.

Refer also to General Response GR-7 regarding impacts due to the "lake effect."

B9-62 The comment concerns the scope of Applicant Proposed Measure (APM) NOISE-1 (Construction Timing), which is a component of the proposed Project (EIR Section 2.7) that was developed by the Applicant to address concerns of the Lake Tamarisk community. The comment also asserts that adverse human health effects of environmental noise were not disclosed. The EIR includes background information disclosing how excessive community noise can interfere with sleep, concentration, and communication, and where excessive noise can cause physiological and psychological stress and hearing loss (Section 3.13.1.3, Noise Sensitive Receptors).

As provided in the Draft EIR, assuming the standard spherical spreading loss (reduction of 6 dB per doubling of distance) and the highest unmitigated construction noise source of 83 dBA Leq at 50 feet, the noise level caused by a typical spread of construction equipment would be 62 dBA Leq at the nearest occupied residences in the Lake Tamarisk community, 200 meters (656 feet) from the nearest proposed construction. This demonstrates that the nearest receiver locations would not be exposed to noise levels exceeding the reasonable daytime 80 dBA Leq or the nighttime 70 dBA Leq thresholds during construction activities. Additionally, the purpose of APM NOISE-1 is to avoid and minimize the possible impact of noise for the Lake Tamarisk Desert Resort community during the winter months of highest residency. The Project also would be subject to additional measures to address construction noise, including MM N-1, Construction Restrictions; MM N-2, Public Notification Process; and MM N-3, Noise Complaint Process. Although construction noise would fall below County standards for reasonable daytime and nighttime noise levels, these measures would avoid creating unnecessary noise by limiting the times of day during which noisy construction work could take place and establishing processes to provide advance notification and ensure that complaints are resolved. These measures also contribute to improving the expectations and preparedness of impacted individuals, which help to reduce the adverse health effects experienced by people affected by noise. No further mitigation would be necessary.

Please also refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1 regarding Project Alternatives.

B9-63 The commenter disagrees with the conclusions of the No Project Alternative, and disagrees with the EIR's conclusion that it would be "highly likely" a different solar developer would apply to construct a similar project "at this location" with similar impacts. 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 regarding groundwater impacts.

B9-64 The commenter states that the Federal Land Alternative was not sufficiently analyzed. 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.

B9-65 The commenter states that the Draft EIR should define an "active" sand corridor and where the corridor is located and oriented and how many acres it comprises. The commenter states that evidence of its contributions to declines in PV module performance and impacts to engineering design should be provided.

Refer to Section 3.8.1.7 of the Draft EIR on sand transport and migration. Please also refer to Section 3.5.1 of the Partially Recirculated EIR and Figure 4 of the updated BRTR (Appendix C) for information on aeolian sands. Additionally, 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.

B9-66 The commenter states that the Draft EIR fails to explain how many of the 3,847 acres eliminated from the Federal Land Alternative are wildlife or rare plant habitat, or indicate where exactly this habitat is located. 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, as well as General Response GR-8.

B9-67 The commenter states that Intersect Power has signed an agreement, known as the "Collaboration Agreement on Large-Scale U.S. Solar Development," negotiated under the auspices of Stanford University's Woods Institute for the Environment as part of the Institute's "Uncommon Dialogues" program.

The Applicant's participation in the Collaboration Agreement on Large-Scale U.S. Solar Development is noted, but is outside of the scope of the Easley Project and CEQA.

The commenter states that no changes of substance in site planning have been put forth and there are alternatives that serve the public interest far better than this Project. 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, as well as General Response GR-8.

B9-68 The commenter includes a 2021 presentation at the Arizona Hydrological Society Annual Symposium. This presentation has been referenced and is discussed in Responses to Comments B3-17, B9-40, PRB10-19, and PRB10-20. Please also refer to Section 3.11 of the Partially Recirculated Draft EIR, the updated WSA at Appendix G, and to General Response GR-1.

Comment Set B10 – IBEW Local 440

INTERNATIONAL BROTHERHOOD of ELECTRICAL WORKERS
Local Union 440
1405 Spruce Street, Suite G
Riverside, CA 92507
TEL (951) 684-5665
FAX (951) 369-9032

March 15, 2024

Tim Wheeler
twheeler rivco.or
County of Riverside, Planning Dept.

Subject: Endorsement of Intersect Power's Easley Solar Project and EIR

Dear Mr. Wheeler,

As the Business Manager of the International Brotherhood of Electrical Workers (IBEW), I am proud to endorse Intersect Power's Easley Solar Project. This infrastructure project holds immense potential to drive job creation and economic growth in the Desert Center area and broader Riverside County. **B10-1**

We support both the Proposed Project and the Lake Tamarisk Alternative, as discussed in the draft Environmental Impact Report (EIR), and believe that all impacts, as described, would be sufficiently mitigated by the Mitigation Measures included in the EIR. We appreciate that the Lake Tamarisk Alternative was developed in response to the local community's concern and believe it adequately addresses impacts to local residents.

The Easley Solar Project promises to inject vitality into our local economy by generating employment opportunities and stimulating economic activity. With its implementation, we anticipate a surge in job opportunities and an expansion of the tax base, providing much-needed resources for public services and infrastructure development.

We believe that supporting projects like Easley Solar is crucial for the prosperity of our community and the advancement of our workforce. Therefore, we urge you to prioritize its approval and implementation.

Thank you for your attention to this matter. Please do not hesitate to contact us for further information or assistance.

Sincerely,

Jeremy Forshaw
Business Manager
IBEW Local 440

JF: lt

Responses to Comment Set B10 – International Brotherhood of Electrical Workers

B10-1 The commenter's support for the proposed Project and the Lake Tamarisk Alternative (now called Alternative B, Reduced Footprint Alternative), its potential to drive job creation and economic growth in the Desert Center area, and the resulting expansion of the tax base to provide resources for public services and infrastructure development are noted.

Responses to Comment Set B11 – Laborers' International Union of North America, Local No. 1184

B11-1 The commenter's support for the proposed Project and the Lake Tamarisk Alternative (now called Alternative B, Reduced Footprint Alternative in the Partially Recirculated Draft EIR and Final EIR), due to the Project's potential to inject vitality into the local economy by generating employment opportunities and stimulating economic activity, which will provide resources for public services and infrastructure development, is noted.

Comment Set B11 – Laborers' International Union of North America

Laborers' International Union of North America

LiUNA!
Local No.1184

Local No.1184

Serving Southern California and Arizona

MICHAEL S. DEA
BUSINESS MANAGER
SECRETARY-TREASURER

William G. Smith
PRESIDENT

MAIN OFFICE
1128 E. La Cadena Drive
Riverside, CA 92507
Telephone: 951-684-1484
Fax: 951-779-1445

ARIZONA OFFICE
1401 E. Washington St
Phoenix, AZ 85034
(602) 258-6521
Fax (602) 495-1464

THOUSAND PALMS OFFICE
72732 Ramon Rd.
P.O. BOX 155
Thousand Palms, CA 92276
(760) 343-0533
Fax (760) 343-0883
(800) 203-3111

EL CENTRO OFFICE
690 Broadway St., Suite. #5
El Centro, CA 92243
(760) 337-3909
Fax (760) 337-3911

April 5, 2024

Supervisor V. Manuel Perez
78-015 Main Street, Ste. 205
La Quinta, CA 92253
district4@rivco.org

Subject: Endorsement of Intersect Power's Easley Solar Project and EIR

Dear Supervisor Perez,

As the Business Manager of the Laborer's International Union of North America (LIUNA!), I am proud to endorse Intersect Power's Easley Solar Project. This infrastructure project will drive significant job creation and economic growth in the Desert Center area and broader Riverside County. B11-1

We support both the Proposed Project and the Lake Tamarisk Alternative, as discussed in the draft Environmental Impact Report (EIR), and we believe that County staff and its team of consultants did a great job describing potential project impacts and establishing mitigation measures to sufficiently mitigate any of impacts identified in the EIR. We appreciate that the Lake Tamarisk Alternative was developed in response to the local community's concern and believe it shows how Intersect Power has been responsive to the concerns voiced by local residents.

As LIUNA! Business Manager, I am keenly interested in the ability of the Easley Solar Project's ability to inject vitality into our local economy by generating employment opportunities and stimulating economic activity. With its implementation, we anticipate a surge in job opportunities and an expansion of the tax base, providing much-needed resources for public services and infrastructure development.

We believe that supporting projects like Easley Solar is crucial for the prosperity of our community and the advancement of our workforce. This is the right place and the right time for the Easley Solar Project, and we urge you to prioritize its approval and implementation.

Thank you for your attention to this matter. Please do not hesitate to contact us for further information or assistance.

Sincerely,

Michael S. Dea
Business Manager Secretary-Treasurer
LIUNA! Local 1184
Msdea@local1184.com
Serving Southern CA and Arizona

Cc: Tim Wheeler, County of Riverside Planning twheeler@rivco.org

Feel the Power

Responses to Comment Set B11 – Laborers' International Union of North America, Local No. 1184

B11-1 The commenter's support for the proposed Project and the Lake Tamarisk Alternative (now called Alternative B, Reduced Footprint Alternative in the Partially Recirculated Draft EIR and Final EIR), due to the Project's potential to inject vitality into the local economy by generating employment opportunities and stimulating economic activity, which will provide resources for public services and infrastructure development, is noted.

3.3 Native American Tribes

Comment Set C1 – Cahuilla Band of Indians

Email: Easley Renewable Energy Project

From: Lorrie Gregory <LGregory@cahuilla-nsn.gov>
Sent: Monday, January 29, 2024 1:31 PM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Cc: BobbyRay Esparza <besparza@cahuilla-nsn.gov>
Subject: Easley Renewable Energy Project-EIR

Good afternoon,

Thank you for reaching out to the Cahuilla Band of Indians concerning the referenced project. We are unaware of any environmental components that the project would effect. However, since this project is apart of Cahuilla traditional land use, we request to have Cultural monitors onsite for all ground disturbance activities. Thank you again for reaching out, have a great day. **C1-1**

Respectfully,

Lorrie Gregory
Cultural Resource Coordinator
Cahuilla Band of Indians
Phone: 1 (760) 315-6839
Email: lgregory@cahuilla-nsn.gov

Responses to Comment Set C1 – Cahuilla Band of Indians

C1-1 The commenter states that the Cahuilla Band of Indians is unaware of any environmental components that the proposed Easley Project would affect. However, since the Easley Project is a part of Cahuilla traditional land use, the Tribe requests to have Cultural monitors onsite for all ground disturbance activities. 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.

See also Responses to Comments PRC1-2 and PRC1-3 regarding a new APM CULT-1 (Native American Monitoring).

Comment Set C2 – Agua Caliente Band of Cahuilla Indians

AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL HISTORIC PRESERVATION

03-006-2018-015

February 01, 2024

[VIA EMAIL TO:Twheeler@rivco.org]
Riverside County
Tim Wheeler
4080 Lemon Street, 12th Floor
Riverside, CA 92502

Re: Easley Solar DEIR

Dear Tim Wheeler,

The Agua Caliente Band of Cahuilla Indians (ACBCI) appreciates your efforts to include the Tribal Historic Preservation Office (THPO) in the Easley Solar project. We have reviewed the documents and have the following comments: **C2-1**

*Please resend the Cultural Resources Report for our records.

Again, the Agua Caliente appreciates your interest in our cultural heritage. If you have questions or require additional information, please call me at (760) 423-3485. You may also email me at ACBCI-THPO@aguacaliente.net.

Cordially,

Xitlaly Madrigal
Cultural Resources Analyst
Tribal Historic Preservation Office
AGUA CALIENTE BAND
OF CAHUILLA INDIANS

5401 DINAH SHORE DRIVE, PALM SPRINGS, CA 92264
T 760/699/6800 F 760/699/6924 WWW.AGUACALIENTE-NSN.GOV

Responses to Comment Set C2 – Agua Caliente Band of Cahuilla Indians

C2-1 The Tribe requested that the County resend the Cultural Resources Report for its records.

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. See also Response to Comment PRC1-1.

Comment Set C3 – Colorado River Indian Tribes

COLORADO RIVER INDIAN TRIBES
Colorado River Indian Reservation
26600 MOHAVE ROAD
PARKER, ARIZONA 85344
TELEPHONE (928) 669-9211
FAX (928) 669-1216

March 11, 2024

Via E-Mail and U.S. Mail

Riverside County Planning Department
Attn: Tim Wheeler, Project Planner
4080 Lemon Street, 12th Floor
P.O. Box 1409
Riverside, CA 92502
E-Mail: TWheeler@rivco.org

Re: Comments of the Colorado River Indian Tribes re the Draft Environment Impact Report for the IP Easley Solar Plant Project (CUP220021)

Dear Mr. Wheeler:

On behalf of the Colorado River Indian Tribes (CRIT or the Tribes), I write to provide comments on the Draft Environmental Impact Report (DEIR) for the IP Easley Solar Plant Project (Project). After carefully reviewing the DEIR, the Tribes have concluded that it fails in many respects to meet the requirements of the California Environmental Quality Act (CEQA) and other federal, state, and local laws. **C3-1**

As a preliminary matter, the Colorado River Indian Tribes are a federally recognized Indian tribe comprised of over 4,440 members belonging to the Mohave, Chemehuevi, Hopi and Navajo Tribes. The almost 300,000-acre Colorado River Indian Reservation sits astride the Colorado River between Blythe, California and Parker, Arizona. The ancestral homelands of the Tribes' members, however, extend far beyond the Reservation boundaries. Significant portions of public and private lands in California, Arizona, and Nevada were occupied by the ancestors of the Tribes' Mohave and Chemehuevi members since time immemorial. These landscapes remain imbued with

Comment Set C3 – Colorado River Indian Tribes (continued)

substantial cultural, spiritual, and religious significance for the Tribes' current members and future generations. For this reason, we have a strong interest in ensuring that potential cultural resource and other environmental impacts associated with the Project are adequately considered and mitigated.

C3-1 (cont'd)

In particular, the Tribes are concerned about the potential removal of cultural belongings from this area and the corresponding destruction of the Tribes' footprint on this landscape. For this reason, the Tribes request that all prehistoric cultural resources, including both known and yet-to-be-discovered sites, be avoided if feasible. The Tribes likewise urge Riverside County (County) to complete ethnographic studies and archaeological surveys of roads proposed for travel and transportation in order to best understand if some roads require closure or limit access to protect prehistoric resources. CRIT tribal monitors should be used to complete this work.

The DEIR Is Inadequate under CEQA.

The EIR is "the heart of CEQA." *Laurel Heights Improvement Ass'n v. Regents of University of California*, 47 Cal.3d 376, 392 (1988) (citations omitted). It is "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return. The EIR is also intended 'to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.' Because the EIR must be certified or rejected by public officials, it is a document of accountability." *Id.* (citations omitted).

Beyond merely disclosing potential environmental impacts, the environmental review statutes require agencies to develop tactics to address them. Specifically, CEQA not only requires the County to identify a project's significant effects, but also requires the agency to adopt measures to avoid or minimize them. Pub. Res. Code § 21002.1. An EIR may not defer evaluation of mitigation to a later date. CEQA Guidelines[1] § 15126.4(a)(1)(B). Where, as here, the environmental review document fails to fully and accurately inform decisionmakers and the public of the environmental consequences of proposed actions, or identify ways to mitigate or avoid those impacts, it does not satisfy CEQA's basic goals. *See* Pub. Res. Code § 21061 ("The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect that a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to

[1] The CEQA Guidelines can be found at Cal. Code Regs., tit. 14, § 15000 et seq.

Comment Set C3 – Colorado River Indian Tribes (continued)

indicate alternatives to such a project."). As a result of the DEIR's numerous and serious inadequacies, there can be no meaningful review of the Project by either the public or the agencies' decisionmakers. C3-1 (cont'd)

I. The DEIR Fails to Adequately Analyze or Mitigate the Project's Impacts on Cultural Resources. C3-2

The proposed Project analyzed in the DEIR is a 400 megawatts (MW) solar PV project with up to 650 MW battery energy storage and appurtenant facilities. The project also includes a 6.7 mile 500 kilovolt (kV) generation-tie line that would mainly traverse across the Oberon Renewable Energy Project site and connecting to an existing substation there. (Easley Renewable Energy Project Draft Environmental Impact Report (DEIR) at ES-1.) CRIT is traditionally and culturally affiliated with the Project area and the ancestors of CRIT's Mohave and Chemehuevi members have lived and traveled in the Project area since time immemorial.

The DEIR identifies prehistoric resources in both the CEQA Area of Direct Impacts and Area of Indirect Impacts. (DEIR at 3.5-17 to -23.) Among others, these identified Prehistoric Trails Network Cultural Landscape and prehistoric isolates play an integral role in Mohave cultural and spiritual beliefs, in addition to the plants and animals of the area. The surrounding landscape of the Chuckwalla Mountains and Palen Mountains is identified in Mohave songs and stories. (DEIR at 3.5-14.) Yet, despite this, the DEIR fails to acknowledge the Project's potentially significant impacts on historical resources and Tribal Cultural Resources. (DEIR at 33.6-29, -32.)

CRIT must voice its opposition to the development of the Project in any form on this sensitive landscape. As this letter describes further below, the Tribes are seriously troubled by the Project's potential to remove, damage, or destroy cultural resources and artifacts—especially those that have not previously been unearthed. These resources are sacred and finite, and together make up the cultural footprint of the Tribes' ancestors. According to the belief system of CRIT's Mohave members, the disturbance of any cultural resources affiliated with their ancestors is taboo, and thus considered a severe cultural harm. CRIT therefore cannot support any project that will likely result in the disturbance or destruction of cultural resources and artifacts.

Moreover, despite the DEIR's attempt to downplay the possibility of unanticipated cultural resource discoveries, CRIT has every reason to fear that cultural resource impacts will be worse than the analysis predicts. As the DEIR acknowledges, the Project is located in a region of significant prehistoric human activity. (DEIR at 3.6-1 ("Many

Comment Set C3 – Colorado River Indian Tribes (continued)

cultural resources are present in the region surrounding the proposed Project area, both on the ground surface and buried completely or partially beneath it, which could be affected by development without adequate protections in place."); DEIR at Appx. D, p. 10 ("The low energy of deposition in the area suggests a moderate to high degree of potential preservation of buried sites outside channel settings.").) This is a high stakes location for cultural resource discoveries. Significant cultural harm will occur if resources are indeed discovered and disturbed. CRIT has seen that pattern play out all too often with projects like the nearby Genesis Solar Project, in which almost 3,000 cultural belongings are now permanently stored in a museum hundreds of miles away, where CRIT's members are not allowed to view them. C3-2 (cont'd)

Moreover, much of the traditional value of these cultural resources to the Tribes comes from maintaining the connectivity between cultural resource sites stretching south from Spirit Mountain in Nevada. The Chuckwalla Valley plays a key role in maintaining this connectivity within Tribal members' ancestral landscape. Landscapes reflect human activity and are imbued with cultural values. They combine elements of space and time, and represent political, as well as social and cultural, constructs. These traditional cultural properties and landscapes can include viewsheds, features, plans and animals used in and/or central to cultural and religious practices and creations stories, and religious and customary practices (e.g., hunting and gathering, religious ceremonies and trails, which were used by Mohave Runners to deliver messages to the numerous Mohave villages scattered in the area about deaths within the community or upcoming battles with other tribes).

A. The DEIR incorrectly considers cultural resource value only from a Western, scientific perspective. C3-3

The DEIR's methodology for its impact analysis fails to adequately incorporate tribal perspectives and input. Here, the focus on Western scientific "value" artificially constrains its consideration of "cultural resources," and thereby undermines the accuracy and quality of any subsequent analysis and the DEIR's compliance with AB 52 and CEQA. In focusing solely on the eligibility of cultural resources for the California Register of Historical Resources, the DEIR ignores the tremendous cultural and spiritual significance that these cultural resources have for Tribal members—and their appropriate classification as Tribal Cultural Resources under CEQA. (*See* Pub. Res. Code § 21074(a)(2).)

The Mohave People believe that their ancestors—who lived, traveled, prayed, fought, and died on this landscape since time immemorial—left their possessions and

Comment Set C3 – Colorado River Indian Tribes (continued)

belongings in the land to forever memorialize their connection to it. These possessions and belongings—which may include tools, pottery, habitation sites, intaglios, petroglyphs, rock circles, sleeping circles, and trails—form a "footprint" that serves as tangible proof of the Mohave People's ongoing connection to their ancestral territory. The disturbance of these belongings is strictly taboo in the Mohave belief system. The DEIR's sole focus on archaeological and data-driven characterizations of cultural resources ignores the fact that removal and/or destruction of any cultural resources—including those characterized as "isolates"—has a significant and devastating impact on the Tribes. It also violates CEQA, which acknowledges that Tribal Cultural Resources are an independent category of resources that must be thoroughly studied, analyzed, and mitigated.

C3-3 (cont'd)

1. The Project will significantly impact prehistoric cultural landscapes.

C3-4

Both state and federal law recognize that cultural resources include cultural landscapes. *See* National Register Bulletin, "Guidelines for Evaluating and Documenting Traditional Cultural Properties" ("A culturally significant natural landscape may be classified as a site" eligible for the National Register); Pub. Res. Code § 21074(a) (tribal cultural resources include "cultural landscapes"). Indeed, evaluation and protection of such landscapes is necessary to ensure adequate protection of both individual resources and their historic context. The California Office of Historic Preservation has explicitly recognized the need for cultural resource professionals working on renewable energy projects to shift focus from a site level to the landscape level of assessment.[2] While the DEIR recognizes that cultural landscapes may be protected under state law, the DEIR fails to adequately consider the Project's impact on the identified Prehistoric Trails Network Cultural Landscape (PTNCL).

The DEIR acknowledges that the Prehistoric Trails Network Cultural Landscape "encompasses the entirety of the Project area." (DEIS at 3.6-24.) The PTNCL consists of "prehistoric resources and landforms associated with the Halchidoma (or Coco-Maricopa) Trail," extending "near Blythe at the Colorado River, continuing to the west through the Chuckwalla Valley toward modern Los Angeles." (*Id.*) The DEIR then states that the PTNCL "was previously determined eligible for listing on the CRHR under

[2] See Sustainable Preservation: California's Statewide Historic Preservation Plan, 2013-2017 (at page 16), available at: http://ohp.parks.ca.gov/pages/1069/files/SustainablePreservation_CaliforniaStatePlan_2013to2017.pdf.

Comment Set C3 – Colorado River Indian Tribes (continued)

Criteria 1 and 4," but asserts that "[n]o cultural remains associated with the PTNCL have been documented in the Project's Cultural Resources Study Area." (*Id.*)

C3-4 (cont'd)

Yet, this rigid focus on PTNCL "cultural remains" ignores the overarching connectivity and the interrelated nature of a landscape-level trail system. Even without identifying a specific PTNCL "site type" in the Project area, the identification of the cultural landscape itself—which the DEIR admits encompasses the entire Project area—signifies that building within that landscape will have a significant, disruptive impact. (*See, e.g.,* Palen Solar Electric Generating System Revised Presiding Member's Proposed Decision (PMPD) at 6.3-34 to -51 (identifying the Prehistoric Trails Network Cultural Landscape (PTNCL) and the larger Pacific to Rio Grande Trails Landscape (PRGTL) ("Staff identifies the Chuckwalla Valley portion of the PRGTL as a cultural landscape and historical resource under CEQA that has both archaeological and ethnographic contributing elements…The Chuckwalla Valley portion of the PRGTL is ultimately the result of the dynamic interaction between the natural elements of the landscape and the movement of different Native American cultures that lived and passed through the region").) The cultural landscape is the Tribes' way of life. The trails, which pass through the site, link the petroglyphs and rock shelters found on each surrounding mountain. The ancestors who created the petroglyphs in the boulders each had ties to the area and reasons for doing so and the entire landscape remains important to each tribal member individually and the Tribes collectively.

Project by project, the Tribes' cultural footprint is being erased and this Project is no exception. The DEIR's failure to acknowledge the Project's significant impact on the PTNCL as a while violates CEQA. The analysis must be revised to properly account for and mitigate these impacts.

2. As the prehistoric resources destroyed by the project contribute to cultural landscapes, their removal constitutes a significant impact.

C3-5

The California Environmental Quality Act ("CEQA") requires lead agencies to identify significant impacts to "historic resources" and mitigate these impacts. *See, e.g.*, CEQA Guidelines § 15064.5. Moreover, CEQA requires lead agencies to use preservation in place for archaeological resources if feasible, unless other mitigation would be more protective. (CEQA Guidelines § 15126.4(b); *Madera Oversight Coal. v. County of Madera*, 199 Cal.App.4th 48, 82-87 (2011).)

Comment Set C3 – Colorado River Indian Tribes (continued)

C3-5 (cont'd)

The DEIR explains that there are 25 documented cultural resources in the CEQA Area of Direct impacts, including four archaeological sites, two built-environment resources, two districts, and 17 isolates. (DEIR at 3.6-20). The non-isolate prehistoric archaeological resources include the Prehistoric Trails Network Cultural Landscape (PTNCL). (DEIR at 3.5-20). All of the 17 isolates are not considered eligible for the CRHR, thus the DEIR did not consider them any further. (DEIR. at 3.6-19 to -20.)

The DEIR's focus only on "eligible" resources misconstrues state law. The DEIR must avoid conflating eligibility for the CRHR with significant impacts analysis under CEQA. Impacts to archaeological resources considered non-eligible for listing on the CRHR—perhaps because of their lack of integrity—may nevertheless be significant for CEQA purposes.

The DEIR's focus on Western scientific "value" artificially constrains its consideration of "cultural resources," and thereby undermines the accuracy and quality of any subsequent analysis. In doing so, the EIR ignores the tremendous cultural and spiritual significance that these cultural resources have for Tribal members, regardless of CRHR eligibility. The Mohave People believe that their ancestors—who lived, traveled, prayed, fought, and died on this landscape since time immemorial—left their possessions and belongings in the land to forever memorialize their connection to it. These possessions and belongings—which may include tools, pottery, habitation sites, intaglios, petroglyphs, rock circles, sleeping circles, and trails—form a "footprint" that serves as tangible proof of the Mohave People's ongoing connection to their ancestral territory. The disturbance of these belongings is strictly taboo in the Mohave belief system. The DEIR's sole focus on archaeological and data-driven characterizations of cultural resources ignores the fact that removal and/or destruction of any cultural resources—including those characterized as "isolates"—has a significant and devastating impact on the Tribes.

Additionally, the DEIR's analysis inappropriately silos these archaeological resources. Under its logic, if an individual resource is not *independently* significant, it does not merit protection. In ignoring the connective and cumulative value of these resources, the DEIR fails to evaluate whether any of these non-eligible prehistoric archaeological sites or isolates contribute to the cultural landscapes discussed in the prior section. Even if these resources are not significant on their own—a characterization that the Tribes do not support—the DEIR must be revised to evaluate whether these resources are significant because of their contribution to a broader cultural landscape.

Comment Set C3 – Colorado River Indian Tribes (continued)

B. The DEIR's analysis fails to consider the Project's potentially significant impact on buried cultural and tribal cultural resources. C3-6

The DEIR pays scant attention to the very real possibility that construction and maintenance of this proposed Project will unearth archaeological and tribal cultural resources. Though DEIR acknowledges the possibility of unearthing archaeological and tribal cultural resources during construction, operation, and decommissioning of the Project (DEIR at 3.6-32, -30), it claims that the potential impacts would be mitigated to a less than significant level through the DEIR's proposed mitigation measures. This analysis fails to recognize the tremendous cultural harm that the Tribes experience whenever tribal cultural resources are unearthed, damaged, or removed from the Tribal members' ancestral footprint.

The only true mitigation for cultural resource harms is avoidance—something that none of the DEIR's mitigation measures fully embrace. Moreover, the DEIR's emphasis on protecting only CRHR-eligible resources ensures that even avoidance may do nothing to prevent the wholesale destruction and/or removal of countless cultural resources on the Project site. These isolates and non-eligible resources make up the cultural footprint of many Tribal members' ancestors. Unless the definition of protected resources extends to these cultural resources as well, it is very likely that destruction of cultural resources will continue.

For this reason, CRIT strongly urges the County to adopt a mitigation measure emphasizing avoidance and preservation in place. Where that is not feasible, the County should allow the Tribes to rebury unearthed tribal cultural resources in another location where they will be out of harm's way from the Project activities. BLM California has recently revised its policies to allow this type of reburial when requested by tribes: https://www.blm.gov/policy/ca-2023-002, and CRIT appreciates the language in MM TCR-2 contemplating a reburial agreement between the developer and culturally affiliated tribe.

C. The DEIR's analysis of cumulative adverse effects on cultural resources is inadequate. C3-7

Cultural resources represent a direct linkage between present-day tribal members and their ancestors. Removal of these resources from the landscape is removal of the Tribes' footprint. Once such resources are gone, it will be difficult, if not impossible, for the Tribes to prove that these lands are part of their ancestral homeland, and that their ancestors lived and worked on these lands since time immemorial.

Comment Set C3 – Colorado River Indian Tribes (continued)

C3-7 (cont'd)

The DEIR lists 22 past and present projects or programs and 11 probable future projects in the vicinity of the Project. (DEIR at 3.1-8 to 3.1-12.) These projects include 15 large-scale renewable energy projects, 2 electrical substations, and 4 transmission line projects (*Id.*) However, the DEIR provides an inaccurate picture of cultural resource impacts. In particular, the DEIR fails to accurately describe the cumulative impacts of the listed projects in the vicinity. The DEIR should provide information as to how many cultural resources were actually discovered and/or disturbed when those projects were constructed. As the County is aware, it is impossible to predict the location of buried cultural resources and, therefore, actual cultural resource impacts can only be known once project construction has concluded. For the vast majority of the projects the DEIR lists in its cumulative analysis, those final impact numbers are readily available. Yet, the DEIR fails to provide the cultural resource information from each respective project, effectively guaranteeing that cumulative impacts are understated.

Further, the DEIR analysis focuses solely on NRHP- and/or CRHR-eligible resources and ignores non-eligible and isolate discoveries. The DEIR's discussion of only eligible resources ignores the broader cumulative impact of these projects for CRIT's members. The disturbance, destruction, and/or removal of any cultural resource including isolates and non-eligible artifacts—contributes to the steady erosion ~~of~~ Tribal members' cultural footprint from their ancestral landscape. This issue is especially pressing given the past practice of allowing isolates and noneligible resources to be destroyed on site during construction. The DEIR's methodology fails to acknowledge this devastating impact and provides the public with an inaccurate cumulative picture.

Compounding all of these analytical shortcomings, the DEIR concludes that the Project would not have a significant cumulative impact on archaeological or tribal cultural resources. (DEIR at 3.6-33 to -34.) In making this finding, the DEIR argues that "because the visual changes resulting from the Project would be in kind with the current nature and scale of existing visible developments, the portion of these resources within the indirect impact area would also not be impacted by the Project." (DEIR at 3.6-33.) In other words, the DEIR appears to be asserting that because the area surrounding the Project has already been negatively impacted by solar development, the addition of one more project will not make a significant difference in an already degraded area. Yet, CEQA does not allow agencies to use supposedly substandard environmental conditions to avoid considering a project's impacts to those conditions. (*See Los Angeles Unified School Dist. V. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1025-26 (invalidating EIR that failed to analyze project's noise impacts because it was "already beyond the maximum level permitted.")

Comment Set C3 – Colorado River Indian Tribes (continued)

Further, the Tribes firmly disagree with the County's characterization of this landscape. This ancestral land is still imbued with significance and meaning to Tribal members and any additional harm or infringement on that fragile, invaluable landscape has a significant impact for the Tribes. A more robust cumulative impacts analysis is necessary because "environmental damage often occurs incrementally from a variety of small sources [that] appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact." (*Communities for a Better Env't v. Cal. Res. Agency* (2002) 103 Cal.App.4th 98, 114; CEQA Guidelines § 15355(b) ("Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.").)

C3-7 (cont'd)

D. The DEIR fails to provide adequate mitigation for the Project's cultural and tribal cultural resource impacts.

C3-8

The DEIR relies on numerous mitigation measures to purportedly reduce the Project's significant cultural resource impacts (DEIR at XX), yet the proposed mitigation is inadequate and needs a number of revisions to more appropriately incorporate tribal input and respond to the Project's harms. In addition to the need for mitigation emphasizing avoidance and, where that is not possible, reburial, CRIT urges the County to make the following revisions:

- Add a mitigation measure to make clear that the Project Archaeologist shall consult extensively with culturally affiliated tribes to develop a Post-Review Discovery and Unanticipated Effects Plan. This Plan must include a robust tribal monitoring component that allows affected Tribes—like CRIT—to provide tribal monitors for all ground disturbing activities, and must be fully approved by consulting tribes and the County prior to any ground disturbing activities. This is standard protocol for large-scale solar projects. The fact that the DEIR's mitigation does not currently require development of a unanticipated effects and treatment plan reflects the gross inadequacy of the DEIR's archaeological and tribal cultural resource consideration.

- Revise MM CUL-1 to state that the Project Archaeologist will consult with culturally affiliated tribal groups in developing a Cultural Resource Monitoring Program. As part of this consultation, the culturally affiliated tribal groups shall have an opportunity to review and comment on a draft of the Cultural Resource Monitoring Plan.

C3-9

Comment Set C3 – Colorado River Indian Tribes (continued)

- Revise MM CUL-1, MM CUL-3, and MM TCR-1 to state that *no* ground disturbing activities will take place without the presence of a tribal monitor at the location of the ground disturbing work. Written notice identifying the proposed schedule of each project phase shall be provided to the Tribe supplying the tribal monitors at least one week in advance. Weekly, until ground disturbance is completed, the project construction manager shall provide to the tribal monitors' 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 Tribe providing tribal monitors of any changes to the scheduling of the construction phases. **C3-9 (cont'd)**
- Revise MM CUL-2 to state that the Project owner shall seek tribal input and participation in compiling its Worker Environmental Awareness Program training to better incorporate tribal knowledge and perspectives. **C3-10**
- Revise MM CUL-4 to state that a tribal monitor shall also be called immediately upon discovery of a cultural resource if a tribal monitor is not already present. **C3-11**
- Revise MM CUL-4 to prohibit the CRS from decreasing the tribal monitoring effort.
- Revise MM CUL-4 to better define "Native American tribal representative."
- Revise MM CUL-4 to make clear that, upon the temporary halting of ground disturbing activities to evaluate a newly discovered cultural resource, the Colorado River Indian Tribes shall be consulted regarding the proper treatment of the resource in question.
- Revise MM CUL-6 to state that any reports prepared shall also be provided to CRIT and other culturally affiliated tribes. **C3-12**
- Revise MM CUL-8 to clarify how CRIT and other culturally affiliated tribes will be notified of the opportunity to be involved in the planning process.
- Revise MM TCR-1 to clearly define the term "Native American Monitor." **C3-13**
- Revise MM TCR-2 to provide that any fully executed reburial agreement will also provide conditions for the protection and confidentiality of the reburial site, which shall be chosen in consultation between the culturally affiliated tribe, the County, and the developer. **C3-14**

Comment Set C3 – Colorado River Indian Tribes (continued)

E. The DEIR analysis fails to take a comprehensive view of cultural and tribal cultural resources.

1. The DEIR fails to adequately analyze cultural resource impacts from increased erosion.

C3-15

The DEIR notes that the soils underlying the site present erosion hazards. (DEIR at 2-29 ("The Applicant would recondition roads up to approximately once per year, such as after a heavy storm event that may cause destabilization or erosion.") ("…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.").) Erosion can exacerbate exposure of cultural resources. For example, at the Genesis Solar Energy Project, annual monsoon rains overwhelmed the project's stormwater drainage plans, resulting in significant erosion and exposure of cultural resources. BLM brought in tribes for consultation, asking what should be done to the resources that were exposed. Overwhelmingly, the response was that BLM should have better reviewed the designs of the project in the first place, to ensure that the project did not exacerbate runoff and erosion.

However, the DEIR does not discuss this issue. The analysis must be revised to specifically address whether the Project will result in increased erosion and deposition, including in a manner that would adversely impact cultural resources.

2. The DEIR fails to adequately analyze visual cultural resource impacts.

C3-16

The Aesthetics section of the DEIR does not address the cultural implications of the Project's disruption of the visual landscape. While the DEIR considers impacts to general populations such as motorists, recreational visitors, and residents of the local resort, it fails to consider the Project's visual impact on Tribal members. (DEIR at 3.2-4 to -8, -34 to -35.) Chuckwalla Valley and the surrounding slopes and ridgelines are more than a recreational resource for the Tribes; they have longstanding cultural and spiritual significance as ancestral lands. Any large-scale visual alteration to this space disturbs the sanctity of the outdoor environment, degrades cultural values, and constitutes a significant impact. Despite this special significance, the DEIR does not mention the visual impact on CRIT members in the Aesthetics section. The County must consult with the Tribes to determine the full significance of the visual landscape of the Chuckwalla Valley and surrounding slopes and ridgelines as cultural resources, and to explore

Comment Set C3 – Colorado River Indian Tribes (continued)

possible additional or alternative mitigation that would best minimize visual impacts as a whole.

C3-16 (cont'd)

Furthermore, the DEIR's failure to analyze the cultural impacts of the Project's aesthetic impacts violates applicable local regulations. The Riverside County General Plan's Land Use element includes Policy LU 9.1, which "[p]rovide[s] for permanent preservation of open space lands that contain important…cultural resources." (DEIR at 3.2-9). However, the Project will span 3,735 acres. (ES-22). Located in the Tribes' ancestral homelands, the Project will directly impact the land and any cultural resources it is sited on. Moreover, the Project's "area of potential visual effect…is extensive and encompasses much of the Chuckwalla Valley and the Project site-facing slopes and ridgelines of the surrounding mountains including areas within Joshua Tree National Park (JTNP)." (DEIR at 3.2-3). The DEIR claims that the Project is nonetheless consistent with Policy LU 9.1 because it is "not within an area with important scenic values." (DEIR at 3.2-27). In describing the Project's visual impacts as measured from Key Observation Points (KOP), the DEIR states that the "vegetation on the Project site and in the Project area appears relatively non-descript and subdued in color." (DEIR 3.2-2.) However, this conclusion ignores the landscape's cultural significance and thus wrongly claims that the Project is consistent with Policy LU 9.1. By focusing on the "scenic" value of the landscape the analysis artificially constrains its consideration of aesthetic impacts. The Project is inconsistent with Policy LU 9.1 because it has a clear effect on the area's cultural resources, disrupting both physical and visual access to the Tribes' ancestral lands.

Because the aesthetics analysis does not consider the cultural significance of the Project's aesthetic impacts, the proposed mitigation measures are inadequate. None of the measures address concerns tied to the landscape's cultural significance. The DEIR must be revised to consider and analyze the cultural significant of the area's landscape.

a. The Project's cumulative impacts on visual resources are significant.

C3-17

Thirty-three past, present, and potential future projects are sited in the area, and this Project will contribute to the adverse cumulative effects of converting "the grand scale of the open desert panoramas impact[ing] an overall general impression of a historically natural-appearing desert landscape" to that "of a developed energy zone characterized by numerous solar energy facilities, either existing or under construction." (DEIR at 3.2-34.) The DEIR recognizes that the Project, in combination with other local energy projects, would contribute to significant cumulative visual impacts, but

Comment Set C3 – Colorado River Indian Tribes (continued)

nonetheless ignores lower footprint alternatives and continues to recommend the proposed project. (DEIR at 3.2-34.)

C3-17 (cont'd)

3. The DEIR ignores the cultural significance of impacted desert species.

C3-18

The DEIR also fails to acknowledge the cultural significance of these desert species to local tribes—either in the cultural resources analysis or the biological impacts discussion. A number of the animals at greatest risk from the proposed project (Mojave desert tortoise, golden eagles, Western burrowing owls, American badgers, desert kit foxes, and other various birds) are important to tribal culture because they hold power and spiritual value in Native American belief systems and oral traditions. The CEQA Guidelines explain that a historic resource need not be eligible for the CRHR to be a "historic resource" under Public Resources Code sections 5020.1(j) or 5024.1; "historic resources" thus require a more expansive analysis than the one required under the CRHR criteria. CEQA Guidelines § 15064.5(a)(4). Such resources necessarily include viewsheds and landscapes, plants and animals used in and/or central to cultural and religious practices and creation stories, and religious and customary practices (e.g., hunting and gathering, religious ceremonies, and trailwalking). The DEIR must be revised to apply the correct definition of cultural resources for this Project and properly analyze these impacts.

A number of the plants at the project site also hold cultural value for CRIT. For example, the DEIR states that the Project area would cover 1,680.9 acres of Creosote Bush Scrub. (DEIR at 3.5-20.) Creosote has topical and internal medicinal purposes for tribal members, and was traditionally used by Mohave and Chemehuevi craftspeople for a number of utilitarian purposes, including waterproofing of baskets, cordage objects, and pottery. Once these and other desert sensitive plants have been destroyed through surface disturbing activities, this loss of traditional cultural lifeways cannot be readily mitigated.

a. The cumulative impacts on biological resources is not adequately analyzed.

C3-19

Moreover, CRIT has serious concerns that the piecemeal mitigation measures proposed in the DEIR will adequately alleviate the tremendous stress that these large-scale renewable energy projects place on sensitive desert species. Much of the DEIR's analysis of potential biological impacts relies on surveys to determine what species are present in the Project area, yet this methodology does not necessarily capture the extent to which other solar projects in the vicinity have already destroyed habitat and impacted

Comment Set C3 – Colorado River Indian Tribes (continued)

the future viability of these desert species. For instance, the DEIR repeatedly points to desert tortoise relocation as a means of alleviating impacts to that species, but the Tribes are concerned that the development of so many solar projects in this region has left little habitat available for those relocation efforts. (DEIR at 3.5-39.) Moreover, the DEIR inappropriately defers development of much of that mitigation by stating that tortoise fencing will be determined at a later point. (DEIR at 3.5-36, -54, -58.) CEQA does not allow agencies to defer mitigation to a later date without adequate performance standards, which are not provided here. (CEQA Guidelines § 15126.4(a)(1)(B).) Indeed, without more detail as to how and where desert tortoise exclusion fencing will be used, it is difficult for CRIT and the public to understand whether this tool will adequately mitigate the Project's impacts. (*See Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467, 520-21 (deferral of mitigation without "objective and measurable standard" or "reasonable assurance" impacts will be reduced is legal error); *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 281 (invalidating mitigation that failed to "specify performance standards or provide other guidelines").) The County must remedy this error.

C3-19 (cont'd)

The DEIR analysis must be revised to consider these devastating cumulative and compounding impacts. Citing to old analysis in the DRECP LUPA Final EIS is not sufficient where so much more is now known about the cumulative biological impacts of solar projects in this area. (DEIR at 3.5-54 to -58.)

II. The DEIR Fails to Recognize or Analyze the Environmental Justice Impacts of the Project.

C3-20

California law requires that local agencies consider issues of fairness and environmental justice in the planning context. *See* Cal. Gov. Code, § 11135. "Environmental justice" is defined in the Government Code as "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies." Cal. Gov. Code, § 65040.12(e). Likewise, CEQA and its implementing Guidelines require lead agencies to consider the public health burdens of a project as they relate to environmental justice for certain communities. A 2012 report from the California Attorney General discussing environmental justice concerns under CEQA explained that, "where a local agency has determined that a project may cause significant impacts to a particular community or sensitive subgroup, the alternative and mitigation analyses should address ways to reduce or eliminate the project's impacts to that community or subgroup." "Environmental Justice at the Local and Regional Level: Legal Background," State of CA DOJ, at 4. There is a similar requirement for BLM under NEPA. *See, e.g.*,

Comment Set C3 – Colorado River Indian Tribes (continued)

EPA's 1998 Environmental Justice Guidance; Executive Order 12898. These analyses are required for an adequate consideration of environmental justice impacts.

C3-20 (cont'd)

The DEIR fails to include any analysis or mitigation related to the Project's environmental justice impacts. One of the most substantial environmental costs of the proposed Project is the destruction of tangible cultural resources and the wholesale transformation of the ancestral homelands of Indian tribes, including CRIT. This cost is borne exclusively by tribal members. The power produced at the proposed Project, however, is unlikely to serve residents of the Colorado River Indian Reservation, and the climate change benefits will be spread across the globe. The massive profits, moreover, will benefit a small number of private companies. This imbalanced allocation of costs and benefits, which disproportionately disadvantages a minority population while providing them little or no benefit from the program, satisfies any recognized definition of environmental justice.

To begin to right this imbalance, CRIT urges the County to consider and analyze the Project's environmental justice impacts. Furthermore, CRIT urges the County to adopt a mitigation measure to give employment preferences to Tribal members, as well as access to any necessary job training programs to ensure performance and experience requirements can be met. The agencies should also adopt mitigation measures that ensure that the project developer sources construction materials from tribal enterprises. CRIT has serious questions as to whether the proposed Project will bring much needed construction and permanent jobs to an area close to the Reservation. At a minimum, please provide additional information about the nature of the jobs related to the Project to ensure that Tribal members may be available for hire. Tribal members must have access to these jobs to ensure that at least some of the benefits of the proposed Project flow back to the disadvantaged minority community on the Reservation.

III. The Alternatives Section Is Inadequate.

C3-21

A. The Project's narrow purpose impedes an adequate alternatives analysis.

CEQA requires an EIR to include analysis of alternative locations. CEQA Guidelines, § 15126.6(f)(2). The EIR must ask if "any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location." CEQA Guidelines, § 15126.6(f)(2). Only if the lead agency concludes that there are no feasible alternatives, may the agency avoid reviewing at least one alternative site. CEQA Guidelines, § 15126.6(f)(2); *see Laurel Heights Improvement Ass'n v. The*

Comment Set C3 – Colorado River Indian Tribes (continued)

Regents of the University of California, 47 Cal. 3d 376, 399-407 (1988) (finding that the EIR should have explored the potential to locate the project somewhere other than the Laurel Heights property; fact that the University owned the Laurel Heights property did not exempt it from analyzing use of other sites). And, if the agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion in the EIR. CEQA Guidelines, § 15126.6(f)(2).

C3-21 (cont'd)

The DEIR does not disclose that no feasible alternative locations exist, nor does it give any reasons for its failure to consider a feasible off-site alternative. (ES-8 to ES-9). This flatly contradicts the CEQA Guidelines and case law.

IV. The DEIR Improperly Narrows the Analysis of Growth-Inducing Impacts from the Project.

C3-22

A draft EIR must discuss the ways in which the proposed project could foster growth-inducing impacts. Pub. Resources Code § 21100(b)(5); CEQA Guidelines §§ 15126(d), 15126.2(d). The DEIR limits its analysis of growth-inducing impacts to economic and population growth, housing capacity, infrastructure, and service capacity. (DEIR at 5-4 to 5-6). However, CEQA requires an agency to also "discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively." CEQA Guidelines § 15126.2(d).

However, the DEIR fails to analyze the characteristic of this project to induce further solar development. Specifically, the construction of the gen-tie line may "encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively." *See* CEQA Guidelines § 15126.2(d). The viability of the proposed project could also serve to attract new project applicants to the area or ease the way for approval of other nearby projects, similar to how this DEIR cites to surrounding solar facilities to artificially minimize this Project's impacts and utilizes the existing Oberon substation. The analysis must consider future solar projects, which are constructed due to the growth-inducing effect of this Project, and their impacts to the environment.

Conclusion

Thank you for considering these comments. As required by state, federal, and tribal law, we look forward to receiving your response to these comments. Please copy the Tribes' Attorney General, Rebecca A. Loudbear, at rebecca.loudbear@crit-nsn.gov,

Comment Set C3 – Colorado River Indian Tribes (continued)

and THPO Director Bryan Etsitty, at betsitty@crit-nsn.gov, on all correspondence to the Tribes.

C3-22 (cont'd)

Respectfully,

COLORADO RIVER INDIAN TRIBES

Amelia Flores
Chairwoman

ACTING

Cc: Tribal Council of the Colorado River Indian Tribes
Bryan Etsitty, THPO Director, Colorado River Indian Tribes
Rebecca A. Loudbear, Attorney General, Colorado River Indian Tribes

Responses to Comment Set C3 – Colorado River Indian Tribes

C3-1 The commenter describes the Colorado River Indian Tribes (CRIT) and states that the Draft Environmental Impact Report (EIR) fails to meet the requirements of the California Environmental Quality Act (CEQA) and other federal, state, and local laws. The commenter also states that the Tribes are concerned about the potential removal of cultural belongings from this area and requests completion of ethnographic studies and archaeological surveys of roads proposed for travel and transportation. 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.

C3-2 The commenter states that the Draft EIR fails to adequately analyze or mitigate the Project's impacts on cultural resources. 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.

C3-3 The commenter states that the Draft EIR incorrectly considers cultural resource value only from a Western, scientific perspective, inadequately incorporating Tribal perspectives and input into such considerations. The commenter expresses concerns about the Project's potential impacts on cultural resources and the importance of incorporating tribal perspectives into the analysis. 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.

C3-4 The commenter expresses concern that the Project will significantly impact prehistoric cultural landscapes, which they consider to have been not considered or too narrowly considered. 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.

C3-5 The commenter states that the Draft EIR does not adequately mitigate for significant impacts to cultural resources through the preferred method of avoidance, including isolated artifacts and other resources that are not eligible for the CRHR. 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.

C3-6 The commenter states that the Draft EIR analysis fails to consider the Project's potentially significant impact on buried cultural and tribal cultural resources, emphasizing avoidance. Additionally, the commenter states that any identified tribal cultural resources that could not be avoided should be reburied out of harm's way from Project activities. 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.

C3-7 The commenter states that the Draft EIR's analysis of cumulative adverse effects on cultural resources is inadequate. 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.

C3-8 The commenter states that a mitigation measure should be added "to make clear that the Project Archaeologist shall consult extensively with culturally affiliated tribes to develop a Post-Review Discovery and Unanticipated Effects Plan." 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.

C3-9 The commenter requests revisions to the MM CUL-1 to require consultation with affiliated tribes during the development of the Plans required by that measure and that MM CUL-1, MM CUL-3, and MM TCR-1 be revised to state that no ground disturbing activities will take place without the presence of a tribal monitor. 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.

C3-10 The commenter requests revisions to the MM CUL-2 to state that the Project owner shall seek tribal input and participation in compiling its Worker Environmental Awareness Program training. 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.

C3-11 The commenter requests revisions to MM CUL-4 that clarify the relationship between the archaeological monitor and the tribal monitor. The commenter requests that this measure be revised to state that the County will consult with culturally affiliated tribes in the event of an unanticipated discovery during construction. Additionally, the comment requests that the mitigation measure be revised to prohibit the CRS from decreasing the monitoring effort. 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.

C3-12 The commenter requests that MM CUL-6 (Phase IV Monitoring Report) be revised to state that any cultural resources reports generated for the Easley Project be provided to CRIT and other culturally affiliated tribes. 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.

The commenter additionally requested revisions to MM CUL-8 to clarify how CRIT and other culturally affiliated tribes will be notified of the opportunity to be involved in the planning process.

There is no MM CUL-8. 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.

C3-13 The commenter requests revisions to MM TCR-1 (Native American Monitor) to clearly define the term “Native American Monitor.” 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.

C3-14 The commenter requests revisions to MM TCR-2 that “any fully executed reburial agreement will also provide conditions for the protection and confidentiality of the reburial site, which shall be chosen in consultation between the culturally affiliated tribe, the County, and the developer.” 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.

C3-15 The commenter is concerned that impacts to cultural resources as a result of increased erosion were not analyzed.

The Geoarchaeological Assessment[3] concludes that eight percent of the project area consists of Quaternary Intermediate Fan Alluvium which are very stable and have been subject to little or no erosion for thousands of years. Ten percent of the project area consists of low-to-moderate energy sheetflood deposits composed of relatively young alluvium. Eighty-two percent of the project area consists of younger alluvium primarily formed in moderate-to-high energy depositional environments. Further, EIR Section 3.8 (Geology, Soils and Mineral Resources) provides that the project site is nearly level to gently sloping, so no massive grading would be required; however, site preparation would still expose soil and increase the potential for wind and water erosion (see Impact GEO-3). MM HWQ-1 (Drainage Erosion and Sedimentation Control Plan), MM HWQ-5 (Project Drainage Plan), MM BIO-3 (Minimization of Vegetation and Habitat Impacts), and MM BIO-5 (Vegetation Resources Management Plan) would mitigate potential erosion impacts to less than significant. Please also refer to the revised analysis at Section 3.6 of the Partially Recirculated Draft EIR and to General Response GR-1.

C3-16 The commenter notes that the aesthetics impacts analysis ignores the resources' cultural significance. The analysis of Aesthetics and Cultural and Tribal Cultural Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.2 (Aesthetics) and Section 3.6 (Cultural and Tribal Cultural Resources) of the Partially Recirculated Draft EIR and to General Response GR-1.

C3-17 The commenter states that the Draft EIR recognizes that the Project, in combination with other local energy projects, would contribute to significant cumulative visual impacts, but nonetheless ignores lower footprint alternatives and continues to recommend the proposed Project. The analysis of Aesthetics and Cultural and Tribal Cultural Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.2 (Aesthetics) and Section 3.6 (Cultural and Tribal Cultural Resources) of the Partially Recirculated Draft EIR and to General Response GR-1. Please also refer to Chapters 2 and 5 of the Partially Recirculated Draft EIR regarding analysis of Project Alternatives.

C3-18 The commenter states that the Draft EIR does not acknowledge the cultural significance of desert species to local tribes and that many wildlife species at greatest risk are important to tribal culture. The analysis of Biological Resources and Cultural and Tribal Cultural Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 (Biological Resources) and Section 3.6 (Cultural and Tribal Cultural Resources) of the Partially Recirculated Draft EIR and to General Response GR-1.

C3-19 The commenter states that the mitigation measures proposed for impacts to biological resources are not adequate. 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.

C3-20 The commenter states that the EIR fails to recognize and analyze the environmental justice impacts of the project.

There are no formal requirements or procedures to evaluate environmental justice impacts under CEQA. CEQA requires an analysis of physical impacts to the environment; it does not require analysis of social and economic impacts. CEQA Section 15382 states: that "[a]n economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant." However, the EIR analyzes the Proposed Project's potential

[3] Mirro, Michael. *RE: Geoarchaeological Assessment for the Easley Renewable Energy Project Near Desert Center, Riverside County, California*. Submitted to U.S. Department of the Interior, Bureau of Land Management, Palm Springs-South Coast Field Office, Palm Springs, California.

environmental impacts related to public health and the community throughout the document, including impacts to aesthetics, air quality, hazards and hazardous materials, hydrology and water quality, noise, land use, public services, utilities, and growth inducing impacts, among others. Tribal consultation under Assembly Bill 52 also provides for special consideration of these interests. Therefore, the EIR is consistent with CEQA requirements. Additionally, 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.

C3-21 The commenter states that the Draft EIR does not disclose that no feasible alternative locations exist, nor does it give any reasons for its failure to consider a feasible off-site 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 and to General Response GR-1.

C3-22 The comment pertains to the scope of the analysis of growth-inducing impacts and claims that the Project, specifically the gen-tie line, could induce further solar development.

Other, future projects in the area would have to pursue interconnection requests for their new resources by following the California Independent System Operator (CAISO) generator interconnection process and by negotiating interconnection agreements to reach Southern California Edison's (SCE's) existing Red Bluff Substation.

The Project's 500 kilovolt (kV) gen-tie line would be owned and controlled by the Project for the purpose of delivering the output of the solar PV facility and energy storage components to the CAISO-controlled transmission system. Because the existing Oberon Substation is nearby with facilities at 500 kV service, it provides an opportunity for the Easley Project to establish a relatively short connection to 500 kV facilities. Using the existing Oberon 500 kV gen-tie line avoids the need for a duplicative transmission line from the Easley Project across Interstate 10 into SCE's Red Bluff Substation. This efficiently minimizes the overall impact of the Easley Project by relying on existing infrastructure to access Red Bluff Substation. The full capacity of the Project's gen-tie line is dedicated to the Easley Project, and it cannot be used by other projects. Additionally, with the Project, the Oberon gen-tie facilities would be at full capacity and could not be used by other projects.

The requested CRIT contacts have been added to the Project mailing list.