4. COMMENT LETTERS AND RESPONSES TO COMMENTS ON PARTIALLY RECIRCULATED DRAFT EIR

4.1 Agencies

Comment Set PRA1 – United States Fish and Wildlife Service

Easley Renewable Energy Project

From: Rodriguez Gamez, Carlos A <carlos_rodriguezgamez@fws.gov>
Sent: Tuesday, July 2, 2024 1:45:16 PM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Cc: Hendron, Jane <Jane_Hendron@fws.gov>; James, Vincent P <vincent_james@fws.gov>; Pappas, Dimitri A <dimitri_pappas@fws.gov>; Sirchia, Felicia <Felicia_Sirchia@fws.gov>; Garn, John C <john_garn@fws.gov>; York, Kelley T <kelley_york@fws.gov>
Subject: 20240701_2023-0022838_Easley_EIRComments_vpj_20240628_jrh

Good afternoon,

I hope this finds you healthy.

Please see attached.

Please note - some Firewall or email security settings will strip the digital signature from the letter. Please review the attachment and if the digital signature is not intact, contact me for an alternate method of transmittal through the secure FWS fileshare program.

A hard copy letter will not follow.

Carlos A Rodriguez Gamez
Secretary
Palm Springs Fish and Wildlife Office
777 E. Tahquitz Canyon Way, Suite 208
Palm Springs, CA 92262
760-322-2070 Ext.400

Comment Set PRA01 – U.S. Fish and Wildlife Service (continued)

United States Department of the Interior
U.S. FISH AND WILDLIFE SERVICE
Ecological Services
Palm Springs Fish and Wildlife Office
777 East Tahquitz Canyon Way, Suite 208
Palm Springs, California 92262

In Reply Refer to:
2023-0022838-TA-CEQA-ERIV

July 2, 2024
Sent Electronically

Tim Wheeler
Project Planner
Riverside County Planning Department
P.O. Box 1409
Riverside, California 92502

Subject: Partially Recirculated Draft Environmental Impact Report for the Intersect Power Easley LLC's Easley Renewable Energy Project, Riverside County, California (SCH No. 2022-11-0240)

Dear Mr. Wheeler:

We have reviewed the above-referenced partially recirculated draft Environmental Impact Report (EIR) received May 28, 2024, for the proposed development of Intersect Power (IP) Easley Renewable Energy Project (Project), Riverside County, California. The Project proposes to construct, operate, and maintain a 400-megawatts solar energy plant, a battery energy storage facility, a 6.7-miles long 500-kilovolts generation intertie line, and associated infrastructure on both private and public lands north of Desert Center, Riverside County, California. **PRA1-1**

Based on information in the recirculated draft EIR, the Project area includes a 3,735-acres Project area, of which 1,995 acres would be developed. About 2,745 acres of public lands managed by the Bureau of Land Management (BLM) are within the Project area. This area includes lands designated as Development Focus Areas (DFAs) by the Desert Renewable Energy Conservation Plan (DRECP). About 900 acres of the Project area are located on non-federal lands outside of DFAs. The DRECP was developed to: (1) provide a streamlined process for the development of utility-scale renewable energy generation and transmission in the deserts of southern California and (2) 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 Area.

We offer the following comments as they relate to potential impacts on public trust resources. The primary concern and mandate of the U.S. Fish and Wildlife Service (Service) is the conservation, protection, and enhancement of fish and wildlife resources and their habitats for the continuing benefit of the American people. The Service has legal responsibility for the welfare of migratory birds and threatened and endangered animals and plants occurring in the

Comment Set PRA01 – U.S. Fish and Wildlife Service (continued)

United States. The Service is also responsible for administering the Federal Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq*.). **PRA1-1 (cont'd)**

We preface our comments by recognizing the need for development of renewable energy and the challenge of balancing renewable energy development with conserving natural resources in the California deserts. We are working with the agencies involved in this effort and offer our assistance to ensure all proposed projects are evaluated consistent with the various State and Federal renewable energy and environmental goals and policies.

Consistency with the Desert Renewable Energy Conservation Plan **PRA1-2**

One Project objective listed in the recirculated draft EIR is to conform with the DRECP, including Conservation Management Actions (CMAs). The DRECP includes CMAs, which are project requirements designed to avoid and minimize the effects of development on sensitive resources. There are several sections in the recirculated draft EIR indicating that CMAs would be implemented on public land within the Project area to avoid and minimize biological resource impacts. The recirculated draft EIR's Executive Summary indicates the Applicant (Intersect Power) has stated they will also comply with applicable DRECP CMAs on private lands. However, the text in section 3.5.5.1 indicates mitigation measures (MM), i.e., MM BIO-1 to MM BIO-14, will be implemented on private lands, not CMAs.

The recirculated draft EIR also states that mitigation measures described in Section 3.5.7, encompass and are consistent with the requirements of the CMAs. Based on the discussion in Section 3, CMAs will be implemented on public lands and mitigation measures, consistent with CMAs, will be implemented on private lands. Please clarify whether CMAs will be implemented on private lands or how the mitigation measures will achieve the same DRECP biological resource avoidance and minimization objectives. Also, to reduce confusion in the field where mitigation measures and CMAs will be implemented, we recommend developing an analysis table to match the mitigation measures on private lands with the corresponding CMAs on public lands, for example, both MM BIO-5 and CMA LUPA-BIO-7 require revegetation of temporarily disturbed areas. **PRA1-3**

Mitigation Measure Oversight **PRA1-4**

Based on text in the recirculated draft EIR, a Mitigation Monitoring and Reporting Program (MMRP) will be prepared for the Project and included as part of the Final EIR. Under the California Environmental Quality Act, a MMRP must be developed and included in the final EIR to ensure compliance with the conditions of Project approval adopted to mitigate or avoid significant effects on the environment, such as the Project's mitigation measures. The MMRP shall be designed to ensure compliance during project implementation and will identify all mitigation measures to reduce significant impacts. Riverside County Planning Department would ensure implementation of all mitigation measures. Please clarify whether the CMAs will be included in the MMRP and if Riverside County Planning Department will ensure CMA implementation on private lands.

Comment Set PRA01 – U.S. Fish and Wildlife Service (continued)

Tim Wheeler (2023-0022838-TA-CEQA-ERIV) 3

We appreciate the opportunity to provide comments on the recirculated draft EIR. Should you have any questions regarding these comments, please contact Felicia Sirchia[1] of my staff by email or phone at 760-322-2070.

Sincerely,

JANE HENDRON Digitally signed by JANE HENDRON Date: 2024.07.02 13:30:41 -07'00'

Jane Hendron
Acting Assistant Field Supervisor

[1]felicia_sirchia@fws.gov.

Responses to Comment Set PRA1 – United States Fish and Wildlife Service

PRA1-1 The County acknowledges the commenter's description of the proposed Easley Project, as described in the Partially Recirculated Draft EIR (PRDEIR), as well as the stated goals of the Desert Renewable Energy Conservation Plan (DRECP), and the legal responsibilities of the United States Fish and Wildlife Service (USFWS) to protect the welfare of migratory birds and threatened and endangered animals and plants occurring in the United States. The commenter's statement that USFWS recognizes the need for development of renewable energy and the challenge of balancing renewable energy development with conserving natural resources in the California deserts is noted.

PRA1-2 The commenter correctly states that there are several sections in the PRDEIR that indicate that CMAs would be implemented on public land within the Project area to avoid and minimize biological resource impacts and the Applicant (Intersect Power) has stated they will also comply with applicable DRECP CMAs on private lands.

The commenter states that the text in EIR Section 3.5.5.1 indicates mitigation measures (MM), i.e., MM BIO-1 to MM BIO-14, will be implemented on private lands, not CMAs. To comply with DRECP CMAs on private lands, the mitigation measures to be implemented on private land within the Project site are consistent with the CMAs and were developed to capture the requirements of the CMAs, and also provide more Project-specific and detailed requirements to ensure that impacts would be reduced to a less-than-significant level.

PRA1-3 The commenter states that the PRDEIR also states that mitigation measures described in Section 3.5.7, encompass and are consistent with the requirements of the CMAs. As discussed in EIR Section 3, CMAs will be implemented on public lands and mitigation measures, consistent with CMAs, will be implemented on private lands. The commenter requests clarification about whether CMAs will be implemented on private lands or how the mitigation measures will achieve the same DRECP biological resource avoidance and minimization objectives.

Refer to Response to Comment PRA1-2. Mitigation measures were developed to capture the requirements of the CMAs and provide additional Project-specific, detailed requirements.

Finally, the commenter requests a cross-walk table to match the mitigation measures on private lands with the corresponding CMAs on public lands; for example, both MM BIO-5 and CMA LUPA-BIO-7 require revegetation of temporarily disturbed areas.

For a complete list and text of applicable CMAs, refer to Appendix L (Mitigation Monitoring and Reporting Program [MMRP]) in the Final EIR. DRECP CMAs that have been incorporated into project design or have been complied with as part of pre-project surveys are summarized as follows:

- **LUPA-BIO-1 (Biological Resources)** requires assessments of habitat, identification of vegetation types, and protocol surveys for BLM Special Status Species where suitable habitat may be present in the Project area. Habitat assessments and protocol surveys were performed across both public and private land portions of the project site, as described in the BRTR (EIR Appendix C) and Jurisdictional Delineation (EIR Appendix F). Additional surveys would be performed per species specific CMAs and mitigation measure requirements, as applicable.
- **LUPA-BIO-3 (Resource Setback Standards)** requires setbacks from specific biological habitats with allowable minor incursions as specified in applicable CMAs. Setback requirements are described in the species-specific CMA. As part of Project design, the Project would avoid the desert dry wash woodland vegetation type with the required 200-foot buffer on both public and private lands, except for minor incursions of linear features and where there is existing

intervening infrastructure on private land (consistent with LUPA-BIO-RIPWET-1 and LUPA-BIO-SVF-6).

- **LUPA-BIO-RIPWET-1 (Other Riparian & Wetland Focus Species)** requires that certain vegetation types be avoided with a specified setback, except for allowable minor incursions. Sonoran-Coloradan Semi-Desert Wash Woodland (desert dry wash woodland, microphyll woodland) is required to be avoided with a 200-foot setback. As part of Project design, the Project would avoid the desert dry wash woodland vegetation type with the required 200-foot buffer on both public and private lands, except for minor incursions of linear features and where there is existing intervening infrastructure on private land (consistent with LUPA-BIO-SVF-6).
- **LUPA-BIO-SVF-6 (Special Vegetation Features)** requires that impacts to microphyll woodland be avoided except for minor incursions. As part of Project design, the Project would avoid the desert dry wash woodland vegetation type with the required 200-foot buffer on both public and private lands, except for minor incursions of linear features and where there is existing intervening infrastructure on private land.
- **LUPA-BIO-IFS-1 (Individual Focus Species (IFS):** Desert Tortoise) requires that activities in desert tortoise linkages be evaluated for the effects on the maintenance of long-term viability of linkage populations. An evaluation of Project impacts to desert tortoise on both public and private lands is provided in Section 3.5.5 in Impact BIO-2.
- **DFA-VPL-BIO-IFS-1 (Individual Focus Species (IFS):** Desert Tortoise) requires that activities be sited in previously disturbed areas, areas of low-quality habitat, and areas with low habitat intactness within desert tortoise linkages. As part of Project design, the Project has been sited to comply with this CMA on both public and private lands.
- **LUPA-TRANS-BIO-1 (Biological Resources: Transmission)** requires that transmission lines be developed along roads, other previously disturbed areas, or designated utility corridors. LUPA-TRANS-BIO-4 (Biological Resources: Transmission) requires that transmission lines be sited to avoid rare vegetation alliances and sand dependent habitats that support BLM Special Status Species. As part of Project design, both public and private land portions of the Project have been sited to comply with this CMA.

The requirements of applicable DRECP CMAs have been incorporated into the biological resources mitigation measures (see EIR Section 3.5.7). The following table has been added to Section 3.5.7 in the Final EIR to outline the biological resources DRECP CMAs that align with CEQA mitigation measures. The DRECP CMAs are summarized in Section 3.5.5 and the full text of CMAs are included in Appendix L (MMRP) of the Final EIR.

CEQA Mitigation Measure	DRECP CMA
MM BIO-1 (Biological Monitoring)	• LUPA-BIO-2 (Biological Resources)
MM BIO-2 (Worker Environmental Awareness Training)	• LUPA-BIO-5 (Worker Education)
MM BIO-3 (Minimization of Vegetation and Habitat Impacts)	• LUPA-BIO-13 (General Siting and Design)[1] • LUPA-BIO-SVF-1 (Special Vegetation Features) • LUPA-BIO-COMP-1 (Compensation) and DFA-VPL-BIO-COMP-1 (Biological Compensation)
MM BIO-4 (Integrated Weed Management Plan)	• LUPA-BIO-10 (Standard Practices for Weed Management) • LUPA-BIO-11 (Nuisance Animals and Invasive Species)
MM BIO-5 (Vegetation Resources Management Plan)	• LUPA-BIO-7 (Restoration of Areas Disturbed by Construction Activities but not Converted by Long-Term Disturbance) • LUPA-BIO-13 (General Siting and Design) • LUPA-BIO-15 (Biology: General Standard Practices)

CEQA Mitigation Measure	DRECP CMA
	• LUPA-BIO-VEG-1 to -3 and LUPA-BIO-VEG-5 to -6 (General Vegetation Management) • LUPA-BIO-PLANT-1 (Plant Species (PLANT): Plant Focus and BLM Special Status Species CMAs) • LUPA-BIO-IFS-25 (Golden Eagle)[2]
MM BIO-6 (Wildlife Protection)	• LUPA-BIO-6 (Subsidized Predators Standards) • LUPA-BIO-9 (Water and Wetland Dependent Species Resources) • LUPA-BIO-13 (General Siting and Design) • LUPA-BIO-14 (Biology: General Standard Practices) • LUPA-BIO-IFS-11 (Bendire's Thrasher)
MM BIO-7 (Desert Tortoise Protection)	• LUPA-BIO-4 (Seasonal Restrictions) • LUPA-BIO-6 (Subsidized Predators Standards) • LUPA-BIO-IFS-2 to -9 (Individual Focus Species (IFS): Desert Tortoise) • LUPA-BIO-COMP-1 (Compensation) and DFA-VPL-BIO-COMP-1 (Biological Compensation) • DFA-BIO-IFS-1 and -3 (Biological Resources, Individual Focus Species, Desert Tortoise)
MM BIO-8 (Bird and Bat Conservation Strategy (BBCS))	• LUPA-BIO-16 to -17 (Activity-Specific Bird and Bat CMAs) • LUPA-BIO-BAT-1 (Bat Species (BAT)) • LUPA-BIO-COMP-2 (Compensation (Birds and Bats))
MM BIO-9 (Nesting Bird Management Plan (NBMP))	• LUPA-BIO-4 (Seasonal Restrictions) • LUPA-BIO-RIPWET-3 (BLM Special Status Riparian Bird Species) • DFA-BIO-IFS-1 and -2 (Biological Resources, Individual Focus Species)
MM BIO-10 (Gen-tie Lines)	• LUPA-TRANS-BIO-2 (Biological Resources Transmission)
MM BIO-11 (Burrowing Owl Avoidance and Relocation)	• LUPA-BIO-4 (Seasonal Restrictions) • LUPA-BIO-IFS-12 to -14 (Burrowing Owl) • DFA-BIO-IFS-1 and -2 (Biological Resources, Individual Focus Species)
MM BIO-12 (Desert Kit Fox and American Badger Relocation)	• N/A
MM BIO-13 (Wildlife Protection and Relocation Plan)	• N/A
MM BIO-14 (Streambed and Watershed Protection)	• LUPA-BIO-COMP-1 (Compensation) and DFA-VPL-BIO-COMP-1 (Biological Compensation) • LUPA-BIO-9 (Water and Wetland Dependent Species Resources)
MM N-1 (Construction Restrictions)	• LUPA-BIO-12 (Noise)

NOTES:

1 Some CMAs are applicable to more than one mitigation measure.

2 Golden eagle CMA is related to preserving golden eagle foraging habitat.

PRA1-4 The commenter's statement is correct that a Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Project and is included as Appendix L in this Final EIR. As is indicated in the MMRP, Riverside County will be responsible for ensuring implementation of all mitigation measures on private lands. Because the mitigation measures have been designed to be consistent with and ensure implementation of the CMAs on private lands, County oversight of mitigation measure implementation will also ensure CMA implementation on private lands within the Project site.

Comment Set PRA02 – Riverside County Dept of Waste Resources

Easley Renewable Energy Project

From: Avila, Katherine <KaAvila@Rivco.org>
Sent: Wednesday, July 3, 2024 11:30 AM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Cc: Hesterly, Kinika <khesterl@RIVCO.ORG>
Subject: Comment Letter for the NOA of a Partially Recirculated DEIR for the IP Easley Renewable Project

Good morning Mr. Wheeler,

Attached is the comment letter for the NOA of a Partially Recirculated DEIR for the IP Easley Renewable Project. Please contact me should there be any follow up questions or comments.

Thank you,

Katherine Avila
Assistant Planner
Riverside County Department of Waste Resources
Direct: (951) 486-3369 | Kaavila@rivco.org | Fax: (951) 848-0893

RIVERSIDE COUNTY DEPARTMENT OF WASTE RESOURCES

RCDWR| Home (rcwaste.org)

Comment Set PRA02 – Riverside County Dept of Waste Resources (continued)

RIVERSIDE COUNTY DEPARTMENT OF WASTE RESOURCES
Andy Cortez, General Manager-Chief Engineer

SENT VIA EMAIL ONLY
TWheeler@rivco.org

July 3, 2024

Tim Wheeler, Project Planner
Riverside County Planning Department (County)
4080 Lemon St.
P.O. Box 1409
Riverside, CA 92502

RE: Notice of Availability (NOA) of the Partially Recirculated Draft Environmental Impact Report (DEIR) for the IP Easley Renewable Energy Project (CUP 220021/PUP 230002/DA 2200016/SCH 2022110240)

Dear Tim Wheeler,

The Riverside County Department of Waste Resources (RCDWR) has reviewed the NOA addressing the partially recirculated DEIR for the proposed IP Easley Renewable Energy (Project). The Project includes various applications to construct, operate, maintain, and decommission an up to 400 megawatts (MW) solar photovoltaic (PV) electricity generating station, up to 650 MW battery energy storage facility, electrical substation, gen-tie lines and associated access roads on 990 acres of private land and 2,745 acres of BLM-administered land.

The RCDWR offers the following comments for your consideration while preparing the Project's EIR: **PRA2-1**

1. Construction of future development may generate a substantial quantity of construction and demolition (C&D) waste. Should a large quantity of C&D waste, that is unable to be recycled, be brought to a County landfill for disposal, it could exceed the landfill's daily permitted capacity, thus a violation of state regulations.[1] To assess potential waste impacts, the DEIR should consider quantitatively analyzing this potential solid waste impact and discuss feasible mitigation programs/regulatory compliance.

   Note: CalRecycle's website may be helpful to determine the Project's waste generation: https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates

2. The following information can be useful in the analysis of the anticipated solid waste impacts: **PRA2-2**

   a) Solid waste generated within the Project area is collected by CR&R Inc. (CR&R), with the bulk of recyclable waste and green waste delivered to the Perris Transfer Station for processing. The facility is located at 1706 Goetz Road in the city of Perris.

[1] Title 40, Vol. 41 C.F.R § 243.203 *et seq.* (1976).

14310 Frederick Street ● Moreno Valley, CA 92553 - (951) 486 -3200 ● Fax (951) 486-3205 ● Fax (951) 486-3230
www.rcwaste.org
Printed on recycled paper

Comment Set PRA02 – Riverside County Dept of Waste Resources (continued)

PRA2-3

b) The waste hauler may utilize the Blythe and Oasis Landfills for disposal. Descriptions of the local landfills are provided below:

Blythe Landfill:

The Blythe Landfill is located at 1000 Midland Road, Blythe CA 92225. The landfill is owned and operated by the RCDWR. The landfill property encompasses approximately 365-acres, of which 78.1 acres are permitted for waste disposal. The site has an estimated total capacity of approximately 2.4 million tons. The landfill is currently permitted to receive a maximum of 400 tons per day of refuse, and as of January 1, 2024, had a remaining capacity of approximately 1.43 million tons. It is estimated that the remaining disposal capacity will last until approximately 2052. During 2023, the Blythe Landfill accepted a daily average volume of 106 tons, for a period total of approximately 28,255 tons.

Oasis Landfill:

The Oasis Landfill is located in an unincorporated area of Riverside County at 84-505 84th Avenue, Oasis, CA. The landfill is owned by Riverside County and operated by the RCDWR. The landfill is open twice a week (Wednesdays and Saturdays) and the landfill property encompasses approximately 165.36 acres, of which 23.3 acres encompass the current landfill disposal area. The landfill is currently permitted to receive 400 tpd of MSW for disposal and 50 tpd for beneficial reuse. The site has an estimated total capacity of approximately 0.32 million tons. As of January 1, 2024, the landfill has an estimated remaining refuse capacity of 46,740 tons. The current landfill remaining disposal capacity is estimated to last, at a minimum, until landfill closure in the year 2045. During 2023, the Oasis Landfill accepted a daily average volume of 12 tons and a period total of approximately 610 tons.

c) The waste hauler may also utilize the El Sobrante, Lamb Canyon, and/or the Badlands Landfill for disposal. Descriptions of the landfills are provided below:

El Sobrante Landfill:

The El Sobrante Landfill is located east of Interstate 15 and Temescal Canyon Road to the south of the City of Corona and Cajalco Road at 10910 Dawson Canyon Road. The landfill is owned and operated by USA Waste of California, a subsidiary of Waste Management, Inc., and encompasses 1,322 acres, of which 645 acres are permitted for landfill operation. The El Sobrante Landfill has a total disposal capacity of approximately 209.9 million cubic yards and can receive up to 70,000 tons per week (tpw) of refuse. USA Waste must allot at least 28,000 tpw for County refuse. The landfill's permit allows a maximum of 16,054 tons per day (tpd) of waste to be accepted into the landfill, due to the limits on vehicle trips. If needed, 5,000 tpd must be reserved for County waste, leaving the maximum commitment of Non-County waste at 11,054 tpd. Per the 2023 Annual Report, the landfill had a remaining in-County disposal capacity of approximately 47.2 million tons. In 2023, the El Sobrante Landfill accepted a daily average of 10,341 tons with a period total of approximately 3,184,920 tons. The landfill is expected to reach capacity in approximately 2059.

Comment Set PRA02 – Riverside County Dept of Waste Resources (continued)

PRA2-3 (cont'd)

Lamb Canyon Landfill:

The Lamb Canyon Landfill is located between the City of Beaumont and City of San Jacinto at 16411 Lamb Canyon Road (State Route 79), south of Interstate 10 and north of Highway 74. The landfill is owned and operated by Riverside County. The landfill property encompasses approximately 1,189 acres, of which 703.4 acres encompass the current landfill permit area. Of the 703.4-acre landfill permit area, approximately 144.6 acres are permitted for waste disposal. The landfill is currently permitted to receive 5,000 tpd of MSW for disposal and 500 tpd for beneficial reuse. The site has an estimated total disposal capacity of approximately 21.1 million tons. As of January 1, 2024 (beginning of day), the landfill has a total remaining capacity of approximately 6.7 million tons. The current landfill remaining disposal capacity is estimated to last, at a minimum, until approximately 2032. From January 2023 to December 2023, the Lamb Canyon Landfill accepted a daily average of 2,049 tons with a period total of approximately 627,127 tons. Landfill expansion potential exists at the Lamb Canyon Landfill site.

Badlands Landfill:

The Badlands Landfill is located northeast of the City of Moreno Valley at 31125 Ironwood Avenue and accessed from State Highway 60 at Theodore Avenue. The landfill is owned and operated by Riverside County. The existing landfill encompasses 1,168.3 acres, with a total disturbance area of 278 acres, of which 150 acres are for refuse disposal. Landfill expansion potential exists at the Badlands Landfill site. Under the 2022 Solid Waste Facility Permit (SWFP), the permitted disturbance area increases from 278 acres to 811 acres, and the refuse disposal area increases from 150 acres to 409 (in multiple stages). The landfill is currently permitted to receive 5,000 tpd of MSW for disposal and 300 tpd for beneficial reuse. The site has an estimated total capacity of approximately 68.6 million tons. As of January 1, 2024 (beginning of day), the landfill had a total remaining disposal capacity of approximately 49.8 million tons. Under the 2022 SWFP, the landfill would have a remaining disposal capacity estimated to last, at a minimum, until approximately 2059. From January 2023 to December 2023, the Badlands Landfill accepted a daily average of 2,848 tons with a period total of approximately 874,450 tons.

PRA2-4

3. Additionally, you may wish to consider incorporating the following measures to help reduce the Project's anticipated solid waste impacts and enhance efforts to comply with the State's mandate (AB 75) of 50% solid waste diversion from landfilling [2]:

    - The use of mulch and/or compost in the development and maintenance of landscaped areas within the project boundaries is recommended. Recycle green waste through either onsite composting of grass, i.e., leaving the grass clippings on the lawn, or sending separated green waste to a composting facility.
    - Consider xeriscaping and the use of drought tolerant low maintenance vegetation in all landscaped areas of the project.

[2] A.B. 75, Chapter 764, 1999-2000 Strom-Martin, (Cal. 1999).

Comment Set PRA02 – Riverside County Dept of Waste Resources (continued)

- Hazardous materials are not accepted at the Riverside County landfills. Any hazardous wastes, including paint, used during construction must be properly disposed of at a licensed facility in accordance with local, state and federal regulations. For further information regarding the determination, transport, and disposal of hazardous waste, please contact the Riverside County Department of Health, Environmental Protection and Oversight Division, at 1.888.722.4234. **PRA2-5**

- To address solid waste impacts and help the County comply with AB 939 (Integrated Waste Management Act) and the California Green Building Standards, through diverting solid waste from landfill disposal, a Waste Recycling Plan (WRP) shall be submitted to the Riverside County Department of Waste Resources for review and approval prior to construction. At a minimum, the WRP must identify the materials (i.e., concrete, asphalt, wood, etc.) that will be generated by construction and development, the projected amounts, the measures/methods that will be taken to recycle, reuse, and/or reduce the amount of materials, the facilities and/or haulers that will be utilized, and the targeted recycling or reduction rate. During project construction, the project site shall have, at a minimum, two (2) bins: one for waste disposal and the other for the recycling of Construction and Demolition (C&D) materials. Additional bins are encouraged to be used for further source separation of C&D recyclable materials. Accurate record-keeping (receipts) for recycling of C&D recyclable materials and solid waste disposal must be kept. After the project is completed, a Waste Reporting Form and evidence (i.e., receipts or other types of verification) shall be submitted demonstrating project compliance with the approved WRP. **PRA2-6**

- Demonstrate compliance with SB 1383 which establishes regulations to reduce organics waste disposal and went into effect on January 1, 2022.[3] This law establishes methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants caused by organics waste disposal. **PRA2-7**

Thank you for allowing us the opportunity to comment on the NOA. Please continue to provide us with Project updates and any CEQA documentation, as the Project progresses. Please email me at Kaavila@rivco.org if you have any questions regarding the above comments.

Sincerely,

Katherine Avila
Assistant Planner

Cc: Kinika Hesterly, RCDWR

DM# 333595

[3] S.B 1383, Chapter 395, 2015-2016 Lara, (Cal. 2016).

Responses to Comment Set PRA2 – Riverside County Department of Waste Resources

PRA2-1 The commenter expresses concern that if a large quantity of construction and demolition waste (C&D) were to be brought to a County landfill for disposal it could exceed the landfill's daily permitted capacity, which would be a violation of state regulations. The commenter suggested that the DEIR consider a quantitative analysis of the potential solid waste impact and discuss feasible mitigation or regulatory compliance measures. The analysis of solid waste disposal and recycling was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Section 3.16.1.7, Solid Waste Services, provides the maximum throughput of the two listed landfills, which is a total of 460 tons per day. The commenter suggested using estimated solid waste generation rates from CalRecycle, however, this source does not include estimates of solid waste generated from construction of solar projects. Project construction is not anticipated to exceed the capacity of local landfills. If necessary, there is sufficient land area on the Project site to phase disposal so that daily capacity limits at landfills are not exceeded.

PRA2-2 The commenter provided information about solid waste collection and disposal within the Project area and identified the Perris Transfer Station as where the bulk of recyclable and green waste would be delivered and processed. The analysis of solid waste disposal and recycling was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

The comment is noted. No changes to the EIR have been made because it was determined that there is sufficient capacity at the landfills listed in Section 3.16.1.7, Solid Waste Services.

PRA2-3 The commenter provided descriptions of two landfills which the waste hauler may utilize, the Blythe Landfill, and the Oasis Landfill. The commenter also provided descriptions of three additional landfills that may be used by the waste hauler, including the El Sobrante Landfill, Lamb Canyon Landfill, and the Badlands Landfill. The analysis of solid waste disposal and recycling was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

This comment is noted. No changes to the EIR have been made, because the addition of these landfills only expands the total capacity available for the Project to use, which exceeds 3.9 million cubic yards of capacity. See Section 3.16.1.7, Solid Waste Services.

PRA2-4 The commenter recommends measures to help reduce the Project's solid waste impacts and help meet the State's AB 75 mandate to divert 50% of solid waste from landfilling. The commenter recommends using mulch and/or compost in landscaped areas and sending separated green waste to a composting facility. The commenter recommends xeriscaping and use of drought tolerant low maintenance vegetation in landscaped areas. The analysis of solid waste disposal and recycling was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please refer to Final EIR Section 3.5.7, MM BIO-5 (Vegetation Resources Management Plan), and the Vegetation Resources Management Plan (EIR Appendix S) for details on revegetation of temporary disturbance areas. Revegetation of native desert scrub species would be imple-

mented. Per Section 4.1 of the Plan, mulch would be produced from native vegetation cleared from the site and vegetation may be stockpiled for use on the site as crushed or "vertical" mulch.

PRA2-5 The commenter states that hazardous materials are not accepted at the Riverside County landfills and any hazardous wastes, including paint, used during construction must be properly disposed of at a licensed facility in accordance with local, state, and federal regulations. The commenter provides contact information to address any questions. The analysis of solid waste disposal, recycling, and hazardous materials was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

EIR Section 3.10 (Hazards and Hazardous Materials) describes the regulatory framework for the use, transport, and disposal of hazardous waste (see EIR Section 3.10.2), which is in line with the information provided by the commenter.

As stated in EIR Section 3.10, construction of the Project would involve the use of small amounts of hazardous materials. Hazardous substances would include fuels and greases to fuel and service construction equipment and small quantities of chemicals required for construction. Hazardous materials storage, use, transportation, and disposal procedures would comply with the Hazardous Materials Management Plan (EIR Appendix W), which would be finalized prior to construction, and also with local, state, and federal regulations.

PRA2-6 To help the County comply with AB 939 and the California Green Building Standards, the commenter recommends that a Waste Recycling Plan (WRP) be submitted to Riverside County for review and approval prior to construction. The analysis of solid waste disposal and recycling was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

EIR Section 3.16.5, Impact PSU-4, describes how the Project will comply with the California Green Building Standards Code, including mandatory recycling. Additionally, EIR Section 2.3.1 describes that the process of choosing the panel types would be informed by the recycling potential of the panels, among other factors, to maximize the amount of materials that could be recycled. EIR Section 2.6, Decommissioning and Repowering, states that a majority of Project components would be suitable for recycling or reuse, and that decommissioning would be designed to salvage as much as possible. This process would follow all local, State, and federal laws and regulations in effect at the time of decommissioning.

PRA2-7 The commenter recommends compliance with SB 1383, which established methane emissions reduction targets to reduce emissions caused by organics waste disposal. The analysis of solid waste disposal was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

EIR Section 3.16.5, Impact PSU-4, explains that the California Green Building Standards Code requires that 100 percent of trees, stumps, rocks and associated vegetation and soils resulting from land clearing shall be reused or recycled. Please refer to Final EIR Section 3.5.7, MM BIO-5 (Vegetation Resources Management Plan), and the draft Vegetation Resources Management Plan (EIR Appendix S), which states that all mowed or cut plant material that contains invasive weeds will be transported to a licensed solid waste or composting facility, and that mowed or cut native plant material may be used on site as mulch.

Comment Set PRA03 – Mojave Water Agency

May 31, 2024

Riverside County Planning Department
Attention: Tom Wheeler, Project Planner
P.O. Box 1409
Riverside, CA 92502

Regarding: Easley Renewable Energy Project

Dear Tom,

This is to confirm that the Mojave Water Agency has no conflict with this project.

PRA03-1

Sincerely,
Christy Huiner
Senior Water Resource Analyst
Mojave Water Agency
chuiner@mojavewater.org
760-946-7066

13846 Conference Center Drive
Apple Valley, CA 92307
Phone: (760) 946-7000 | Fax: (760) 240-2642
WWW.MOJAVEWATER.ORG

Responses to Comment Set PRA3 – Mojave Water Agency

PRA3-1 The commenter's statement that the Mojave Water Agency has no conflict with the Project is noted.

Comment Set PRA04 - Metropolitan Water District of Southern California

Email: Easley Renewable Energy Project

From: Marks,Alexander S <AMarks@mwdh2o.com>
Sent: Friday, July 26, 2024 3:15:12 PM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Subject: Partially Recirculated DEIR - Easley Renewable Energy Project

Dear Mr. Wheeler -

The Metropolitan Water District of Southern California reviewed the Partially Recirculated 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. **PRA04-1**

The DEIR acknowledged Metropolitan's prior comments on the Notice of Preparation for the DEIR (attached), that permission to use Metropolitan land is required, and that IP Easley, LLC is negotiating with Metropolitan accordingly.

Metropolitan is coordinating with IP Easley, LLC on an affected transmission system study to determine the potential effects of the project to Metropolitan's existing transmission system.

Please continue to notify Metropolitan about the project and any subsequent reviews or approvals by Riverside County.

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

Please contact me if you have any questions.

Sincerely,
Alex Marks

From: Marks,Alexander S
Sent: Wednesday, March 13, 2024 4:47 PM
To: 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.

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

Comment Set PRA04 - Metropolitan Water Dist of Southern California (continued)

PRA04-2 (cont'd)

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

December 14, 2022 Via Electronic Mail

Tim Wheeler, Project Planner
Riverside County Planning Department
P.O. Box 1409
Riverside, California 92502-1409

Dear Mr. Wheeler:

Notice of Preparation of a Draft Environmental Impact Report
for the Easley Renewable Energy Project, Riverside County, California

The Metropolitan Water District of Southern California (Metropolitan) has reviewed the Riverside County Notice of Preparation (NOP) of a Draft Environmental Impact Report for the Easley Renewable Energy Project (Project), Riverside County, CA. Metropolitan is pleased to submit comments for consideration to Riverside County. Metropolitan provides these comments to ensure that any potential impacts on its facilities in the vicinity of the proposed Project and on Colorado River water resources are adequately addressed in the proposed environmental document.

Background

Metropolitan is a public agency and regional water wholesaler. It is comprised of 26 member public agencies, serving approximately 19 million people in portions of six counties in Southern California. One of Metropolitan's major water supplies is the Colorado River via Metropolitan's Colorado River Aqueduct (CRA). Metropolitan holds an entitlement to water from the Colorado River. The CRA consists of tunnels, open canals and buried pipelines. CRA-related facilities also include above and below ground reservoirs and aquifers, access and patrol roads, communication facilities, and residential housing sites. The CRA, which can deliver up to 1.25 million acre-feet of water annually, extends 242 miles from the Colorado River, through the Mojave Desert and into Lake Mathews. Metropolitan has five pumping plants located along the CRA, which consume approximately 2,400 gigawatt-hours of energy when the CRA is operating at full capacity.

Comment Set PRA04 - Metropolitan Water Dist of Southern California (continued)

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

PRA04-2 (cont'd)

Concurrent with its construction of the CRA in the mid-1930s, Metropolitan constructed 305 miles of 230 kilovolt (kV) transmission lines that run from the Mead Substation in southern Nevada, extend south, then branch east to Parker, California, and then west along Metropolitan's CRA. Metropolitan's CRA transmission line easements lie on federally owned land, managed by the Bureau of Land Management (BLM). The transmission lines were built for the sole and exclusive purpose of supplying power from the Hoover and Parker projects to the five pumping plants along the CRA.

Metropolitan's ownership and operation of the CRA and its 230 kV transmissions system is vital to its mission to provide Metropolitan's 5,200-square-mile service area with adequate and reliable supplies of high-quality water to meet present and future needs in an environmentally and economically responsible way.

Project Understanding

IP Easley, LLC (Proponent), a subsidiary of Intersect Power, LLC, proposes to construct, operate, maintain, and decommission a 650 megawatt (MW) solar photovoltaic (PV) electricity generating station, battery energy storage system, electrical substation, generation intertie (gen-tie) lines and associated access roads on BLM managed and private land located near Desert Center in Riverside County, California. The Project is known as the Easley Renewable Energy Project.

The proposed Project covers approximately 2,745 acres of BLM-administered land and 990 acres of private land, located north of Interstate 10 (I-10) and adjacent to the community of Lake Tamarisk in Desert Center, California. The lands fall within the California Desert Conservation Planning Area and within the Development Focus Area pursuant to the Desert Renewable Energy Conservation Plan (DRECP) amendment.

The proposed Project would produce up to 650 MW PV generation from an integrated energy facility that would connect to Southern California Edison's (SCE) 500 kV Red Bluff Substation via the new Oberon 500 kV gen-tie line. The proposed Project would include up to two substation yards approximately 25 acres in size each, 6.7 miles of new 500 kV gen-tie line, new access roads, upgrades to the Oberon Substation to accommodate interconnection of the Easley 500 kV gen-tie line, a battery energy storage facility capable of storing 650 MW of power, an approximately 3,000-square-foot operations and maintenance (O&M) building, and ancillary facilities designed for project security, employee offices, and parts storage. Electrical power for the O&M building and substation would be supplied via a new overhead or underground 12 kV distribution line from the existing SCE distribution system adjacent to the solar facility site.

700 N. Alameda Street, Los Angeles, California 90012 • Mailing Address: Box 54153, Los Angeles, California 90054-0153 • Telephone (213) 217-6000

Comment Set PRA04 - Metropolitan Water Dist of Southern California (continued)

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

PRA04-2 (cont'd)

Tim Wheeler, Project Planner
Page 3
December 8, 2022

The Project Proponent proposes to use a total of up to 1000 acre-feet (AF) of water during the construction phase, which is expected to last 24 months. In addition, water would be required during the operations and maintenance phase for panel washing and maintenance, and for substation restroom facilities that would be located adjacent to the O&M building. The estimated water use during this phase is 50 AF annually. Water for construction-related activities and operations is expected to be obtained from either an on-site groundwater well or purchased off-site.

Power Generation: Potential Impacts to Metropolitan's Transmissions System

Metropolitan appreciates that the proposed Project would increase solar power to California's grid and provide a new source of flexible supply with the addition of battery storage capabilities. However, Metropolitan requests that the lead agency analyze and assess any potential impacts to Metropolitan's transmission system. Metropolitan also requests that the lead agency ensure that the California Independent System Operator (CAISO) includes Metropolitan as a Potentially Affected System for this proposed Project in accordance with the CAISO Tariff and Business Practice Manuals for the Generation Interconnection Procedures and be included in any related technical generation interconnection studies.

Water Resources: Potential Impacts on Colorado River and Local Water Supplies

Metropolitan is concerned about the potential impacts of desert projects on Colorado River water supplies. Of immediate concern to California's Colorado River water users is the accounting surface that extends west along the I-10 Corridor from the Palo Verde Valley into the Chuckwalla Valley. 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.

Should the proposed Project utilize groundwater from on-site wells for its water supply, Metropolitan requests that the lead agency provide an analysis of the utilization of groundwater from on-site wells, as well as a cumulative analysis that includes the impact on the groundwater basin from the surrounding solar facilities. Metropolitan is concerned that any use of groundwater may draw water from a groundwater basin that is hydro-geologically connected to the Colorado River, within an area referred to as the "accounting surface." The extent of the accounting surface area for the Colorado River was determined by the U.S. Geological Survey (USGS) and U.S. Bureau of Reclamation as part of a proposed rule-making process. See Notice of Proposed Rule Regulating the Use of the Lower Colorado River Without an Entitlement, 73 Fed. Reg. 40916 (July 16, 2008) at http://www.usbr.gov/lc/region/programs/unlawfuluse/FRnotice0708.pdf; USGS Scientific

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Comment Set PRA04 - Metropolitan Water Dist of Southern California (continued)

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

PRA04-2 (cont'd)

Investigation Report No. 2008-5113 at http://pubs.usgs.gov/sir/2008/5113/. To the extent the proposed Project uses Colorado River water, it must have a documented right to do so.

In addition, Metropolitan asks that regulators require as a condition of project approval that project developers monitor groundwater use to ensure that, over the life of the project, that there are no impacts to Colorado River resources. If impacts are detected, the project developer should be required to mitigate and offset such impacts.

Rights-of-Way

Based on our review of Figures 1 and 2 provided in the NOP, the Project will be constructed adjacent to Metropolitan rights-of-way. A map of all Metropolitan rights-of-way in the project vicinity is enclosed. Metropolitan must be allowed to maintain its rights-of-way and requires unobstructed access to its facilities in order to maintain and repair its system. In order to avoid potential conflicts with Metropolitan's facilities and rights-of-way, we require that any design plans for any activity in the area of Metropolitan's rights-of-way or facilities be submitted for our review and written approval. Any future design plans associated with this project should be submitted to Metropolitan's Substructures Team. Approval of the proposed Project should be contingent on Metropolitan's approval of design plans for portions of the project that could impact our facilities.

Detailed prints of drawings of Metropolitan's rights-of-way may be obtained by calling Metropolitan's Substructures Information Line at (213) 217-7663 or via email at EngineeringSubstructures@mwdh2o.com. To assist the applicant in preparing plans that are compatible with Metropolitan's facilities and easements, enclosed are the "Guidelines for Improvements and Construction Projects Proposed in the Area of Metropolitan's Facilities and Rights-of-Way." Please note that all submitted designs or plans must clearly identify Metropolitan's facilities and rights-of-way.

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Comment Set PRA04 - Metropolitan Water Dist of Southern California (continued)

PRA04-2 (cont'd)

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Tim Wheeler, Project Planner
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December 8, 2022

We appreciate the opportunity to provide input to your planning process and we look forward to receiving future documentation and plans for this project. For further assistance, please contact Ms. Jolene Ditmar at (213) 217-6184 or jditmar@mwdh2o.com.

Very truly yours,

Digitally signed by Sean Carlson
Date: 2022.12.15 08:46:01 -08'00'

Sean Carlson
Team Manager, Environmental Planning Section

JD:rdl
Riverside County_Easley Renewable Energy Project_NOP Comment Letter

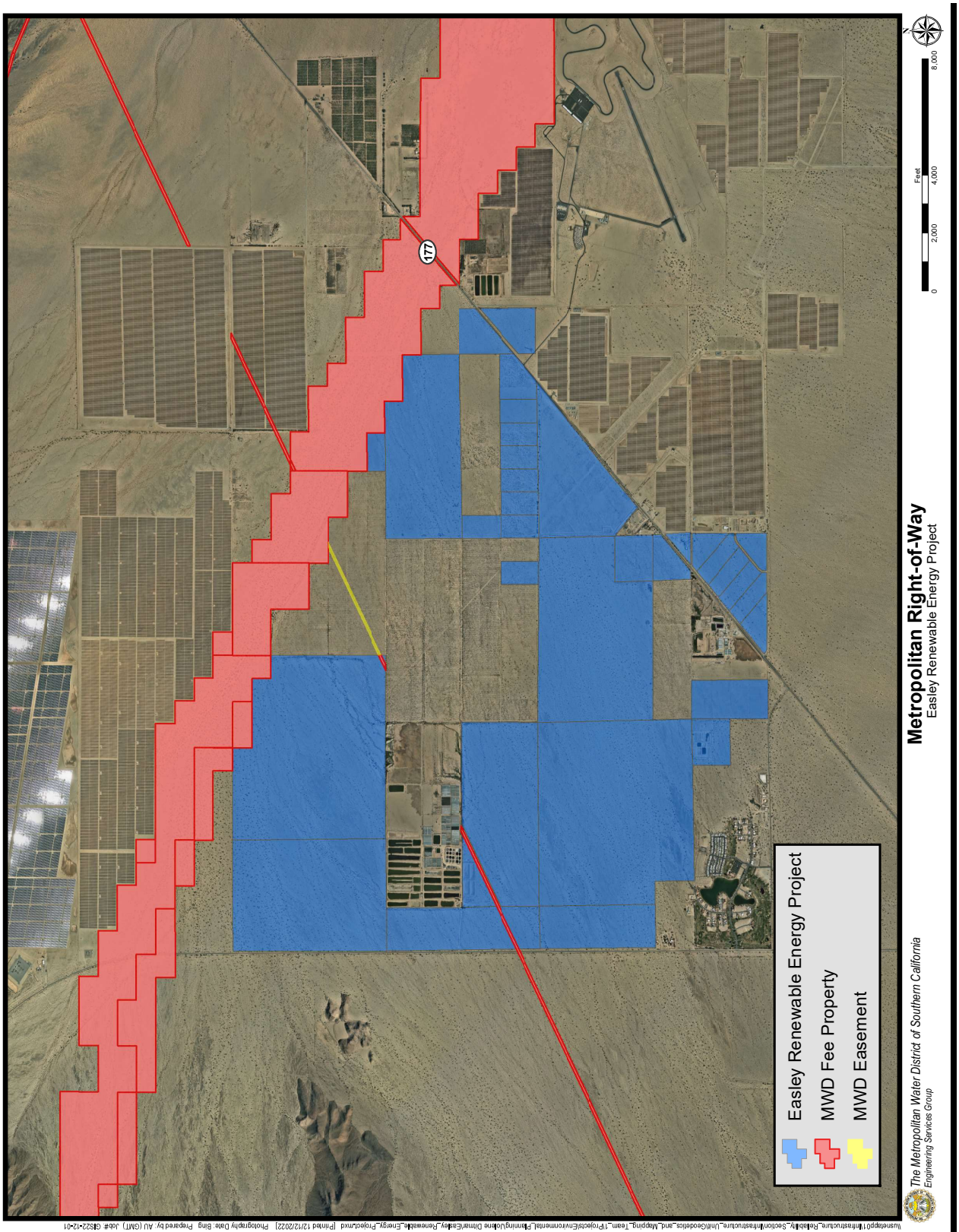
Enclosures:

(1) Map
(2) Planning Guidelines for Improvements and Construction Projects Proposed in the Area of Metropolitan's Facilities and Rights-of-Way

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Comment Set PRA04 - Metropolitan Water Dist of Southern California (continued)

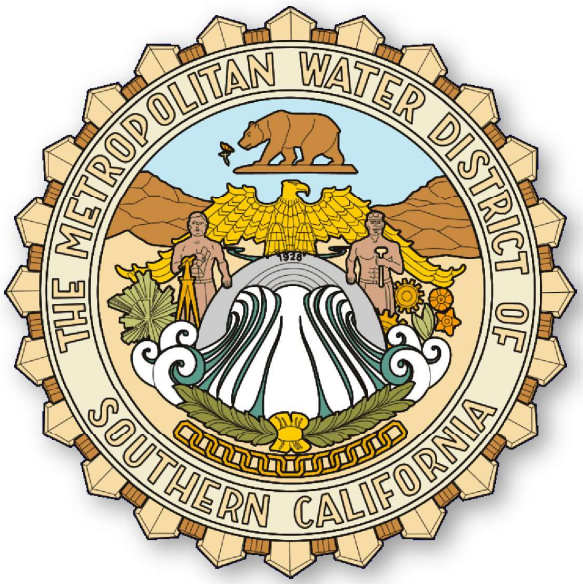
PRA04-2 (cont'd)



Comment Set PRA04 - Metropolitan Water Dist of Southern California (continued)

PRA04-2 (cont'd)

Guidelines for Improvements and Construction Projects Proposed in the Area of Metropolitan's Facilities and Rights-of-Way



July 2018

Prepared By:
The Metropolitan Water District of Southern California
Substructures Team, Engineering Services
700 North Alameda Street
Los Angeles, California 90012

Comment Set PRA04 - Metropolitan Water Dist of Southern California (continued)

PRA04-2 (cont'd)

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Additional Copies: To obtain a copy of this document, please contact the Engineering Services Group, Substructures Team.

Disclaimer

Metropolitan assumes no responsibility for the accuracy of the substructure information herein provided. The user assumes responsibility for verifying substructure locations before excavating and assumes all liability for damage to Metropolitan's facilities as a result of such excavation. Additionally, the user is cautioned to conduct surveys and other field investigations as deemed prudent, to assure that project plans are correct. The appropriate representative from Metropolitan must be contacted at least two working days, before any work activity in proximity to Metropolitan's facilities.

It generally takes 30 days to review project plans and provide written responses. Metropolitan reserves the right to modify requirements based on case-specific issues and regulatory developments.

PUBLICATION HISTORY:

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Issue Date: July 2018

Comment Set PRA04 - Metropolitan Water Dist of Southern California (continued)

PRA04-2 (cont'd)

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PRA04-2 (cont'd)

1.0 GENERAL INFORMATION

Note: Underground Service Alert at 811 must be notified at least two working days before excavating in proximity to Metropolitan's facilities.

1.1 Introduction

These guidelines provide minimum design and construction requirements for any utilities, facilities, developments, and improvements, or any other projects or activities, proposed in or near Metropolitan Water District of Southern California (Metropolitan) facilities and rights-of-way. Additional conditions and stipulations may also be required depending on project and site specific conditions. Any adverse impacts to Metropolitan's conveyance system, as determined by Metropolitan, will need to be mitigated to its satisfaction.

All improvements and activities must be designed so as to allow for removal or relocation at builder or developer expense, as set forth in the paramount rights provisions of Section 20.0. Metropolitan shall not be responsible for repair or replacement of improvements, landscaping or vegetation in the event Metropolitan exercises its paramount rights powers.

1.2 Submittal and Review of Project Plans/Utilities and Maps

Metropolitan requires project plans/utilities be submitted for all proposed activities that may impact Metropolitan's facilities or rights-of-way. Project plans shall include copies of all pertinent utilities, sewer line, storm drain, street improvement, grading, site development, landscaping, irrigation and other plans, all tract and parcel maps, and all necessary state and federal environmental documentation. Metropolitan will review the project plans and provide written approval, as it pertains to Metropolitan's facilities and rights-of-way. Written approval from Metropolitan must be obtained, prior to the start of any activity or construction in the area of Metropolitan's facilities or rights-of-way. Once complete project plans and supporting documents are submitted to Metropolitan, it generally takes 30 days to review and to prepare a detailed written response. Complex engineering plans that have the potential for significant impacts on Metropolitan's facilities or rights-of-way may require a longer review time.

Project plans, maps, or any other information should be submitted to Metropolitan's Substructures Team at the following mailing address:

Attn: Substructures Team
The Metropolitan Water District of Southern California
700 North Alameda St.
Los Angeles, CA 90012

General Mailing Address: P.O. Box 54153
Los Angeles, CA 90054-0153

Email: EngineeringSubstructures@mwdh2o.com

Comment Set PRA04 - Metropolitan Water Dist of Southern California (continued)

PRA04-2 (cont'd)

For additional information, or to request prints of detailed drawings for Metropolitan's facilities and rights-of-way, please contact Metropolitan's Substructures Team at 213-217-7663 or EngineeringSubstructures@mwdh2o.com.

Comment Set PRA04 - Metropolitan Water Dist of Southern California (continued)

PRA04-2 (cont'd)

1.3 Identification of Metropolitan's Facilities and Rights-of-Way

Metropolitan's facilities and rights-of-way must be fully shown and identified as Metropolitan's, with official recording data, on the following:

A. All applicable plans

B. All applicable tract and parcel maps

Metropolitan's rights-of-ways and existing survey monuments must be tied dimensionally to the tract or parcel boundaries. Metropolitan's Records of Survey must be referenced on the tract and parcel maps with the appropriate Book and Page.

2.0 General Requirements

2.1 Vehicular Access

Metropolitan must have vehicular access along its rights-of-way at all times for routine inspection, patrolling, operations, and maintenance of its facilities and construction activities. All proposed improvements and activities must be designed so as to accommodate such vehicular access.

2.2 Fences

Fences installed across Metropolitan's rights-of-way must include a 16-foot-wide gate to accommodate vehicular access by Metropolitan. Additionally, gates may be required at other specified locations to prevent unauthorized entry into Metropolitan's rights-of-way.

All gates must accommodate a Metropolitan lock or Knox-Box with override switch to allow Metropolitan unrestricted access. There should be a minimum 20-foot setback for gates from the street at the driveway approach. The setback is necessary to allow Metropolitan vehicles to safely pull off the road prior to opening the gate.

2.3 Driveways and Ramps

Construction of 16-foot-wide commercial-type driveway approaches is required on both sides of all streets that cross Metropolitan's rights-of-way. Access ramps, if necessary, must be a minimum of 16 feet wide.

There should be a minimum 20-foot setback for gates from the street at the driveway approach. Grades of ramps and access roads must not exceed 10 percent; if the slope of an access ramp or road must exceed 10 percent due to topography, then the ramp or road must be paved.

2.4 Walks, Bike Paths, and Trails

All walkways, bike paths, and trails along Metropolitan's rights-of-way must be a minimum 12-foot wide and have a 50-foot or greater radius on all horizontal curves if also used as Metropolitan's access roads. Metropolitan's access routes, including all walks and drainage facilities crossing the access routes, must be constructed to American Association of State Highway and Transportation Officials (AASHTO) H-20 loading standards (see Figure 1). Additional requirements will be placed on equestrian trails to protect the water quality of Metropolitan's pipelines and facilities.

Comment Set PRA04 - Metropolitan Water Dist of Southern California (continued)

PRA04-2 (cont'd)

2.5 Clear Zones

A 20-foot-wide clear zone is required to be maintained around Metropolitan's manholes and other above-ground facilities to accommodate vehicular access and maintenance. The clear zone should slope away from Metropolitan's facilities on a grade not to exceed 2 percent.

2.6 Slopes

Cut or fill slopes proposed within Metropolitan's rights-of-way must not exceed 10 percent. The proposed grade must not worsen the existing condition. This restriction is required to facilitate Metropolitan use of construction and maintenance equipment and allow uninhibited access to above-ground and below-ground facilities.

2.7 Structures

Construction of structures of any type is not allowed within the limits of Metropolitan's rights-of-way to avoid interference with the operation and maintenance of Metropolitan's facilities and possible construction of future facilities.

Footings and roof eaves of any proposed buildings adjacent to Metropolitan's rights-of-way must meet the following criteria:

A. Footings and roof eaves must not encroach onto Metropolitan's rights-of-way.

B. Footings must not impose any additional loading on Metropolitan's facilities.

C. Roof eaves must not overhang onto Metropolitan's rights-of-way.

Detailed plans of footings and roof eaves adjacent to Metropolitan's rights-of-way must be submitted for Metropolitan's review and written approval, as pertains to Metropolitan's facilities.

2.8 Protection of Metropolitan Facilities

Metropolitan facilities within its rights-of-way, including pipelines, structures, manholes, survey monuments, etc., must be protected from damage by the project proponent or property owner, at no expense to Metropolitan. The exact location, description and method of protection must be shown on the project plans.

2.9 Potholing of Metropolitan Pipelines

Metropolitan's pipelines must be potholed in advance, if the vertical clearance between a proposed utility and Metropolitan's pipeline is indicated to be 4 feet or less. A Metropolitan representative must be present during the potholing operation and will assist in locating the pipeline. Notice is required, a minimum of three working days, prior to any potholing activity.

2.10 Jacked Casings or Tunnels

A. General Requirements

Utility crossings installed by jacking, or in a jacked casing or tunnel under/over a Metropolitan pipeline, must have at least 3 feet of vertical clearance between the outside diameter of the pipelines and the jacked pipe, casing, or tunnel. The actual

Comment Set PRA04 - Metropolitan Water Dist of Southern California (continued)

PRA04-2 (cont'd)

cover over Metropolitan's pipeline shall be determined by potholing, under Metropolitan's supervision.

Utilities installed in a jacked casing or tunnel must have the annular space between the utility and the jacked casing or tunnel filled with grout. Provisions must be made for grouting any voids around the exterior of the jacked pipe, casing, or tunnel.

B. Jacking or Tunneling Procedures

Detailed jacking, tunneling, or directional boring procedures must be submitted to Metropolitan for review and approval. The procedures must cover all aspects of operation, including, but not limited to, dewatering, ground control, alignment control, and grouting pressure. The submittal must also include procedures to be used to control sloughing, running, or wet ground, if encountered. A minimum 10-foot clearance must be maintained between the face of the tunneling or receiving pits and outside edges of Metropolitan's facility.

C. Shoring

Detailed drawings of shoring for jacking or receiving pits must be submitted to Metropolitan for review and written-approval. (See Section 10 for shoring requirements).

D. Temporary Support

Temporary support of Metropolitan's pipelines may be required when a utility crosses under a Metropolitan pipeline and is installed by means of an open trench. Plans for temporary support must be reviewed and approved in writing by Metropolitan. (See Section 11, Supports of Metropolitan Facilities).

3.0 Landscaping

3.1 Plans

All landscape plans must show the location and limits of Metropolitan's right-of-way and the location and size of Metropolitan's pipeline and related facilities therein. All landscaping and vegetation shall be subject to removal without notice, as may be required by Metropolitan for ongoing maintenance, access, repair, and construction activities. Metropolitan will not be financially responsible for the removal of any landscaping and vegetation.

3.2 Drought-Tolerant Native and California Friendly Plants

Metropolitan recommends use of drought-tolerant native and California Friendly® plants (excluding sensitive plants) on proposed projects. For more information regarding California Friendly® plants refer to www.bewaterwise.com.

3.3 Trees

Trees are generally prohibited within Metropolitan's rights-of-way as they restrict Metropolitan's ability to operate, maintain and/or install new pipeline(s) located within these rights-of-way. Metropolitan will not be financially responsible for the removal and replacement of any existing trees should they interfere with access and any current or future Metropolitan project located within the right-of-way.

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3.4 Other Vegetation

Shrubs, bushes, vines, and groundcover are generally allowed within Metropolitan's rights-of-way. Larger shrubs are not allowed on Metropolitan fee properties; however, they may be allowed within its easements if planted no closer than 15 feet from the outside edges of existing or future Metropolitan facilities. Only groundcover is allowed to be planted directly over Metropolitan pipeline, turf blocks or similar is recommended to accommodate our utility vehicle access. Metropolitan will not be financially responsible for the removal and replacement of the vegetation should it interfere with access and any current or future Metropolitan project.

3.5 Irrigation

Irrigation systems are acceptable within Metropolitan's rights-of-way, provided valves and controllers are located near the edges of the right-of-way and do not interfere with Metropolitan vehicular access. A shutoff valve should also be located along the edge of the right-of-way that will allow the shutdown of the system within the right-of-way should Metropolitan need to do any excavation. No pooling or saturation of water above Metropolitan's pipeline and right-of-way is allowed. Additional restrictions apply to non-potable water such as Recycled Water and are covered on Table 3 of Page 20.

3.6 Metropolitan Vehicular Access

Landscape plans must show Metropolitan vehicular access to Metropolitan's facilities and rights-of-way and must be maintained by the property owner or manager or homeowners association at all times. Walkways, bike paths, and trails within Metropolitan's rights-of-way may be used as Metropolitan access routes. (See Section 2.4, Walks, Bike Paths, and Trails).

4.0 General Utilities

Note: For non-potable piping like sewer, hazardous fluid, storm drain, disinfected tertiary recycled water and recycled water irrigation see Table 1 through Table 3.

4.1 Utility Structures

Permanent utility structures (e.g., manholes, power poles, pull boxes, electrical vaults, etc.) are not allowed within Metropolitan's rights-of-way. Metropolitan requests that all permanent utility structures within public streets be placed as far from its pipelines and facilities as practical, but not closer than 5 feet from the outside edges of Metropolitan facilities.

Note: Non-potable utility pipelines are an exception to the 5-foot minimum clearance. Non-potable utility pipelines should have 10 feet of separation.

4.2 Utility Crossings

Metropolitan requests a minimum of 1 foot of vertical clearance between Metropolitan's pipeline and any utility crossing the pipeline. Utility lines crossing Metropolitan's pipelines must be as perpendicular to the pipeline as possible. Cross-section drawings, showing proposed locations and elevations of utility lines and locations of Metropolitan's pipelines and limits of rights-of-way, must be submitted with utility plans, for all

Comment Set PRA04 - Metropolitan Water Dist of Southern California (continued)

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crossings. Metropolitan's pipeline must be potholed under Metropolitan's supervision at the crossings (See Section 2.9).

4.3 Longitudinal Utilities

Installation of longitudinal utilities is generally not allowed along Metropolitan's rights-of-way. Within public streets, Metropolitan requests that all utilities parallel to Metropolitan's pipelines and appurtenant structures (facilities) be located as far from the facilities as possible, with a minimum clearance of 5 feet from the outside edges of the pipeline.

Note: Non-potable utility pipelines are an exception to the 5-foot minimum clearance. Non-potable utility pipelines should have 10 feet of separation (for more information See Table 1 on Page 18).

4.4 Underground Electrical Lines

Underground electrical conduits (110 volts or greater) which cross a Metropolitan's pipeline must have a minimum of 1 foot of vertical clearance between Metropolitan's pipeline and the electrical lines. Longitudinal electrical lines, including pull boxes and vaults, in public streets should have a minimum separation of 5 feet from the edge of a Metropolitan pipeline or structures.

4.5 Fiber Optic Lines

Fiber optic lines installed by directional boring require a minimum of 3 feet of vertical clearance when boring is over Metropolitan's pipelines and a minimum of 5 feet of vertical clearance when boring is under Metropolitan's pipelines. Longitudinal fiber optic lines, including pull boxes, in public streets should have a minimum separation of 5 feet from the edge of a Metropolitan pipelines or structures. Potholing must be performed, under Metropolitan's supervision, to verify the vertical clearances are maintained.

4.6 Overhead Electrical and Telephone Lines

Overhead electrical and telephone lines, where they cross Metropolitan's rights-of-way, must have a minimum 35 feet of clearance, as measured from the ground to the lowest point of the overhead line. Overhead electrical lines poles must be located at least 30 feet laterally from the edges of Metropolitan's facilities or outside Metropolitan's right-of-way, whichever is greater.

Longitudinal overhead electrical and or telephone lines in public streets should have a minimum separation of 10 feet from the edge of a Metropolitan pipelines or structures where possible.

4.7 Sewage Disposal Systems

Sewage disposal systems, including leach lines and septic tanks, must be a minimum of 100 feet from the outside limits of Metropolitan's rights-of-way or the edge of its facilities, whichever is greater. If soil conditions are poor, or other adverse site-specific conditions exist, a minimum distance of 150 feet is required. They must also comply with local and state health code requirements as they relate to sewage disposal systems in proximity to major drinking water supply pipelines.

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PRA04-2 (cont'd)

4.8 Underground Tanks

Underground tanks containing hazardous materials must be a minimum of 100 feet from the outside limits of Metropolitan's rights-of-way or edge of its facilities, whichever is greater. In addition, groundwater flow should be considered with the placement of underground tanks down-gradient of Metropolitan's facilities.

5.0 Specific Utilities: Non-Potable Utility Pipelines

In addition to Metropolitan's general requirements, installation of non-potable utility pipelines (e.g., storm drains, sewers, and hazardous fluids pipelines) in Metropolitan's rights-of-way and public street rights-of-way must also conform to the State Water Resources Control Board's Division of Drinking Water (DDW) regulation (Waterworks Standards) and guidance for separation of water mains and non-potable pipelines and to applicable local county health code requirements. Written approval is required from DDW for the implementation of alternatives to the Waterworks Standards and, effective December 14, 2017, requests for alternatives to the Waterworks Standards must include information consistent with: DDW's Waterworks Standards Main Separation Alternative Request Checklist.

In addition to the following general guidelines, further review of the proposed project must be evaluated by Metropolitan and requirements may vary based on site specific conditions.

A. Sanitary Sewer and Hazardous Fluids (General Guideline See Table 1 on Page 18)

B. Storm Drain and Recycled Water (General Guideline See Table 2 on Page 19)

C. Irrigation with Recycled Water (General Guideline See Table 3 on Page 20)

D. Metropolitan generally does not allow Irrigation with recycled water to be applied directly above its treated water pipelines

E. Metropolitan requests copies of project correspondence with regulating agencies (e.g., Regional Water Quality Control Board, DDW); regarding the application of recycled water for all projects located on Metropolitan's rights-of-way

6.0 Cathodic Protection/Electrolysis Test Stations

6.1 Metropolitan Cathodic Protection

Metropolitan's existing cathodic protection facilities in the vicinity of any proposed work must be identified prior to any grading or excavation. The exact location, description, and type of protection must be shown on all project plans. Please contact Metropolitan for the location of its cathodic protection stations.

6.2 Review of Cathodic Protection Systems

Metropolitan must review any proposed installation of impressed-current cathodic protection systems on pipelines crossing or paralleling Metropolitan's pipelines to determine any potential conflicts with Metropolitan's existing cathodic protection system.

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PRA04-2 (cont'd)

7.0 Drainage

7.1 Drainage Changes Affecting Metropolitan Rights-of-Way

Changes to existing drainage that could affect Metropolitan's rights-of-way require Metropolitan's approval. The project proponent must provide acceptable solutions to ensure Metropolitan's rights-of-way are not negatively affected by changes in the drainage conditions. Plans showing the changes, with a copy of a supporting hydrology report and hydraulic calculations, must be submitted to Metropolitan for review and approval. Long term maintenance of any proposed drainage facilities must be the responsibility of the project proponent, City, County, homeowner's association, etc., with a clear understanding of where this responsibility lies. If drainage must be discharged across Metropolitan's rights-of-way, it must be carried across by closed conduit or lined open channel and must be shown on the plans.

7.2 Metropolitan's Blowoff and Pumpwell Structures

Any changes to the existing local watercourse systems will need to be designed to accommodate Metropolitan's blowoff and pumpwell structures, which periodically convey discharged water from Metropolitan's blowoff and pumping well structures during pipeline dewatering. The project proponents' plans should include details of how these discharges are accommodated within the proposed development and must be submitted to Metropolitan for review and approval. Any blowoff discharge lines impacted must be modified accordingly at the expense of the project proponent.

8.0 Grading and Settlement

8.1 Changes in Cover over Metropolitan Pipelines

The existing cover over Metropolitan's pipelines must be maintained unless Metropolitan determines that proposed changes in grade and cover do not pose a hazard to the integrity of the pipeline or an impediment to its maintenance capability. Load and settlement or rebound due to change in cover over a Metropolitan pipeline or ground in the area of Metropolitan's rights-of-way will be factors considered by Metropolitan during project review.

In general, the minimum cover over a Metropolitan pipeline is 4 feet and the maximum cover varies per different pipeline. Any changes to the existing grade may require that Metropolitan's pipeline be potholed under Metropolitan's supervision to verify the existing cover.

8.2 Settlement

Any changes to the existing topography in the area of Metropolitan's pipeline or right-of-way that result in significant settlement or lateral displacement of Metropolitan's pipelines are not acceptable. Metropolitan may require submittal of a soils report showing the predicted settlement of the pipeline at 10-foot intervals for review. The data must be carried past the point of zero change in each direction and the actual size and varying depth of the fill must be considered when determining the settlement. Possible settlement due to soil collapse, rebound and lateral displacement must also be included.

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PRA04-2 (cont'd)

In general, the typical maximum allowed deflection for Metropolitan's pipelines must not exceed a deflection of 1/4-inch for every 100 feet of pipe length. Metropolitan may require additional information per its Geotechnical Guidelines. Please contact Metropolitan's Substructures Team for a copy of the Geotechnical Guidelines.

9.0 Construction Equipment

9.1 Review of Proposed Equipment

Use of equipment across or adjacent to Metropolitan's facilities is subject to prior review and written approval by Metropolitan. Excavation, backfill, and other work in the vicinity of Metropolitan's facilities must be performed only by methods and with equipment approved by Metropolitan. A list of all equipment to be used must be submitted to Metropolitan a minimum of 30 days before the start of work.

A. For equipment operating within paved public roadways, equipment that imposes loads not greater than that of an AASHTO H-20 vehicle (see Figure 1 on Page 21) may operate across or adjacent to Metropolitan's pipelines provided the equipment operates in non-vibratory mode and the road remains continuously paved.

B. For equipment operating within unpaved public roadways, when the total cover over Metropolitan's pipeline is 10 feet or greater, equipment imposing loads no greater than those imposed by an AASHTO H-20 vehicle may operate over or adjacent to the pipeline provided the equipment is operated in non-vibratory mode. For crossings, vehicle path shall be maintained in a smooth condition, with no breaks in grade for 3 vehicle lengths on each side of the pipeline.

9.2 Equipment Restrictions

In general, no equipment may be used closer than 20 feet from all Metropolitan above-ground structures. The area around the structures should be flagged to prevent equipment encroaching into this zone.

9.3 Vibratory Compaction Equipment

Vibratory compaction equipment may not be used in vibratory mode within 20 feet of the edge of Metropolitan's pipelines.

9.4 Equipment Descriptions

The following information/specifications for each piece of equipment should be included on the list:

A. A description of the equipment, including the type, manufacturer, model year, and model number. For example, wheel tractor-scraper, 1990 Caterpillar 627E.

B. The empty and loaded total weight and the corresponding weight distribution. If equipment will be used empty only, it should be clearly stated.

C. The wheel base (for each axle), tread width (for each axle), and tire footprint (width and length) or the track ground contact (width and length), and track gauge (center to center of track).

Comment Set PRA04 - Metropolitan Water Dist of Southern California (continued)

PRA04-2 (cont'd)

10.0 Excavations Close to Metropolitan Facilities

10.1 Shoring Design Submittal

Excavation that impacts Metropolitan's facilities requires that the contractor submit an engineered shoring design to Metropolitan for review and acceptance a minimum of 30 days before the scheduled start of excavation. Excavation may not begin until the shoring design is accepted in writing by Metropolitan.

Shoring design submittals must include all required trenches, pits, and tunnel or jacking operations and related calculations. Before starting the shoring design, the design engineer should consult with Metropolitan regarding Metropolitan's requirements, particularly as to any special procedures that may be required.

10.2 Shoring Design Requirements

Shoring design submittals must be stamped and signed by a California registered civil or structural engineer. The following requirements apply:

A. The submitted shoring must provide appropriate support for soil adjacent to and under Metropolitan's facilities.

B. Shoring submittals must include detailed procedures for the installation and removal of the shoring.

C. Design calculations must follow the Title 8, Chapter 4, Article 6 of the California Code of Regulations (CCR) guidelines. Accepted methods of analysis must be used.

D. Loads must be in accordance with the CCR guidelines or a soils report by a geotechnical consultant.

E. All members must be secured to prevent sliding, falling, or kickouts.

Metropolitan's pipelines must be located by potholing under Metropolitan's supervision before the beginning construction. Use of driven piles within 20 feet of the centerline of Metropolitan's pipeline is not allowed. Piles installed in drilled holes must have a minimum 2-foot clearance between Metropolitan's pipeline and the edge of the drilled hole, and a minimum of 1-foot clearance between any part of the shoring and Metropolitan's pipeline.

11.0 Support of Metropolitan Facilities

11.1 Support Design Submittal

If temporary support of a Metropolitan facility is required, the contractor shall submit a support design plan to Metropolitan for review and approval a minimum of 30 days before the scheduled start of work. Work may not begin until the support design is approved in writing by Metropolitan. Before starting design, the design engineer should consult with Metropolitan regarding Metropolitan's requirements.

11.2 Support Design Requirements

Support design submittals must be prepared, stamped, and signed by a California registered civil or structural engineer. The following requirements apply:

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PRA04-2 (cont'd)

A. Support drawings must include detailed procedures for the installation and removal of the support system.

B. Design calculations must follow accepted practices, and accepted methods of analysis must be used.

C. Support designs must show uniform support of Metropolitan's facilities with minimal deflection.

D. The total weight of the facility must be transferred to the support system before supporting soil is fully excavated.

E. All members must be secured to prevent sliding, falling, or kickouts.

12.0 Backfill

12.1 Metropolitan Pipeline Not Supported

In areas where a portion of Metropolitan pipeline is not supported during construction, the backfill under and to an elevation of 6 inches above the top of the pipeline must be one-sack minimum cement sand slurry. To prevent adhesion of the slurry to Metropolitan's pipeline, a minimum 6-mil-thick layer of polyethylene sheeting or similar approved sheeting must be placed between the concrete support and the pipeline.

12.2 Metropolitan Pipeline Partially Exposed

In areas where a Metropolitan pipeline is partially exposed during construction, the backfill must be a minimum of 6 inches above the top of the pipeline with sand compacted to minimum 90 percent compaction.

12.3 Metropolitan Cut and Cover Conduit on Colorado River Aqueduct (CRA)

In areas where a Metropolitan cut and cover conduit is exposed, the following guidelines apply:

A. No vehicle or equipment shall operate over or cross the conduit when the cover is less than 3 feet.

B. Track-type dozer with a gross vehicle weight of 12,000 lbs or less may be used over the conduit when the cover is a minimum of 3 feet.

C. Wheeled vehicles with a gross vehicle weight of 8,000 lbs or less may operate over the conduit when the cover is a minimum of 4 feet.

D. Tracked dozer or wheeled vehicle should be used to push material over the conduit from the side.

E. Tracked dozer or wheeled vehicle should gradually increase cover on one side of the conduit and then cross the conduit and increase cover on the other side of the conduit. The cover should be increased on one side of the conduit until a maximum of 2 feet of fill has been placed. The cover over the conduit is not allowed to be more than 2 feet higher on one side of the conduit than on the other side.

F. The cover should be gradually increased over the conduit until the grade elevations have been restored.

Comment Set PRA04 - Metropolitan Water Dist of Southern California (continued)

PRA04-2 (cont'd)

13.0 Piles

13.1 Impacts on Metropolitan Pipelines

Pile support for structures could impose lateral, vertical and seismic loads on Metropolitan's pipelines. Since the installation of piles could also cause settlement of Metropolitan pipelines, a settlement and/or lateral deformation study may be required for pile installations within 50 feet of Metropolitan's pipelines. Metropolitan may require additional information per its Geo-technical Guidelines for pile installation. Please contact Metropolitan's Substructures Team for a copy of the Geotechnical Guidelines.

13.2 Permanent Cast-in-place Piles

Permanent cast-in-place piles must be constructed so that down drag forces of the pile do not act on Metropolitan's pipeline. The pile must be designed so that down drag forces are not developed from the ground surface to springline of Metropolitan's pipeline.

Permanent cast-in-place piles shall not be placed closer than 5 feet from the edge of Metropolitan's pipeline. Metropolitan may require additional information per its Geo-technical Guidelines for pile installation. Please contact Metropolitan's Substructures Team for a copy of the Geotechnical Guidelines.

14.0 Protective Slabs for Road Crossings Over Metropolitan Pipelines

Protective slabs must be permanent cast-in-place concrete protective slabs configured in accordance with Drawing SK-1 (See Figure 2 on Page 22).

The moments and shear for the protective slab may be derived from the American Association of State Highway and Transportation Officials (AASHTO). The following requirements apply:

A. The concrete must be designed to meet the requirements of AASHTO

B. Load and impact factors must be in accordance with AASHTO. Accepted methods of analysis must be used.

C. The protective slab design must be stamped and signed by a California registered civil or structural engineer and submitted to Metropolitan with supporting calculations for review and approval.

Existing protective slabs that need to be lengthened can be lengthened without modification, provided the cover and other loading have not been increased.

15.0 Blasting

At least 90 days prior to the start of any drilling for rock excavation blasting, or any blasting in the vicinity of Metropolitan's facilities, a site-specific blasting plan must be submitted to Metropolitan for review and approval. The plan must consist of, but not be limited to, hole diameters, timing sequences, explosive weights, peak particle velocities (PPV) at Metropolitan pipelines/structures, and their distances to blast locations. The PPV must be estimated based on a site-specific power law equation. The power law equation provides the peak particle velocity versus the scaled distance and must be calibrated based on measured values at the site.

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PRA04-2 (cont'd)

16.0 Metropolitan Plan Review Costs, Construction Costs and Billing

16.1 Plan Review Costs

Metropolitan plan reviews requiring 8 labor hours or less are generally performed at no cost to the project proponent. Metropolitan plan reviews requiring more than 8 labor hours must be paid by the project proponent, unless the project proponent has superior rights at the project area. The plan review will include a written response detailing Metropolitan's comments, requirements, and/or approval.

A deposit of funds in the amount of the estimated cost and a signed letter agreement will be required from the project proponent before Metropolitan begins or continues a detailed engineering plan review that exceeds 8 labor hours.

16.2 Cost of Modification of Facilities Performed by Metropolitan

Cost of modification work conducted by Metropolitan will be borne by the project proponent, when Metropolitan has paramount/prior rights at the subject location.

Metropolitan will transmit a cost estimate for the modification work to be performed (when it has paramount/prior rights) and will require that a deposit, in the amount of the estimate, be received before the work will be performed.

16.3 Final Billing

Final billing will be based on the actual costs incurred, including engineering plan review, inspection, materials, construction, and administrative overhead charges calculated in accordance with Metropolitan's standard accounting practices. If the total cost is less than the deposit, a refund will be made; however, if the cost exceeds the deposit, an invoice for the additional amount will be forwarded for payment.

17.0 Street Vacations and Reservation of Easements for Metropolitan

A reservation of an easement is required when all or a portion of a public street where Metropolitan facilities are located is to be vacated. The easement must be equal to the street width being vacated or a minimum 40 feet. The reservation must identify Metropolitan as a "public entity" and not a "public utility," prior to recordation of the vacation or tract map. The reservation of an easement must be submitted to Metropolitan for review prior to final approval.

18.0 Metropolitan Land Use Guidelines

If you are interested in obtaining permission to use Metropolitan land (temporary or long term), a Land Use Form must be completed and submitted to Metropolitan for review and consideration. A nonrefundable processing fee is required to cover Metropolitan's costs for reviewing your request. Land Use Request Forms can be found at:

http://mwdh2o.com/PDF_Doing_Your_Business/4.7.1_Land_Use_Request_form_revised.pdf

The request should be emailed to RealEstateServices@mwdh2o.com,or contact the Real Property Development and Management (RPDM) Group at (213) 217-7750.

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After the initial application form has been submitted, Metropolitan may require the following in order to process your request:

A. A map indicating the location(s) where access is needed, and the location & size (height, width and depth) of any invasive subsurface activity (boreholes, trenches, etc.).

B. The California Environmental Quality Act (CEQA) document(s) or studies that have been prepared for the project (e.g., initial study, notice of exemption, Environmental Impact Report (EIR), Mitigated Negative Declaration (MND), etc.).

C. A copy of an ACORD insurance certification naming Metropolitan as an additional insured, or a current copy of a statement of self-insurance.

D. Confirmation of the legal name of the person(s) or entity(ies) that are to be named as the permittee(s) in the entry permit.

E. Confirmation of the purpose of the land use.

F. The name of the person(s) with the authority to sign the documents and any specific signature title block requirements for that person or any other persons required to sign the document (i.e., legal counsel, Board Secretary/Clerk, etc.).

G. A description of any vehicles that will have access to the property. The exact make or model information is not necessary; however, the general vehicle type, expected maximum dimensions (height, length, width), and a specific maximum weight must be provided.

Land use applications and proposed use of the property must be compatible with Metropolitan's present and/or future use of the property. Any preliminary review of your request by Metropolitan shall not be construed as a promise to grant any property rights for the use of Metropolitan's property.

19.0 Compliance with Environmental Laws and Regulations

As a public agency, Metropolitan is required to comply with all applicable environmental laws and regulations related to the activities it carries out or approves. Consequently, project plans, maps, and other information must be reviewed to determine Metropolitan's obligations pursuant to state and federal environmental laws and regulations, including, but not limited to:

A. California Environmental Quality Act (CEQA) (Public Resources Code 21000-21177) and the State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 1500-15387)

B. Federal Endangered Species Act (ESA) of 1973, 16 U.S.C. §§ 1531, et seq.

C. California Fish and Game Code Sections 2050-2069 (California ESA)

D. California Fish and Game Code Section 1602

E. California Fish and Game Code Sections 3511, 4700, 5050 and 5515 (California fully protected species)

F. Federal Migratory Bird Treaty Act (MBTA), 16 U.S.C. §§ 703-712

G. Federal Clean Water Act (including but not limited to Sections 404 and 401) 33 U.S.C. §§ 1342, 1344)

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H. Porter Cologne Water Quality Control Act of 1969, California Water Code §§ 13000-14076.

I. Title 22, California Code of Regulations, Chapter 16 (California Waterworks Standards), Section 64572 (Water Main Separation)

Metropolitan may require the project applicant to pay for any environmental review, compliance and/or mitigation costs incurred to satisfy such legal obligations.

Comment Set PRA04 - Metropolitan Water Dist of Southern California (continued)

PRA04-2 (cont'd)

20.0 Paramount Rights / Metropolitan's Rights within Existing Rights-of-Way

Facilities constructed within Metropolitan's rights-of-way shall be subject to the paramount right of Metropolitan to use its rights-of-way for the purpose for which they were acquired. If at any time Metropolitan or its assigns should, in the exercise of their rights, find it necessary to remove or relocate any facilities from its rights-of-way, such removal and replacement or relocation shall be at the expense of the owner of the facility.

21.0 Disclaimer and Information Accuracy

Metropolitan assumes no responsibility for the accuracy of the substructure information herein provided. The user assumes responsibility for verifying substructure locations before excavating and assumes all liability for damage to Metropolitan's facilities as a result of such excavation. Additionally, the user is cautioned to conduct surveys and other field investigations as you may deem prudent, to assure that your project plans are correct. The relevant representative from Metropolitan must be called at least two working days, before any work activity in proximity to Metropolitan's facilities.

It generally takes 30 days to review project plans and provide written responses. Metropolitan reserves the right to modify requirements based on case-specific issues and regulatory developments.

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PRA04-2 (cont'd)

Table 1: General Guidelines for Pipeline Separation between Metropolitan's Pipeline[1] and Sanitary Sewer[2] or Hazardous Fluid Pipeline[3]

Pipeline Crossings	Metropolitan requires that sanitary sewer and hazardous fluid pipelines that cross Metropolitan's pipelines have special pipe construction (no joints) **and** secondary containment[4]. This is required for the full width of Metropolitan's rights-of-way or within 10 feet tangent to the outer edges of Metropolitan's pipeline within public streets. Additionally, sanitary sewer and hazardous fluid pipelines crossing Metropolitan's pipelines must be perpendicular and maintain a minimum 1-foot vertical clearance between the top and the bottom of Metropolitan's pipeline and the pipe casing. These requirements apply to all sanitary sewer crossings regardless if the sanitary sewer main is located below or above Metropolitan's pipeline.
Parallel Pipeline	Metropolitan generally does not permit the installation of longitudinal pipelines along its rights-of-way. Within public streets, Metropolitan requires that all parallel sanitary sewer, hazardous fluid pipelines and/or non-potable utilities be located a minimum of 10 feet from the outside edges of Metropolitan's pipelines. When 10-foot horizontal separation criteria cannot be met, longitudinal pipelines require special pipe construction (no joints) **and** secondary containment[4].
Sewer Manhole	Sanitary sewer manholes are not allowed within Metropolitan's rights-of-way. Within public streets, Metropolitan requests manholes parallel to its pipeline be located a minimum of 10 feet from the outside edges of its pipelines. When 10 foot horizontal separation criteria cannot be met, the structure must have secondary containment[5].

Notes:

[1] Separation distances are measured from the outer edges of each pipe.

[2] Sanitary sewer requirements apply to all recycled water treated to less than disinfected tertiary recycled water (disinfected secondary recycled water or less). Recycled water definitions are included in Title 22, California Code of Regulations, Chapter 3 (Water Recycling Criteria), Section 60301.

[3] Hazardous fluids include e.g., oil, fuels, chemicals, industrial wastes, wastewater sludge, etc.

[4] Secondary Containment for Pipeline - Secondary containment consists of a continuous pipeline sleeve (no joints). Examples acceptable to Metropolitan include welded steel pipe with grout in annular space and cathodic protection (unless coated with non-conductive material) and High Density Polyethylene (HDPE) pipe with fusion-welded joints.

[5] Secondary Containment for Structures – Secondary containment consists of external HDPE liner or other approved method.

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PRA04-2 (cont'd)

Table 2: General Guidelines for Pipeline Separation between Metropolitan's Pipeline[1] and Storm Drain and/or Disinfected Tertiary Recycled Water[2]

Pipeline Crossings	Metropolitan requires crossing pipelines to be special pipe construction (no joints) or have secondary containment[3] within 10-feet tangent to the outer edges of Metropolitan's pipeline. Additionally, pipelines crossing Metropolitan's pipelines must be perpendicular and maintain a minimum 1-foot vertical clearance.
Parallel Pipeline	Metropolitan generally does not permit the installation of longitudinal pipelines along its rights-of-way. Within public streets, Metropolitan requests that all parallel pipelines be located a minimum of 10 feet from the outside edges of Metropolitan's pipelines. When 10-foot horizontal separation criteria cannot be met, special pipe construction (no joints) or secondary containment[3] are required.
Storm Drain Manhole	Permanent utility structures (e.g., manhole. catch basin, inlets) are not allowed within Metropolitan's rights-of-way. Within public streets, Metropolitan requests all structures parallel to its pipeline be located a minimum of 10 feet from the outside edges of its pipelines. When 10 foot horizontal separation criteria cannot be met, the structure must have secondary containment[4].

Notes:

[1] *Separation distances are measured from the outer edges of each pipe.*

[2] *Disinfected tertiary recycled water as defined* in Title 22, California Code of Regulations, Chapter 3 (*Water Recycling Criteria*), Section 60301.

[3] *Secondary Containment for Pipeline - Secondary containment consists of a continuous pipeline sleeve (no joints). Examples acceptable to Metropolitan include welded steel pipe with grout in annular space and cathodic protection (unless coated with non-conductive material) and High Density Polyethylene (HDPE) pipe with fusion-welded joints.*

[4] *Secondary Containment for Structures – Secondary containment consists of external HDPE liner or other approved method.*

Comment Set PRA04 - Metropolitan Water Dist of Southern California (continued)

PRA04-2 (cont'd)

Table 3: General Guidelines for Pipeline Separation[1] between Metropolitan's Pipeline and Recycled Water[2,4] Irrigations

Pressurized recycled irrigation mainlines	• Crossings - must be perpendicular and maintain a minimum 1-foot vertical clearance. Crossing pressurized recycled irrigation mainlines must be special pipe construction (no joints) or have secondary containment[3] within 10-feet tangent to the outer edges of Metropolitan's pipeline. • Longitudinal - must maintain a minimum 10-foot horizontal separation and route along the perimeter of Metropolitan's rights-of-way where possible.
Intermittently Energized Recycled Water Irrigation System Components	• Crossings - must be perpendicular and maintain a minimum 1-foot vertical clearance. Crossing irrigation laterals within 5-feet tangent to the outer edges of Metropolitan's pipeline must be special pipe construction (no joints) or have secondary containment[3]. • Longitudinal – must maintain a minimum 5-foot horizontal separation between all intermittently energized recycled water irrigation system components (e.g. irrigation lateral lines, control valves, rotors) and the outer edges of Metropolitan's pipeline. Longitudinal irrigation laterals within 5-feet tangent to the outer edges of Metropolitan's pipeline must be special pipe construction (no joints) or have secondary containment[3].
Irrigation Structures	Irrigation structures such as meters, pumps, control valves, etc. must be located outside of Metropolitan's rights-of-way.
Irrigation spray rotors near Metropolitan's aboveground facilities	Irrigation spray rotors must be located a minimum of 20-foot from any Metropolitan above ground structures with the spray direction away from these structures. These rotors should be routinely maintained and adjusted as necessary to ensure no over-spray into 20-foot clear zones.
Irrigations near open canals and aqueducts	Irrigation with recycled water near open canals and aqueducts will require a setback distance to be determined based on site-specific conditions. Runoff of recycled water must be contained within an approved use area and not impact Metropolitan facilities. Appropriate setbacks must also be in place to prevent overspray of recycled water impacting Metropolitan's facilities.

Notes:

[1] *Separation distances are measured from the outer edges of each pipe.*

[2] *Requirements for recycled water irrigation apply to all levels of treatment of recycled water for non-potable uses.* Recycled water definitions are included in Title 22, California Code of Regulations, Chapter 3 (*Water Recycling Criteria*), Section 60301.

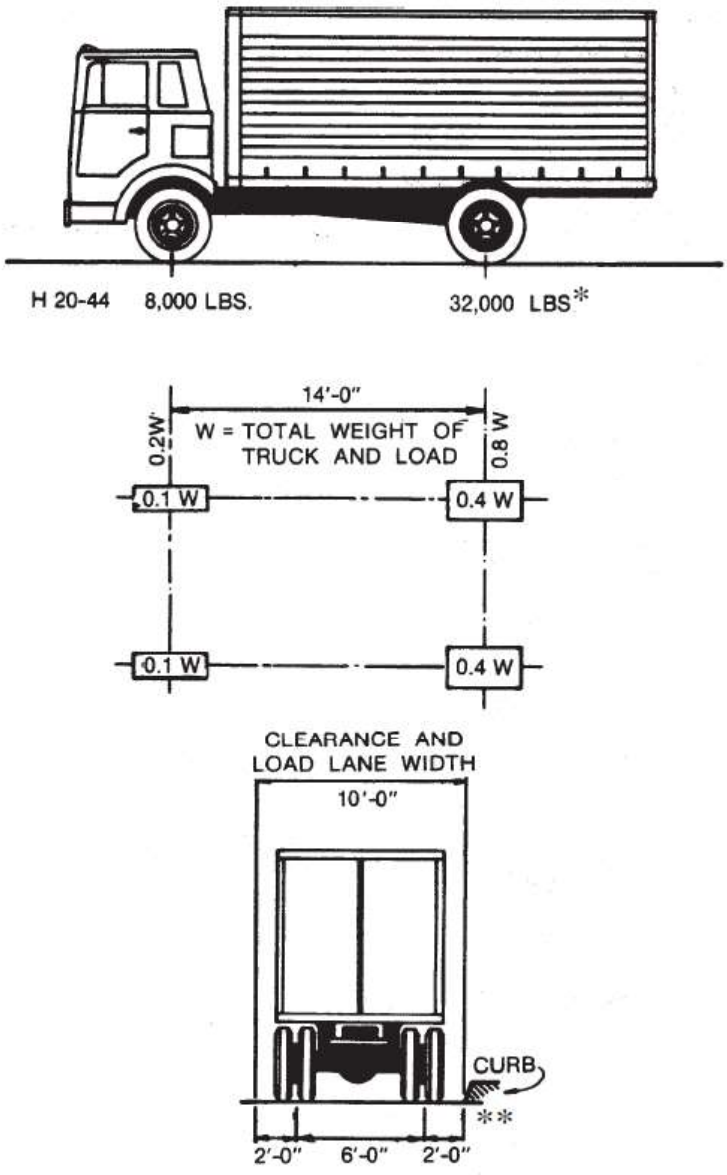
[3] *Secondary Containment for Pipeline - Secondary containment consists of a continuous pipeline sleeve (no joints). Examples acceptable to Metropolitan include welded steel pipe with grout in annular space and cathodic protection (unless coated with non-conductive material) and High Density Polyethylene (HDPE) pipe with fusion-welded joints.*

[4] *Irrigation with recycled water shall not be applied directly above Metropolitan's treated water pipelines.*

Comment Set PRA04 - Metropolitan Water Dist of Southern California (continued)

PRA04-2 (cont'd)

Figure 1: AASHTO H-20 Loading



Note: The H loadings consist of a two-axle truck or the corresponding lane loadings as illustrated above. The H loadings are designated "H" followed by a number indicating the gross weight in tons of the standard truck.

Comment Set PRA04 - Metropolitan Water Dist of Southern California (continued)

PRA04-2 (cont'd)

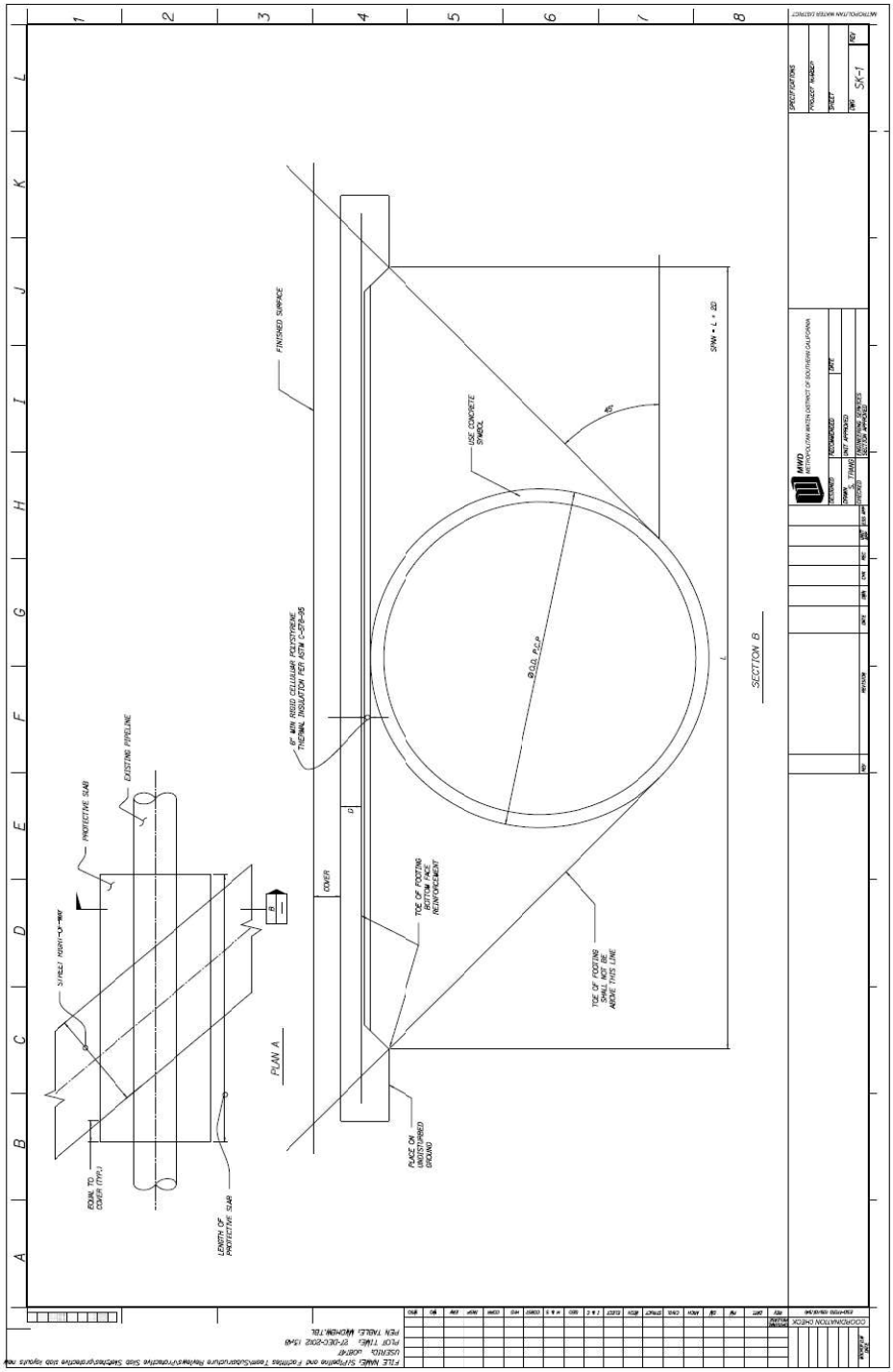


Figure 2: Drawing SK-1

Responses to Comment Set PRA4 – Metropolitan Water District of Southern California

PRA4-1 The commenter states that based on review of the Partially Recirculated Draft EIR, the Metropolitan Water District of Southern California has no specific comments. The County notes the commenter's statement that Metropolitan is coordinating with the Applicant on an affected transmission system study to determine the potential effects of the project to Metropolitan's existing transmission system.

The commenter's request for notification about the Project and any subsequent reviews or approvals by Riverside County is noted.

PRA4-2 The commenter includes it comments (dated December 14, 2022) submitted during the CEQA scoping period.

In Comment PRA4-1, states that the original Draft EIR acknowledged the commenter's scoping comments on the Notice of Preparation for the Draft EIR stating that permission to use Metropolitan land is required, and that the Applicant is negotiating with Metropolitan accordingly. No further response is required.

4.2 Businesses and Organizations

Comment Set PRB1 – LiUNA Local Laborers No. 1184

Email: Easley Renewable Energy Project

From: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Sent: Monday, June 17, 2024 11:12 AM
To: Camille Wasinger <camille@intersectpower.com>; Hedy Koczwara <Hkoczwara@aspeneg.com>; Grace Nelson <grace.nelson@intersectpower.com>
Cc: Easley Renewable Energy Project <EasleyAR@aspeneg.com>; Edgington, Darren <DEdgingt@rivco.org>
Subject: FW: Easley Solar Project Support Letters (CUP220021)

FYI… (Not sure if I sent this already or not…I want to say yes, but I also want to cover my bases just in case).

Kind Regards,

Tim Wheeler
Principal Planner
4080 Lemon St – 12th floor
Riverside, CA 92501
951-955-6060
How are we doing? Click the link to tell us

From: Candice Ulibarri <culibarri@local1184.com>
Sent: Monday, June 10, 2024 11:42 AM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Cc: Edgington, Darren <DEdgingt@rivco.org>; Moore, Sarah <SarMoore@Rivco.org>; Hildebrand, John <JHildebr@RIVCO.ORG>
Subject: RE: Easley Solar Project Support Letters (CUP220021)

Candice Mae Ulibarri
Executive Assistant/
Office Manager
Laborers Local 1184
1128 East La Cadena
Riverside, CA 92507
SERVING SOUTHERN CALIFORNIA AND ARIZONA



Comment Set PRB1 – Laborers Local 1184 (continued)

From: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Sent: Monday, June 10, 2024 10:50 AM
To: Mike Dea <msdea@local1184.com>; Candice Ulibarri <culibarri@local1184.com>
Cc: Edgington, Darren <DEdgingt@rivco.org>; Moore, Sarah <SarMoore@Rivco.org>; Hildebrand, John <JHildebr@RIVCO.ORG>
Subject: Easley Solar Project Support Letters (CUP220021)

Mike,

Darren Edgington forwarded your email from Friday. I did receive it as it looks like my email address had a typo (a period or dot before my name). I am the project planner for Easley Solar (CUP220021).

Please forward me those support letters for the project file.

If you are looking for a meeting to ask questions on the project, please let me know.

Kind Regards,

Tim Wheeler
Principal Planner
4080 Lemon St – 12th floor
Riverside, CA 92501
951-955-6060
How are we doing? Click the link to tell us

Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Laborer Support for Easley Solar Project

Dear Supervisors Perez, Jeffries, Spiegel, Washington, and Gutierrez

PRB1-1

I am reaching out to express my support for Intersect Power's Easley Solar Project and its creation of local jobs in Riverside County. As a dedicated union worker and member of the community, I urge you to approve the Easley Project.

The Easley Solar Project presents a significant opportunity to boost employment in our region, both during its construction and operational phases. This Project not only offers personal employment prospects for workers like me but also promises to enhance the economic prosperity of Riverside County and its residents as a whole. Embracing infrastructure development projects like Easley is essential for fostering a robust job market and ensuring sustainable employment for our local workforce.

We appreciate Intersect Power's collaborative approach in engaging with local stakeholders, including the workforce. This inclusive strategy underscores a genuine commitment to developing a project that not only achieves its renewable energy objectives but also enriches the lives of our residents through job creation and community involvement.

As a union member, I look forward to the positive impact that the Easley Solar Project will have on our community and call on the Riverside County supervisors to approve it. If there is an opportunity to provide further input or insights from the perspective of potential employees, please do not hesitate to reach out.

Sincerely,

X Jose Angel Gonzalez

Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Strong Support for Easley Solar Project and its Local Job Creation

Dear Supervisors Perez, Jeffries, Spiegel, Washington, and Gutierrez,

I am writing to you as a union worker eagerly anticipating the employment opportunities that Intersect Power's Easley Solar Project will bring to Riverside County. As a member of the local community whose livelihood depends on the approval of projects like this, I want to express my strong endorsement for this project.

PRB1-1 (cont'd)

The Easley Solar Project will create jobs in our region through its construction and operation phases. This is not only an opportunity for the Supervisors to support my personal employment, but the Project also represents a chance to contribute to the economic well-being of Riverside County and its residents more broadly. Supporting infrastructure development projects like the Easley Solar Project is crucial for bolstering the Riverside County job market and providing sustainable employment for local workers.

In addition to the Project's economic benefits, its advancement of renewable energy aligns with our values as union workers concerned about the environment. By reducing greenhouse gas emissions, the Easley Solar Project contributes to a cleaner and more sustainable future for our community.

We appreciate Intersect Power's commitment to collaboration with local stakeholders, including the workforce. This inclusive approach reflects a dedication to creating a project that not only meets its energy production goals but also enhances the lives of area residents through job creation and community engagement.

As a union worker, I look forward to the positive impact the Easley Solar Project will have on our community and call on the Riverside County Supervisors to approve it.

Sincerely,



Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Support for the Easley Solar Project and its Creation of Local Jobs

Dear Supervisors Perez, Jeffries, Spiegel, Washington, and Gutierrez,

I am reaching out to you as a union member looking forward to the employment opportunities that Intersect Power's Easley Solar Project will offer to Riverside County. As a resident of our local community, I want to express my support for this project.

PRB1-1 (cont'd)

The Easley Solar Project will have a substantial economic benefit in our community. I firmly believe that backing infrastructure projects like the Easley Solar Project is vital to support the job market and establish sustainable employment avenues for our local workforce and people like me.

I appreciate Intersect Power for its efforts to engage with local stakeholders, including the workforce, in the development of this project. This collaborative approach underscores a genuine commitment to creating a project that not only achieves its renewable energy goals but also delivers tangible benefits to community members through job creation.

I urge you to approve the Easley Project.

Thank you,

Roberto Medina

Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Laborer Support for Easley Solar Project

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Sincerely,

Gonzalo Garza

Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Laborer Support for Easley Solar Project

Dear Supervisors Perez, Jeffries, Spiegel, Washington, and Gutierrez

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Sincerely,

Roberto S.

Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Strong Support for Easley Solar Project and its Local Job Creation

Dear Supervisors Perez, Jeffries, Spiegel, Washington, and Gutierrez ,

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Sincerely,

Juan Beltran

Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Support for the Easley Solar Project and its Creation of Local Jobs

Dear Supervisors Perez, Jeffries, Spiegel, Washington, and Gutierrez,

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PRB1-1 (cont'd)

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I urge you to approve the Easley Project.

Thank you,

Sergio Ramirez

Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Strong Support for Easley Solar Project and its Local Job Creation

Dear Supervisors Perez, Jeffries, Spiegel, Washington, and Gutierrez,

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Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Laborer Support for Easley Solar Project

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Sincerely,

Javier Piñuelas

Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Strong Support for Easley Solar Project and its Local Job Creation

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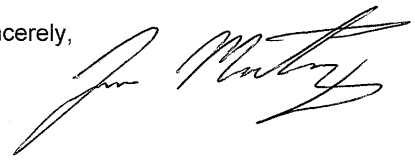
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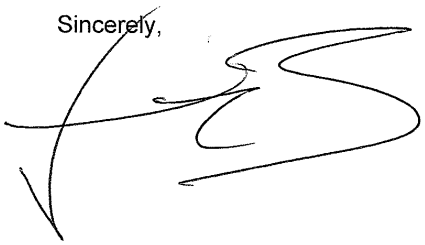
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Comment Set PRB1 – Laborers Local 1184 (continued)

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Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Support for the Easley Solar Project and its Creation of Local Jobs

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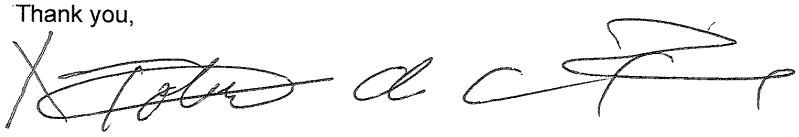
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I urge you to approve the Easley Project.

Thank you,



Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Laborer Support for Easley Solar Project

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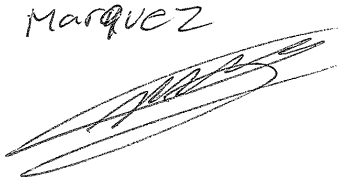
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Sincerely,

Jose Marquez



Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Laborer Support for Easley Solar Project

Dear Supervisors Perez, Jeffries, Spiegel, Washington, and Gutierrez

I am reaching out to express my support for Intersect Power's Easley Solar Project and its creation of local jobs in Riverside County. As a dedicated union worker and member of the community, I urge you to approve the Easley Project.

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Comment Set PRB1 – Laborers Local 1184 (continued)

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Sincerely,



Jose Luna

Comment Set PRB1 – Laborers Local 1184 (continued)

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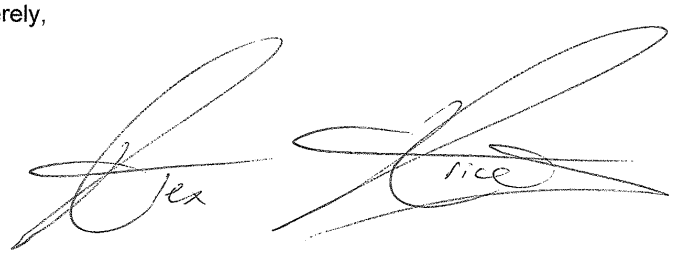
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We appreciate Intersect Power's collaborative approach in engaging with local stakeholders, including the workforce. This inclusive strategy underscores a genuine commitment to developing a project that not only achieves its renewable energy objectives but also enriches the lives of our residents through job creation and community involvement.

As a union member, I look forward to the positive impact that the Easley Solar Project will have on our community and call on the Riverside County supervisors to approve it. If there is an opportunity to provide further input or insights from the perspective of potential employees, please do not hesitate to reach out.

Sincerely,



Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Laborer Support for Easley Solar Project

Dear Supervisors Perez, Jeffries, Spiegel, Washington, and Gutierrez

I am reaching out to express my support for Intersect Power's Easley Solar Project and its creation of local jobs in Riverside County. As a dedicated union worker and member of the community, I urge you to approve the Easley Project. **PRB1-1 (cont'd)**

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Sincerely,

Nick Gumbleton
Local 1184

Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Laborer Support for Easley Solar Project

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PRB1-1 (cont'd)

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Sincerely,

Mario Gamboa
Local 1184

Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Support for the Easley Solar Project and its Creation of Local Jobs

Dear Supervisors Perez, Jeffries, Spiegel, Washington, and Gutierrez,

I am reaching out to you as a union member looking forward to the employment opportunities that Intersect Power's Easley Solar Project will offer to Riverside County. As a resident of our local community, I want to express my support for this project.

PRB1-1 (cont'd)

The Easley Solar Project will have a substantial economic benefit in our community. I firmly believe that backing infrastructure projects like the Easley Solar Project is vital to support the job market and establish sustainable employment avenues for our local workforce and people like me.

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I urge you to approve the Easley Project.

Thank you,

Urbano Andrade Local 1184

Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Support for the Easley Solar Project and its Creation of Local Jobs

Dear Supervisors Perez, Jeffries, Spiegel, Washington, and Gutierrez,

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I urge you to approve the Easley Project.

Thank you,



Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Support for the Easley Solar Project and its Creation of Local Jobs

Dear Supervisors Perez, Jeffries, Spiegel, Washington, and Gutierrez,

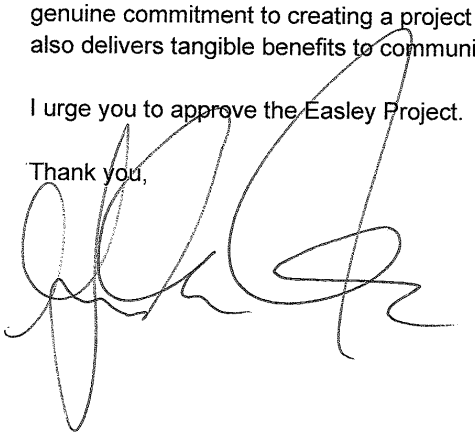
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I urge you to approve the Easley Project.

Thank you,



5/31/24

Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Support for the Easley Solar Project and its Creation of Local Jobs

Dear Supervisors Perez, Jeffries, Spiegel, Washington, and Gutierrez,

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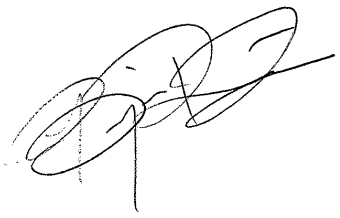
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I urge you to approve the Easley Project.

Thank you,



Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Support for the Easley Solar Project and its Creation of Local Jobs

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I urge you to approve the Easley Project.

Thank you,



Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Support for the Easley Solar Project and its Creation of Local Jobs

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I urge you to approve the Easley Project.

Thank you,

Roberto Perez

Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Strong Support for Easley Solar Project and its Local Job Creation

Dear Supervisors Perez, Jeffries, Spiegel, Washington, and Gutierrez,

I am writing to you as a union worker eagerly anticipating the employment opportunities that Intersect Power's Easley Solar Project will bring to Riverside County. As a member of the local community whose livelihood depends on the approval of projects like this, I want to express my strong endorsement for this project.

PRB1-1 (cont'd)

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As a union worker, I look forward to the positive impact the Easley Solar Project will have on our community and call on the Riverside County Supervisors to approve it.

Sincerely,

Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Strong Support for Easley Solar Project and its Local Job Creation

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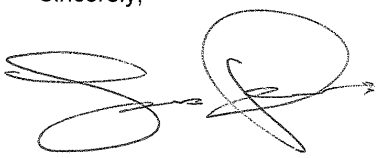
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Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Laborer Support for Easley Solar Project

Dear Supervisors Perez, Jeffries, Spiegel, Washington, and Gutierrez

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Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Laborer Support for Easley Solar Project

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Sincerely, Jose Grijalva Jr

Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Laborer Support for Easley Solar Project

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Sincerely,

Lisa Stubbs

Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Laborer Support for Easley Solar Project

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Jose A. Grijalva

Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Laborer Support for Easley Solar Project

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Sincerely,

Felipe Aragon

Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Strong Support for Easley Solar Project and its Local Job Creation

Dear Supervisors Perez, Jeffries, Spiegel, Washington, and Gutierrez,

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PRB1-1 (cont'd)

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As a union worker, I look forward to the positive impact the Easley Solar Project will have on our community and call on the Riverside County Supervisors to approve it.

Sincerely, L.J. 'Corky' Corcoran



Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Support for the Easley Solar Project and its Creation of Local Jobs

Dear Supervisors Perez, Jeffries, Spiegel, Washington, and Gutierrez,

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I urge you to approve the Easley Project.

Thank you,



Jose Guadalupe Rodriguez

Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Support for the Easley Solar Project and its Creation of Local Jobs

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I urge you to approve the Easley Project.

Thank you,

Miranda Cruz

Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Laborer Support for Easley Solar Project

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Sincerely,

Samuel Castro

Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Strong Support for Easley Solar Project and its Local Job Creation

Dear Supervisors Perez, Jeffries, Spiegel, Washington, and Gutierrez,

PRB1-1 (cont'd)

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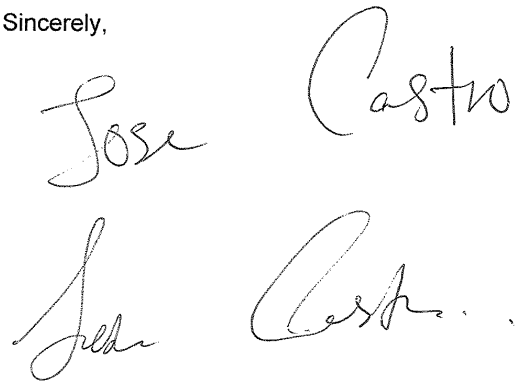
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Sincerely,



Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Support for the Easley Solar Project and its Creation of Local Jobs

Dear Supervisors Perez; Jeffries, Spiegel, Washington, and Gutierrez,

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I urge you to approve the Easley Project.

Thank you,



Terry Daniels

Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Support for the Easley Solar Project and its Creation of Local Jobs

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I urge you to approve the Easley Project.

Thank you,



Leonel Vallejos

Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Strong Support for Easley Solar Project and its Local Job Creation

Dear Supervisors Perez, Jeffries, Spiegel, Washington, and Gutierrez,

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Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Strong Support for Easley Solar Project and its Local Job Creation

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Sincerely,

Claudio A. R.

Luiz

Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Strong Support for Easley Solar Project and its Local Job Creation

Dear Supervisors Perez, Jeffries, Spiegel, Washington, and Gutierrez,

I am writing to you as a union worker eagerly anticipating the employment opportunities that Intersect Power's Easley Solar Project will bring to Riverside County. As a member of the local community whose livelihood depends on the approval of projects like this, I want to express my strong endorsement for this project.

PRB1-1 (cont'd)

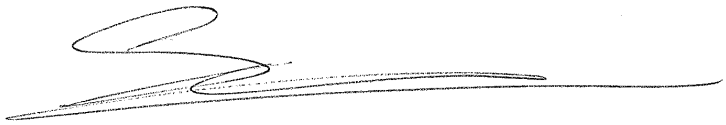
The Easley Solar Project will create jobs in our region through its construction and operation phases. This is not only an opportunity for the Supervisors to support my personal employment, but the Project also represents a chance to contribute to the economic well-being of Riverside County and its residents more broadly. Supporting infrastructure development projects like the Easley Solar Project is crucial for bolstering the Riverside County job market and providing sustainable employment for local workers.

In addition to the Project's economic benefits, its advancement of renewable energy aligns with our values as union workers concerned about the environment. By reducing greenhouse gas emissions, the Easley Solar Project contributes to a cleaner and more sustainable future for our community.

We appreciate Intersect Power's commitment to collaboration with local stakeholders, including the workforce. This inclusive approach reflects a dedication to creating a project that not only meets its energy production goals but also enhances the lives of area residents through job creation and community engagement.

As a union worker, I look forward to the positive impact the Easley Solar Project will have on our community and call on the Riverside County Supervisors to approve it.

Sincerely,



Sergio Torres Jr

Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Strong Support for Easley Solar Project and its Local Job Creation

Dear Supervisors Perez, Jeffries, Spiegel, Washington, and Gutierrez,

I am writing to you as a union worker eagerly anticipating the employment opportunities that Intersect Power's Easley Solar Project will bring to Riverside County. As a member of the local community whose livelihood depends on the approval of projects like this, I want to express my strong endorsement for this project.

PRB1-1 (cont'd)

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As a union worker, I look forward to the positive impact the Easley Solar Project will have on our community and call on the Riverside County Supervisors to approve it.

Sincerely,

Jorge Reyes

Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Strong Support for Easley Solar Project and its Local Job Creation

Dear Supervisors Perez, Jeffries, Spiegel, Washington, and Gutierrez,

I am writing to you as a union worker eagerly anticipating the employment opportunities that Intersect Power's Easley Solar Project will bring to Riverside County. As a member of the local community whose livelihood depends on the approval of projects like this, I want to express my strong endorsement for this project.

PRB1-1 (cont'd)

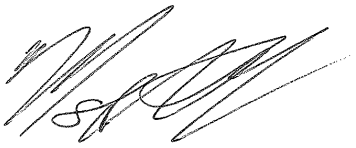
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As a union worker, I look forward to the positive impact the Easley Solar Project will have on our community and call on the Riverside County Supervisors to approve it.

Sincerely,



Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Strong Support for Easley Solar Project and its Local Job Creation

Dear Supervisors Perez, Jeffries, Spiegel, Washington, and Gutierrez,

I am writing to you as a union worker eagerly anticipating the employment opportunities that Intersect Power's Easley Solar Project will bring to Riverside County. As a member of the local community whose livelihood depends on the approval of projects like this, I want to express my strong endorsement for this project.

PRB1-1 (cont'd)

The Easley Solar Project will create jobs in our region through its construction and operation phases. This is not only an opportunity for the Supervisors to support my personal employment, but the Project also represents a chance to contribute to the economic well-being of Riverside County and its residents more broadly. Supporting infrastructure development projects like the Easley Solar Project is crucial for bolstering the Riverside County job market and providing sustainable employment for local workers.

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We appreciate Intersect Power's commitment to collaboration with local stakeholders, including the workforce. This inclusive approach reflects a dedication to creating a project that not only meets its energy production goals but also enhances the lives of area residents through job creation and community engagement.

As a union worker, I look forward to the positive impact the Easley Solar Project will have on our community and call on the Riverside County Supervisors to approve it.

Sincerely,

Juan J Parra

Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Strong Support for Easley Solar Project and its Local Job Creation

Dear Supervisors Perez, Jeffries, Spiegel, Washington, and Gutierrez,

I am writing to you as a union worker eagerly anticipating the employment opportunities that Intersect Power's Easley Solar Project will bring to Riverside County. As a member of the local community whose livelihood depends on the approval of projects like this, I want to express my strong endorsement for this project.

PRB1-1 (cont'd)

The Easley Solar Project will create jobs in our region through its construction and operation phases. This is not only an opportunity for the Supervisors to support my personal employment, but the Project also represents a chance to contribute to the economic well-being of Riverside County and its residents more broadly. Supporting infrastructure development projects like the Easley Solar Project is crucial for bolstering the Riverside County job market and providing sustainable employment for local workers.

In addition to the Project's economic benefits, its advancement of renewable energy aligns with our values as union workers concerned about the environment. By reducing greenhouse gas emissions, the Easley Solar Project contributes to a cleaner and more sustainable future for our community.

We appreciate Intersect Power's commitment to collaboration with local stakeholders, including the workforce. This inclusive approach reflects a dedication to creating a project that not only meets its energy production goals but also enhances the lives of area residents through job creation and community engagement.

As a union worker, I look forward to the positive impact the Easley Solar Project will have on our community and call on the Riverside County Supervisors to approve it.

Sincerely,

Marco Garcia

Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Support for the Easley Solar Project and its Creation of Local Jobs

Dear Supervisors Perez, Jeffries, Spiegel, Washington, and Gutierrez,

I am reaching out to you as a union member looking forward to the employment opportunities that Intersect Power's Easley Solar Project will offer to Riverside County. As a resident of our local community, I want to express my support for this project.

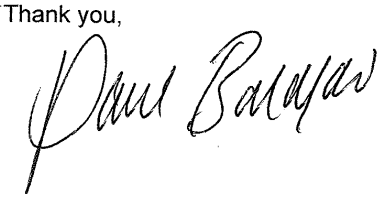
PRB1-1 (cont'd)

The Easley Solar Project will have a substantial economic benefit in our community. I firmly believe that backing infrastructure projects like the Easley Solar Project is vital to support the job market and establish sustainable employment avenues for our local workforce and people like me.

I appreciate Intersect Power for its efforts to engage with local stakeholders, including the workforce, in the development of this project. This collaborative approach underscores a genuine commitment to creating a project that not only achieves its renewable energy goals but also delivers tangible benefits to community members through job creation.

I urge you to approve the Easley Project.

Thank you,



Responses to Comment Set PRB1 – LiUNA Local Laborers No. 1184

PRB1-1 The commenter submitted 47 letters endorsing the Project from members of Local No. 1184. The letters of support cite the Project's economic benefit, community engagement, and potential to bolster the job market and provide sustainable employment avenues for the local workforce while also achieving its renewable energy and GHG reduction goals. The stated Project benefits and letters of support for the Project are noted.

Comment Set PRB2 – Audubon

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

cc: Darren Edgington (DEdgingt@rivco.org)
Supervisor Manuel Perez (v.mperez@rivco.org)
Steve Hernandez (sahernan@rivco.org)

Dear Mr. Wheeler:

Thank you for the opportunity to comment on the recirculated Draft Environmental Impact Report (DEIR) for the Easley Solar Project. **PRB2-1**

Audubon protects birds and the places birds need, today and tomorrow. Audubon works throughout the Americas using science, advocacy, education, and on-the-ground conservation. State programs, nature centers, chapters, and partners give Audubon an unparalleled wingspan that reaches millions of people each year to inform, inspire, and unite diverse communities in conservation action. A nonprofit conservation organization since 1905, Audubon believes in a world in which people and wildlife thrive.

Our 2019 climate science available at https://climate.audubon.org reveals that unless we can keep warming below 3° Celsius, 389 species of birds in North America will probably go extinct from loss of climate suitability in their wintering or breeding ranges. One hundred percent clean energy and net zero emissions by 2050 is our goal to protect our birds by keeping warming to 1.5°Celsius. For birds and many other wildlife species, however, climate change planning must do more; it must both preserve key resources and habitats needed in coming decades as warming increases, as well as protect climate strongholds resilient to climate change that will provide a safe haven for many decades to come. These issues are especially true in the desert southwest, where increasing the development of renewables while protecting habitats and species is most challenging.

The Project

IP Easley, LLC, IP Easley II, LLC, and IP Easley III, LLC, subsidiaries of Intersect Power, LLC, propose to construct, operate and decommission the Easley Renewable Energy Project (Easley Project or Project), a utility-scale solar photovoltaic (PV) electrical generating and storage

Comment Set PRB2 – Audubon (continued)

facility, and associated infrastructure to generate and deliver renewable electricity to the statewide electricity transmission grid. The proposed Project application area is located on approximately 3,735 acres of private and BLM-administered land, in Riverside County north of Desert Center, California. The Project would generate up to 400 megawatts (MW) of renewable electricity via arrays of solar photovoltaic (PV) panels, store up to 650 MW in a battery energy storage system (BESS), and include appurtenant facilities. A 6.7-mile 500 kilovolt (kV) generation-tie (gen-tie) line would mainly traverse across the Oberon Renewable Energy Project site (south of the Project site) and connect into an existing substation on the approved Oberon Project site. The Oberon Project is a solar PV 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 Southern California Edison (SCE) Red Bluff Substation via the existing Oberon 500 kV gen-tie line.

PRB2-1 (cont'd)

We appreciate the "significant new information" added to the recirculated DEIR especially the Best Management Practices and BLM Conservation and Management Actions, additional Alternatives and additions to the Biological Resources and the Appendices including the Bird & Bat Conservation Strategy and Nesting Bird Management Plan.

<u>Support for Project Action Alternative</u>

PRB2-2

Audubon's long-standing policy is to support clean energy projects that are well-sited and operated to avoid, minimize, and mitigate effectively for the impacts on birds and the places birds need, especially to adapt to climate change.

As a stakeholder in the Desert Renewable Energy Conservation Plan (DRECP) we support development of wind and solar in the Development Focus Areas (DFAs) using the Conservation Management Actions (CMAs) of the DRECP, especially to address the impacts of the project on microphyll or desert dry wash woodlands. *('dry washes occupy less than 5% of this subsection of the Sonoran desert but support 90% of its bird life" – Mark Dimmitt, A Natural History of the Sonoran Desert, 2000*).

We see that the Easley Project has committed to these CMAs on public as well as private lands. Key to siting of utility-scale solar energy is adhering to the Mitigation Hierarchy of addressing impacts: avoid first, minimize what can't be avoided, and as a last measure provide compensatory mitigation to offset the loss due to impacts that cannot be avoided or minimized.

Easley is located on a combination of previously disturbed, former agricultural private land and public land designated by the DRECP as a Development Focus Area (DFA). The siting of the Easley Renewable Energy Project on lower-quality habitat and the Project's adherence to the DRECP's Conservation and Management Actions (CMAs) on both public and private lands will ensure avoidance, minimization, and mitigation of birds, other wildlife, and other environmental impacts. The project is an example of how responsible siting and operation can bring conservation and clean energy hand in hand in difficult environments.

Comment Set PRB2 – Audubon (continued)

The Easley project's Draft Environmental Impact Report (EIR), including the Partially Recirculated Draft EIR, clearly identifies the impacts and necessary mitigation for species affected by the project.

PRB2-2 (cont'd)

Audubon also supports the Easley Project's Bird and Bat Conservation Strategy (BBCS), which has taken lessons learned and best practices from other solar projects in the region to ensure effective avoidance, minimization, and mitigation for impacted bird species throughout both construction and the operational life of the Project.

PRB2-3

However, we propose an addition to the monitoring and adaptive management section of that BBCS.

In June 2024, the California Energy Commission (CEC) released a report titled Investigating the "Lake Effect" Influence on Avian Behavior from California's Utility-Scale Photovoltaic Solar Facilities. The report looked at utility-scale solar facilities in California and examined the so-called lake effect hypothesis that aquatic birds may mistake a large field of solar panels as a water body, and this attraction could lead to death or injury when birds attempt to land. The results from this research are largely consistent with the lake effect hypothesis in some instances depending on species, time of day, flight path and other circumstances. However, the study did not confirm that the possible attraction of aquatic birds to PV light from solar panels resulted in collision and mortality, and advised that further research is needed. It is also unknown if this attraction is widespread and not just limited to some solar projects in the desert of California.

Accordingly, we recommend that the BBCS include a monitoring and adaptive management plan that will document the interaction of birds with the project in real time, and recommend that recently developed camera + AI technology, if commercially available or available in kind from Argonne National Labs, be used so that avoidance rates as well as any potential collision rates be recorded. This methodology in our opinion is preferable to carcass searches by biologists and/or dogs.

In conclusion, Audubon recommends that the County and the BLM approve the Easley project's Reduced Footprint Alternative. In our opinion this Alternative best represents a responsible approach to renewable energy development that balances the need for clean energy with prioritizing important wildlife habitats and community interests.

PRB2-4

Thank you for the opportunity to comment.

Sincerely,

Comment Set PRB2 – Audubon (continued)

Garry George
Senior Director, Climate Strategy
Director, Clean Energy Initiative
Audubon
garry.george@audubon.org

Responses to Comment Set PRB2 – Audubon

PRB2-1 The commenter describes Audubon and its mission, and summarizes the Project, as described in Chapter 2 of the Draft EIR and Partially Recirculated Draft EIR (EIR). The commenter states that it appreciates the "significant new information" added to the Partially Recirculated Draft EIR, especially the Best Management Practices and BLM DRECP Conservation and Management Actions (CMAs), additional alternatives, and additions to the Biological Resources section and appendices, including the Bird and Bat Conservation Strategy and Nesting Bird Management Plan. The comment is noted.

PRB2-2 The commenter states that Audubon supports clean energy projects that are well-sited and operated to avoid, minimize, and mitigate effectively for impacts on birds and the places birds need, including those projects located in DRECP Development Focus Areas (DFAs) using the CMAs.

The commenter states that siting the Easley Project on lower-quality habitat and adhering to the DRECP's CMAs on both public and private lands will ensure avoidance, minimization, and mitigation of birds, other wildlife, and other environmental impacts. The commenter also states that the Draft EIR and PRDEIR clearly identify impacts and necessary mitigation for species affected by the Project. The commenter's statement that the Project is an example of how responsible siting and operation can bring conservation and clean energy hand in hand in difficult environments is noted.

PRB2-3 The commenter stated that they support the Project's BBCS (MM BIO-8, EIR Appendix M). The commenter proposes an addition to the monitoring and adaptive management section of the Plan based on the CEC's June 2024 publication titled "Investigating the "Lake Effect" Influence on Avian Behavior from California's Utility-Scale Photovoltaic Solar Facilities". The report concludes that birds are more attracted to highly polarized sources of visible light and that solar panels polarize light in a manner similar to water. In combination with mortalities of water-obligate species at solar sites, the results are consistent with an operation lake effect hypothesis of avian mortality at arid solar facilities; however, the lake effect is likely a nuanced 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.

The commenter recommends that the BBCS, as part of monitoring and adaptive management, require documentation of the interaction of birds with the Project in "real time" and the use of camera and AI technology from Argonne National Labs to document collision rates, which is more preferable to the commenter than using carcass searches.

A discussion of the suggested reference has been added to the Final EIR in Section 3.5.5, Impact BIO-1, under Bird Collision.

If monitoring demonstrates that bird fatalities require adaptive management, the Technical Advisory Group (TAG) comprised of BLM, USFWS, and CDFW will direct the use of additional monitoring or minimization measures, as described in Section 8.1 of the BBCS (EIR Appendix M). While real time monitoring and use of cameras or AI for monitoring is not specifically required or recommended as part of the BBCS, the adaptive management strategy required by the BBCS would allow for integration of new technologies as they become available and are shown to be effective and feasible for Project use, as directed by USFWS and CDFW.

PRB2-4 The commenter's recommendation that the County and the BLM approve the Easley project's Reduced Footprint Alternative, as this alternative best represents a responsible approach to renewable energy development that balances the need for clean energy with prioritizing important wildlife habitats and community interests, is noted.

Comment Set PRB3 – CA/NV Desert Committee of the Sierra Club

Easley Renewable Energy Project

From: Joan Taylor <palmcanyon@mac.com>
Sent: Friday, June 28, 2024 12:38:56 PM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Subject: Easley RDEIR comments

Mr Wheeler, attached please find Sierra Club comments on the Easley Renewable Energy project RDEIR. These comments consist of one letter plus four attachments. Kindly confirm receipt of these materials, and thanks very much for your assistance.

Comment Set PRB3 – CA/NV Desert Committee of the Sierra Club (continued)

CNRCC DESERT COMMITTEE

June 28, 2024

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

BY EMAIL TO: TWheeler@rivco.org

Re: IP Easley Renewable Energy Project Partially Recirculated Draft Environmental Impact Report (CUP 220021/PUP 230002/DA 2200016/SCH 2022110240

Dear Mr. Wheeler:

PRB3-1

Thank you for the opportunity to submit scoping comments on the Partially Recirculated Draft Environmental Impact Report (RDEIR)for the Easley Renewable Energy Project (Project). This comment letter is submitted on behalf of the California/Nevada Desert Committee of the Sierra Club.

The Sierra Club is a national nonprofit organization of approximately 2.2 million members and supporters (408,000 of whom reside in California) dedicated to exploring, enjoying, and protecting the wild places of the earth; to practicing and promoting the responsible use of the earth's ecosystems and resources; to educating and enlisting humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry out these objectives.

The Club encourages the rapid development of well-sited, appropriately designed and managed renewable energy that avoids or minimizes the use of lands important for conserving biodiversity, habitat connectivity and climate refugia. This will allow us to replace fossil fuels with renewable energy while ensuring we meet Sierra Club's strategic priorities of protecting 30% of U.S. lands and waters by 2030 and ensuring equity.

As a preliminary matter, we appreciate that Intersect Energy sought and received certification for the Easley Project as an Environmental Leadership Development Project. This was based on assurances that the Project would, inter alia, conform with the Desert Renewable Energy

Comment Set PRB3 – CA/NV Desert Committee of the Sierra Club (continued)

Conservation Plan (DRECP) including its Conservation Management Actions, and minimize environmental impacts and land disturbance associated with solar energy development.[1] We also appreciate the County's intent to lessen environmental impacts of the Project by providing several additional project alternatives in the Recirculated DEIR.

PRB3-1 (cont'd)

However, one of the RDEIR's proposed alternatives, Offsite Alternative D, instead of lessening the severity of impacts, would cause a substantial *increase* in the severity of environmental impacts of the Project. Our comments herein are centered on the Offsite Alternative's threat to the viability of crucial habitat connectivity across the Riverside East Development Focus Area (DFA), as well as the Offsite Alternative's impacts to sensitive habitat and species protected by DRECP's Conservation Management Actions (CMAs). Thus, as outlined below, the Offsite Alternative should be eliminated from further consideration.

PRB3-2

Project Description

The Applicant (IP Easley I, LLC, IP Easley II, LLC, and IP Easley III, LLC) proposes to construct, operate, maintain, and decommission an up to 400 megawatt (MW) solar photovoltaic (PV) electricity generating station, up to 650 MW battery energy storage facility, electrical substation, gen-tie lines and associated access roads on 990 acres of private land and 2,745 acres of BLM-administered land in Riverside County, California. 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 switchyard on the Oberon site, which is an adjacent solar and energy storage facility owned by Intersect Power. The Project is located within the East Riverside Development Focus Area (DFA) designated in the DRECP amendments to the CDCA Plan in 2016.

Significant Impacts of the Offsite Alternative

PRB3-3

Threat to Habitat Connectivity

The western half of the Offsite Alternative is incompatible with the purpose and function of the DRECP-designated Multi-Species Habitat Linkage through the Chuckwalla Valley. This habitat linkage was specifically provided for in the approval of Intersect Power's Oberon Solar project, located immediately to the south of the Offsite Alternative in the designated linkage. See Attachment 1.

The DRECP requires that "projects will be sited and designed to maintain the function of Focal and Special Status Species connectivity and their associated habitats in the following linkage and connectivity areas: Within a 1.5-mile-wide linkage across Interstate 10 to connect the

[1] SB-7 Environmental Development Leadership Project Application, Easley Renewable Energy Project, Desert Center, CA, Project Objectives, p.2

Comment Set PRB3 – CA/NV Desert Committee of the Sierra Club (continued)

PRB3-3 (cont'd)

Chuckwalla Mountains to the Chuckwalla Valley east of Desert Center."[2] and "Activities that would compromise the long-term viability of a linkage population or the function of the linkage, as determined by BLM, in coordination with USFWS and CDFW, are prohibited and would require reconfiguration or re-siting"[3] It is important to note that there are only three such designated habitat linkages provided for habitat connectivity across the Riverside East DFA – which DFA at buildout promises to be a forty-mile-wide swath of industrialization. Please see attachments 2 and 3.

Maintaining the function of this wildlife corridor, which lies between the proposed Chuckwalla National Monument to the south and Joshua Tree National Park and the BLM Areas of Critical Environmental Concern to the north, is crucial to biological connectivity and climate adaptation between the Sonoran and Mojave Desert Ecoregions (see Attachment 4). Yet the RDEIR fails to include any mention of this potentially severe significant impact of the Offsite Alternative. Instead it concludes that the alternative "would meet the Project objectives," retaining it as a project alternative in spite of its potentially significant adverse impacts.

Importantly, development of the Offsite Alternative also introduces a potential violation of the US Fish & Wildlife permit for the DRECP, which relied upon BLM to maintain substantial wildlife connectivity in the Riverside East DFA:

> Because of the nature of the habitat in this area and the fact that the Bureau will require the maintenance of wildlife corridors in this area, the minor overlap of portions of the East Riverside Development Focus Area and the Chuckwalla Critical Habitat Unit would not have a measurable effect on the ability of the critical habitat unit to support viable populations or to provide for movement, dispersal, and gene flow. The maximum acreage of overlap is approximately 4,498 acres; however, because the Bureau (2015c, page II.3-169, LUPA-BIO-13) will maintain substantial wildlife corridors in this region, the actual amount of disturbance to Chuckwalla Critical Habitat Unit would be substantially less.[4] (Emphasis added)

[2]Desert Renewable Energy Conservation Plan (DRECP), Land Use Plan Amendment (LUPA) to the CDCA Plan. LUPA-BIO-13

[3] Desert Renewable Energy Conservao n Plan (DRECP), Land Use Plan Amendment (LUPA) to the CDCA Plan. LUPA-BIO-IFS-1

[4] Biological Opinion on the Proposed Land Use Plan Amendment under the Desert Renewable Energy Plan [1340 (CA 930) P, 1150 (CA 930) P] p. 83

Comment Set PRB3 – CA/NV Desert Committee of the Sierra Club (continued)

Unavoidable Impacts to Aeolian Habitat and Sand Dependent Species

PRB3-4

The RDEIR erroneously asserts that "Impacts [of the Offsite Alternative] to biological resources would be qualitatively similar to the proposed Project." This is not the case. As outlined above, the Offsite Alternative would profoundly impact the viability of a major multi-species wildlife movement and climate adaptation corridor. Additionally, this alternative is predominantly sensitive aeolian habitat containing sensitive species, both of which resources are protected by DRECP CMAs. By contrast, aeolian habitat is not found on the proposed Project site.

Notwithstanding the above, the RDEIR does finally conclude that "much of the Offsite Alternative area is subject to biological constraints." It also appropriately determines that development there would cause potentially unmitigable significant impacts to not only onsite aeolian habitat and sensitive species, but also to compliance with DRECP CMAs:

> The eastern half and northwestern portion of Offsite Alternative area supports active aeolian deposits, which are recognized as areas of higher biological value, and numerous Mojave fringe-toed lizards, which are a California species of special concern and BLM sensitive. Much of the Offsite Alternative area overlaps with the Mojave fringe-toed lizard species distribution model and impacts to this species would be significant. Construction in active aeolian sands would result in unstable soils and increased erosion throughout the Offsite Alternative area.
>
> Several DRECP CMAs restrict development in aeolian sands on BLM-administered lands and require siting of projects in areas with least impact to sand dunes and associated species. Rare plants require a setback, creosote rings must be avoided, and desert dry wash woodlands require avoidance and setbacks. Mitigation Measures, as listed in Section 3.5.12, would be implemented to reduce impacts; however additional measures would be needed to address significant impacts to Mojave fringe-toed lizard and aeolian sands and it is unknown if mitigation is available to reduce impacts to a less than significant level; impacts may be significant and unavoidable. (emphasis added)

Conclusion

PRB3-5

The Offsite Alternative introduces novel and severe environmental impacts not contemplated by the proposed Project, nor heretofore disclosed or analyzed. Therefore, retaining this alternative is inconsistent with the primary intent under CEQA that "the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project."[5] Additionally, for

[5] CEQA Guidelines 15126.6[b]

Comment Set PRB3 – CA/NV Desert Committee of the Sierra Club (continued)

reasons outlined above, development of this alternative would be incompatible with the Easley project's certification as an Environmental Leadership Development Project. We respectfully request the County eliminate the Offsite Alternative from further consideration as an alternative to the proposed Project.

PRB3-5 (cont'd)

Thank you very much for the opportunity to comment.

Very truly yours,

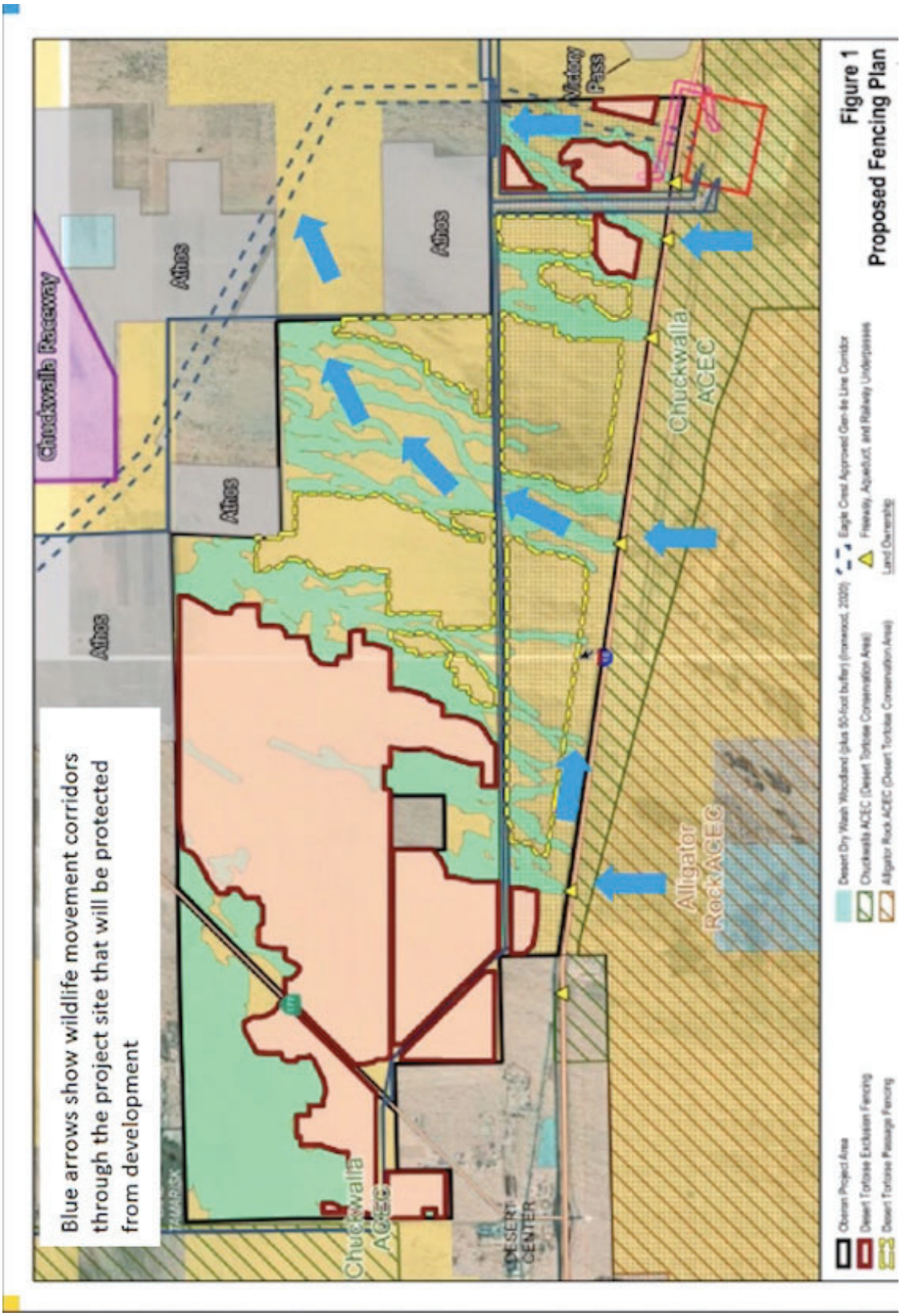


Joan Taylor, Chair
California/Nevada Desert Committee
Sierra Club

Comment Set PRB3 – CA/NV Desert Committee of the Sierra Club (continued)

Attachment 1

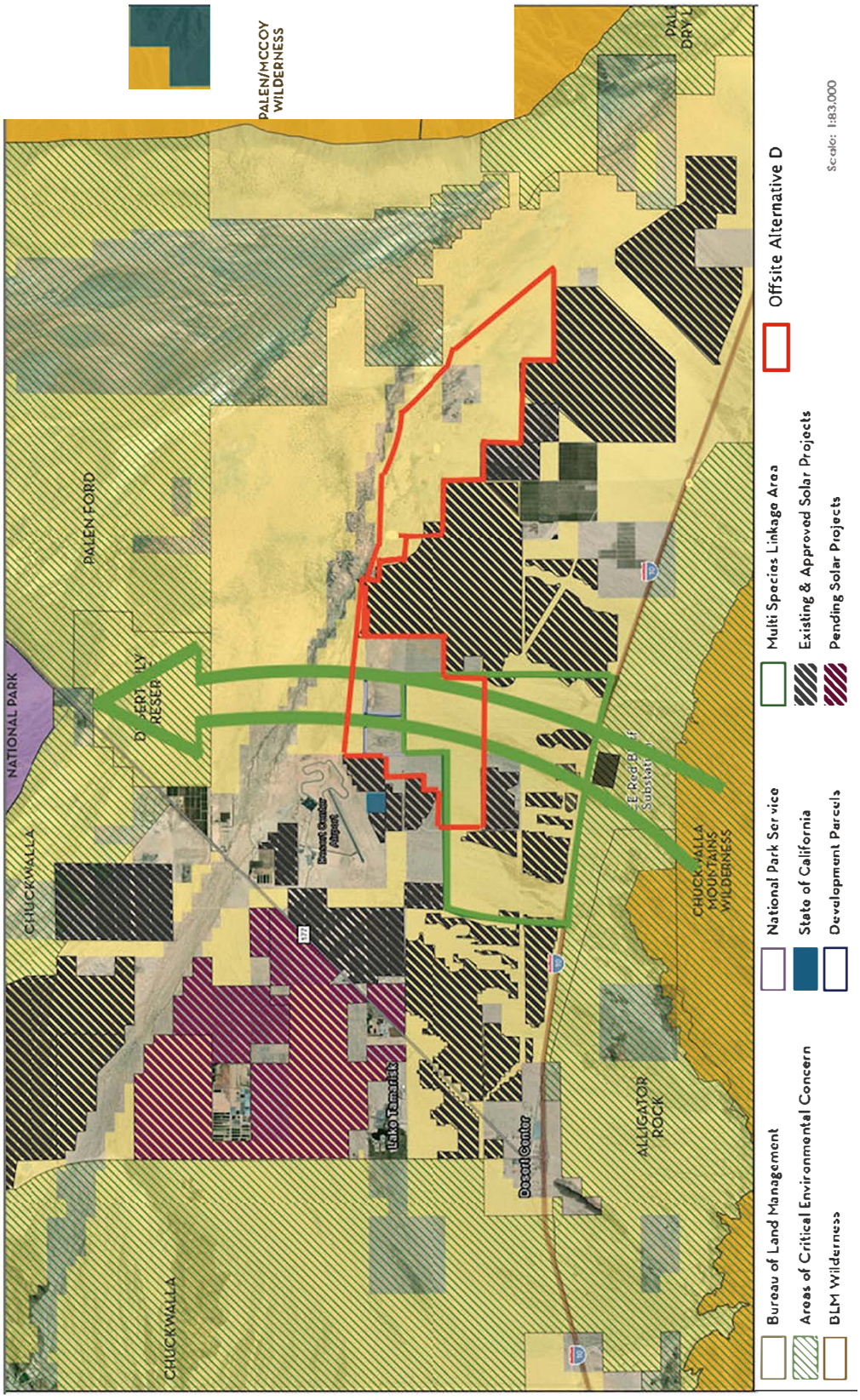
PRB3-6



Comment Set PRB3 – CA/NV Desert Committee of the Sierra Club (continued)

Attachment 2

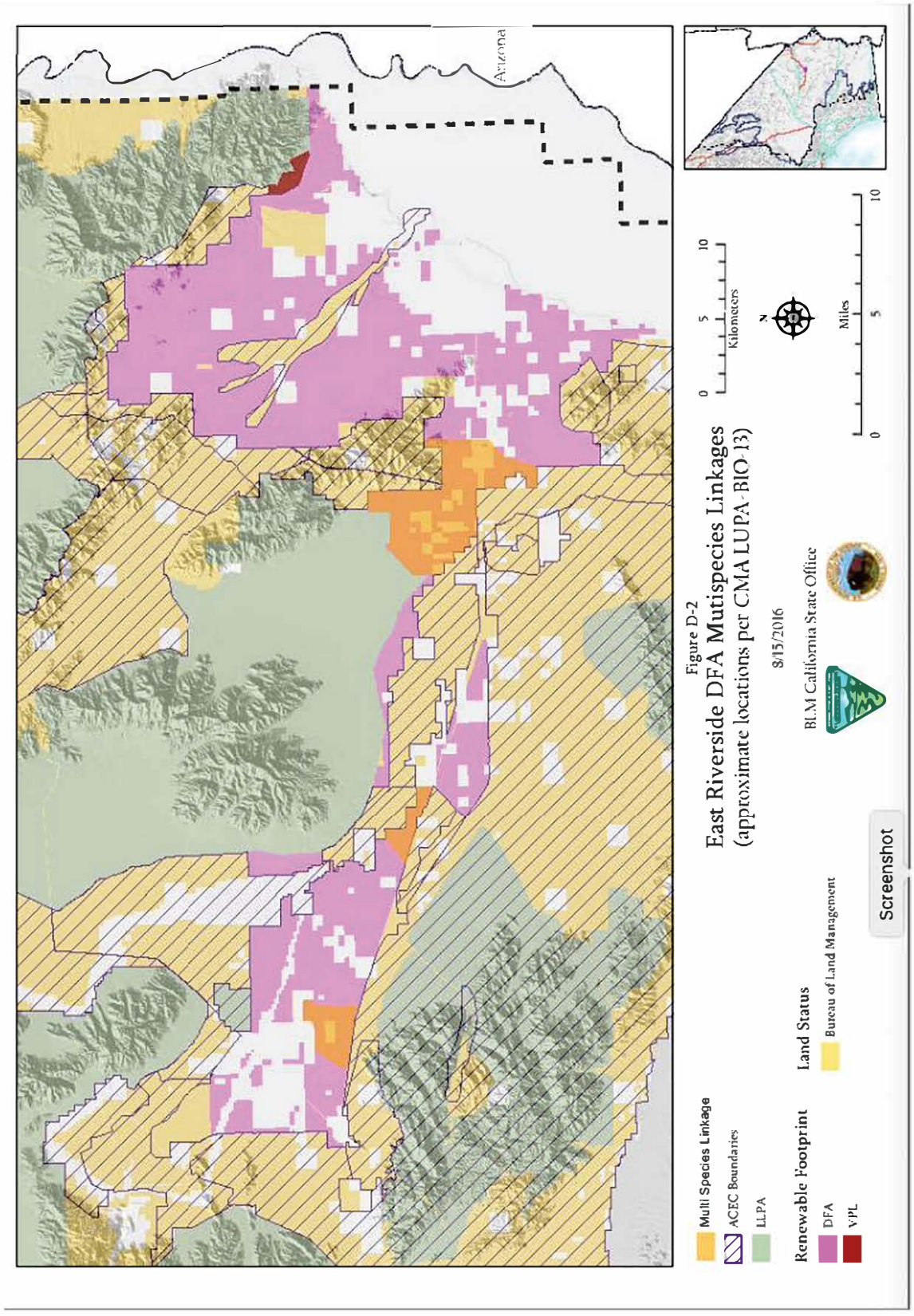
PRB3-7



Comment Set PRB3 – CA/NV Desert Committee of the Sierra Club (continued)

Attachment 3

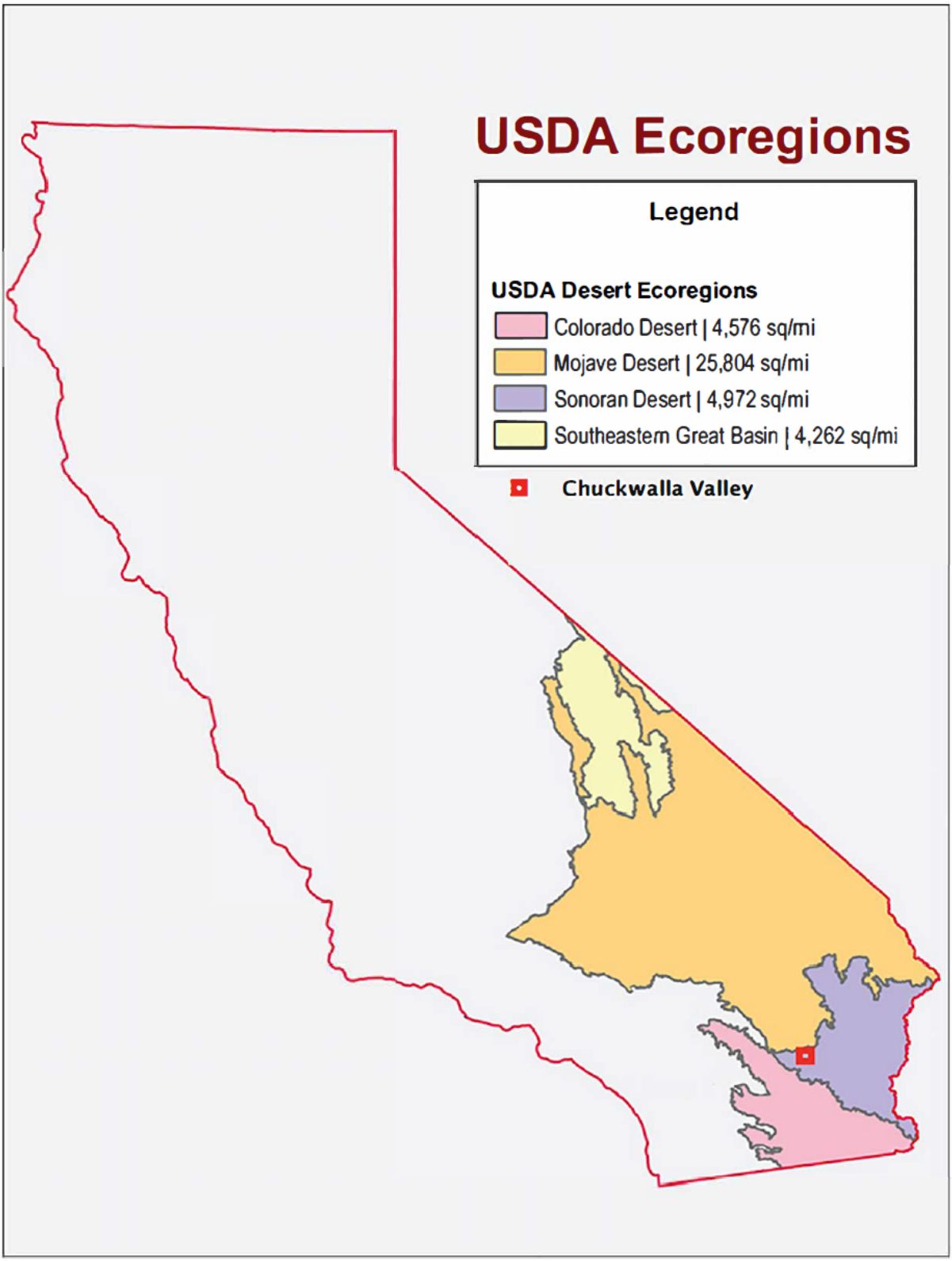
PRB3-8



Comment Set PRB3 – CA/NV Desert Committee of the Sierra Club (continued)

Attachment 4

PRB3-9



Responses to Comment Set PRB3 – Sierra Club

PRB3-1 On behalf of the Sierra Club, the commenter describes the Sierra Club organization and states that it appreciates that the Project has been certified by Governor Newsom as an Environmental Development Leadership Project and that the County analyzed additional alternatives in the Partially Recirculated Draft EIR (EIR).

Please see Responses to Comments PRB3-3 through PRB3-9, which address the commenter's concerns regarding the Offsite Alternative. The commenter's request for elimination of the Offsite Alternative is noted.

PRB3-2 The commenter states that the Offsite Alternative (Alternative D) would cause a substantial increase in the severity of impacts compared to the proposed Project, namely to the viability of habitat connectivity across the Riverside East Development Focus Area (DFA), as well as the Offsite Alternative's impacts to sensitive habitat and species protected by DRECP's Conservation Management Actions (CMAs).

Please see Responses to Comments PRB3-3 through PRB3-9, which address the commenter's concerns regarding the Offsite Alternative. The commenter's request for elimination of the Offsite Alternative is noted.

The commenter also describes the Project, as it is described in the PRDEIR Chapter 2.

PRB3-3 The commenter states that the western half of the Offsite Alternative (Alternative D) is incompatible with the DRECP Multi-Species Habitat Linkage and that the PRDEIR does not discuss the severe significant impact of the Alternative, concluding that the alternative would "meet the Project objectives". The commenter states that the linkage was specifically provided for in the Oberon Renewable Energy Project and that the DRECP LUPA requires that Projects be prohibited, reconfigured, or re-sited if they compromise the long-term viability of a linkage population or the function of a linkage. The commenter further states that the Offsite Alternative would be in violation of the USFWS permit for the DRECP, which requires BLM to maintain substantial wildlife connectivity in the Riverside East DFA.

A discussion of impacts to the multi-species linkage has been added to Section 5.2.7.4 of the Final EIR.

Commenters on the original Draft EIR suggested consideration of installing solar panels on BLM-managed lands east of SR-177, which is the reason that the Offsite Alternative was fully analyzed in the PRDEIR. Section 5.3.3.2 of the PRDEIR and Final EIR states that this alternative would meet most Project objectives and would reduce visual resources impacts, but due to the substantially greater severity of impacts to biological resources and likely greater cultural resources impacts, it would not meet the objective of minimizing environmental impacts.

PRB3-4 The commenter states that the PRDEIR erroneously states that the impacts of the Offsite Alternative to biological resources would be qualitatively similar to the proposed Project and that the alternative would profoundly impact the viability of the multi-species linkage and sensitive aeolian habitat containing sensitive species, which are protected by DRECP CMAs. The commenter points out where the Partially Recirculated Draft EIR concludes that the Offsite Alternative is subject to biological constraints and determines that development would cause unmitigable significant impacts.

Describing impacts as "qualitatively similar" is referring to the type of construction work that would be performed and the type of impacts that would occur to biological resources from these similar activities, such as habitat removal and degradation and direct and indirect impacts to wildlife species. EIR Section 5.2.7.4 refers to the biological constraints for the Offsite Alternative,

including aeolian deposits and Mojave fringe-toed lizards, and that DRECP CMAs restrict development in these areas.

Commenters on the original Draft EIR requested consideration of installing solar panels on BLM-managed lands east of SR-177, which resulted in full analysis of the Offsite Alternative in the PRDEIR. See Response to Comment PRB3-5.

PRB3-5 The commenter states that the Offsite Alternative (Alternative D) introduces novel and severe environmental impacts not contemplated by the proposed Project, nor heretofore disclosed or analyzed and that retaining this alternative is inconsistent with the intent under CEQA to focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project. The commenter further states that development of this alternative would be incompatible with the Easley project's certification as an Environmental Leadership Development Project. The commenter requests that the Offsite Alternative be eliminated from further consideration.

Commenters on the original Draft EIR suggested consideration of installing solar panels on BLM-managed lands east of SR-177, which is the reason that the Offsite Alternative was fully analyzed in the PRDEIR. Section 5.3.3.2 of the PRDEIR states that this alternative would meet most Project objectives, but due to the substantially greater severity of impacts to biological resources and likely greater cultural resources impacts, it would not meet the objective of minimizing environmental impacts. Table 5-1 in the PRDEIR shows that while this Alternative would reduce the visual impacts of project development, impacts to biological resources would be significant and unavoidable under the Offsite Alternative. Therefore, consistent with the requirements of CEQA Guidelines section 15126.6, Alternative D would meet most Project objectives while substantially reducing the Project's significant and unavoidable aesthetic impacts.

Section 5.3.5 in the PRDEIR concludes that the Further Reduced Footprint Alternative with Berms (Alternative C) would be the Environmentally Superior Alternative, followed by the Reduced Footprint Alternative (Alternative B). Alternative B is preferred overall, because it meets critical project objectives (meeting State and federal renewable energy goals to counter climate change) and reduces impacts to the Lake Tamarisk community compared to the proposed Project. The commenter's request for elimination of the Offsite Alternative is noted.

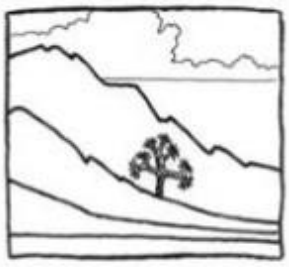
PRB3-6 The commenter submitted a figure ("Attachment 1") of the Oberon Renewable Energy Project that shows wildlife movement corridors from the Interstate 10 wildlife underpasses through undeveloped areas of the Oberon site. Please refer to Response to Comment PRB3-3.

PRB3-7 The commenter submitted a figure ("Attachment 2")with an arrow depicting general wildlife movement from the Chuckwalla Mountains Wilderness crossing Interstate 10 and moving north across the Oberon Project site and Offsite Alternative (Alternative D) site to the Desert Lily Preserve ACEC and Joshua Tree National Park. Refer to Response to Comment PRB3-3.

PRB3-8 The commenter included DRECP Figure D-2, which shows the East Riverside DFA Multispecies Linkages (approximately locations per CMA LUPA-BIO-13) as "Attachment 3." Please refer to Response to Comment PRB3-3.

PRB3-9 The commenter included a figure ("Attachment 4") showing the Chuckwalla Valley within a map of the USDA Desert Ecoregions. Refer to Response to Comment PRB3-3.

Comment Set PRB4 – Basin and Range Watch



Basin and Range Watch

July 5th, 2024

To: County of Riverside, TLMA Planning Department 4080 Lemon Street, 12th Floor Riverside, California 92502-1409 – Email sent to TWheeler@rivco.org.

re: Comments on the Easley Renewable Energy Project Partially Recirculated Draft Environmental Impact Report (CUP 220021/PUP 230002/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.

The Applicant is proposing to construct, operate, maintain, and decommission an up to 400 megawatts (MW) solar photovoltaic (PV) electricity generating station, up to 650 MW battery energy storage facility, electrical substation, gen-tie lines and associated access roads on 990 acres of private land and 2,745 acres of BLM-administered land in Riverside County, California.

Alternatives:

Comment Set PRB4 – Basin and Range Watch (continued)

A fundamental mandate of CEQA is that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of the project" (PRC Sections 21002, 21081). Therefore, as part of the decision-making process for projects involving the preparation of an EIR, governmental agencies are required under CEQA to consider alternatives to proposed actions affecting the environment (PRC Section 21001(g)). **PRB4-1**

An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible.

Basin and Range Watch would like to request that one of 3 alternatives be selected for the Easley Renewable Energy Project Partially Recirculated Draft Environmental Impact Report Easley Renewable Energy Project Partially Recirculated Draft Environmental Impact Report Easley Renewable Energy Project Partially Recirculated Draft Environmental Impact Report.

The only reasonable alternatives for this project are the ones that avoid the community of Lake Tamarisk, wildlife linkage corridors and sand transport.

1. *No Project Alternative (Alternative A3). Under the No Project Alternative, an additional analysis of Development of Other Renewable Energy within the Existing Land Designations (Alternative A3) has been added to EIR Section 2.8.3, which assumes development of the federal lands under the existing Development Focus Area designation and with other solar, wind, or geothermal generation projects and development of the private lands under the current General Plan and Zoning designations if the proposed Project is not approved or constructed.* **PRB4-2**

The Chuckwalla Valley near Desert Center and Lake Tamarisk has taken one for the team concerning renewable energy. Close to 25,000 acres have been developed already and it is reasonable to put a limit on the development starting with Easley Solar.

Comment Set PRB4 – Basin and Range Watch (continued)

PRB4-3

Intersect Power has already developed the Oberon Solar Project, a 2,600 acre photovoltaic facility that has inflicted multiple impacts to the local community and environment.

The project destroyed multiple desert ironwood trees, many hundreds of years old. The project was built in 600 acres of designated Critical Habitat for the desert tortoise. The project removed habitat for bighorn sheep, burro deer, burrowing owls, kit foxes, American badgers and a host of avian species that used the ironwood forest. The project made the visual impacts of solar energy worse for the residents of Lake Tamarisk, lowered property values and damaged their quality of life. The project tore up delicate desert pavement resulting in obtrusive fugitive dust. The project most likely lowered some local wells for water use. Solar projects also create an urban heat island effect and these communities can't afford to get any hotter.

Intersect Power has made a big profit off this region and that is enough for them.

PRB4-4

2. *Further Reduced Footprint Alternative with Berms (Alternative C). EIR Section 2.8.4 describes an additional Reduced Footprint Alternative 2 (Alternative C), which includes the following components shown in a new Figure 2-15 (see EIR Appendix A): (1) minimum buffer zone setback of one mile from the Lake Tamarisk Desert Resort borders, including the "Phase II" expansion area; (2) earthen berms at 2 locations; and (3) onsite substation relocation and gen-tie line relocation.*

This alternative would protect desert dry wash woodlands, wildlife connectivity, local communities and still allow a project to be built. It still would create bad impacts, but is a major improvement on the proposed action.

PRB4-5

3. *Distributed Commercial and Industrial Rooftop Solar Alternative (Alternative E). The Partially Recirculated Draft EIR analyzes a new Distributed Commercial and Industrial Rooftop Solar Alternative, which would involve the development of a number of geographically distributed small to medium solar PV systems (100 kilowatt hours to 1 MW) within existing developed areas, typically on the rooftops of commercial and industrial facilities situated throughout Riverside County.*

We are very pleased that this alternative is being considered and want to encourage more of this. We have not seen this considered before.

The EIR does identify the following problem:

Comment Set PRB4 – Basin and Range Watch (continued)

PRB4-5 (cont'd)

*"This alternative would partially satisfy the project objective of assisting California in meeting its GHG emissions reduction goals**. However, other important objectives would not be met. The Project's 650 MW of energy storage would not be constructed under this alternative, so the alternative would not meet project objectives related to extending renewable energy availability into the evening hours.** It is also unlikely the alternative would have an average insolation value similar to or greater than that of the project site given the lack of efficiency of rooftop solar compared to solar tracking technology."*

Battery storage would resolve this issue because it is feasible on a distributed energy level as well. This should be a main alternative. Thanks again for considering distributed generation as a reasonable alternative! While it would not provide the same level of insolation, it should be noted that axis tracking can be used on distributed sites, there will not be power lost in transmission and the power will not have to be curtailed over grid overload.

Again, please select an alternative for this project that protects local communities, protects the local environment and protects the area for a long term.

Thank you,

Kevin Emmerich

Basin and Range Watch

P.O. Box 70

Beatty, NV 89003

Responses to Comment Set PRB4 – Basin and Range Watch

PRB4-1 The commenter describes the requirements for consideration of alternatives under the California Environmental Quality Act (CEQA). The commenter's request that one of the three alternatives that avoids the community of Lake Tamarisk, wildlife linkage corridors, and the sand transport corridor be selected is noted.

See Responses to Comments PRB4-2 to PRB4-5, which discuss the commenter's concerns and recommended alternatives.

PRB4-2 The commenter includes the Partially Recirculated Draft EIR description of the No Project Alternative A3 (Other Renewable Energy Development within Existing Land Designations) and states that the Chuckwalla Valley near Desert Center and Lake Tamarisk has had close to 25,000 acres of solar development and it is reasonable to now put a limit on development starting with the proposed Project.

The East Riverside Development Focus Area (DFA) where the Easley Project is located is within a DFA that BLM identified for potential renewable energy development under Desert Renewable Energy Conservation Plan (DRECP) Land Use Plan Amendment (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 California Desert Conservation Area planning area) 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. See General Response GR-8 regarding renewable energy development of land elsewhere in DRECP DFAs, DRECP conservation lands, and renewable energy and climate change policies and goals.

The commenter's request for a limit on proposed and future solar development in the Desert Center area is noted. See EIR Section 4.5.2 for a discussion of a solar moratorium in the Desert Center area.

PRB4-3 The commenter describes potential impacts of the existing Oberon Project, which is separate from the CEQA review of the proposed Easley Project. The Oberon Project is included in the cumulative scenario described in EIR Section 3.1.2, and analyzed in combination with the proposed Easley Project in the cumulative impact analysis for each issue area in EIR Chapter 3.

In response to the commenter's stated concerns regarding perceived impacts of the Oberon Project, potential Project impacts to the issue areas discussed are addressed in this Final EIR as follows: vegetation/habitat and desert tortoise designated Critical Habitat are described in EIR Section 3.5 (Biological Resources); visual impacts are analyzed in EIR Section 3.2 (Aesthetics); impacts to desert pavement are analyzed in Section 3.8 (Geology, Soils, and Mineral Resources); groundwater impacts are addressed in EIR Section 3.11 (Hydrology and Water Quality; see also General Response GR-3); fugitive dust is analyzed in EIR Section 3.4 (Air Quality; see also General Response GR-2). Impacts related to property values are discussed in Section 4.5.1 and the heat island effect is discussed in Section 3.5 (Biological Resources; see also General Response GR-6).

PRB4-4 The commenter includes the Partially Recirculated Draft EIR description of Alternative C (Further Reduced Footprint Alternative with Berms) and states that the alternative would still create bad impacts, but is a major improvement over the proposed Project, because it would protect desert dry wash woodlands, wildlife connectivity, local communities and still allow a Project to be built.

The commenter's support for Alternative C is noted.

PRB4-5 The commenter includes the Partially Recirculated Draft EIR description of Alternative E (Distributed Commercial and Industrial Rooftop Solar Alternative) and states that he is pleased to see a distributed solar alternative considered.

The commenter states that battery storage is feasible on a distributed energy level, and it would help meet project objectives related to extending renewable energy availability into the evening hours, a stated concern with meeting Project Objectives in the Partially Recirculated Draft EIR.

The commenter also states that while distributed solar would not provide the same level of insolation, another stated concern in the Partially Recirculated Draft EIR, it should be noted that axis tracking can be used on distributed sites. The commenter states that other benefits of distributed solar are that there would not be power lost in transmission and the power would not have to be curtailed over grid overload.

Please see Response to Comment PRD10-1.

The commenter's request for selection of an alternative that protects local communities, protects the local environment, and protects the area for a long term is noted.

Comment Set PRB5 – Indivisible California, GREEN TEAM

Email: Easley Renewable Energy Project

From: Jennifer Tanner <jjtanner18@gmail.com>
Sent: Saturday, July 6, 2024 4:30:06 PM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Subject: Asking for Alternative E.

Hi Tom Wheeler, project manager for Riverside County.

My name is Jennifer Tanner, and I'm the leader of Indivisible California, GREEN TEAM, the Environmental arm of Indivisible California's 80 groups all over California. We are working hard to pass SP1374 to restore rooftop solar for schools and apartments. **PRB5-1**

It is with great joy that I read about the agency, considering a rooftop/distributed energy alternative for a large scale solar project. This is evolved thinking and I congratulate you on it. This is my two cents adding to it and assure you that the 104 thousand members representing the 104 groups that I have two letters supporting SB 1374 support you completely. If you need anything from me to help make this happen, please do not hesitate to ask.

Jennifer Tanner
Indivisible CA Green Team

Responses to Comment Set PRB5 – Indivisible California, Green Team

PRB5-1 The commenter states that Indivisible California, Green Team, the Environmental arm of Indivisible California's 80 groups all over California, are working hard to pass Senate Bill 1374 to restore rooftop solar for schools and apartments. The commenter's support on behalf of its members for Alternative E, Distributed Commercial and Industrial Rooftop Solar Alternative, is noted.

Comment Set PRB6 – Desert Tortoise Council

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

Via email only

Date: July 7, 2024

Tim Wheeler, Planner
County of Riverside TLMA Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501
Email: TWheeler@rivco.org

RE: Easley Solar Partially Recirculated Draft Environmental Impact Report

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. **PRB6-1**

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."

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." **PRB6-2**

Comment Set PRB6 – Desert Tortoise Council (continued)

This status, in part, prompted the Council to join Defenders of Wildlife and 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, 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."

PRB6-2 (cont'd)

Importantly, in their April 2024 meeting, the California Fish and Game Commission voted unanimously to uplist the tortoise from threatened to endangered under the California Endangered Species Act based on the scientific data provided on the species' status, declining trend, numerous threats, and lack of effective recovery implementation and land management. Among other things, this determination means that the Mohave desert tortoise population in California is deemed by the California Fish and Game Commission to be closer to extinction than when it was listed as threatened in 1989. The only status more dire than "endangered" is "extinct," and the state of California has formally determined based on its five-year status review (CDFW 2024) that the desert tortoise is closer to extinction than it was in 1989.

PRB6-3

We appreciate that the Council was contacted in an email from the proponent's consultant on 5/24/2024 with the notice of this Partially Recirculated Draft Environmental Impact Report (PR DEIR), dated May 2024. Unless otherwise noted, the page numbers referenced herein are quotes from the PR EIR *given in italics* followed by our comments. We use **bold font** and ~~strike out~~ fonts for a few recommended changes to the text. The Council has a history with this project, providing scoping comments on 10/23/2023[1] relative to the portion of the project on public lands administered by the Bureau of Land Management (BLM) and formal comments on 3/11/2024[2] to the Riverside County Planning Department (County) relative to the Draft EIR (DEIR), which are footnoted below and incorporated herein by reference.

PRB6-4

First, we would like to say that in the last 13 years of reviewing and commenting on proposed projects, the County's proactive responses to our input may be unprecedented. In our letter of 3/11/2024, we identified eight monitoring plans that were missing from the DEIR. We now see in the PR DEIR that there are 15 new monitoring plans, including the eight specific plans that we asked to be included. We also appreciate other recommended changes such as the elimination of lattice-type towers and use of monopoles, use of underground gen-tie lines, and an industrial rooftop solar alternative, which we definitely support as an alternative to developing solar facilities in tortoise habitats. So, thanks for your proactive, conscientious response to our (and other reviewers') comments. That being said, the focus of this letter is to review those new monitoring plans and other components of the PR DEIR (e.g., best management practices) to continue to provide helpful feedback.

[1] https://www.dropbox.com/scl/fi/et2uo4wheahljyzpul73o/Easley-Renewable-Energy-Project.10-23-2023.pdf?rlkey=szm1ruh178er2ke5g69xqf7hg&dl=0

[2] https://www.dropbox.com/scl/fi/syqjh46lvqm22y4oem49w/Easley-Renewable-Energy-Project-DEIR.3-11-2024.pdf?rlkey=kuogh9140rinlsgyi5rbc55p7&dl=0

Comment Set PRB6 – Desert Tortoise Council (continued)

Specific comments for the PR DEIR:

PRB6-5

Page 2-15, Section 2.4.3.6: *Desert tortoise, mammal, and burrowing owl clearance surveys would be conducted ~~following~~* **within the fence right-of-way prior to** *fence installation*. If fence installation requires heavy equipment use, including blading vegetation within the right-of-way (ROW), there is the potential for take of tortoises to occur. Therefore, as indicated in **bold** and ~~strike-out~~ font above, we feel it is essential that clearance surveys be performed within the fence ROW *before* there is any ground disturbance. This is consistent with page 1 of the tortoise translocation plan (Appendix P), which states, "*Relocation and translocation of tortoises may be necessary during fence construction* [*emphasis added*]" and page 6 of Appendix P that calls for "*Survey for desert tortoise along planned fence routes*."

PRB6-6

Page 2-18, trenches and auger holes: Please be sure that best management practices (BMPs) include frequent checks of open trenches and auger holes by biological monitors and/or authorized biologists to rescue any tortoises and other wildlife that may have become entrapped. If the situation allows, all such trenches and holes should be fenced and ramps installed to allow animals to escape on their own.

PRB6-7

Page 2-23, fencing: We note on this page that "wildlife-friendly fences" would be installed as follows: "*This* [wildlife-friendly fence along the Pinto Wash Linkage] *would allow desert tortoise and other wildlife passage through portions of the Project site for the life of the Project. In areas where wildlife-friendly fencing is implemented, the security fence would leave a 6- to 8-inch gap between the lower fence margin (rail or mesh) and the ground*." Please amend this intended measure to commit the proponent to monitoring the fence to ensure that windblown and fluvial sand deposits do not fill in the gaps.

PRB6-8

Then, on page 3.5-70, LUPA-BIO-IFS-1 to -9 (Individual Focus Species (IFS): Desert Tortoise) requires that "*Exclusion fencing must be installed around the perimeter of long-term activities in accordance with the Desert Tortoise Field Manual (USFWS, 2009) and clearance surveys, fence monitoring, and construction monitoring must be performed by a designated biologist (LUPA-BIO-IFS-4, -5).*" Since wildlife-friendly fences have gaps along the bottom side and exclusion fences are necessarily impermeable and typically buried in trenches, please clarify in the Final EIR the temporal and physical relationships between these two mutually-exclusive fence types as planned for the proposed project. We think that a map or figure showing the locations of permanent impermeable fences and wildlife-friendly permeable fences would help clarify the locations and intent of these prescriptions.

PRB6-9

In this same section on page 3.5-70, we read the following: "*By following agency protocols for tortoise surveying, handling, and relocating, and by using qualified and permitted biological staff, individual desert tortoise would be detected for avoidance and monitoring, and mortality and injury during construction and relocation would be reduced* [*emphasis added*]." These protective measures are clearly intended to minimize and hopefully avoid impacts to tortoises during the initial construction phase. If exclusion fences are to be replaced later by wildlife-friendly fences that allow tortoises to immigrate onto the site, please be sure that protective measures are identified and implemented to protect those tortoises that have entered into the area, perhaps attracted by water runoff associated with cleaning panels, and particularly if vegetation is to be subsequently mowed. For example, during the maintenance phase if subsequent mowing is anticipated, we recommend that new clearance surveys be performed prior to mowing to ensure no tortoises will be injured or killed.

Comment Set PRB6 – Desert Tortoise Council (continued)

Page 2-24, decommissioning: Given that the goal of decommissioning is "…*the site would be restored to its pre-solar facility conditions*," we recommend that a bullet be added to the list on page 2-24 that commits the proponent to use advanced restoration techniques to promote revegetation, which go beyond simple scarification, as given in the final bullet. As pertinent resources, we provide two important papers on desert restoration (Abella and Berry 2016, Abella et al. 2023) in the literature cited section of this letter, along with links to access these resources. We trust that techniques given in these two papers and literature that they reference will facilitate successful restoration and help inform the Vegetation Resources Management Plan given in Appendix S of the Final EIR and to implement Land Use Plan Amendment (LUPA) BIO-7. However, as new research continues to improve the efficacy of restoration efforts in the desert including restoration of the soil's biological components needed for successful revegetation of native desert plants, we recommend that the restoration implemented use the methods identified in the scientific literature at the time of restoration. **PRB6-10**

Page 2-25, Section 2.7.2, Best Management Practices: *Utilize 'Overland Travel' as much as possible instead of high-impact methods like disk and roll or grading* **only within fenced areas and other areas that have been previously inspected by tortoise clearance surveys**. It is a longstanding BMP to discourage cross country vehicle travel in areas that may still be occupied by tortoises, so please clarify that such overland travel will be restricted to areas previously surveyed for and cleared of tortoises, with suggested wording provided in bold font. **PRB6-11**

Page 2-26, Section 2.7.2, Best Management Practices: *If possible, bend and pin* **temporary** *tortoise fencing instead of trenching it in, to minimize disturbance along the fence line*. Appendix P (Desert Tortoise Protection and Relocation Plan; DTPRP) clearly differentiates between "permanent" and "temporary" fencing, which this BMP does not. Please be sure to clarify that this pinned-down approach to fencing applies to temporary construction fences, not to permanent perimeter fences. We appreciate the intent of this BMP to minimize disturbance, but point out that this kind of temporary pinned fence is more susceptible to being undermined by erosion from rain events than are permanent fences that are installed using trenches (USFWS 2009). Therefore, we recommend that a BMP be added that commits the proponent to provide regular fence checks (daily or weekly as conditions warrant), particularly after rain events, and that breaches in the fence be repaired as soon as possible. We note that this guidance is given in the DTPRP in Section 4.6 on page 12 but is missing from the text of the PR DEIR. **PRB6-12**

Page 3.5-30, LUPA-BIO-5: "*LUPA-BIO-5 (Worker Education) requires that all activities implement a BLM-approved worker education program that describes biological resources and how to identify them, their legal protections, minimization and mitigation measures, and reporting requirements. Comprehensive training of on-site workers would ensure that they limit ground disturbance to work areas and that they avoid sensitive habitats and special-status species*." This LUPA would be strengthened by clarifying the temporal aspect of worker education programs. Importantly, the proponent should commit to perform worker education programs for all new employees and contractors as they are employed and annual refresher education programs throughout the life of the project to ensure that all facilities workers are informed of protective measures that govern their daily work activities. **PRB6-13**

Comment Set PRB6 – Desert Tortoise Council (continued)

Page 3.5-68: "*As a state and federally listed threatened species…*" Please note that as of April 2024, the Mojave desert tortoise has been uplisted to an "Endangered" species by the California Fish and Game Commission and retains its federal listing as "Threatened," as the PR DEIR has indicated. This change should be made here and elsewhere in the Final EIR. **PRB6-14**

Specific comments for the Desert Tortoise Protection and Relocation Plan (Appendix P): **PRB6-15**

Page 3.5-10 of the PR DEIR states, "*Most of the desert tortoise sign was concentrated within the southwest portion of the Easley Project site* [*emphasis added*]." Please note that on page 5 of the Desert Tortoise Protection and Relocation Plan (DTPRP), it states that "*Most of the desert tortoise sign was concentrated within the south-central portion of the Project site* [*emphasis added*]." We assume the DTPRP is likely more accurate and the Final EIR would need to be changed to ensure the correct part of the site is identified for the location of the nine carcass locations. Have either CDFW or USFWS biologists indicated whether the nine carcasses are to be removed from the site or will they be bladed under?

We appreciate that page 1 of the DTPRP defines relocation (in comparison to translocation) as moving tortoises no more than 300 meters from the point of detection. We then read on page 6 that, "Consistent with USFWS [U.S. Fish and Wildlife Service] *2020 Guidance on Translocation, any tortoises that are relocated out of harm's way would be placed within 300 meters of their capture locations in suitable habitat*." **PRB6-16**

However, we were unable to find important information governing this recommendation. For example, must the relocation of tortoises be restricted to adjacent BLM lands or lands owned by the proponent, or may they be moved onto other private lands not owned by the proponent? In the Final EIR, please clarify the restrictions that govern the relocation of tortoises to adjacent recipient sites. Additionally, please clarify in the DTPRP how tortoises less than 100 mm are to be monitored when released, by whom, for how long, and measures to be implemented if the tortoises move into harm's way or try to reenter the site, resulting in fence-walking, which can expose them to lethal temperatures. We see that larger tortoises are to be monitored with radio transmitters, but Section 8.2.1 of the DTPRP needs to be modified to explain exactly how these smaller tortoises would be tracked, and particularly for how long. **PRB06-17**

Page 8, Section 4.1, Pre-Construction Surveys: The section states, "*Qualified biologists will walk along linear transects throughout the potential fencing disturbance area* **a minimum of two times unless tortoises are found, in which case a third survey may be required**, *spaced 5 meters apart and 20 meters from the fence centerline (total = 40 meters, 130 feet) with an additional buffer area of 30 meters (100 feet), spaced at 10 meters*." Chapter 6 of the USFWS (2009) Field Manual, page 6-1, states, "Clearance surveys at the project site must *consist of at least 2 consecutive surveys* of the site [*emphasis added*]. If desert tortoises are found during the second pass, the USFWS and appropriate State wildlife agency may require a third survey." Please be sure that the Final EIR and subsequent guidance documents emphasize that double coverage clearance surveys are more rigorous than one-time presence-absence surveys, and that it is clearance surveys, not presence-absence surveys, that are required immediately prior to brushing or mowing the site. Details of clearance survey procedures are given on pages 10 and 11 of the DTPRP but are not so detailed or clear in the PR DEIR, so please clarify them in the Final EIR. **PRB06-18**

Comment Set PRB6 – Desert Tortoise Council (continued)

In addition, we prefer that the site be mowed and not brushed, because this method results in greater survival of the vegetation present on the site. **PRB6-19**

Page 11: We read the following statement, "*If juvenile tortoises are found during the first or second pass, additional focused searches will be performed in the immediate area of where it was found. It is recommended transects of 2.5 meters or less are walked within 250 meters of the located sign to maximize the chance of locating a small individual*." We note that this is a loose interpretation of the guidance given by the USFWS (2009), which states, "If desert tortoises are found during the second pass, the USFWS and appropriate State wildlife agency may require a third survey." The implication of this guidance is that the *entire site*, not just areas proximate to discovered juvenile tortoises, are to be resurveyed. It is erroneous to assume that additional juvenile tortoises will only be located near other juveniles found during the second survey; they may occur anywhere. In any case, the biological consultant must contact both USFWS and CDFW for guidance concerning subsequent surveys if a tortoise is found during the final survey. **PRB6-20**

Page 16, Section 6.4, Post-Clearance Procedures: The first paragraph states, "*After clearance and relocation are completed, there remains a possibility of finding tortoises within the Project site, especially juvenile tortoises. A Biological Monitor would monitor initial clearing and grading activities for any tortoises missed during the clearance survey. Should a tortoise be discovered, an Authorized Biologist would be responsible for translocating it per this Plan.* **In accordance with the clearance survey protocol, initial and grading activities would cease, and the entire site would be surveyed again for additional tortoises.**" This bold text needs to be added to the DTPRP in this section so the proponent knows they must comply with USFWS (2009) guidance for clearance surveys. **PRB06-21**

Page 16: The last paragraph at the bottom of this page states, "*Any tortoise found in the solar field after construction and during operations, prior to passage fencing installation, is most likely to have entered the site through an opening in the exclusion fence. It is likely, although not impossible, that any tortoise found during operations would not yet have constructed a burrow and would have only recently entered the site. Any such tortoise would be relocated/translocated per this plan.*" Finding such a tortoise may occur many years after construction. However, the DTPRP falls short of explaining who would handle such tortoises, if there are to be on-call biologists, and just how the tortoises would be treated until which time an authorized biologist arrives. We recommend that Section 9. Operations and Management be amended to explain if onsite personnel will be authorized to rescue and hold such tortoises or to watch them until which time a formally-approved authorized biologist arrives to relocate or translocate the animal(s). **PRB06-22**

Specific comments for the Raven Management Plan (Appendix Q): **PRB06-23**

We note that neither the Raven Management Plan (RMP) nor the PR DEIR commits the project proponent to participating in the National Fish and Wildlife Foundation's Raven Management Fund for regional and cumulative impacts. We recommend that the RMP be amended to commit the proponent to providing the appropriate fees to this fund.

Comment Set PRB6 – Desert Tortoise Council (continued)

Specific comments for the Wildlife Protection and Relocation Plan (Appendix R):

PRB06-24

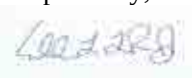
It would be appropriate to add page numbers to the Wildlife Protection and Relocation Plan (WPRP) to facilitate referencing specific sections. Note in Section 2.1 what would be page 3 western burrowing owl is referred to as a "California species of special concern" (CSC species). On March 5, 2024, six conservation groups, including the Center for Biological Diversity, Santa Clara Valley Audubon Society, and Defenders of Wildlife, petitioned the California Fish and Game Commission to list the western burrowing owl (*Athene cunicularia hypugaea*) as endangered or threatened under the California Endangered Species Act (CESA). Please make this correction here and elsewhere as needed. Additionally, it is prudent to contact CDFW to see if its status as a candidate species for listing warrants more protection than is afforded to a CSC species.

PRB6-25

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 Riverside County Planning Department that may affect desert tortoises, and that any subsequent environmental documentation for this project is provided to us at the contact information listed above.

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

cc. 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
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Comment Set PRB6 – Desert Tortoise Council (continued)

PRB6-25 (cont'd)

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Abella, S.R., K.H. Berry, and S. Ferrazzano. 2023. Techniques for restoring damaged Mojave and western Sonoran habitats, including those for threatened desert tortoises and Joshua trees. Desert Plants 38:4-52. https://deserttortoise.org/wp-content/uploads/Abella-et-al-2023-Restoration-in-the-Mojave-Western-Sonoran-Desert-Vegetation.pdf

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[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

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

[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

Responses to Comment Set PRB6 – Desert Tortoise Council

PRB6-1 The commenter describes the Desert Tortoise Council (Council) and its mission. The Council's physical and email addresses have been added to the Project mailing list for future notices with a note that email is preferred.

PRB6-2 The County notes the commenter-provided background of the status of the desert tortoise, details on its population decline, and a summary of its recent uplisting to state endangered under CESA.

PRB6-3 The commenter states that the Council has a history with this project, providing scoping comments in October 2023 relative to the portion of the project on public lands administered by the Bureau of Land Management (BLM) and formal comments in March 2024 to the Riverside County Planning Department (County) relative to the original Draft EIR. The commenter states that its Draft EIR comments are incorporated by reference.

See Comment Set B2 for responses to comments submitted by the Desert Tortoise Council in March 2024 on the original Draft EIR.

PRB6-4 The commenter states that the Council appreciates inclusion of new draft monitoring plans as appendices in the Partially Recirculated Draft EIR (PRDEIR), the elimination of lattice-type towers and use of monopoles, use of underground lines, and inclusion of an industrial rooftop solar alternative. The commenter's support for Alternative E as an alternative to developing solar facilities in desert tortoise habitats is noted.

Please see Responses to Comments PRB6-5 through PRB6-25 for responses to specific comments.

PRB6-5 The commenter suggested a text revision in EIR Section 2.4.3.6 to clarify that desert tortoise clearance surveys would be performed along the fence right-of-way prior to fence installation. The Project's Desert Tortoise Protection and Translocation Plan (EIR Appendix P) references completion of tortoise pre-construction surveys along planned fence lines prior to fence installation. After exclusion fencing is installed, clearance surveys would be performed with at least two passes within each of the enclosed, fenced areas. Clarifying text was added to Section 2.4.3.6 as suggested.

PRB6-6 The commenter recommended that trenches and auger holes include BMPs for frequent checks by biological monitors and a means of escape from holes to prevent wildlife entrapment. Refer to MM BIO-6 (Wildlife Protection), which includes requirements for preventing wildlife entrapment consistent with the commenter's recommendations.

PRB6-7 The commenter recommends that in Section 2.5.4 wildlife-friendly fencing should be monitored to ensure that windblown and fluvial sand deposits do not fill in the gaps.

Text was added to MM BIO-7 (Desert Tortoise Protection), under *Plan requirements for O&M, decommissioning, and adaptive management*, to specify that fencing would be inspected once per quarter for sand deposits and fence damage.

PRB6-8 The commenter asks for clarification in the Final EIR on the temporal and physical relationships between exclusion fencing and wildlife-friendly fencing and recommends a map of fencing types be included.

Use of wildlife-friendly fencing would be determined in coordination with USFWS, based on success of revegetation, habitat suitability for wildlife, wildlife use at the site, and success of its use at other sites. That is, pending results of wildlife-friendly fencing on the Oberon Project (i.e., wildlife use of the site), success of re-vegetation, and addressing Federal Energy Regula-

tory Commission (FERC) security considerations, the Applicant has stated that it would 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.

See Response to Comment PRB10-12 regarding details on wildlife-friendly fencing.

PRB6-9 The commenter recommends that if wildlife-friendly fencing is used during O&M, that protective measures be implemented to protect tortoises in work areas. Impacts to threatened and endangered species during O&M are evaluated in Section 3.5.5, in Impact BIO-2, Operations and Maintenance and Decommissioning. Refer to MM BIO-7 for protective measures required during O&M, which include allowing desert tortoise to move out of harm's way of its own accord, or relocation of the tortoise by an Authorized Biologist. Mitigation measures and CMAs as described in Section 3.5.5, Impact BIO-2, would be implemented to avoid and minimize impacts during O&M. In addition, compliance with MM BIO-6 would also protect desert tortoise during O&M activities by, among other things, requiring speed limits to minimize the risk of wildlife collisions, requiring project activities to minimize interference with wildlife, and reducing the presence of attractants like trash and open water.

PRB6-10 The commenter recommends that a bullet be added on Page 2-24 (EIR Section 2.6) under decommissioning to commit to advanced revegetation techniques, in addition to scarification. The commenter recommended two additional resources that describe techniques for desert revegetation and restoration to inform the Vegetation Resources Management Plan. The commenter recommends that restoration be implemented according to up-to-date methods in scientific literature, as identified at the time of implementation.

The Vegetation Resources Management Plan concerns vegetation management during the Project's operational life, and the Closure, Decommissioning, and Reclamation Plan (Appendix Y) details revegetation requirements to be met following project decommissioning. A bullet was added under Section 2.6 in the Final EIR to clarify that revegetation would be completed as part of decommissioning consistent with Section 5 of the Closure, Decommissioning, and Reclamation Plan (EIR Appendix Y).

Per MM BIO-5, the Vegetation Resources Management Plan is consistent with DRECP CMAs LUPA-BIO-7 (Restoration of Areas Disturbed by Construction Activities but Not Converted by Long-Term Disturbance), LUPA-BIO-VEG-1 (vegetation management for cactus, yucca, and other succulents under BLM policy), and LUPA-BIO-VEG-5 (adherence to BLM regulations and policies regarding salvage and transplants of cactus, yucca, other succulents, and BLM sensitive plants). The two recommended references and a requirement to use up-to-date restoration techniques at the time of implementation were added to MM BIO-5.

PRB6-11 The commenter's requested text has been added in Section 2.7.2 of the Final EIR to clarify that overland travel would be used only within fenced areas and those areas that have been previously cleared through desert tortoise surveys.

PRB6-12 The commenter recommends that text for BMPs in EIR Section 2.7.2 be revised to specify that temporary tortoise fencing be bent and pinned, and not permanent perimeter fences. The commenter recommends that a BMP be added to commit to regular fence checks, particularly after rain events, and that breaches be repaired as soon as possible.

Section 2.7.2 was revised, consistent with the Desert Tortoise Protection and Relocation Plan (EIR Appendix P), to clarify that temporary tortoise exclusion fencing would be bent and pinned, if feasible. The commenter's recommendations regarding fence monitoring and inspections were addressed in the PRDEIR in MM BIO-7 (see EIR Section 3.5.7).

PRB6-13 The commenter states that LUPA-BIO-5 would be strengthened by adding that worker education would be given for new employees and that refresher courses be given annually throughout the project. LUPA-BIO-5 is an established CMA required on BLM lands per the DRECP. The associated mitigation measure MM BIO-2 was revised in the Final EIR to specify that refresher trainings would be given annually.

PRB6-14 The commenter notes that the Mojave desert tortoise was uplisted to "Endangered" under CESA and that this change should be made throughout the Final EIR. The Final EIR was updated to identify desert tortoise as state endangered.

PRB6-15 The commenter states that the description of desert tortoise sign in the Desert Tortoise Protection and Translocation Plan is slightly different than in the EIR, and that the documents should be updated to ensure the correct portion of the site is identified.

The description in the PRDEIR of desert tortoise sign being observed in the southwest portion of the site is consistent with the description in the BRTR. Refer to Figure 3.5-5 in the Final EIR. The Desert Tortoise Protection and Translocation Plan (EIR Appendix P) has been updated to reflect this description.

The commenter asks if CDFW or USFWS have indicated if the observed desert tortoise carcasses would be removed or left on site. Per Section 4.4.1 of the Desert Tortoise Protection and Translocation Plan (EIR Appendix P), during the first pass clearance survey, all desert tortoise sign will be removed from the clearance area, which will prevent reidentification of the same tortoise sign in proposed work areas. The fate of carcasses is determined in coordination with USFWS and CDFW, and may include receipt by a resource agency, use for educational purposes, or relocation in the natural environment outside of the work area fence line.

Text was added to Section 4.4.1 of the Desert Tortoise Protection and Translocation Plan in Final EIR Appendix P to clarify that removal of desert tortoise sign during the first pass clearance survey will prevent reidentification of the same tortoise sign in proposed work areas and to outline the potential fate of carcasses.

PRB6-16 The commenter states their appreciation for defining "relocation" versus "translocation" of desert tortoise in the Desert Tortoise Protection and Translocation Plan (EIR Appendix P) and identifying that relocated desert tortoise would be placed within 300 meters of capture locations in suitable habitat.

PRB6-17 The commenter states that details should be added to the Desert Tortoise Protection and Translocation Plan regarding desert tortoise relocation and relocation recipient areas, specifically whether BLM lands or other lands would be used.

Text was added to the Desert Tortoise Protection and Translocation Plan in Section 6.1 and to the Final EIR in MM BIO-7 (Desert Tortoise Protection; see Section 3.5.7) providing more detail regarding how relocation of tortoises as described in the Desert Tortoise Protection and Translocation Plan would be carried out. The new text explains that relocated tortoises will be moved by an Authorized Biologist within 300 meters of their capture locations in suitable habitat, within adjacent BLM land or private land owned by the Applicant.

The commenter requests clarification in the Plan regarding how tortoises less than 100 mm are monitored and tracked when released, and the measures to be implemented if tortoises return to the site or are fence-walking. The commenter states that Section 8.2.1 of the Plan needs to be modified to explain how and for how long smaller tortoises would be tracked.

Text was added to Section 6.1 and 7.1 in the Desert Tortoise Protection and Translocation Plan in Final EIR Appendix P to identify that relocation, translocation, and monitoring of

tortoises <100 mm will be coordinated with BLM, USFWS, and CDFW on a case-by-case basis at the time of detection.

Section 4.6 of the Plan (EIR Appendix P) addresses fence inspection requirements and has been revised to provide more detail on fence inspections to occur during construction and operations and maintenance. References to fence inspection procedures were also added to the Plan in Section 6.4 (Post-clearance Procedures) and Section 9 (Operations and Maintenance) and to the Final EIR in Section 3.5.7, MM BIO-7 under *Plan requirements for O&M*. Regular fence inspections, as described, would avoid and minimize re-entry of desert tortoise to work areas and fence-walking. Section 9 of the Plan (EIR Appendix P) also identifies that any tortoise in maintenance or repair areas would be allowed to move from harm's way of its own accord or that it would be relocated by an Authorized Biologist.

PRB6-18 The commenter recommends that text be added to the Desert Tortoise Protection and Translocation Plan in Section 4.1 to identify that pre-construction surveys would be performed at least twice, consistent with the USFWS Desert Tortoise Field Manual (2009).

The commenter recommends that the Final EIR emphasize that double coverage surveys are more rigorous and that clearance surveys, not presence-absence surveys, are required immediately prior to mowing or brushing the site. The commenter notes that the details of clearance surveys are given in the Desert Tortoise Protection and Translocation Plan and asks that they be clarified in the Final EIR.

Surveys identified in Section 4.1 of the Desert Tortoise Protection and Translocation Plan describe pre-construction surveys for fence installation, which include a pre-construction survey to identify desert tortoise and burrows within the fence line area prior to fence installation. The fence line installation area is open until installation is complete and individuals may move back into the area until that time; therefore, fence construction monitoring is performed per Section 4.2 of the Plan. If at any time a desert tortoise moves into the work area, activities will halt until the animal moves out of the work site on its own accord or is moved from harm's way by an Authorized Biologist.

After fence installation is complete and the work area is ready to be enclosed, clearance surveys will be performed as described in Section 4.4. Per the USFWS Desert Tortoise Field Manual (2009), clearance surveys would be conducted immediately prior to surface disturbance at each site within the project area or following construction of a desert tortoise-proof fence or similar barrier encompassing the project area to ensure that tortoises cannot enter the project area. The details of clearance surveys are provided in Section 4.4.1 of the Plan, consistent with the text provided by the commenter from the USFWS Desert Tortoise Field Manual (2009), requiring at least 2 consecutive clearance surveys with potential for a third if desert tortoise are found.

Text was revised in the Final EIR in Section 3.5.7, MM BIO-7, to clarify the requirements for clearance surveys.

PRB6-19 The commenter states that they prefer the site be mowed and not brushed for greater survival of vegetation.

The County is unaware of "brushing" as a site prep technique. Per Section 2.4.4.1, site preparation for facilities and roads includes mowing, grubbing, grading and compaction. Site preparation for solar arrays uses mowing and rolling of woody vegetation to a height of 12 inches in an effort to preserve vegetation and provide for better and faster post-construction site revegetation.

PRB6-20 The commenter states that if juvenile tortoises are found during clearance surveys, additional focused searches should be performed on the entire site, not just in areas proximate to the observed individuals, as is described in Section 4.4.1 of the Desert Tortoise Protection and Translocation Plan (EIR Appendix P).

Text was added to Section 4.4.1 of EIR Appendix P to specify that additional focused surveys for juvenile tortoises would be performed with direction from BLM, USFWS, and CDFW on survey locations.

PRB6-21 The commenter recommends additional text in Section 6.4 of the Desert Tortoise Protection and Translocation Plan (EIR Appendix P) to require that the entire site be surveyed again for additional tortoises if they are found after clearance and relocation are completed.

Text was added to Section 6.4 of EIR Appendix P to clarify that "should a juvenile tortoise be discovered at this time, all clearing and grading in the area will cease until further actions are discussed with BLM, USFWS, and CDFW. Direction will be received from the resource agencies on additional surveying requirements and/or relocation or translocation by an Authorized biologist prior to recommencing grading activities."

PRB6-22 The commenter states that the Desert Tortoise Protection and Translocation Plan does not explain who would handle tortoises during O&M if they reenter the site and require relocation or translocation.

Text has been added in Section 9 of EIR Appendix P to identify that "onsite O&M personnel will observe the tortoise and contact on-call biologists until an authorized biologist can arrive onsite. BLM, USFWS, and CDFW will be notified within 48 hours of observation."

PRB6-23 The commenter states that neither the Raven Management Plan nor the PRDEIR commits the project to contributing to the National Fish and Wildlife Foundation's Raven Management Fund.

Please refer to MM BIO-7, under "Prepare a Raven Management Plan", which reads "[t]he Applicant will submit payment to the Project sub-account of the Renewable Energy Action Team (REAT) Account held by the National Fish and Wildlife Foundation (NFWF) to support the Service's Regional Raven Management Program. The one-time fee will be as described in the cost allocation methodology, or more current guidance as provided by the Service or CDFW. The contribution to the regional raven management plan will be $105 per acre impacted."

Corresponding text has been added to EIR Appendix Q, Raven Management Plan (Appendix Q).

PRB6-24 The commenter states that page numbers should be added to the Wildlife Protection and Relocation Plan. The commenter also asks that the Final EIR be updated to acknowledge the CESA listing petition for the western burrowing owl submitted in March 2024 by several conservation groups.

The Wildlife Protection and Relocation Plan (EIR Appendix R) was revised as recommended. Regarding western burrowing owl, please see PRDEIR p. 3.5-10 which acknowledges the listing petition referenced by the commenter.

PRB6-25 The County notes the Council's request to be identified as an Affected Interest for this and all other projects funded, authorized, or carried out by the Riverside County Planning Department that may affect desert tortoises. As stated in Response to Comment PRB6-1, the commenter's physical and email addresses have been added to the Project mailing list for future notices.

Comment Set PRB7 – Morongo Basin Conservation Association

Email: Easley Renewable Energy Project

From: Pat Flanagan <patflanagan29@gmail.com>
Sent: Monday, July 8, 2024 11:40 AM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Cc: Supervisor Jeffries - 1st District <district1@RIVCO.ORG>; Office of 2nd District Supervisor <District2@rivco.org>; District3 Information <D3Email@RIVCO.ORG>; District 4 Supervisor V. Manuel Perez <District4@RIVCO.ORG>; District 5 <District5@rivco.org>
Subject: Partially Recirculated Draft EIR Easley Solar Project (CUP220021)
Attachments: C Sequestration Desert Sector Report Revised 2.7.24.pdf; California Is Showing How a Big State Can Power Itself Without Fossil Fuels _ The New Yorker.pdf; MBCA Comment Easley 7-7-24.docx; PRB07 MBCA Comment Easley 7-7-24.docx

July 8, 2024

Dear Mr. Wheeler,
Please accept the comments from MBCA on the Recirculated Draft EIR Easley Project. Please acknowledge the receipt of the comment letter with the attached PDFs C Sequestration Desert Sector Report and Bill McKibben's article in the New Yorker California Showing How a Big State Can Power Itself Without Fossil Fuel.

Thank you,
Pat Flanagan
Board Member, MBCA

Comment Set PRB7 – Morongo Basin Conservation Association (continued)

MBCA
morongo basin conservation association

July 7, 2024

County of Riverside
TLMA Planning Department
Tim Wheeler, Planner
4080 Lemon Street, 12th Floor, Riverside CA, 92501
Phone: (951) 955-6060
Email: TWheeler@rivco.org

Subject: Partially Recirculated Draft EIR Easley Solar Project (CUP220021)

Dear Mr. Wheeler,

The Morongo Basin Conservation Association is an advocate for responsible renewable energy development that preserves and supports the economic and environmental welfare of desert communities while working to meet the federal and state climate change goals. Our letter on March 11, 2024 concentrated on the dangers solar fields hold for migrating birds. PRB7-1

The solar power that would be produced by the proposed Easley Project would be sold to Southern California Edison for use by the California Independent System Operator (CALISO) who oversee the operation of California's bulk electric power system, transmission lines, and electricity market generated and transmitted by its member utilities. (Wikipedia)

Bill McKibben, noted author and journalist on climate change and a founding member of 350.org, recently reported in The New Yorker (June 27, 2024) - *California is Showing How A Big State Can Power Itself Without Fossil Fuels.* See attached pdf

> "*Something approaching a miracle has been taking place in California this spring. Beginning in early March, for some portion of almost every day, a combination of solar, wind, geothermal, and hydropower has been producing more than a hundred per cent of the state's demand for electricity. Some afternoons, solar panels alone have produced more power than the state uses. And, at night, large utility-scale batteries that have been installed during the past few years are often the single largest source of supply to the grid—sending the excess power stored up during the afternoon back out to consumers across the state. It's taken years of construction—and solid political leadership in Sacramento—to slowly build this wave, but all of a sudden it's cresting into view. California has the fifth-largest economy in the world and, in the course of a few months, the state has proved that it's possible to run a thriving modern economy on clean energy*."

Post Office Box 24, Joshua Tree CA 92252 mbconservation.org
MBCA is a 501(c)3 non-profit, community based, all volunteer organization

Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-1 (cont'd)

This important news provides ample justification to choose either Alternative A3 the No Project Alternative, or Alternative E the Distributed Commercial and Industrial Rooftop Solar Alternative, described as follows:

> *"This Alternative would involve the development of a number of geographically distributed small to medium solar PV systems (100 Kilowatt hours to 1MW) within existing developed areas, typically on the rooftops of commercial and industrial facilities situated throughout Riverside County. Under this alternative, no new land would be developed or altered...."*

Both Alternatives would protect not only the communities of Lake Tamarisk and Desert Center, but they would also protect special status wildlife and plant species and the wildlife connectivity providing safe travel and live-in areas for the species. The Special Status Wildlife and Plant Species include: Desert Tortoise, American Badger, Desert Kit Fox, Burro Deer, Burrowing Owl, Loggerhead Shrike, Yuma Ridgway Rail, and Desert Unicorn Plant. See Figures: 3.5-4, 3.5-5, 3.5-6, 3.5-8, 3.5-10.

PRB7-2

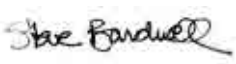
Alternatives A3 and E would also leave the intact desert of the proposed Easley Project undisturbed, protecting the ongoing active sequestering of carbon and the ancient carbon stored in the caliche. See attached PDF:

The California Desert's Role in 30X30:
Carbon Sequestration and Biodiversity
February 6, 2024

The Riverside Planning Commission and Board of Supervisors have been given powerful justification to deny the Easley Solar Project as planned.

Thank you for your thoughtful consideration.

Sincerely,



Steve Bardwell, President
Morongo Basin Conservation Association
CC:

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Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-2 (cont'd)

The California Desert's Role in 30X30: Carbon Sequestration and Biodiversity

February 6, 2024



Dr. Michael Allen, Ph.D. Distinguished Professor Emeritus. Department of Microbiology and Plant Pathology, University of California, Riverside

Dr. Cameron Barrows, Ph.D. Conservation Ecologist, Emeritus. Center for Conservation Biology, University of California, Riverside

Colin Barrows, Co-founder, Cactus to Cloud Institute

Susy Boyd, MNR. Master of Natural Resources, Forests and Climate Change. Oregon State University

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Robin Kobaly, M.S. Biology and Plant Ecology. University of California, Riverside

Arch McCulloch, M.S. Computer Science. Azusa Pacific University. B.S Geology / Computer Science. California State University, Dominguez Hills

Joan Taylor, Governing board of the Coachella Valley Mountains Conservancy, and boards of Friends of the Desert Mountains and The Wildlands Conservancy. Chairperson, California Conservation Committee and California/Nevada Desert Committee of Sierra Club

Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-2 (cont'd)

Author Biography

Dr. Michael Allen. Dr. Michael Allen has a Bachelor of Science in Biology from Southwestern College in Kansas, a Master of Science in Botany from the University of Wyoming, and a Ph.D. in Botany from the University of Wyoming, and is currently a Distinguished Professor Emeritus in Microbiology and Plant Pathology at the University of California, Riverside. He has worked on carbon flux and mycorrhizae since his dissertation, served as a program officer at the National Science Foundation where he managed Long-Term Projects, Ecosystems, and Conservation and Restoration Biology. During his tenure, he led discussions for the initiation of the National Ecological Observatory Network (NEON), served as an original member of various NEON boards, led the Biodiversity workshop, led the California bioregion discussions, and designed the soil sensor network that was adopted by NEON to measure soil carbon flux.

Dr. Cameron Barrows. Dr. Cameron Barrows worked for The Nature Conservancy (TNC) with his wife Kate, managing the last remaining old growth redwood forest in Mendocino County, CA, and conducting research on Spotted Owls (1980-1986). Dr. Barrows continued working for TNC and other NGO conservation organizations to implement the first-in-the-nation Habitat Conservation Plan in the Coachella Valley and expanding that plan to encompass the full breadth of biodiversity within that valley (1986-2005). Research focused on the Coachella Valley fringe-toed lizard and flat-tailed horned lizard. He worked with the Research Faculty at the University of California Riverside's (UCR) Center for Conservation Biology (2005-2022). Research focused on the response and resilience of desert species to modern climate change. Emeritus Research Faculty at UCR (2022-Retired). Still doing research and still married to Kate (44 years and counting). Their son Colin is carrying the desert conservation torch into the coming decades.

Colin Barrows. Colin is a Coachella Valley naturalist and desert advocate who works to promote conservation of natural open spaces and native species. He works with local agencies to advance habitat conservation, recreational trails planning, and education about desert ecosystems. He also serves on the board of the Mt. San Jacinto Natural History Association. Colin currently serves as co-founder of the Cactus to Cloud Institute.

Susy Boyd. Susy Boyd completed her MNR [Master of Natural Resources] degree at Oregon State University with an emphasis in Forests and Climate Change. Her research project developed climate change predictions and impacts on Seasonally Dry Tropical Forests in Mexico's Yucatan region. Prior to her studies with OSU, she received a Master of Arts degree in Rhetoric and Communication at UC Davis where she also served as lecturer. She currently works with Mojave Desert Land Trust as Public Policy Coordinator.

Pat Flanagan. Pat Flanagan is a naturalist - educator with a BA degree in biology from CSU Long Beach. She was the director of education at the Tijuana River National Estuarine Research Reserve for 10 years. She developed the first bilingual coastal wetland curriculum for bi-national distribution and training. This curriculum was later adapted to the Colorado Desert for the Desert Protective Council. She was a founding member of the Mojave Desert Land Trust where she held various positions. She is on the board of the Morongo Basin Conservation Association (20 years) for whom she has studied and commented extensively on Utility Scale Solar projects in the Mojave Desert. She is an advisor to the Mojave Desert Resource Conservation District and the naturalist at the historic 29 Palms Inn Oasis of Mara.

Robin Kobaly. Robin Kobaly holds both BS and MS degrees in Biology and Plant Ecology from the University of California, Riverside. She served as a botanist for the U.S. Bureau of Land Management for 21 years, working on regional conservation plans, habitat management plans, management plans for Areas of Critical Environmental Concern (ACEC), and environmental impact statements. Kobaly served on the Independent Science Panel providing science-based input to the planning process for the Desert Renewable Energy Conservation Plan (DRECP). She currently serves as Executive Director of The SummerTree Institute, an environmental education non-profit.

Arch McCulloch. Arch McCulloch has Bachelor of Science degrees in Computer Science and in Geology from California State University at Dominguez Hills, and a Master of Science degree in Computer Science from Azusa Pacific University. He spent 35 years as a software and information assurance engineer in the defense industry. He is currently on the boards of Morongo Basin Conservation Association (MBCA) and the Mojave Desert Chapter of California Native Plant Society (CNPS).

Joan Taylor. Joan Taylor has been conserving the California desert for over five decades, including eight years as an appointed stakeholder to DRECP, where she co-authored the joint environmental NGO comments on the CEC energy-acreage calculator. Joan has received numerous awards and acknowledgements for her life-long leadership

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Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-2 (cont'd)

in desert conservation. Currently, she serves on the governing board of the Coachella Valley Mountains Conservancy, The Wildlands Conservancy, and Friends of the Desert Mountains. Joan also chairs the Sierra Club's California Conservation Committee and its California/Nevada Desert Committee.

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Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-2 (cont'd)



The California Desert Conservation Area

Executive Summary

Our state's southeast desert region is unlike any other locale of the state. California's desert ecosystem comprises a staggering 25% of state land (approx.26 million acres) and is locally accessible to approximately half of our state's population. The unique beauty of the desert ecosystem has driven visitation to the region, with Joshua Tree National Park recognized as the 8th most visited national park in the country in 2022.

In spite of its rapidly rising popularity, the California desert as an ecosystem remains poorly understood, underfunded, and misperceived. One of the most persistent mischaracterizations is that the California desert is a barren wasteland with low biodiversity and limited capacity for carbon storage. Scientific data refutes these inaccuracies, and this report will demonstrate that 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.

There are 2 key takeaway messages from this report:

1. **The desert's carbon storage process differs significantly from more widely understood sectors such as forests, grasslands, chaparral, and wetlands.**

2. **Because of the distinct carbon storage process found in the desert ecosystem, there is one recommended strategy to maximize the desert sector's contribution to carbon emission reduction: intact desert lands need to be left undisturbed.**

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Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-2 (cont'd)

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I. Introduction. California's goal of carbon neutrality seeks to balance the net flux of greenhouse gas emissions (GHG) from all sources and sinks.

> California's non-forest habitats play an unappreciated but critical role [in carbon sequestration] …. As with forests, non-forest habitats can store carbon by keeping it from being released and sequester it by removing it from the atmosphere. Habitats in arid and semi-arid regions — including shrublands, grasslands, and deserts — have been found to store significant amounts of carbon while being resilient to drought and increased atmospheric carbon (Yap et al., 2023).

As reported by Yap et al., globally, scientists estimate that deserts store 999 – 1,899 petagrams [Pg] of carbon. In the United States, southwest deserts sequester 50 teragrams [Tg] of carbon annually (equal to 0.05 Pg). And in California's northern Mojave Desert, field experiments demonstrated that CO_2 exchange plays a larger role in global carbon cycling than what scientists and policy makers have long assumed. The desert ecosystem, unlike other sectors, is largely unmanaged with the exception of some restoration projects. Additionally, the desert's recovery from alterations of any kind takes place on a time scale at a much slower rate relative to other ecosystem types, up to thousands of years.

The desert's function as a significant global carbon sink is an emerging and exciting scientific territory that merits a central place in any endeavor to meet climate change goals.

Center for Biological Diversity, Yap, T., Prabhala, A., & Anderson, I. (2023). *Hidden in Plain Sight: California's Native Habitats are Valuable Carbon Sinks* (W. Leung, Ed.).

II. Maximizing Carbon Sequestration and Biodiversity Protections

Maximizing carbon sequestration and concurrent protection of high biodiversity in the California desert ecosystem is achieved by conserving 100% of <u>undisturbed</u> public lands.

Arch McCulloch, MS
Board Member, Morongo Basin Conservation Association / Mojave Desert Chapter of CNPS

It is axiomatic that disturbances in the desert take a long time to heal. Scars in terrain altered by General Patton's World War II training exercises remain visible today, and areas grazed by cattle still, over 60 years later, support vegetation assemblages that indicate a history of grazing and associated fires (Sawyer et al. 2009). Deliberate disturbances, such as the desert intaglios near Blythe, can last for many centuries.

Many desert perennials are long-lived: Joshua trees (*Yucca brevifolia*) can live over 100 years and Mojave yuccas (*Yucca schidigera*) can live over 1,000 years; desert ironwood (*Olneya tesota*) may live a thousand or more (Rymer 2023). Creosote bush (*Larrea tridentata*) clonal rings over 10,000 years old are still living in parts of the Mojave Desert (Porter 2012). Blackbrush (*Coleogyne ramosissima*) may take over 60 years to re-establish on sites where it has been removed (Anderson 2001). Obviously, restoration of disturbed sites is complicated by these time scales.

In desert soils, restoration is even more complicated due to very deep and expansive root systems and to the complex soil biota that has co-evolved with plants on particular sites over millennia. After removal of perennial plants, the re-establishment of this deep soil biota, even more than the extremely slow growth rates of desert perennials, means there is no practical way to restore lands where this relationship has been disrupted.

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Comment Set PRB7 – Morongo Basin Conservation Association (continued)

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Photovoltaic solar (PV) is rightly seen as a core energy resource to reduce our carbon footprint. The issue is where to place it to best attain this goal. There is great risk of unintended consequences when Southern California deserts are narrowly assumed to be the primary locale for utility scale solar, as we discuss in the following sections. Photovoltaic efficiency is highest on cool, sunny days, which maximizes the electric potential of the solar cell. Since cloud cover and high ambient temperatures both reduce PV efficiency, cooler areas with higher cloud covers will have PV efficiency comparable to hot areas with lower cloud cover. Locating solar panels as close as practicable to load will reduce resistance losses. The success of PV generation in Germany shows that acceptable efficiency is achievable with these strategies.

Given the ability of undisturbed desert land to bind and hold carbon on a scale of millennia, and the difficulty of restoring disturbed desert lands to anything approaching this capability, we believe that any solar project proposed for the desert should be sited on the vast areas that have already been disturbed by urban, agricultural, and industrial installations (and by the ruins, both physical and biological, of former installations).

In sum, any calculation of equivalent carbon savings by a desert solar installation must, if it is honest, subtract carbon no longer sequestered by the destroyed vegetation, as well as carbon being released to the atmosphere by soil now exposed to weathering. It must also account for replacing an ecosystem service (that, if undisturbed, would continue to operate independently and indefinitely), with an industrial service requiring near-constant maintenance and complete equipment replacement every few decades.

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Characterizing Disturbed Lands

Susy Boyd, MNR. Master of Natural Resources, Forests and Climate Change, Oregon State University
Public Policy Coordinator, Mojave Desert Land Trust

Disturbed lands are those areas where infrastructure development has been or may be encouraged. The state of California as a whole has much to offer in terms of disturbed lands suitable for utility infrastructure as we transition to clean energy and meet our state's impressive climate change mitigation goals.

Landscape-scale disturbance falls across a continuum. A pristine desert ecosystem characterizes one end of the spectrum, and worst-case scenario characterized by loss of ecosystem function represents the other end of the spectrum (C. Barrows Ph.D., personal communication, September 14, 2023). A functioning desert ecosystem provides ecosystem services beyond carbon sequestration including habitat for desert organisms. So long as perennial woody vegetation remains intact, the landscape can be considered a functioning ecosystem, even with presence of non-native grasses and mustard that have

Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-2 (cont'd)

ephemeral impacts based on water availability. Other examples of undisturbed lands subject to minor impacts include areas with light or well-managed grazing, lands affected by wildfire (with root zone left undisturbed), and lands impacted by flooding with no expected continuing disturbance.

Examples of landscapes that have lost most of their functionality would be abandoned building sites, fallow agricultural lands, and large-scale mining operations; degraded OHV playgrounds; parking lots; and rights-of-way for transmission lines and canals. Residential and commercial developments are also regions where ecosystem function has been reduced to nonfunctional status.

In 2023, the California Energy Commission [CEC] released a staff report entitled, "Land-Use Screens for Electric System Planning." Land use screens are high level land use evaluation tools that identify favorable sitings for renewable energy after considering technical and economic criteria; legal restrictions; and planning considerations for biodiversity, crop production, climate resilience, and landscape intactness. The 2023 report provides descriptors for landscape intactness:

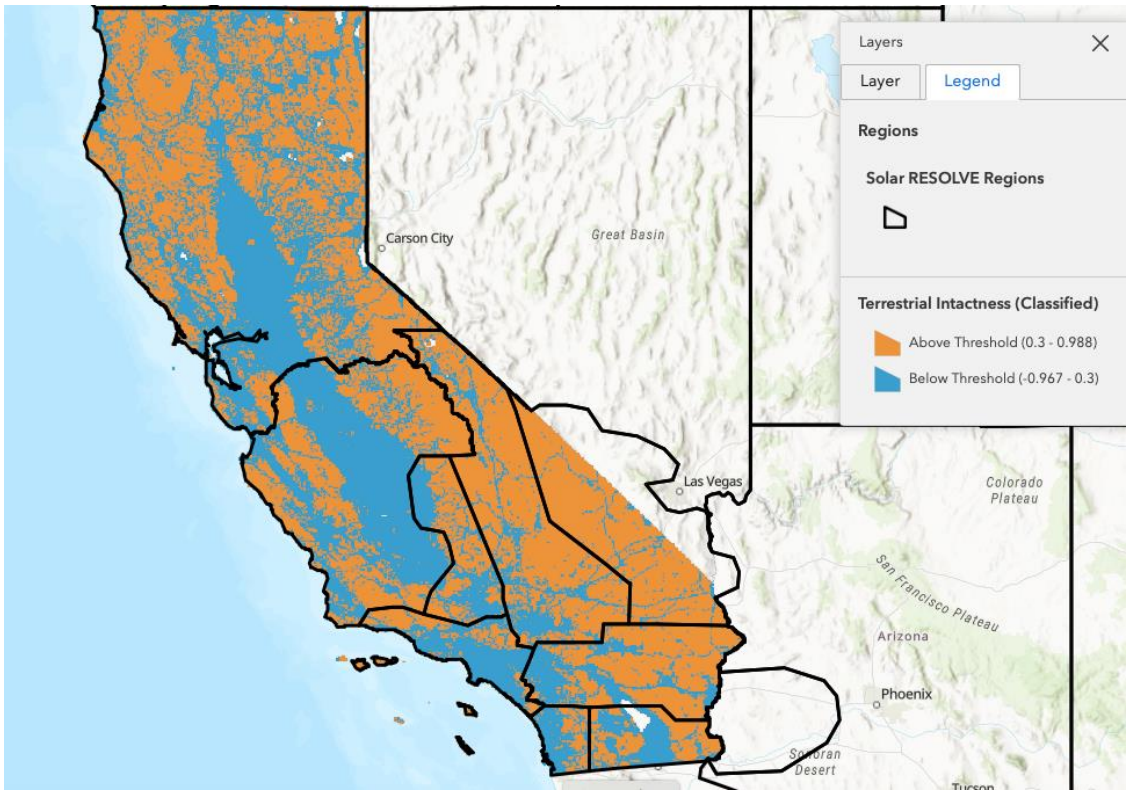
> Terrestrial landscape intactness: ***A measure of landscape condition based on the extent to which human impacts such as agriculture, urban development, natural resource extraction, and invasive species have disrupted the landscape across California.*** The Conservation Biology Institute (CBI) has created a multicriteria evaluation model using more than 30 data layers, or variables…. The CEC staff partitions this dataset at the mean to create two categories: areas that are already disturbed and have degraded ecosystem function and areas where development would impair the landscape and cause new disturbance. In this analysis, areas of low landscape intactness are most suited for exploration of renewable resource potential, whereas areas of high intactness are better suited for conservation. Therefore, the higher category of landscape intactness values is used to remove technical resource potential from the state.

Lands with degraded ecosystem function are shown in blue (below the mean) in the following map and areas with high intactness value (above the mean) are displayed in orange. Areas with high landscape intactness (orange) indicate areas with low priority for infrastructure development in order to preserve ecosystem function, biodiversity, and carbon sequestration capacity. Intact landscape characterizes much of the California desert region, though large tracts of disturbed land across the state remain highly viable options for renewable energy development. More thorough analysis of disturbed desert lands is needed for planning purposes. Future industrial scale solar projects should be sited on disturbed lands that already exhibit low intactness.

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Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-2 (cont'd)



Source: Hossainzadeh, S. et al. 2023.

Landscape Intactness as calculated by CBI is partitioned into high and low categories based on the mean.
Orange = High intactness [Undisturbed]
Blue = Low intactness [Disturbed]

Reference

Hossainzadeh, Saffia, Erica Brand, Travis David, and Gabriel Blossom. 2023. Land-Use Screens for Electric System Planning: Using Geographic Information Systems to Model Opportunities and Constraints for Renewable Resource Technical Potential in California. California Energy Commission. Publication Number: CEC-700-2022-006-F.

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Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-2 (cont'd)

Why desert restoration is not an effective means to achieve atmospheric carbon reduction goals

Robin Kobaly, M.S. Biology and Plant Ecology, University of California, Riverside
Executive Director, The Summertree Institute

The rate and success of restoration efforts or recovery of disturbed ecosystems is largely dependent upon water availability. When an impacted ecosystem has ample water available for seed germination, root establishment, and growth of new foliage, recovery can be fairly rapid, ushering back the community of insects, reptiles, birds, mammals, and microbes that depend upon plants in the ecosystem. However, if a disturbed ecosystem has limited rainfall and low soil nutrient content, recovery either naturally or through restoration efforts takes much longer and may not always succeed. Recovery from disturbance by temperate ecosystems is much faster than in arid ecosystems, with both infrequent, unpredictable precipitation and low soil nutrients contributing to the slower recovery of arid ecosystems such as those in the California deserts.

Recovery and restoration in forest ecosystems requires about 40 years, but recovery and restoration in desert ecosystems can take centuries longer. Research suggests that removal of desert vegetation and disturbance of the topsoil requires about 30 years before the pre-existing plant community begins to grow back, over two centuries before even partial recovery of species composition occurs, 50 – 300 years for recovery of plants to pre-disturbance cover and biomass, and up to 3,000 years before the disturbed area returns to the ecosystem function it had before disturbance. Disturbance is defined here as a physical force (e.g., road building, plowing for agriculture, construction of industrial-scale solar fields, etc.) that removes most or all the plant biomass.

Research indicates that the older the plant community, the longer the recovery time. Desert ecosystems are known for the longevity of their perennial plant community, with many shrubs living hundreds (blackbrush, Mormon tea, galleta grass, pinyon, etc.) to thousands of years (creosote, Mojave yucca, California juniper, nolina, desert ironwood, etc.). Data show that protecting deserts from disturbance is critical for sustaining old communities, valuable for their generational contributions to ecosystem stability. The desert's ancient plants sustain their community through centuries of drought episodes, excessive heat waves, frosts that kill younger plants, and attacks by diseases and pests that compromise younger plants struggling to become established.

Some scientists have hypothesized that if disturbed, the oldest communities may not actually recover, even with restoration efforts, and they could be replaced by an alternative community. The reasoning is that climate and other conditions (e.g., invasion by exotic species, climate extremes, anthropogenic nitrogen deposition) have changed so much since the communities developed hundreds to thousands of years ago, restoration attempts may not be successful in recreating the original ecosystem, and a different community may become established instead of the original community.

Active revegetation in southwestern deserts has generally been confined to small areas because of its expense, the unpredictable weather that makes restoration effectiveness uncertain, and logistical challenges associated with implementing treatments across large desert areas.

Since disturbances can leave scars in the desert visible for multiple human generations and because restoration is so difficult, costly, and not guaranteed, great care should be exercised before disturbing the desert, not simply for ecosystem health, but also to preserve visual aesthetics, air quality, human health, ecotourism viability, biodiversity, and carbon sequestration capacity. For these reasons, conservation of intact desert lands should be prioritized over restoration of land not already scheduled for disturbance by infrastructure projects.

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Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-2 (cont'd)

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III. The Critical Relationship Between Undisturbed California Desert Lands and Carbon Sequestration

Michael F. Allen, Ph.D.
Distinguished Professor Emeritus, Department of Microbiology and Plant Pathology, University of California, Riverside.



A microphyll woodland that was later denuded for a utility-scale solar energy facility. While individual trees and shrubs are small aboveground, belowground their roots expand horizontally and vertically, filling the interspaces and reaching to depths of tens of meters. These deep-rooted plants are also very long-lived, sequestering carbon for hundreds to thousands of years. One clonal creosote shrub was measured as 22 by 8 meters across, and was over 11 thousand years old.

- Carbon fixation and allocation in microphyll woodlands and creosote shrubland is relatively insensitive to local precipitation due to the access that these vegetation types have to two alternate sources of water: moisture from large rain events even miles away that saturate the soil,

Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-2 (cont'd)

and access to groundwater by deep roots. These factors allow plants in microphyll woodlands and creosote bajadas to photosynthesize and sequester carbon throughout the seasons even without local precipitation. Although highly variable annually, measurements of net ecosystem exchange [NEE] in mesquite stands through a growing season can exceed 200 kilograms of carbon per hectare per year (kgC/ha/y) and net ecosystem exchange of creosote bajada scrub can exceed 1,000 kgC/ha/y. Our back-of-the-envelope conservative estimates suggest that these two vegetation types could sequester an average of 1.5 million tons of C per year. [By comparison, NEE during a wet year in Baja California was 520 kgC/ha/y with a sky island coniferous forest above southern California desert at 300 kgC/ha/y, a 100-year-old chaparral during a wet year of 520 kgC/ha/y, and drought year of 180 kgC/ha/y, the La Selva tropical rainforest of 1,000 kgC/ha/y (dry year)/3,000 kgC/ha/y (average)/5,000 kgC/ha/y (wet year), and a boreal forest 780 kgC/ha/y]. In deserts, the organic carbon of the ecosystem turns over on an average of 38 years, with soil and sediments turning over on a 200-year average. This contrasts with a temperate forest of 25 and 55 years, respectively; a cropland turnover of 22 and 40 years, respectively; and a perennial grassland turnover of 36 and 100 years, respectively. Desert organic carbon once fixed stays in the system longer than in other ecosystems, releasing back to the atmosphere slowly.

However, unlike the large storage of organic C in most ecosystems, much of the desert total carbon is stored as calcites, generated by respiration.

- Calcites, layered into caliche, form from autotrophic respiration from deep roots and symbiotic microbes, and from heterotrophic respiration of the transferred organic matter. If buried and undisturbed, this carbon can remain sequestered for millennia. We estimate that more than 262 million tons of C could be stored in California deserts as calcites.
- Importantly, buried calcites are dissolved upon exposure to air and water. Upon exposure, the CO_2 in calcium carbonates can be released from disturbed soils up to 2.4 gC/m^2/day, or 24 kgC/ha/day following a precipitation event.
- We suggest a new C sequestration modeling approach to validate and close the desert carbon budgets using an ecohydrology approach, incorporating deeper water use and using normalized difference vegetative index {NDVI} rather than precipitation as a driver of CO_2 fixation, and linking the NEE to deep C sequestration.

Conclusion

- Large-scale disturbance of deserts, particularly within critical ecosystems such as creosote bajadas and microphyll woodlands, has the potential to reduce not only California's biodiversity, but also a source of long-term carbon sequestration, releasing calcite carbon stored for millennia.

IV. Overview of Carbon Sequestration Process in Desert Ecosystems

Robin Kobaly, M.S. Biology and Plant Ecology, University of California, Riverside
Executive Director, The Summertree Institute

What drives carbon capture and storage in deserts?

The combination of a hot, dry climate, and dynamic plant adaptations to that extreme climate has created a unique pathway for the capture and storage of carbon (carbon sequestration) in deserts. Sparse rainfall has resulted in desert soils that are abundant in minerals such as calcium, but low in nutrients like nitrogen necessary for plant growth. That sparse rainfall, combined with hot, dry surface soils, has enticed many desert plants to grow exceptionally long roots to reach deep soils that still hold moisture from rain

Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-2 (cont'd)

events from years past and possibly from miles away, or even deep enough to reach down to groundwater.

Root partners like fungi and bacteria living on or within those deep-rooted desert plants absorb and share resources with their plant host, helping their plant partners overcome the minimal presence of water and nutrients. These pressures, adaptations, and partnerships all work together to create an unexpected mechanism for extremely long-term carbon storage – and carbon capture that can continue even when we least expect it: when rainfall is just a memory across the desert.

How does the desert capture and store carbon?

While desert plants do capture and store carbon aboveground in foliage and woody tissue, they store much of their captured carbon deep underground in a massive network of connected roots and fungal root-partners, unlike forests which store most of their carbon aboveground or near the soil surface. Some of this carbon is stored in the tiny but numerous filaments of root-partnering fungi, called mycorrhizal fungi, that live in partnership with plant roots. The filaments, or mycelia, of one large group of these mycorrhizal fungi are coated with a "sealant" called glomalin made from carbon that was captured aboveground by the plant host. Because there can be so many miles of fungal hyphae (covered with glomalin) in each cubic foot of desert soil, glomalin is attributed with storing one-third of the world's soil organic carbon.

Much of the carbon these plants capture aboveground from the air and convert into sugar is eventually turned into inorganic carbon underground. When the long roots breathe out (respire) carbon dioxide deep into dark moist soil, this carbon dioxide combines with the abundant calcium in our arid soils to create mineralized deposits called calcite (calcium carbonate), or "caliche" when it forms into layers. These deposits start as tiny crystals but eventually grow to large crystals, then chunks, and into layers of caliche that can start at the soil surface or form at various depths underground. These calcite/caliche deposits can store captured carbon in this inorganic form for hundreds, to thousands, to even hundreds of thousands of years…if not disturbed.

Where does carbon sequestration occur in deserts?

Historically, much of the desert's "soil organic carbon" has been missed by soil scientists, because many soil studies conclude at "plow-line depth," or between 6 and 12 inches. These studies aren't of much relevance in the desert because most of the carbon that desert plants capture is stored extremely deep in the soil. Roots of most (non-succulent) desert plants grow incredibly deep, up to ten times longer than the plant is tall in their critical quest to find soil moisture, and the subterranean biomass of this network of deep roots is filled with organic carbon. A veritable inverted "forest" of root mass holds carbon deep underground in desert soils. These deep roots and their connected fungal root partners continuously breathe out carbon dioxide from just below the soil surface down to as much as 150 feet (over 40 meters), or down to groundwater. That exhaled carbon, in contact with calcium and moisture, is eventually converted underground into calcium carbonate (calcite) crystals which can form into layers of caliche, capable of storing that carbon for millennia.

When does carbon sequestration happen in deserts?

Carbon is captured wherever desert plants grow, but the level and timing of that capture varies with the types and distribution of those plants across the landscape. Desert grasslands and areas with *shallow*-rooted shrubs and cacti capture carbon in response to rain events; in these habitats, carbon accumulation after precipitation can be as high as in wetter ecosystems. Habitats with *deep*-rooted plants, such as

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microphyll woodlands (dry washes with small-leaved trees like palo verde, mesquite, and ironwood), as well as creosote bajada scrub (broad alluvial slopes with creosote bushes) can continue to photosynthesize and capture carbon long after rain events. Because of their long roots that reach to deep, percolated water from previous rain events (possibly occurring miles away), or even reaching down to groundwater, these stands of desert plants can extend their carbon fixation long into drought cycles. These factors allow plants in microphyll woodlands and creosote bajadas to photosynthesize and sequester carbon throughout the seasons even without local precipitation.

How much carbon is captured and stored in the desert?

Scientists are currently working on ways to measure deeply buried carbon across vast landscapes like the California Desert that are highly diverse in topography, soils, climate, and vegetation. Carbon-storing calcite/caliche deposits are distributed in patches in some places and in vast layers in others. Also, these deposits are distributed at varying soil levels depending upon rainfall and the depth of desert plant roots that can deposit carbon all the way down to groundwater. Arriving at a total value for stored underground carbon in a diverse desert is much more challenging than for other more homogeneous landscape types. However, we do have data that measures how much carbon is accumulated by plants in some specific desert habitats, and can compare capture rates to other ecosystems around the planet.

The primary gauge of an ecosystem's carbon sink potential is the net exchange of carbon between the ecosystem and the atmosphere, i.e., the carbon balance of the land, or how much carbon comes in versus how much carbon goes out. This measurement is called "net ecosystem exchange," or NEE. By comparing the carbon balance of diverse ecosystems, we can get an idea of the relative strength of each ecosystem's carbon sink capacity. Dr. Michael Allen has summarized NEE measured within various ecosystems worldwide. He compared them to those measured across two vegetation types thought to sequester significant amounts of carbon in the California desert (microphyll woodlands, which can contain mesquite, and creosote bajada scrub). As shown in the table below, the carbon sink capacity of creosote bajada scrub rivals that of a tropical rainforest or boreal forest. Even microphyll woodlands are in the range of coniferous forests in southern California. **The combined two desert vegetation types, microphyll woodland and creosote bajada scrub (just two of many vegetation types in the California desert), could sequester an average of 1.5 million tons of carbon per year.**

Net Ecosystem Exchange Rate	kilograms Carbon per hectare per year
Sky island coniferous forest in southern California desert	300
100-year-old chaparral during a wet year	520
100-year-old chaparral during a drought year	180
La Selva tropical rainforest (wet year)	5000
La Selva tropical rainforest (dry year)	1000
Boreal forest	780
Mesquite stands (microphyll woodland) in California desert	200+
Creosote bajada scrub in California desert	1000+

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What happens to stored carbon if we disturb desert soils?

Despite its long-term storage capacity, caliche releases its sequestered carbon when vegetation is removed and soils are disturbed and exposed to erosion. As caliche degrades in disturbed soils, its calcium and carbon molecules are uncoupled, releasing the carbon to reenter the atmosphere as carbon dioxide.

Why care?

We risk losing massive accumulations of carbon stored underground as calcite/caliche if the desert soil surface is disturbed. This carbon capture and storage system is functioning now and will continue to capture and store carbon if soils are not disturbed. Most of the caliche in our desert soils was actually formed during the Pleistocene when the climate supported more dense and productive vegetation**. In fact, Dr. Michael Allen at the UCR Center for Conservation Biology commented on the desert's capacity to store large amounts of carbon dioxide as caliche, noting that, "The amount of carbon in caliche, when accounted globally, may be equal to the entire amount of carbon as carbon dioxide in the atmosphere."**

Removal of carbon from our atmosphere is now being considered an important component of fighting climate change. The synthetic conversion of excess atmospheric carbon dioxide to calcite and storing it underground is gaining much attention and funding (although with major technical difficulties). Our deserts are performing this conversion every day, automatically, without any input from humans, and it will continue that unaided sequestration and long-term storage if simply left undisturbed.

V. Quantification of Carbon Sequestration in the Desert

Carbon and California Deserts: June 2023.

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Arid lands worldwide have sequestered carbon (C) for millennia. Human–caused perturbations of deserts alter this balance and risk releasing significant amounts of CO_2 to the atmosphere, exacerbating global warming. **Although the net primary production in California Desert Ecosystems is generally low, there remains a net positive carbon sequestration in wildland ecosystems, particularly across desert bajadas and microphyll woodlands.**

There *remains a view* that, because of low precipitation, high temperatures, and sparse vegetation, hot deserts of southern California are of limited value to carbon sequestration. However, our deserts contain a very large carbon sink. Laid down over thousands of years, desert C is more dynamic and sensitive to disturbance than is often acknowledged. As Martin and colleagues (Martin et al. 2021) noted:

> "Although equilibrium is often assumed between soil carbon dioxide and groundwater, disequilibrium may result from heterogeneous distributions of recharge, flow paths, and respiration often seen in the carbonate critical zone. Understanding the controls of this disequilibrium, which drives carbon dioxide dissolution or evasion and alters pH, weathering reactions, and carbonate mineral dissolution or precipitation, is critical in linking the carbonate critical zone to the global climate system."

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Below, I outline the basis for our concerns with the loss in natural wildland deserts because of its importance in the global atmospheric carbon budget as well as the associated loss of biodiversity (Hernandez et al. 2015).

CO_2 fixation. Due to the low leaf area, one assumption made by large-scale ecosystem models is that deserts fix carbon at relatively low rates. But when water is available, leaves of desert plants photosynthesize at the same rates as in other ecosystems, and leaves can grow rapidly with soil moisture. Broadly, and especially during drought, rates of flux, net ecosystem exchange (NEE), across scales measured by techniques such as eddy flux, are often low but highly variable. At Deep Canyon during a series of dry years, our NEE was slightly positive. Alternatively, from the desert free air CO_2 enrichment (FACE) research project, under ambient CO_2 conditions, NEE was estimated up to 1.27 metric tons of carbon per hectare per year (MTC/ha/y) (Jasoni et al. 2005). The standing crop mass was 11 kg of carbon per hectare (kgC/ha), 80% of which was soil organic carbon (SOC) and sensitive to atmospheric CO_2 levels, largely deposited as soil C (Evans et al. 2014). For the Sonoran desert ecosystem, NEE was estimated as ranging from 120 kg·of carbon per hectare during a dry season to 360 kg·of carbon per hectare during a wet season (Huxman et al. 2004). [By comparison, NEE for a wet year in a desert in Baja California was up to 520 kgC/ha/y, a sky island above southern California desert at 200 to 300 kgC/ha/y, a 100 year old Chaparral of 520 kgC/ha/y, and drought year of 180 kgC/ha/y, the La Selva tropical rainforest of 1,000 kgC/ha/y (dry year)/3,000 kgC/ha/y (average)/5,000 kgC/ha/y (wet year), and a boreal forest 780 kgC/ha/y].

From these desert NEE measurements, where is the additional carbon in deserts? Likely deep in the profile (see discussion in C sequestration). Desert grasslands and areas with shallow-rooted shrubs and cacti are coupled to precipitation and carbon accumulation depending on local precipitation. However, large pulses in precipitation provide groundwater that extends the length of active photosynthesis of deeply-rooted shrubs (greater than 50m) such as creosote and mesquite (*Prosopis)* (Huxman et al. 2004) and utilization of deep groundwater from storms generated far upstream can extend the carbon fixation of stands into drought cycles in deserts (Scott et al. 2006) and in the uplands such as the montane sky islands (Kitajima et al. 2013). Plants with shallow roots in deeper pools and in groundwater can access many sources of water in which to undertake photosynthesis and carbon accumulation (Querejeta et al. 2007, Querejeta et al. 2009). Reynolds and colleagues (Reynolds et al. 2004) challenged the simple "pulse-reserve" complex showing that in deserts, sequences of pulses are more important than individual events, and Weiss and colleagues (Weiss et al. 2004) found that Normalized Difference Vegetation Index (NDVI), using satellite imagery that visualizes greenness, showed that water from distant sources (groundwater) can extend photosynthetic activity (Bisigato et al. 2013, Rohde et al. 2021).

What is clear is that simple precipitation models are inadequate for assessing carbon sequestration in arid lands, riparian corridors, or any areas that have underground sources of water. Understanding and modeling Carbon requires a complex approach that integrates ecohydrology and plant morphologies (Gutiérrez-Jurado et al. 2006).

Where does the fixed CO_2 go? Groundwater originates at higher elevations in complex terrain, traveling in subsurface flows to lower bajadas, providing moisture to creosote and microphyll woodlands. At these lower elevations, plants have very deep rooting systems from several meters down at least to 53m [174'] in the case of honey mesquite, *Prosopis juliflora*, (Canadell et al. 1996) and down into the caliche layer in the case of creosote, *Larrea tridentata* (Barbour 1969), sometimes growing through cracks and extending below the caliche layers and affecting water fluxes and soil development (Gutiérrez-Jurado et al. 2006). Because they can utilize the deep groundwater, shrub photosynthesis extends beyond the local precipitation season (Ávila-Lovera et al. 2017). Isotopic signature data from my group at Deep Canyon showed that the deep-rooted shrubs acquired between 69% and 87% of their water for photosynthesis from groundwater (M. Allen unpublished data). Others (Ogle et al. 2004) have shown that the water through the stem could well be used to model water uptake profiles, and thereby provide estimates of stored soil water use, and thereby assess the SOC buried deep in the profile.

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This deeper C is the reason for some of the slow turnover of SOC and for the formation of calcites (discussed below).

C sequestration. In terrestrial ecosystems, there are three forms of sequestered C to be considered. The first is easier to estimate and model, and that is aboveground herbaceous and woody tissue, with some estimates providing belowground tissue C as well. At the global scale, current aboveground biomass is 349 Pg, belowground 92 Pg, totaling 441 Pg C (Walker et al. 2022). The second is the soil organic carbon (SOC), globally equaling 3,037 Pg C, or more than 8 times the estimated aboveground carbon, and nearly 7 times the total standing crop biomass.

If we use a NEE figure of 200 kgC/h/y (see CO_2 fixation section) for creosote and for microphyll woodlands, we can begin to estimate at least the C accumulation for desert ecosystems. There are 2.47 acres per ha. Using the CA 4th Climate Change Assessment for the Inland Desert Area, there are 489,423 acres of microphyll woodland and 17,466,886 of creosote. Using this estimate, that would amount to an average of 1.5 million tons of carbon accumulated by these two vegetation types annually. Using the EPA Level III Ecoregions map, that would amount to 1.88 million tons of carbon. These estimates are in the range for coniferous forests or oak woodlands in southern California.

There are large gaps, such as between the NEE of Jasoni and Huxman. If 80% of the carbon (C) is allocated belowground to a meter in depth (Evans et al. 2014), and a large fraction is transported deep, then the overall carbon accumulation will be underestimated. In isotopic studies, soil calcite values show evidence of C recycling in soil (Schlesinger 1985, Allen et al. 2013) above the caliche layers, suggesting extensive C recycling. C is transferred downward via roots deep into the profile (sometimes more than 50m). Respiration of roots and symbiotic microbes (autotrophic respiration) and decomposers (heterotrophic respiration) produces CO_2. Add water (ground water or surface precipitation) and calcium (Ca)-derived upslope from basalts, limestone, marble or dolomite -- and some of that CO_2 is bound into calcites, the most stable of which is $CaCO_3$. Because the process is a dynamic equilibrium, add water again, and exposed calcite can be re-solubilized. Some of the CO_2 is volatilized back to the atmosphere and the Ca moves downward with the water. That Ca rebinds with newly respired CO_2 in the deeper layer, again forming calcite. The deeper the process occurs, the higher the CO_2 concentration. The process continually repeats itself to the maximum depth that water travels (forming a caliche layer), or to groundwater. Surface measurements, such as from eddy covariance techniques, are highly variable as the environmental conditions are fickle even within the footprint of the sensors, and for sensitivity to assumptions regarding fetch and topography. Most comprehensive soil carbon measurements (from soil cores) to date are constrained to the top meter of the soil.

Further, to understand sequestration, we must also incorporate carbon turnover. For example, despite enormous production, tropical rainforests have fast rates of decomposition resulting in a rapid turnover, thereby returning the fixed carbon back to the atmosphere. In wet tropics, the average turnover for vegetation is 15 years, and soil organic carbon (SOC) 27 years. Temperate forests vegetation turns over on average every 25 years, and the SOC in 55 years (Reichle 2020). Desert vegetation turns over every 38 years, but the SOC turns over on a 200-year span. Moreover, carbonates, when buried, can remain for millennia, but upon exposure, will volatilize releasing CO_2 to the atmosphere.

The soil carbon component is complex, but there are indicators that deserts may sequester SOC in many complex forms. As an initial example, in the Mojave Desert under Creosote (*Larrea tridentata)* canopy, the arbuscular mycorrhizal fungal standing crop was 423 kgC/ha (and 635 kgC/ha under elevated CO_2). It is very challenging to determine the hyphal lifespan, critical to estimating C sequestration, as literature values range from 5 days (Staddon et al. 2003) to 145 days (Treseder et al. 2010). Currently other efforts to estimate turnover are being undertaken by Allen from image data already collected. Much of the variation is probably due to responsiveness of fungal hyphae to individual precipitation events at daily to seasonal scales (Hernandez and Allen 2013). An example is glomalin, a glycoprotein complex produced largely by arbuscular mycorrhizal fungi, that has a long retention span (Rillig et al. 1999, Allen 2022). Glomalin is known to accumulate due to a slow turnover, (measured using immunoreactive soil protein

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(IRSP), and can be as much as 40 µg/g soil (Clark et al. 2009). Using a 2m rooting depth, this means that there may be 2 metric tons of glomalin protein per ha across the extensive creosote shrubland soils, representing a significant pool of SOC.

Calcites/Caliche Carbon. Carbonates may be relatively unimportant to the global C cycle over a time scale of millions of years, as precipitation and dissolution is continuous. However, at time scales of decades to centuries, the inorganic carbon (C_i), is often in disequilibrium and can dramatically impact the carbon cycle (Martin 2017). At a global scale, as much as 940 Pg C_i is sequestered as soil calcium carbonate (or calcite) with as much as 1404 Pg C as bicarbonate in groundwater, more than all the soil organic C (1530 Pg C), and well more than the 594 Pg C of standing plant biomass (Monger et al. 2015). Chuckwalla, Gunsight and Cherioni soils contain extensive layering of calcites, and even Carsitas soils have carbonate coatings on the surface of rocks. In the Chuckwalla Valley, for example, estimates ranged from 36 metric tons of carbon/hectare to 82 metric tons of carbon/hectare. Using the smaller figure, and assuming that calcites underlie much of the creosote and microphyll woodlands (14.6 tons of carbon/acre), then a conservative estimate is that there could be as much as 262 million tons of carbon stored deep in desert soils.

Moreover, produced at approximately 4 kgC/ha/y, the buried calcite-C becomes relatively stable. Schlesinger (1985) estimated that the $CaCO_3$ in the Chuckwalla Valley was formed during the Pleistocene, between 15,000 and 20,000 years ago, and an 85,000-year residence time appears to be relatively accurate. However, upon disturbance, loss rate appears to be significant over annual to decadal time scales, as much as 10 kgC/ha/wet day (Swanson 2017).

The conversion of CO_2 to calcite is considered important enough that considerable effort is being undertaken to synthetically convert atmospheric CO_2 to calcite (Pogge von Strandmann et al. 2019), the process that desert plants undertake every day.

*The **Mechanism** in deserts*. Both roots and microorganisms respire CO_2: then CO_2 and H_2O (water) combine to form HCO_3^- and an H^+ ion, acidifying the soil. Upon encountering Ca^{2+} dissolved in soil water, HCO_3^- binds to the Ca to form $CaCO_3$, a large fraction of which precipitates to form calcite (limestone, $CaCO_3$), or upon layering, caliche.

Accessing groundwater acquired by deep roots of specialized desert plants. Roots can go down tens of meters to acquire water (Canadell et al. 1996, Jackson et al. 1999). At the interface of the water table, microbial activity may dramatically increase. Just above the water table, arbuscular mycorrhizae search for phosphorus and other nutrients, in part to sustain dinitrogen fixation (with high respiration rates) occurring in the groundwater (anaerobic) by associated bacteria that provides the nitrogen for these ecosystems (Virginia et al. 1986). Mycorrhizae increase respiration of CO_2 (Knight et al. 1989) as well as sequestering organic C (Rillig et al. 1999).

Groundwater in western deserts is notorious for being hard, that is, having high concentrations of $CaCO_3$. As it is pumped up for use, $CaCO_3$ dissociates, releasing CO_2 (Wood and Hyndman 2017). They estimated that groundwater depletion could account for a measurable fraction of annual CO_2 emission. As caliche is exposed to the atmosphere, caliche degrades releasing CO_2 (Hirmas and Allen 2007). One assumption is that because Ca^{2+} remains in the soil, re-association with HCO_3^- will occur (Mills et al. 2020). This certainly will be the case in a closed system (such as a laboratory beaker). But in an open ecosystem, equilibrium remains an open question and is in need of further examination (Leij et al. 1999, Martin 2017, Gallagher and Breecker 2020, Martin et al. 2021). On the surface, $CaCO_3$ equilibrates with CO_2 at ~400 ppm, the current atmospheric CO_2 level (Hirmas et al. 2010), but soil CO_2 where most exchange occurs can range up to 3,000 ppm (Allen et al. 2013), likely accounting for deposition of caliche beds (Schlesinger 1985). Rhizosphere CO_2 levels (in the soil rooting zone) can exceed 3,000 ppm in undisturbed soil, but drop in devegetated lands, only increasing CO_2 loss from $CaCO_3$ dissolution (Allen et al. 2013). Deep in groundwater, CO_2 bound as $CaCO_3$ can exceed 190 mg/L (DeSimone et al. 2009), degassing as it is pumped out (Wood and Hyndman 2017). Surface isotopic values of caliche show that

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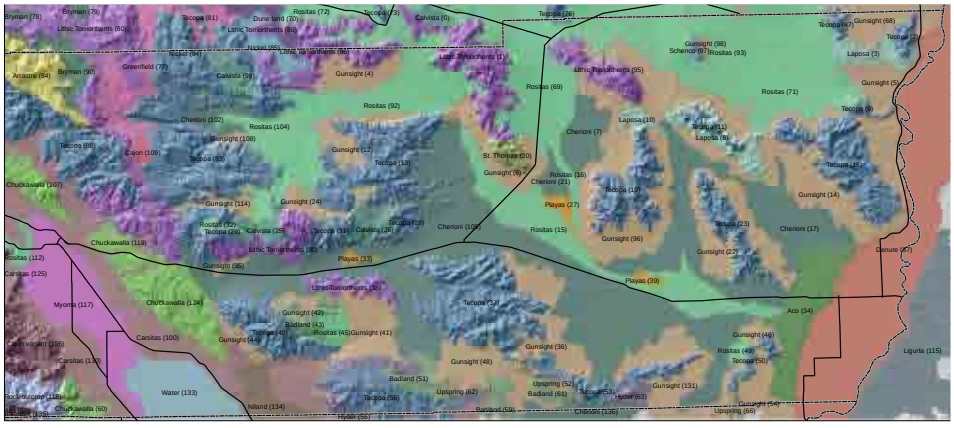
there is a fractionation in the caliche C, indicating that exchange (losses or gains in caliche C) is occurring (Allen et al. 2013, Mills et al. 2020). The conversion of land to agriculture and tree production is resulting in a shallowing of rooting depths nationwide along with a loss of deep root functioning (Billings et al. 2018).

Summary: Concerns.

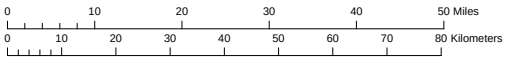
Adding the dynamics of calcites to the slow SOC turnover demonstrates why the overall C cycling becomes extremely challenging to quantify, especially across long time scales and an area as diverse and large as the California desert. Loss of NEE from California deserts would amount to a significant loss of carbon in addition to loss in California's biodiversity.

But our largest concern is the risk of losing massive accumulations of carbon, stored underground as calcite-C. This C capture and storage system is functioning now and will continue to capture and store C for long time periods if soils are not disturbed. In the Chuckwalla Valley of the California deserts, C as $CaCO_3$ was 8 kgC/m^2, within the top 1.35 m of soil (Schlesinger 1985) in one profile and 3.5 kgC/m^2 in a second. $CaCO_3$ can be found across the valley. Assuming an average of 6 kgC/m^2, there could be 60 metric tons of C per ha of microphyll woodland/creosote bush in the surface soils. A large fraction of the Chuckwalla Valley creosote bush and microphyll woodland has already been stripped of vegetation for a single solar development.

It is always challenging to extrapolate beyond the actual locations of measurements. However, existing datasets support this concern. Schlesinger (1985) raised the issue that disturbance of desert caliche C was of concern to C budgets. When we examine soils maps, the bajadas and microphyll woodlands have high concentrations of soil $CaCO_3$, across Chuckwalla, Gunsight and Cherioni soils. These soils are alluvial soils, often with a calcic horizon ranging from 25 cm to more than a meter deep, and often with creosote scrub vegetation fingering into microphyll woodlands. These soils extend from almost every mountain range in the California deserts. So, this is our best estimate.



US Soil Map for East Riverside County



compname	id#	caco3_l	caco3_r	caco3_h
Rositas	15	-	-	-
Cherioni	17	0	3	5
Gunsight	36	4	6	8
Gunsight	96	4	6	8
Cherioni	105	0	3	5

Quantity of Carbonate (CO3) in the soil expressed as CaCO3.
Weight percentage of the less than 2 mm size fraction

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Other maps, such as the SSURGO Soil data for Coachella Valley show high calcite concentrations in the bajadas and in the desert washes north of the Salton Sea, but south of the Salton Sea, where agriculture predominates, that calcite is largely gone, except for some upper edges.

Our final concern is that with increasing disturbance of desert soils by utility-scale solar energy [USSE] there will be a loss of the high biodiversity of California's deserts. We are especially concerned with a direct loss in microphyll woodlands and desert bajadas, and in a potential for the decrease in the linkages between these vegetation types and the uplands where Ca and water inputs occur. Both biodiversity and regulation of carbon cycling will be impacted, to date with unpredictable consequences. The more we learn and apply understanding of the soil carbonate dynamics (Martin et al. 2021) to managing for biodiversity and carbon cycling, the better we will be able to manage desert lands to reduce greenhouse gas production and sustain our biodiversity (Allen and Mishler 2022).

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VI. Modeling Carbon Sequestration in Our Deserts

Michael F. Allen, Ph.D.
Distinguished Professor Emeritus, Department of Microbiology and Plant Pathology, University of California, Riverside

Many modeling efforts purporting to describe C sequestration in deserts are problematic. They underestimate C accumulation, as they use precipitation drivers at the location of production. However, desert plants use water over longer terms from single large events, and uplift groundwater precipitated in mountains well away from the locations of primary production. We agree with others who have critiqued the California Air Resources Board [CARB] modeling as dramatically underestimating the C sequestration potential by ignoring large parts of the C cycle (CarbonCycleInstitute 2022). Currently, destruction of large wildland deserts for agriculture, mining, or for Utility-Scale Solar Energy (USSE) development is on-going or proposed for California deserts.

We know that traditional precipitation-based modeling for C sequestration is inadequate. However, is there a more useful approach? We argue that there is a more promising direction based on existing modeling approaches.

First, Normalized Difference Vegetation Index (NDVI) should be used to identify the land areas with photosynthetic activity and the duration of that activity (Rohde et al. 2021), not local precipitation. From the greenness activity, it should be feasible to estimate C fixation, replacing the precipitation driver for wet periods in models such as DAYCENT (Parton et al. 1998).

Second, an ECOHYDROLOGY model (Gutiérrez-Jurado et al. 2006) allows for estimating water transport and coupling soil properties (including calcite horizons) building on HYDRUS (Šimůnek et al. 2005). HYDRUS can also be used with the equations described by Kitajima and colleagues (Kitajima et al. 2013) to quantify the additional timeframes for C gain using intermediate depth- and ground-water sources.

Third, the SLIC model (Hirmas et al. 2010) evaluates the transitions between $Ca + CO_2 + H_2O <> CaCO_3$.

Fourth, once the water sources and time frames are identified, NEE measurements coupled with soil respiration measurements could provide spot-checks on modeled values.

This modeling approach can provide a comprehensive overview to help close the carbon cycle in the deserts. It is important that the confirmation measurements are based on a long-term dataset, and that, given CO_2 and global temperature changes, two or more longer-term C cycling instrument facilities be deployed. The model as developed by the National Ecological Observatory Network (NEON), could serve as a model, and could be installed at field stations such as the NRS stations at the Granite Mountains and Boyd Deep Canyon, or the CSU Zzyzx station.

References: Please see previous section V.

VII. Mapping and Identifying Prioritized Areas of our Desert to Achieve Carbon Reduction Goals

Microphyll woodlands/Creosote

Colin Barrows. Co-founder, Cactus to Cloud Institute

In sections IV, V and VI above, Kobaly and Allen indicated the importance of two specific desert vegetation types in the desert region's impressive capacity to store carbon. Kobaly notes the combined

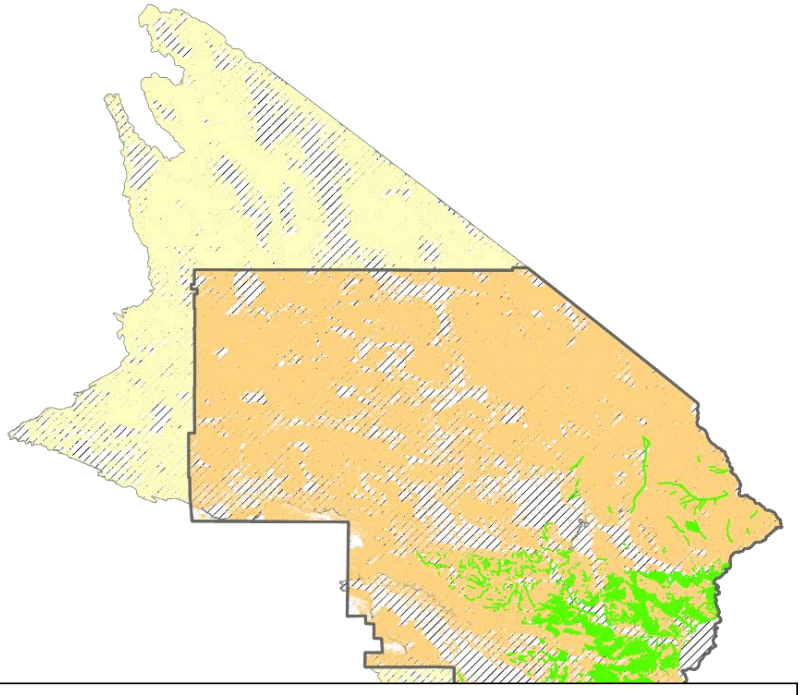
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carbon sequestration capacity of **microphyll woodland** and **creosote bajada scrub** could sequester an average of 1.5 million tons of carbon per year. Allen reports that these two vegetation types create a net positive carbon sequestration value within California's desert ecosystem.

Section VI discussion around the relationship between groundwater and underground caliche formation (carbon sequestration) plays out across these two vegetation types. With the groundwater originating at higher elevations, it traverses in subsurface flows to lower elevations such as those where the creosote bajadas and microphyll woodlands are found. The vegetation types here have rooting systems that can run over 53m [174'] deep. Root systems of creosote can grow into the caliche layer and beyond to reach groundwater sources.

The dynamics of these two vegetation types are of particular interest in demonstrating high capacity for carbon sequestration, though they are not the only vegetation types nor the only means by which carbon may be sequestered within the desert ecosystem. But microphyll woodlands and creosote are of high interest in discussion of carbon sequestration in the desert, and this section identifies and quantifies which desert regions warrant high prioritization for conservation.



EPAIII CA Deserts boundary (DRECP) [Exterior Boundary]
CA Climate Assessment inland desert boundary (30x30) [Interior Boundary]
Shrub/Scrub land cover for both areas in orange (30x30) and yellow (DRECP)
Microphyll woodland in green.
Small areas of lighter green outside the 30x30 area.

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SUMMARY

Boundary Area	Desert Vegetation Type	Acres
CA 4th Climate Change Assessment Inland Desert Area [30X30] Boundary	Shrub Scrub Land Cover	**13,300,107**
EPA Level III Ecoregions, Mojave and Colorado CA Desert Area	Shrub Scrub Land Cover	**18,715,754**

Recommended acreage of conserved desert land for vegetation cover types microphyll woodlands and creosote bajadas.

It should be noted that these identified lands represent those areas recognized to be highest conservation priority for carbon sequestration function. These acreages represent only a partial opportunity to maximize carbon sequestration and protect biodiversity.

VIII. Additional benefits

Biodiversity in California's deserts

Cameron Barrows, PhD. Conservation Ecologist, Emeritus. Center for Conservation Biology, University of California, Riverside

Pat Flanagan, B.A. Biology. California State University, Long Beach
Board Member, Morongo Basin Conservation Association

California is by far the most biologically diverse of the United States' contiguous 48 states, with deserts comprising roughly one third of California's land surface. And yet California's deserts, as well as deserts worldwide, tend to be overlooked in discussions of biodiversity. The dictionary definition of "desert" reflects the prevailing bias: "a large area of land that has very little water and very few plants growing on it". Other descriptors include "wasteland," "barren," and "lifeless." *Desert* is often used as a euphemism for a place where little or no life, food, or culture exists. Other than being arid, none of these perceptions is accurate.

One can test the hypothesis that California deserts are biologically depauperate. Covering one third of California, if species were randomly distributed, then we would expect about 33% of California's plant and animal species to live in deserts. Values significantly less than 33% would support a belief that our deserts are, compared to elsewhere in California, lacking living things. On the other hand, if values are greater than 33%, then the assumption of our deserts being a barren wasteland would be categorically false.

While exact numbers will vary with shifting taxonomic classifications,

> **California is the home of almost 2300 native annual herbaceous plants, over 3600 native perennial herbaceous (not woody) plants, over 1300 species of native shrubs, and just under 240 native tree species** (using Calflora's Consortium of Herbaria database).

Combining California's three main deserts—the Great Basin, the Mojave, and the Colorado— along with the "sky island" mountains that are within or border those deserts, it was found:

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> **55% of those native California annual herbaceous plants, 53% of perennial herbaceous plants, 60% species of shrubs, and 53% of those native tree species live in the California deserts**.

Of the three deserts,

> **The Mojave has the highest plant species richness, with 49% of those native annual herbaceous plants, 44% of perennial herbaceous plants, 52% of shrub species, and 45% of those native California tree species.**

Since this species richness is well above 33% in each of those plant categories, we can reject the hypothesis that California deserts have low biodiversity.

> **In the categories of annual herbaceous plants and shrubs, California deserts have more species than any other ecological region in California.**

Our desert "wastelands" are not only richer from a vegetation standpoint, but they also appear to be incubators of speciation, with many species occurring nowhere else on earth. A recently published study, Pillay et al. (2022, *Frontiers in Ecology and the Environment*, vol. 20, issue 1) looked at patterns of vertebrate animal species richness across our planet. As expected,

> **They found that the tropics ranked number one. However, deserts were the next most species-rich biome when it came to mammals, birds, and reptiles, higher than temperate forests, shrublands, and grasslands.**

In California, reptile species richness is especially high in our deserts.

> **California has 40 species of native lizards that call our state home. Ninety percent of those can be found in our deserts, again**, well above the expected 33% of lizards that were randomly distributed across California. **At least six of those lizards are found nowhere else.**

Some areas are especially species rich. Along with colleagues from the U.S. and Mexico, we looked at lizard species richness across North America and found nowhere else that compared to deserts in the number of species that occur together.

> **The top spot was the Coachella Valley at the edge of the Colorado and Mojave Deserts which has 33 lizard species within a 50 km [31.07 miles] radius circle. Of the 34 species of snakes found in California, 76% are found within desert habitats.**

We do not have similar data sets for insects. However:

> **Native bee pollinators in the Joshua Tree National Park area are estimated to include more than 600 species representing 40 genera in 6 families.**

And some insect families, such as darkling beetles (Tenebrionidae), specialize in living in arid habitats. Darkling beetles are the clean-up crews in deserts. Technically detritivores, they eat dead matter, replacing the job fungi and bacteria do in moist environments. Several years ago,

> **[Dr. C. Barrows] conducted a survey of darkling beetles living on the remaining sand dunes of the Coachella Valley. Across those dune fragments [Dr. C. Barrows] found 34 different darkling beetle species. Try to put that into perspective: Imagine finding a lake with 34 resident species of ducks, or a forest with 34 species of warblers, or a mountain range with 34 species of deer.**

Beyond biodiversity, people also put value on superlatives such as the antiquity of individual plants or animals. In the Pacific Northwest, redwood trees can reach the advanced age of 3200 years. In the central Sierra Nevada range, giant sequoias can reach 2700 years of age, and in the White Mountains,

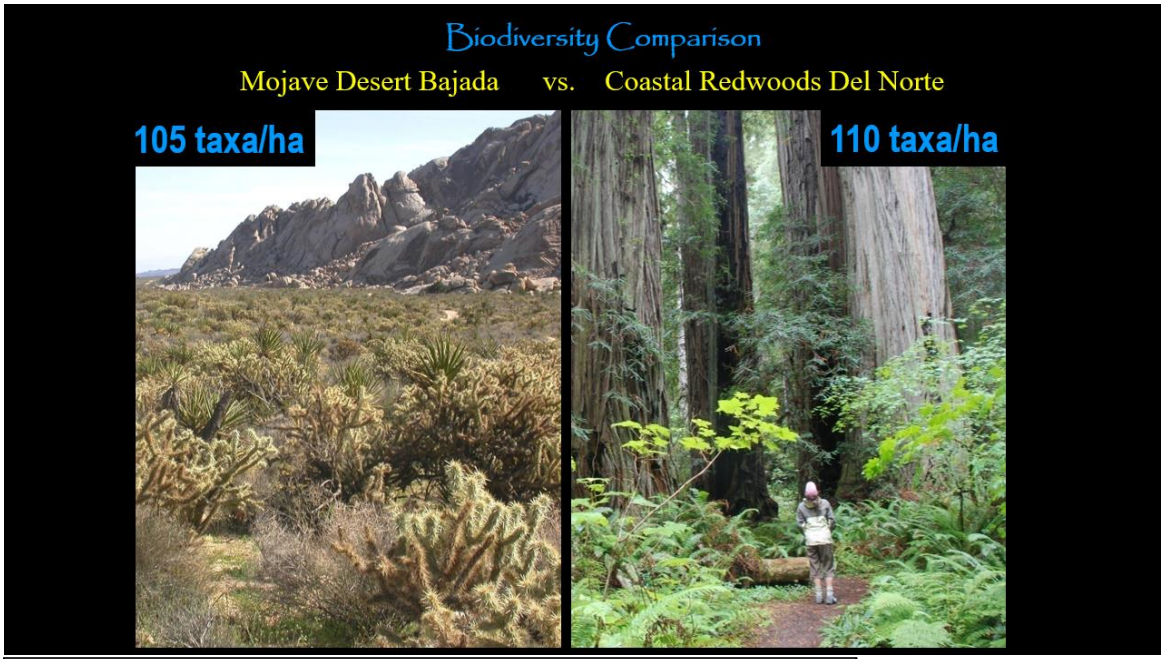
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bristlecone pines can be up to 4800 years old. That's impressive. But even more impressive is the oldest creosote bush, the most widely distributed desert shrub:

> **The King Clone creosote is 11,700 years old, an extreme superlative. There are also desert tortoises who can approach nearly 100 years of age.**



Courtesy of James M. Andre. Sweeney Granite Mountains Desert Research Center. gmdrc@ucr.edu

Economic benefits

Susy Boyd, MNR, Master of Natural Resources, Oregon State University
Public Policy Coordinator, Mojave Desert Land Trust

Land that is set aside for conservation holds potentially high economic value as a driver of tourism and recreation. The good news is that recreational use of public lands allows the land to remain largely undisturbed *and* continue to sequester carbon, thus fulfilling a dual mission while generating local business and tax revenue.

A 2014 report [ECONorthwest] noted economic contributions of Quiet Recreation Visits within 50 miles of recreation sites on BLM-managed lands within California. Total Direct Spending was $243,938,853. In inflation-adjusted dollars for 2023, that amount today would be $314,392,148.

Visit California's Economic Impact of Travel report for 2021 indicated Local Tax Revenue of $293,000 for the state's Desert Region, supporting community benefits such as safety, fire, recreation, and library services.

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Biocrusts in the desert

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Executive Director, The Summertree Institute

Overview:

~ Microscopic organisms living at and near the surface of arid soils produce glue-like substances that hold undisturbed desert soils together and prevent soil erosion

~ These living soils, called biocrusts, create and store valuable fertilizing nutrients for the surrounding plant community

~ Biocrusts, when kept intact, hold otherwise dangerous PM10 and PM2.5 particles and spores, such as Valley Fever, in the soil and out of the air, protecting people from breathing in these health-impacting pollutants

A thin surface crust forms across arid soils on or within the top few centimeters of the soil surface. Surprisingly, these crusts are not made up simply of encrusted, excess soil minerals as often thought, but are created by microscopic and somewhat larger macroscopic organisms that live together in an unseen but profound world.

The microbes that make up this living "biocrust" live only near the top few centimeters of the soil because they need sunlight to make their own food. As some of these organisms travel through the soil, their network of mucilaginous, hollow tunnels between soil grains records a history of their movements and leaves a legacy of soil cohesion.

These and other tiny microbes living between desert soil grains create and store scarce, valuable, fertilizing nutrients like phosphorus and nitrogen at and below the surface, and they share these building blocks for life with all the plants in the surrounding community. If not disturbed by vehicle wheels or bulldozer blades, this soil cement and the community that produced it can persist for many thousands of years—or more.

Biological soil crusts keep soils intact and prevent dust storms…unless soils are disturbed. The dried, glue-like threads of microbes in biocrusts form a resistant seal across the soil surface, keeping dust, particulate matter, and harmful fungal spores like valley fever from being blown up into the air wherever the soil has not been disturbed.

These living soil crusts take hundreds of years to develop into effective soil "sealants." When they are allowed to remain intact, they will hold back wind and water erosion, supply nutrients to neighboring plants, improve water infiltration, prevent particulate matter from entering the air, and help keep our air clean and healthy. When living soil crusts are disturbed, choking dust storms occur. Dust storms blow harmful particulate matter into the air – and we breathe it in. The smaller particulate matter (smaller than 10 microns, or PM 10 particles) when inhaled into our lungs cause health impacts ranging from coughing and wheezing to asthma attacks and bronchitis, as well as high blood pressure, heart attacks, strokes, and premature death in people with heart and lung disease.

Keeping desert biocrusts intact protects the health of people living near the soil disturbance as well as people living many hundreds of miles from the point of disturbance.

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Health benefits

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Public Policy Coordinator, Mojave Desert Land Trust

Maximizing the desert region's carbon sequestration potential by conserving undisturbed non-military land provides the additional benefit of bolstering public health. Dust, particularly [Particulate Matter] PM_{10}, is an important outcome of disturbance in desert wildlands (Pointing and Belnap, 2014; Frie et al., 2019). Desert dust erosion resulting from disturbance of desert soils is a source of significant health issues (Lwin et al., 2023) ranging from respiratory particles to local sources of heavy metals including Aluminum, Arsenic, Selenium, Cadmium, Lead, Uranium and Thorium (Frie et al., 2019). Numerous studies have noted evidence of associations between desert and sandstorm dust, and morbidity/mortality rates. Particle size is believed to be one of the key factors implicated in health risk. Large-sized particles can cause damage to external organs causing skin, eye, and ear irritation. But small size particles are capable of entering the respiratory tract and causing disorders within that system. The smaller size particles may penetrate the respiratory tract and damage cardiovascular, cerebral, cerebrovascular, blood and immune systems.

The high incidence of childhood asthma surrounding the Salton Sea (at a rate over 20%) is among the highest in California. In on-going studies, mice models found that the dust collected from these disturbed desert areas triggered a significant neutrophil inflammatory response that is distinct from the known immune allergic response, causing "asthma-like symptoms" (Biddle et al., 2023). This tells us that there are unknown new diseases emerging from the increasing disturbances in California's desert.

Desert dust may also cause infectious disease by carrying pathogens. An example is Valley Fever, caused by spores of fungi of species of *Coccidiodes*, which is present in desert soils and triggered upon inhaling dust when surface soils are disturbed (https://www.cdc.gov/fungal/diseases/coccidioidomycosis/index.html). Valley fever is endemic in California desert soils and increasing dust with disturbance and global warming is of concern (Cat et al., 2019; Gorris et al., 2019). In new studies from California deserts, local dust emissions are increasing and releasing novel microbial pathogens (Freund et al., 2022) that we are only now beginning to identify.

At the global scale, it is estimated that 1.7% of lung-cancer and cardio-pulmonary disease deaths can be attributed to chronic exposure to desert dust. In latitudes with extensive deserts such as Africa, the middle East and Asia, the percentage jumps to 15 – 50%. Short-term exposure to dust was documented to be the source of respiratory illness among 70% of Afghan and gulf war veterans deployed between 2003-2004.

Clearly, scientific research demonstrates a concerning link between desert dust and severe public health risk. Disturbance to desert soil is a contributor to desert dust, presenting an additional benefit for leaving desert lands undisturbed.

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IX. Transition to Clean Energy: Meeting our Clean Energy Goals and Minimizing Disturbance to our Desert Ecosystem

Introduction

There is a growing understanding that a tension exists between the need to conserve desert land, which itself functions as a significant nature-based solution to store carbon emissions – and expansive renewable energy projects that disturb desert lands and in doing so, release carbon back into the atmosphere.

This is a solvable problem that requires coordination between renewable energy developers, conservationists, policy makers, and the handful of experts who have carefully analyzed and evaluated desert lands and crafted detailed maps that consider solar industry needs, cost, and conservation all at once. This is the key work that needs to be done if desert lands are to continue their critical function as grand carbon sinks. Experts agree that the means to successfully navigate the nexus of industrial solar and conservation of carbon-storing natural desert lands lies with thoughtful, advanced planning, and integration of a suite of renewable energy options. If desert lands are perceived as a sacrificial ecosystem in the name of renewable energy, we run the risk of undermining the long-term carbon storage function they have performed for thousands of years and backpedaling on meeting carbon sequestration targets. And unlike other ecosystems, once disturbed, recovery in the desert is so long-term it should be considered as a non-option.

Utility Scale Solar and Avoidance of Desert Disturbance

Joan Taylor. Chairperson, California Conservation Committee and California/Nevada Desert Committee of Sierra Club.

CA Senate Bill 100 established a landmark policy requiring renewable energy and zero-carbon resources to supply 100 percent of electric retail sales to end-use customers by 2045. To meet this goal, the California Energy Commission, California Public Utilities Commission, California Air Resources Board SB 100 Joint Agency Report estimated a need for an additional 70,000 megawatts (MW) of utility-scale solar to come online by 2045 in its Core Scenario (CEC 2021). Notably, the Core Scenario assumed high electrification demand but did not factor in any advances in renewable technology or in tools to manage peak load, so this estimate can properly be considered conservative.

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Based on the most recently approved large utility-scale solar project in California, 5.02 acres are required to develop one megawatt of ground-mount single-axis tracking utility-scale solar with four hours of battery storage, including generation ties and other infrastructure (California Water Boards 2021). This equates to approximately 350,000 acres of land or other surface on which to mount PV panels. Even were one to use the now-outdated number of 7.1 acres per megawatt that was assumed nearly a decade ago by CEC (CEC 2014), the total acreage requirement for utility-scale solar would be less than 500,000 acres. For context, there are over 105 *million* acres in California.

There are numerous feasible options for developing utility-scale solar in California that can deliver the estimated need for new utility-scale solar and provide increased local jobs and other benefits, without disturbing intact desert. Some of these include:

- Water-deprived agricultural lands in the Central Valley estimated to be a minimum of 500,000 acres (Hanak et al, 2019) or as much as 900,000 acres (Escriva-Bou et al, 2023)
- 250,000+ acres of selenium- contaminated land in the Westlands Water District
- 200,000+ acres of parking lots in California (USGS 2019)
- 11,500 MW of capacity on large commercial/industrial rooftops near substations (RETI 2009)
- 4,000 miles of canals and 16,000 miles of highway right of ways
- Agrivoltaics (ie, slightly elevated or spaced photovoltaic panels) on a portion of the 40+ million acres of farm and ranch lands throughout the state (CDFA)

Examples of appropriate utility-scale solar sites and potential additional renewable capacity

Preferred Sites	Acres	Total potential generation
Water-deprived Ag Lands Central Valley	**500,000 – 900,000**	**100,000 MW – 250,000 MW**
Selenium contaminated land, Westlands Water District	**250,000**	**50,000 MW**
Parking Lots in CA	**200,000**	**40,000 MW**
Large commercial/industrial rooftops near substations	**n/a**	**11,500 MW, min (this 2009 estimate is outdated)**
20,000 miles highway & canal right of ways (est 100' wide)	**240,000+**	**47,000 MW, min**
TOTAL	**1,190,000 – 1,590,000**	**248,000 – 398,00 MW**
Agrivoltaics on 40+ million acres farm & ranch lands	**40,000,000+**	**Millions of MW**

While utility-scale solar that is sited remote from load is dependent on high voltage transmission, utility-scale solar that is generated "In Front of the Meter" on large rooftops and parking lots at load centers is not dependent on the larger grid. Urban and peri-urban solar eliminates the capital costs, delay, average 7%-line energy losses, steep monthly ratepayer charges for new transmission capacity and inherent lack of reliability of electric power that relies on long-distance transmission. Moreover, transmission costs are rising faster than the cost of the energy wheeled, while PV prices are falling (CPUC 2021), making solar sited at load more attractive for ratepayers, not to mention the benefits of local jobs and energy reliability. But if the full estimated need for utility-scale solar cannot be met on the distribution grid, the alternative of siting solar on water-deprived or contaminated lands and/or utilizing agrivoltaics on a small fraction of the state's 40 million acres of farm and ranch lands can easily absorb the balance in a win-win for landowners as well as the environment (DOE 2023).

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The potential solar capacity of the above options far exceeds the energy agencies' projected need for an additional 70,000 MW of new utility scale solar to meet the state's 2045 decarbonization goal. Clearly, the above options are the preferred resources to avoid land-use impacts and societal costs of developing transmission-dependent solar on intact desert lands in the California desert.

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X. Policy Strategies and Tools to Maximize Carbon Sequestration and Conservation Values

Susy Boyd, MNR. Master of Natural Resources, Forests and Climate Change, Oregon State University
Public Policy Coordinator, Mojave Desert Land Trust

The state of California has long been recognized for its leadership in transitioning towards new, clean energy sources to reduce CO_2 atmospheric emissions. There are, however, two aspects to emissions reductions work.

The first is "what". This piece is on track. The state has diligently passed legislation and dedicated millions of dollars towards reducing carbon emissions through technological innovation and utilizing our natural and working lands to reach net zero.

The second aspect of carbon emissions work is "how." While the state has rolled out dozens of utility scale solar energy projects (USSE's) at an accelerating pace across desert lands, this has taken place at the expense of disturbance of intact desert lands, which counterproductively serve as significant carbon sinks. The irony is that we are releasing carbon into the atmosphere by disturbing desert lands and their long-term sequestered carbon while building infrastructure intended to reduce atmospheric carbon. On this front, California has not yet realized fully its leadership potential. How these transitions are carried out

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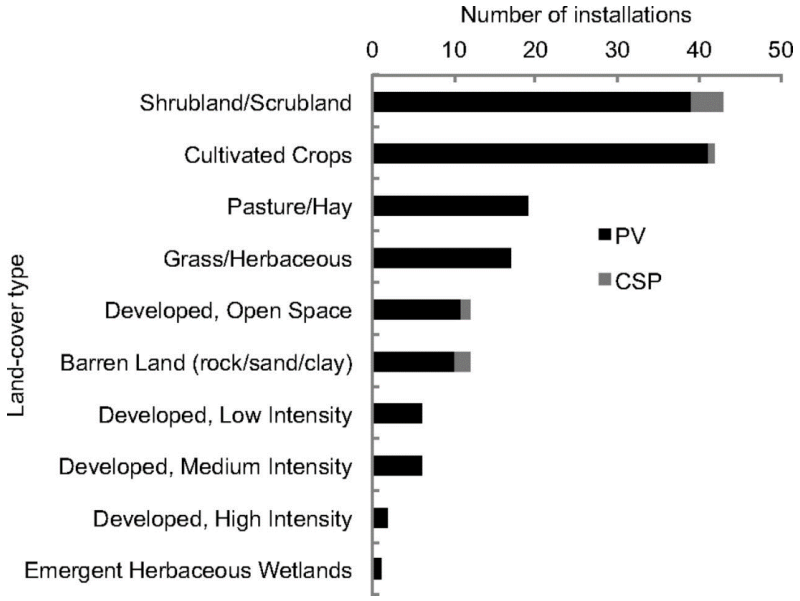
Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-2 (cont'd)

is based on siting decisions made in advance. For instance, China has directed their energy transition efforts towards utility-scale, ground-mounted PV [photovoltaic] panels, whereas Germany has achieved about 90% of its transition development within a built environment.

Several studies have revealed that regulations and policies in California have deemphasized solar growth and development within the built environment close to final destinations to meet demand, and instead favored development within shrublands and scrublands. Hernandez et al. (2015) note that carbon sequestration, among other ecosystem services including groundwater depletion and movement corridors for wildlife, may be adversely impacted globally by land cover conversion of shrubland and scrubland ecosystems.

Shrublands and scrublands have borne the brunt of land use conversion in our state's efforts to pursue USSE's on a massive scale, while developed regions remain largely underutilized.



Hernandez et. al. 2015.

Number of photovoltaic (PV) and concentrating solar power (CSP) installations (planned, under construction, operating) by land cover type in California; represented in order of most installations to least for both technologies.

How do we, as policy and decision-makers, carry out the task of addressing the "how" aspect of transition to clean energy so that the desert's carbon sinks remain undisturbed and intact?

There are **planning tools** currently available that allow decision makers the opportunity to simultaneously develop solar installations on desert lands, while protecting conservation values including carbon sequestration all at once. This is the kind of pioneering work that establishes California as an environmental leader.

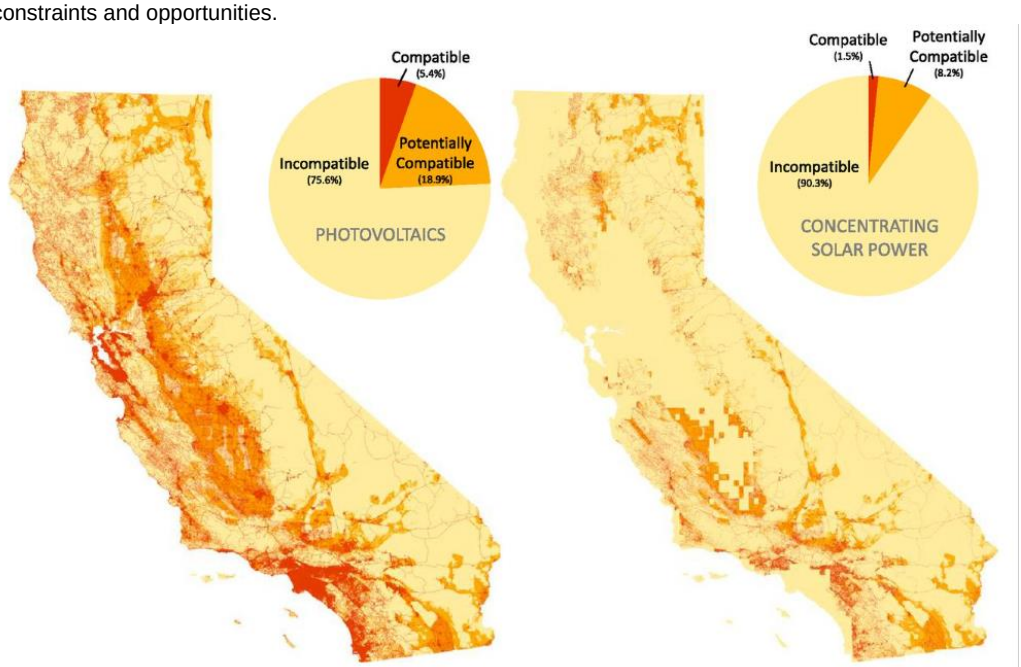
One such tool is the **Carnegie Energy and Environmental Compatibility [CEEC] model,** a multiple criteria model that quantifies each solar installation based on environmental and technical compatibility. The CEEC model is a decision support tool that develops a spatial environment and technical

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Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-2 (cont'd)

compatibility index that outputs 3 tiers: Compatible, Potentially Compatible, and Incompatible. The model was designed for use in California and can identify environmentally low-conflict areas based on resource constraints and opportunities.



The state of California classified according to the CEEC Compatibility Index (Compatible, Potentially Compatible, Incompatible) and area (percentage) within each class for photovoltaic (PV) and concentrating solar power (CSP) technologies.

Hernandez et.al., 2015

A second tool of interest for decision-makers seeking to integrate the advancement of USSE's with conservation of our desert lands is a framework proposed by a group of researchers led by Dr. Rebecca R. Hernandez of UC Davis. **Techno-ecological synergies [TES]** engineers the mutually beneficial relationships between technological and ecological systems to bolster the sustainability of solar energy across a suite of environments including land, water, and built-up systems. The intent of applying the TES framework to solar energy technologies is an effort for "sustainable engineering" to minimize unintended consequences on nature as we rapidly advance USSE's on our natural and working lands.

The authors propose expansion of solar energy engineering principles to include both economic and ecological systems based on a synergistic relationship between technology and the environment. The outcome of TES produces products relevant to the technology end of development (PV module efficiency and grid reliability) *as well as* support for ecosystem services such as carbon sequestration and storage, water-use efficiency, and wildlife habitat. The research team offers 20 potential TES outcomes and discusses metrics and assessment methods to measure TES flows.

One example of a TES opportunity is optimizing land resources. The most degraded lands sites, for example EPA Superfund sites, could produce about 38% of total US energy consumption (based on 2015 assessment). At the same time, degraded lands function as substitutes, sparing undisturbed land with greater capacity for carbon sequestration. Moreover, the negative effects of land cover change and

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Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-2 (cont'd)

disturbance such as release of GHG emissions, dust release, and soil-borne pathogens are reduced or eliminated.

Further examples of optimizing land resources include co-location of other renewable energy formats (such as wind turbines) adjacent to solar utility, with benefits compounded when this takes place on already degraded land. The number of potential beneficial outcomes for individual TES's ranges from 6-13; that is, there are substantial benefits to be gained by the synergistic framework proposed by this system.

While the commitments to transition to clean energy are moving rapidly, it may be necessary to make good use of policies to embed solar energy TESs into the economics of planning.

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XI. Conclusion

To fully realize the value of desert lands as part of our state's efforts to sequester atmospheric carbon, the desert must be recognized as a significant carbon sink -- *and it needs to be left undisturbed*. Unlike other ecosystems, it has a unique time scale that would require hundreds to thousands of years to recover from disturbance. The highest capacity regions for desert carbon storage, including microphyll woodlands and desert bajadas, should be identified as the top priority regions for conservation. And the state must also place high importance on the "how" part of transitioning to clean energy by careful pre-planning and siting of renewables on already disturbed desert lands and developments. We only get to do this once, so it needs to be done right.

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Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-3

DAILY COMMENT

CALIFORNIA IS SHOWING HOW A BIG STATE CAN POWER ITSELF WITHOUT FOSSIL FUELS

For part of almost every day this spring, the state produced more electricity than it needed from renewable sources.

By Bill McKibben

June 27, 2024



Workers install solar panels at a home in San Francisco, California. Photograph by Michaela Vatcheva / Bloomberg / Getty

Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-3 (cont'd)

Save this story

Something approaching a miracle has been taking place in California this spring. Beginning in early March, for some portion of almost every day, a combination of solar, wind, geothermal, and hydropower has been producing more than a hundred per cent of the state's demand for electricity. Some afternoons, solar panels alone have produced more power than the state uses. And, at night, large utility-scale batteries that have been installed during the past few years are often the single largest source of supply to the grid—sending the excess power stored up during the afternoon back out to consumers across the state. It's taken years of construction—and solid political leadership in Sacramento—to slowly build this wave, but all of a sudden it's cresting into view. California has the fifth-largest economy in the world and, in the course of a few months, the state has proved that it's possible to run a thriving modern economy on clean energy.

A good place to view this feat is from Mark Jacobson's home—a light-filled two-story modernist house that he shares with his family at the end of a classic suburban cul-de-sac on the edge of the campus of Stanford University, where he is a professor of civil and environmental engineering. In part, that's because the house is an energy-efficient showpiece; its solar panels produce more than enough energy to cover what he uses, though it is still tied to the grid. In the garage, there are two Teslas (including a 2009 Roadster with a license plate that reads "GHG Free") and a pair of the company's Powerwall batteries. The first place Jacobson shows you on a tour is the mechanical room, where an air exchanger recovers ninety-seven per cent of the heat from the stale air that it pushes out of the house. Next up is the kitchen, where an induction cooktop cuts energy use by sixty per cent compared with gas, even as it boils water twice as fast. He also showed me an app on his phone that monitors his usage of the power generated by solar panels on his roof every few seconds. "Yesterday, seventeen per cent of the generation

Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-3 (cont'd)

from my rooftop went into the batteries in the garage," he said. "I used eight per cent of it at home, and I sold seventy-nine per cent to the grid."

But the real reason to go see Jacobson is that he said this transition could and would happen. Beginning with an article he co-wrote for *Scientific American*, in 2009, he's been making the case for a-hundred-per-cent renewable energy. It's not been easy—after he won a prize, from the National Academy of Sciences, for a 2015 paper laying out the vision, twenty-one energy researchers wrote an analysis for the academy's magazine that accuses him of modelling errors and of making "implausible and inadequately supported assumptions." So Jacobson can be excused for crowing a bit on social media this spring, if you define crowing as posting almost daily graphs of the renewable-energy surge.

"Last year, we reached one hundred per cent a few times," he told me, as we sat in his living room. "But, this year, there's been thirty-two-per-cent more solar output" as big new solar farms have come online, and "wind is up eleven per cent." And demand for electricity from the grid has dropped three per cent—mostly because so many people have put solar panels on their roofs, so they, like Jacobson, can supply much of their own power. Renewable energy has reached an inflection point in California, where there's enough installed capacity to begin to show its real muscle, a message that's being heard across the country. From January to April, renewables accounted for ninety-nine per cent of new power added to America's grid. "Tides have turned," Jacobson tweeted last week. "Fossil gas, coal, and nuclear are quickly becoming the 'alternative energy.' "

And it's not just in the United States. A new report from the British energy think tank Ember shows that in 2023 the European Union—spurred in part by Russia's invasion of Ukraine—in a month produced more electricity from renewable sources than from fossil fuels for the first time. In May, Ember reported that wind and solar are now growing faster than any energy sources in history, besting even the rate that nuclear power grew at its height, during the nineteen-sixties and seventies. Although new data released this week showed world carbon emissions

Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-3 (cont'd)

still climbed slightly last year, the Rocky Mountain Institute, in a report released last week, declared that the world could see peak fossil-fuel use this year, as the surge in renewables could account for even the rising demand for energy from growing Asian economies. In the past decade, the R.M.I. group found, "solar generation has grown 12 times, battery storage by 180 times, and EV sales by 100 times." This growth has been led by China, where "solar generation is up 37 times and EV sales up 700 times." China is "poised to be the first major electrostate."

Jacobson leads a team of researchers at Stanford who have modelled plans to take a hundred and forty-nine countries to a-hundred-per-cent wind, water, and solar power by 2035; the latest countries added to his database, this spring, are Madagascar, Rwanda, Uganda, and Eswatini (the former Swaziland). For each of them, Jacobson has a model that can forecast the weather every thirty seconds, for decades ahead, taking into account the predictions of a warming climate. If, on some June day in 2050, it's going to be eighty degrees in the mountains of Madagascar, and you want it to be seventy degrees inside a home, he can calculate the insulation value of the wall of an average residential building there and show how much energy it will take to cool things down. Then he can show exactly what combination of wind, water, and solar will provide it. Very occasionally, he'll find a place with so little land that it can't produce the energy it needs on its own soil. (He limits the acreage to be used for solar and wind production to about two per cent of a nation's territory.) "Singapore, Gibraltar, places like that," he says. "Then we go offshore." And, in the interest of grid stability, he tries to couple wind and solar in relatively equal amounts. "That's because in a heat wave, you have high pressure, and lots and lots of sun, but the wind tends to die," he says. "And then the low pressure comes in, and with it storms, which cuts the solar energy, but the pressure gradients mean strong winds." Hydro is a reliable source—essentially the biggest battery on his grid, because its power can be so easily stored for dispatch when needed—but when a drought causes its availability to drop, that almost certainly means that there's been a lot of sun. "Everywhere in the world, we can find ways to match demand for energy by supply and storage," he says.

Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-3 (cont'd)

The crucial question, of course, is not whether this transition will keep growing—it will, because the cost of solar, wind, and batteries continues to fall dramatically. The question is whether it will grow fast enough to let us begin to catch up with the implacable physics of global warming. (Globally, May was the twelfth month in a row of record-high temperatures.) And here the news is a little less sanguine: at the current pace, according to a new study from the International Energy Agency, we will more than double renewable capacity by 2030, but to meet the targets set in the Paris climate agreement, we'll have to triple it. As the I.E.A.'s director, Fatih Birol, said, "the tripling target is ambitious but achievable, though only if governments quickly turn promises into plans of action. Countries worldwide have a major opportunity to accelerate progress towards a more secure, affordable, and sustainable energy system."

Governments are fickle, though—even blue-state ones. Earlier this month, Governor Kathy Hochul, of New York, killed off a congestion-pricing scheme designed to toll automobile traffic into Manhattan and raise money for the city's mass-transit system. In California, Governor Gavin Newsom has come under fire for cutting back support to rooftop and community solar power in favor of vast utility-scale projects. Meanwhile, Donald Trump has promised, if elected in November, to "drill drill drill," and to end offshore wind on "Day One." Even the Biden Administration, by Jacobson's calculation, is spending about forty per cent of the money from the Inflation Reduction Act on expensive schemes such as "carbon capture," which is designed to allow the fossil-fuel industry to go on burning carbon, even though "it would be endlessly cheaper to just use the money to build more solar."

Sometimes, critics look at California's electricity prices, among the highest in the nation, and conclude that renewables must be the reason, Jacobson says. In fact, "it's just the opposite." California's prices have been driven up by wildfires, which are often sparked by utility wires, and natural-gas disasters at San Bruno and Aliso Canyon. "If we didn't have renewables, our prices would be much higher,"

Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-3 (cont'd)

Jacobson told me. (He has data showing that the other American states with high renewable penetration—mostly Midwestern wind giants such as Iowa and the Dakotas—have among the lowest electricity costs in the country.) "The secret now is deploy, deploy, deploy. We have ninety-five per cent of the technology we need."

The dimensions of California's miracle can be measured from a house like Jacobson's. (Most owners of solar-powered homes, in my experience, are evangelists, converted the first time they watch their meter spin backward.) But you can also measure it in other places, including an impossibly cluttered, small research lab in the industrial district of Oakland. Danny Kennedy is a veteran renewable-energy guru and the head of the New Energy Nexus, a nonprofit that helps companies leading the transition off fossil fuels. Kennedy had recently been insisting that I see a two-year-old startup in Oakland called Magrathea Metals, which, he said, is "making metal from seawater with sunshine."

We found the lab, in a renovated warehouse, right next to a California-inevitable microbrewery and coffee roaster. When we stepped inside, someone in a welder's helmet shouted, "Watch out, we're pouring molten metal over here!" We scurried farther into the building, to meet two young men, Alex Grant, formerly a lithium technology developer, and Jacob Brown, a chemical engineer educated at Cambridge University. They are Magrathea's founders, and they bubble with the energy of Silicon Valley-adjacent entrepreneurs. But, instead of producing apps, they produce magnesium, which is the world's third most common structural metal, though it trails steel and aluminum by large measures, mostly because it's traditionally more expensive to make.

But that's potentially no longer the case, for reasons that show how renewable power can help transform industry itself—making it both cheaper and less material-intensive. To meet peak demand in places like California, you need to build a lot of solar panels, which means that when demand is lower you are

Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-3 (cont'd)

producing more power than you can use, which, in turn, means that during those hours the power is very cheap. Magnesium can be smelted intermittently, partly because its melting point is low: you can start to heat up the feedstock in a smelter (there is a trial-sized one in a room isolated for safety at Magrathea) during the afternoon hours when solar productivity is at a peak, and then, when people come home and turn on their ovens and their washing machines, and the price of electricity goes up, you can turn off the smelter. Then you wait until electricity becomes cheap again, and resume smelting. It's not feasible to do this with aluminum—the molten salt it is combined with will freeze.

Another reason magnesium could have less impact on the planet is that it doesn't have to be mined, because it is found in the ocean—a hundred and forty-two gallons of seawater can yield a pound of metal. Or you can start with naturally occurring brines and salts, or the brine left behind by desalination plants. Grant calls himself a "brine nerd," and he showed me trays of the stuff from Namibia and Western Australia, and from just up the Bay in Newark, California. Brine can be delivered by truck from Newark whenever the startup needs it. (Usually, brine is sold for keeping down dust on roads or de-icing them in the winter; milk of magnesia is another use.) "We think of it as farm-to-table metal," Grant said. In a corner of the factory, he curates a small museum of things made of magnesium from around the world—snowshoes, a bicycle, a lawnmower, the gearbox from a helicopter. "We've had global automakers tell us, 'If we had a supply chain, it's a no-brainer. In a specific design, it's lighter, easier to die-cast, and stronger than aluminum,' " Grant said. "All the fundamentals point to it being as competitive as aluminum, if the costs can come down—and intermittency is the key."

"We'll be making a thousand tons a year by 2035, a million tons a year by 2050," Grant said. "We'll probably develop our first big smelter in the wind belt, in the middle of the country, because the onshore wind is so cheap." There will almost certainly be a market—the military, for one, uses a lot of light metals for things

Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-3 (cont'd)

like airplanes and, currently, more than eighty per cent of the world's magnesium supply comes from China, and the second-largest producer is Russia.

As we talked, we peered through a window in the room where the trial-scale smelter is set up. It looked like a rusted kiln with a giant electric cord running into it. But that old-school infrastructure is combined with a new-age vibe: a Solarpunk flag (a green-and-gold banner of the nascent Solarpunk movement) hung on a wall above the smelter, and just outside the room there was a neon number 42. Fans of the cult classic "The Hitchhiker's Guide to the Galaxy," by Douglas Adams, will remember that "42" is the answer to the question—arrived at by the computer Deep Thought after 7.5 million years of calculation—of the meaning of "life, the universe, and everything." Grant and Brown also took the company's name from Adams's book—Magrathea is the planet that built other planets.

The hope is that companies like Magrathea can help build a more sustainable planet. Not only does the smelting process use just solar power and seawater, its main by-product is magnesium oxide, which, when released into the ocean, helps sequester carbon. Indeed, instead of turning to rust, as steel eventually does, magnesium breaks down into magnesium oxide. So, if a bike made of magnesium is left to disintegrate in a landfill, it will eventually break down into its component parts and flow to the sea, where it will help in the process of rebalancing the atmosphere. "It's an inherently carbon-neutral primary metal," Brown said.

"What's happening in places like California is not just substitution—not just replacing dirty energy with clean stuff," Kennedy told me. That's important, of course—the most impressive of Jacobson's statistics from this spring in California is that the amount of natural gas used for electricity generation has dropped more than forty per cent from last year, which is the kind of number that the climate crisis requires. "But remember when Wi-Fi replaced modems?" Kennedy asked. "It wasn't just a better signal—people started thinking up a thousand new things to

Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-3 (cont'd)

do with all that connection. That's what abundant electricity means: we'll be able to think differently." ♦

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Bill McKibben is the founder of Third Act, which organizes people over the age of sixty for progressive change, and a contributing writer to The New Yorker. His latest book is "The Flag, the Cross, and the Station Wagon: A Graying American Looks Back at His Suburban Boyhood and Wonders What the Hell Happened."

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Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-3 (cont'd)

HERE TO THERE DEPT.

An Around-the-World Eco-Voyage Makes a Pit Stop Near Wall Street

Energy Observer, a ship equipped with solar panels and a hydrogen fuel cell, has spent the past seven years circumnavigating the globe, powered by sun, water, and salads.

By Adam Iscoe

DAILY COMMENT

The Biden Administration's Plan to Make American Homes More Efficient

New building codes from the Department of Housing and Urban Development are the latest addition to a long list of Earth Week environmental wins for the White House.

By Bill McKibben

SCIENCE

Don't Believe the Biggest Myth About Heat Pumps

Not only do heat pumps work fine in cold weather, they're *still* more efficient than gas furnaces in such conditions.

By Matt Simon, WIRED

SCIENCE

The Hunt for the Most Efficient Heat Pump in the World

A new generation of engineers has realized they can push heat pumps to the limit, but just how much heat you can extract depends on your setup.

By Chris Baraniuk, WIRED

DAILY COMMENT

It's a Climate Election Now

Trump's reported billion-dollar offer to fossil-fuel executives shows that this is the key year to save the planet.

By Bill McKibben

THE FINANCIAL PAGE

Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-3 (cont'd)

Car Wars

Is China's electric-vehicle industry a threat to the U.S., or something to learn from?

By John Cassidy

SCIENCE

Ecuador Is Literally Powerless in the Face of Drought

Drought-stricken hydro dams have led to daily electricity cuts in Ecuador. As weather becomes less predictable due to climate change, experts say other countries need to take notice.

By Hannah Singleton, WIRED

SCIENCE

A Company Is Building a Giant Compressed-Air Battery in the Australian Outback

Hydrostor, a leader in compressed-air energy storage, aims to break ground on a 200-MW plant in New South Wales by the end of this year. It wants to follow that with a 500-MW facility in California.

By Dan Gearino, WIRED

Do Not Sell My Personal Info

Responses to Comment Set PRB7 – Morongo Basin Conservation Association

PRB7-1 The commenter describes the Morongo Basin Conservations Association (MBCA) as an advocate for responsible renewable energy development that preserves and supports the economic and environmental welfare of desert communities while working to meet the federal and state climate change goals, and references its March 11, 2024, letter regarding the dangers of solar field for migrating birds.

Responses to the aforementioned comment letter from MBCA on the original Draft EIR are included in Comment Set B6. Direct, indirect, and cumulative impacts to migrating birds, special-status plant and wildlife species, and wildlife connectivity from the proposed Project are described in EIR Section 3.5 (Biological Resources). Impacts of alternatives are described in EIR Chapter 5.

The commenter also quotes a New Yorker article (Comment PRB7-3), which states that "for some portion of almost every day, a combination of solar, wind, geothermal, and hydropower has been producing more than a hundred per cent of the state's demand for electricity…in the course of a few months, the state has proved that it's possible to run a thriving modern economy on clean energy." The commenter states that this provides justification to choose either Alternative A3 the No Project Alternative, or Alternative E (Distributed Commercial and Industrial Rooftop Solar Alternative) since these alternatives would protect the communities of Lake Tamarisk and Desert Center, as well as special status wildlife and plant species and wildlife connectivity.

While distributed generation is an important component to combat climate change and meet state and federal greenhouse gas emission reduction, renewable energy development, and climate change goals, many forms of renewable energy and energy efficiency are needed. For instance, California's Senate Bill (SB) 100 established a landmark policy requiring renewable energy and zero-carbon resources supply 100 percent of electric retail sales to end-use customers by 2045. While the enclosed article is promising, the State has not met its SB 100 goals as of today. The duck curve is also continuing to improve with more battery storage coming online, but it remains a substantial challenge, especially within California.

Therefore, utility-scale solar projects, such as the Easley Project, are needed if we are to meet the important and relevant policies and goals, which are listed in the following stated Project Objectives (see EIR Section 1.3):

- Support climate and clean energy goals of the Inflation Reduction Act of 2022 by helping to tackle the climate crisis and work towards 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);
- 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;
- Further the purpose of Secretarial Order 3285A1, establishing the development of environmentally responsible renewable energy as a priority for the Department of the Interior;
- 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;

- 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[1];

PRB7-2 The commenter's support for Alternatives A3 and E because it would leave the intact desert of the proposed Easley Project undisturbed, protecting the ongoing active sequestering of carbon and the ancient carbon stored in the caliche, is noted.

The commenter submitted a report titled "The California Desert's Role in 30X30: Carbon Sequestration and Biodiversity (dated February 6, 2024) with the following key takeaways: (1) the desert's carbon storage process differs significantly from more widely understood sectors such as forests, grasslands, chaparral, and wetlands; and (2) because of the distinct carbon storage process found in the desert ecosystem, there is one recommended strategy to maximize the desert sector's contribution to carbon emission reduction: intact desert lands need to be left undisturbed.

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). While the Project is located on some BLM-administered lands, approximately one-third of the Project would be located on private lands that have been previously disturbed by former agricultural uses.

See Responses to Comments B2-27 and B9-36 for additional information in response to comments on carbon storage in desert soils. See also EIR Section 3.5 for analysis of Project impacts to Biological Resources and Section 3.11 for analysis of Project impacts to Hydrology and Water Quality.

PRB7-3 The commenter submitted an article from the New Yorker titled "*California Is Showing How a Big State Can Power Itself Without Fossil Fuels*," which explains that for part of almost every day this spring, the state produced more electricity than it needed from renewable sources.

Please see Response to Comment PRB7-1, which addresses the article in the context of the Easley Project.

[1] Battery duration may be up to 8 hours depending on technology and final design.

Comment Set PRB8 – CA Native Plant Society, Center for Biological Diversity and Defenders of Wildlife

Easley Renewable Energy Project

From: Sophia Markowska <SMarkowska@defenders.org>
Sent: Monday, July 8, 2024 8:17 AM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Cc: Lisa Belenky <lbelenky@biologicaldiversity.org>; Brendan Wilce <Bwilce@cnps.org>
Subject: Partially Recirculated Draft Environmental Impact Report – Easley Renewable Energy Project

Dear Mr. Wheeler,

Please accept the attached comments on behalf of California Native Plant Society, Center for Biological Diversity and Defenders of Wildlife on the Partially Recirculated Draft Environmental Impact Report for the Easley Renewable Energy Project. Please confirm receipt of delivery.

Thank you,
Sophia Markowska

Sophia Markowska (She/Her/Hers)
Senior California Representative

DEFENDERS OF WILDLIFE
Sacramento, California 95822
408-603-4694 | smarkowska@defenders.org
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Comment Set PRB8 – CA Native Plant Society, Center for Biological Diversity and Defenders of Wildlife (continued)

July 8, 2024

Tim Wheeler, Planner
County of Riverside, TLMA Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501
Delivered via email to: TWheeler@rivco.org

RE: Partially Recirculated Draft Environmental Impact Report – Easley Renewable Energy Project (SCH 2022110240)

Dear Mr. Wheeler:

PRB8-1

Thank you for the opportunity to provide comments in response to the Partially Recirculated Draft Environmental Impact Report (RDEIR) for the proposed Easley Renewable Energy Project (Project). These comments are submitted on behalf of the California Native Plant Society (CNPS), the Center for Biological Diversity (Center) and Defenders of Wildlife (Defenders).

We strongly support the development of renewable energy production. A low-carbon energy future is critical for California's economy, communities, and environment. Achieving this future—and *how* we achieve it—is critical for protecting California's internationally treasured biodiversity, landscapes and diverse habitats. We believe transitioning to a renewable energy future need not exacerbate the ongoing extinction crisis by thoughtfully planning projects while protecting habitat critical to species.

CNPS is a non-profit environmental organization with more than 12,500 members in 36 Chapters across California and Baja California, Mexico. CNPS's mission is to protect California's native plant heritage and to 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. CNPS supports science-based, rational policies and actions, on the local, state, national, and international levels, that lead to the continued study and enjoyment of the state's botanical resources.

The **Center** is a non-profit environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. These comments are submitted on behalf of the Center's 1.7 million staff, members and supporters throughout California and the western United States many

Comment Set PRB8 – CA Native Plant Society, Center for Biological Diversity and Defenders of Wildlife (continued)

of whom live in southern California and enjoy visiting, studying, photographing and hiking in the California Desert Conservation Area, including the areas on and around the proposed project site.

PRB8-1 (cont'd)

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 U.S. 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.

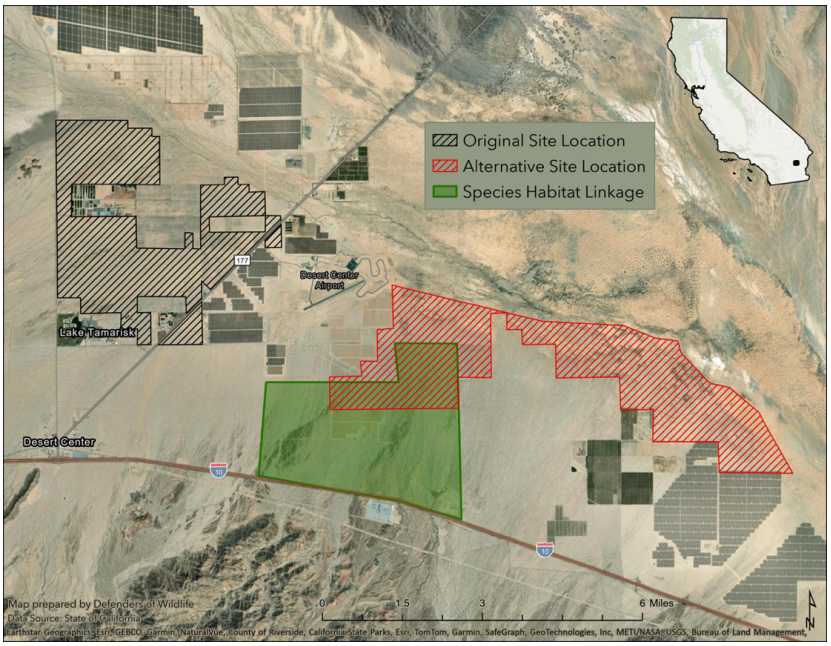
The Project is located in the Chuckwalla Valley, 2 miles north of Desert Center. The existing Desert Sunlight and Desert Harvest solar projects are located to the north of the project, and the Athos Renewable Energy Project is located to the east. The Oberon Renewable Energy Project is under construction 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.

We have a long history of advocating for the protection and conservation of resources within the California Desert Conservation Area. We, along with several other conservation organizations, have met with representatives from Intersect Power, the Project applicant, several times, and we appreciate previous modifications in response to our recommendations. However, we have serious concerns over the modification within the RDEIR to include Alternative D, the Offsite Alternative. This proposed alternative location overlaps with a multi-species habitat linkage, as depicted in Figure 1.

Comment Set PRB8 – CA Native Plant Society, Center for Biological Diversity and Defenders of Wildlife (continued)

PRB8-2

Figure 1: Vicinity of the Project and Vicinity of Alternative D with the DRECP multi-species habitat linkage

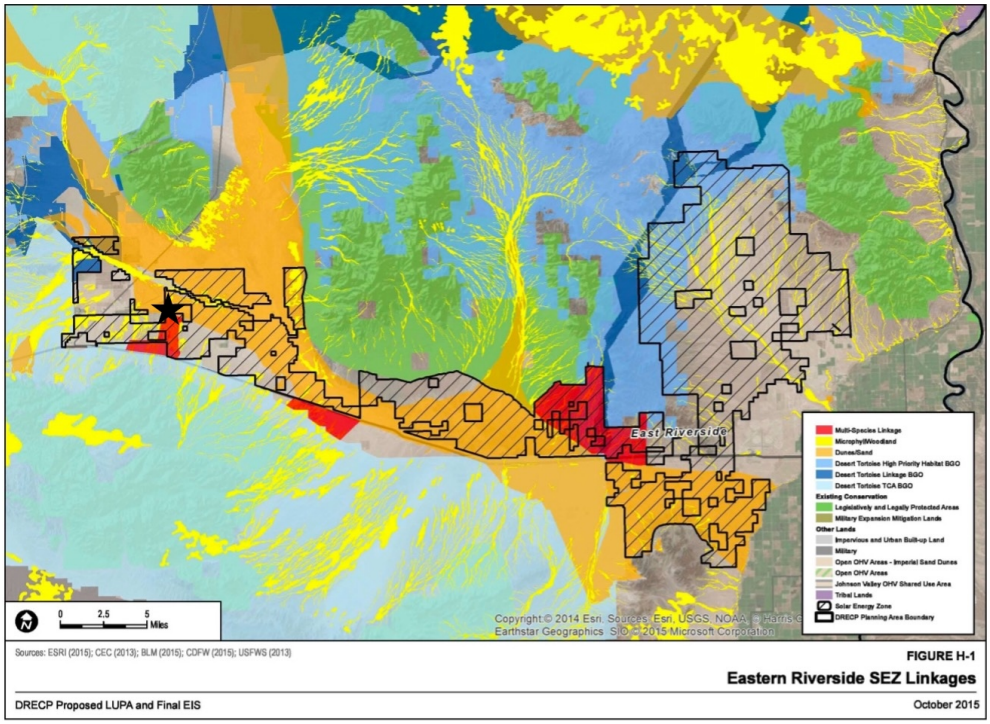


Furthermore, the alternative site overlaps with the dunes and sand transport linkage and microphyll woodlands, as depicted in Figure 2. The black star represents the approximate location of Alternative D.

Comment Set PRB8 – CA Native Plant Society, Center for Biological Diversity and Defenders of Wildlife (continued)

PRB8-3

Figure 2: Eastern Riverside Solar Energy Zone Linkages[1]



Development of the Project under Alternative D would create significant and unavoidable impacts on biological resources through impacts to the multi-species habitat linkage, the sand and dunes transport linkage and the microphyll woodlands. These impacts violate the Conservation Management Actions (CMAs) within the DRECP. Land Use Plan Amendment (LUPA)-BIO-13 from the DRECP states the following:

> "The siting of projects along the edges (i.e. general linkage border) of the biological linkages identified in Appendix D (Figures D-1 and D-2) will be configured (1) to maximize the retention of microphyll woodlands and their constituent vegetation type and inclusion of other physical and biological features conducive to Focus and BLM Special Status Species' dispersal, and (2) informed by existing available information on modeled focus and BLM Special Status Species habitat and element occurrence data, mapped delineations of vegetation types, and based on available empirical data, including radio telemetry, wildlife tracking sign, and road-kill information. Additionally, projects will be sited and designed to maintain the function of Special Status Species connectivity and their associated habitats in the following linkage and connectivity areas:

[1] Bureau of Land Management. *DRECP Proposed LUPA and Finale EIS. Appendix H: Conservation and Management Actions Documentation – Revised and Updated for the Proposed BLM LUPA*. 2016.

Comment Set PRB8 – CA Native Plant Society, Center for Biological Diversity and Defenders of Wildlife (continued)

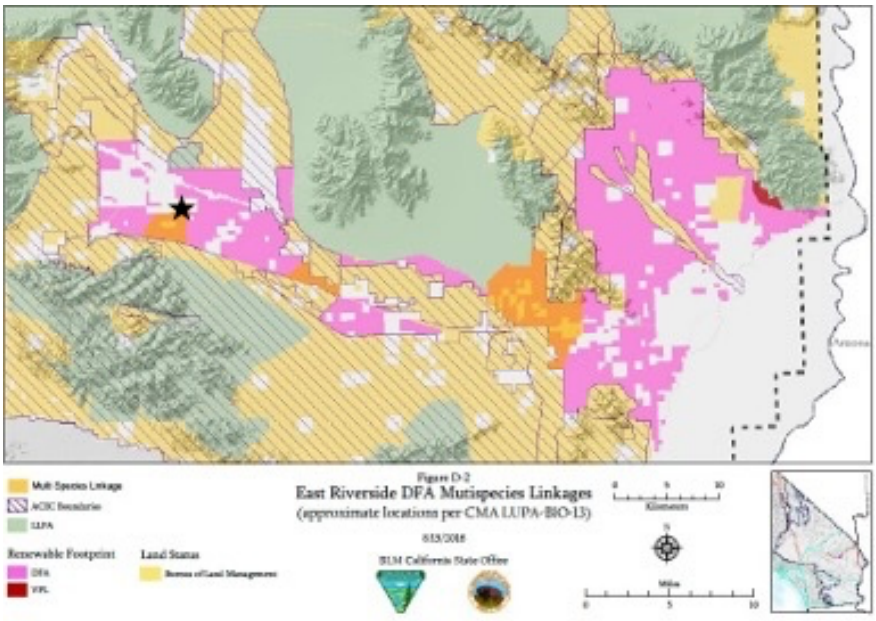
PRB8-3 (cont'd)

- Within a 5-mile-wide linkage across Interstate 10 centered on Wiley's Well Road to connect the Mule and McCoy mountains (the majority of this linkage is within the Chuckwalla ACEC and Mule-McCoy Linkage ACEC).
- Within a 3-mile-wide linkage across Interstate 10 to connect the Chuckwalla and Palen mountains.
- Within a 1.5-mile-wide linkage across Interstate 10 to connect the Chuckwalla Mountains to the Chuckwalla Valley east of Desert Center.
- The confluence of Milpitas Wash and Colorado River floodplain within 2 miles of California State Route 78 (this linkage is entirely within the Chuckwalla ACEC)."[2]

Alternative D conflicts with LUPA-BIO-13 as it is not located along the edges of an identified biological linkage, as required per the CMA. Instead, it is placed directly within the linkage. Furthermore, development would create the loss of microphyll woodlands and other biological features for species dispersal, violating the CMA.

The following figure shows multi-species linkages per CMA LUPA-BIO-13, which would overlap with the Alternative D project site. The black star represents the approximate location of Alternative D.

Figure 3: East Riverside DFA Multispecies Linkages[3]



[2] U.S. Bureau of Land Management. *Land Use Plan Amendment to the California Desert Conservation Plan*. 2016.
[3] U.S. Bureau of Land Management. *Land Use Plan Amendment to the California Desert Conservation Plan, Appendix D: Conservation and Management Action Implementation Support Information and Maps*. 2016.

Comment Set PRB8 – CA Native Plant Society, Center for Biological Diversity and Defenders of Wildlife (continued)

PRB8-4

The RDEIR acknowledges that BLM would require compliance with DRECP CMAs under the DRECP LUPA and states that the CMAs will also be applied to project development on private land portions. The document continues to recognize that Alternative D would cause substantially greater adverse impacts to biological resources and that several DRECP CMAs restrict development and require setbacks on sensitive habitat on BLM-administered lands. However, the RDEIR fails to eliminate this alternative from consideration due to the infeasibility of adhering to DRECP CMAs and the greater severity of biological impacts. We request that development under Alternative D, in part or as a whole, be eliminated from any further consideration.

Thank you once again for the opportunity to provide these comments on the RDEIR for the proposed Easley Renewable Energy Project and for considering our comments. We request to be notified when the Final Recirculated EIR is available. Please feel free to contact us with any questions.

Respectfully submitted,

Brendan Wilce
Conservation Program Coordinator
California Native Plant Society
bwilce@CNPS.org

Lisa Belenky
Senior Counsel
Center for Biological Diversity
lbelenky@biologicaldiversity.org

Sophia Markowska
Senior California Representative
Defenders of Wildlife
smarkowska@defenders.org

Responses to Comment Set PRB8 – California Native Plant Society, Center for Biological Diversity and Defenders of Wildlife

PRB8-1 The commenters describe their organizations and state that they support thoughtfully planned development of renewable energy while protecting biodiversity, landscapes and diverse habitats. The commenters summarize the Easley Project as described in the original Draft Environmental Impact Report (EIR) and Partially Recirculated Draft EIR (PRDEIR).

The commenters' statement that the conservation groups have met with representatives from the Applicant, Intersect Power, several times and appreciate previous Project modifications is noted.

The commenters' concerns about inclusion of Alternative D (Offsite Alternative) in the PRDEIR and its overlap with a multi-species habitat linkage are also noted. See Response to Comment PRB3-3, PRB8-2, and PRB8-3, which address Alternative D's overlap with the designated multi-species habitat linkage.

PRB8-2 The commenter states that they have concerns over the addition of Alternative D, Offsite Alternative. The commenter notes that this alternative location overlaps with a multi-species habitat linkage, dunes, sand transport linkage, and microphyll woodlands.

See Responses to Comments PRB3-3 and PRB3-4, as well as Section 5.2.7.4 of the Final EIR, which addresses the impacts of Alternative D to biological resources, including aeolian deposits, Mojave fringe-toed lizards, and microphyll woodlands, and the multi-species linkage.

PRB8-3 The commenter states that Alternative D, Offsite Alternative, overlaps with the multi-species linkage, dunes and sand transport linkage and microphyll woodlands and that implementation of Alternative D would create significant and unavoidable impacts to biological resources. The commenter states that the impacts would violate DRECP CMA LUPA-BIO-13.

See Response to Comment PRB3-4 and Section 5.2.7.4 of the Final EIR, which addresses the impacts of Alternative D to biological resources, including aeolian deposits, Mojave fringe-toed lizards, and microphyll woodlands, notes biological resource impacts may be significant and unavoidable, and indicates that DRECP CMAs restrict development in these areas. Commenters on the original Draft EIR requested consideration of installing solar panels on BLM-managed lands east of SR-177, which resulted in full analysis of the Offsite Alternative in the PRDEIR. See Response to Comment PRB3-5.

PRB8-4 The commenter is correct that the PRDEIR acknowledges that BLM would require compliance with DRECP CMAs under the DRECP LUPA and states that the CMAs will also be applied to project development on private land portions of the Project. The PRDEIR also recognizes that Alternative D would cause substantially greater adverse impacts to biological resources and that several DRECP CMAs restrict development and require setbacks on sensitive habitat on BLM-administered lands. The commenters state that the PRDEIR fails to eliminate this alternative from consideration due to the infeasibility of adhering to DRECP CMAs and the greater severity of biological impacts.

Please refer to Response to Comment PRB3-5.

The commenters' request that development under Alternative D, in part or as a whole, be eliminated from any further consideration is noted, as has the commenters' request for notification when the Final EIR is available.

Comment Set PRB9 – Center for Biological Diversity and CA Native Plant Society

Submitted via Electronic Mail

Riverside County Planning Department 7/8/2024
Attn: Tim Wheeler, Project Planner
4080 Lemon Street, 12th Floor
PO Box 1409
Riverside, CA 92502
email: TWheeler@rivco.org

RE: Additional Comments, Alternative E in the IP Easley Renewable Energy Project Partially Recirculated DEIR (CUP 220021/PUP 230002/DA 2200016/SCH 2022110240).

Dear Mr. Wheeler,

The Center for Biological Diversity (the "Center") and California Native Plant Society ("CNPS") submit these additional comments regarding Alternative E in the IP Easley Renewable Energy Project Partially Recirculated Draft Environmental Impact Report (CUP 220021/PUP 230002/DA 2200016/SCH 2022110240). These comments are timely submitted pursuant to the May 24, 2024 Notice of Availability circulated by the County. PRB9-1

The Center is a non-profit environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. These comments are submitted on behalf of the Center's 1.7 million staff, members and supporters throughout California and the western United States many of whom live in California and enjoy visiting, studying, photographing and hiking in the California Desert Conservation Area, including the areas on and around the proposed project site.

CNPS is a non-profit environmental organization with more than 12,500 members in 36 Chapters across California and Baja California, Mexico. CNPS's mission is to protect California's native plant heritage and to 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. CNPS supports science-based, rational policies and actions, on the local, state, national, and international levels, that lead to the continued study and enjoyment of the state's botanical resources.

In the Center's scoping comments on the initial proposal dated October 20, 2023, we expressly asked the agencies to consider "alternatives using other technologies including distributed generation" including "an alternative where power generation is sited adjacent to

Comment Set PRB9 – Ctr for Biological Diversity & CA Native Plant Soc. (continued)

power consumption." The Center and CNPS are encouraged that the County has now included an Alternative E: Distributed Commercial and Industrial Rooftop Solar Alternative (Recirculated DEIR at 2-34 to 2-35. The Center and CNPS strongly support the agencies further considering Alternative E which would have the additional benefits of avoiding significant impacts to biological resources, air quality and water resources, as well as contributing to local reliability and resiliency by generating power in the areas where energy will be used. To assist the agencies in further considering Alternative E, the Center and CNPS provide the following comments: PRB9-1 (cont'd)

1. Alternative E Should Include On-Site Storage PRB9-2

As formulated in the Recirculated DEIR, the distributed solar energy on commercial and industrial rooftops would not include any storage component. This appears to be an arbitrary choice by the County in formulating the alternative, however, many commercial rooftop systems do have paired storage and microgrids that can detach from the larger grid when needed are becoming more common. If storage were included, then Alternative E could meet additional objectives including "extending renewable energy availability into the evening hours" (Recirculated DEIS at 2-35). To provide these benefits, the County should consider revising Alternative E to include significant amounts of on-site storage along with rooftop solar.

2. The County Should Include a Metric that Incorporates the Benefits of Avoided Impacts In Comparing Between Alternatives PRB9-3

In order to meaningfully compare the costs of other alternatives to Alternative E, the County should include a metric that values the benefits of avoided impacts under the proposed project as well as and other avoided impacts to the local community that would occur under the other on-site and off-site alternatives considered (Alts. B, C, D). These avoided impacts, often termed "non-energy benefits," include significant impacts to habitats and species, air quality, groundwater resources, habitat fragmentation, loss of connectivity for terrestrial wildlife, destruction of carbon sequestration of soils, and introduction of predators and invasive weed species on intact habitat, as well as benefits such as reduced health risks for local communities affected by noise and air pollution. Because distributed generation avoids significant environmental impacts it is critical that the County include those "avoided costs" when comparing alternatives.[1]

3. The County Should Include a Metric that Incorporates the Benefits of Increased Reliability and Resiliency from Local Generation PRB9-4

Distributed solar generation on commercial or industrial rooftops can be managed as part of a local community energy system to reap significant resilience and reliability benefits. It can reduce the length of outages from extreme weather events, or avoid them altogether, by

[1] While these are not simple calculations because monetization of many of the benefits is complex, other state agencies are addressing these concerns and the County could do so as well. *See, e.g.,* CPUC 2022 Distributed Energy Resources Avoided Cost Calculator Documentation, available at https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/energy-division/documents/demand-side-management/acc-models-latest-version/2022-acc-documentation-v1a.pdf

Comment Set PRB9 – Ctr for Biological Diversity & CA Native Plant Soc. (continued)

providing capacity during peak demand. In addition, distributed solar generation can be used to create "islandable" generation that operates even when outages do occur.[2] Distributed solar thus reduces the risks that come with blackouts or brownouts for all customers, not just those directly receiving energy from the distributed solar systems.[3] This is especially important in the aftermath of wildfires, floods, extreme heat events, and other disasters to ensure that other power is available to critical infrastructure and facilities like hospitals and fire stations.[4]

PRB9-4 (cont'd)

4. The County Should Further Consider How Alternative E Can be Formulated to Meet the Project Objectives Utilizing Distributed Generation and Storage.

PRB9-5

The County acknowledges that distributed generation as proposed in Alternative E, would in fact "assist[] California in meeting its GHG emissions reduction goals" and, as mentioned above, by adding storage to the proposed alternative it could also meet the objective of "extending renewable energy availability into the evening hours" (Recirculated DEIR at 2-35). In addition, Alternative E would provide benefits by increasing local reliability and resiliency and by generating and using power in the areas of high use reduce the need for new transmission and substations. Because a distributed alternative would also avoid impacts to many resources, including biological resources, air quality, groundwater, soils and the local community, the County should consider reformulating Alternative E to include feasible storage solutions and other mechanisms that would meet the project objectives.

In conclusion, the Center and CNPS support the County's consideration of a revised Alternative E – which is a feasible and potentially far less impactful alternative. Thank you for your consideration of these additional comments.

Sincerely,

Lisa Belenky, Senior Counsel
Center for Biological Diversity
1212 Broadway, St. #800
Oakland, CA 94612
lbelenky@biologicaldiversity.org

Brendan Wilce
Conservation Program Coordinator
California Native Plant Society
bwilce@cnps.org

[2] *See* Gridworks & GridLAB, *The Role of Distributed Energy Resources in Today's Grid Transition* 7-9 (Aug. 2018), http://gridlab.org/wp-content/uploads/2019/04/GridLab_RoleOfDER_online-1.pdf. American Council for an Energy-Efficient Economy, Distributed Energy Resources, https://www.aceee.org/topic/distributed-energy-resources.
[3] *See id.*
[4] *Id.*

Responses to Comment Set PRB9 – Center for Biological Diversity and California Native Plant Society

PRB9-1 The commenters describe the Center for Biological Diversity and California Native Plant Society and state that this Comment Set PRB9 is focused on Alternative E (Distributed Commercial and Industrial Rooftop Solar Alternative).

The County notes the commenters' support inclusion of Alternative E due to its benefits of avoiding significant impacts to biological resources, air quality, and water resources, as well as contributing to local reliability and resiliency.

Note that potential impacts of the proposed Project to biological resources, air quality, and water resources have been found to be less than significant with implementation of the recommended mitigation in EIR Chapter 3 (see EIR Appendix L, Mitigation Monitoring and Reporting Program, for all recommended mitigation). Potential impacts to biological resources, air quality, and water resources of Alternative E are discussed in EIR Sections 5.2.8.4, 5.2.8.3, and 5.2.8.10, respectively.

PRB9-2 The commenters state that Alternative E should be revised to include onsite storage since the decision not to include battery storage appears arbitrary, and if energy storage were included, then Alternative E could meet additional objectives, including "extending renewable energy availability into the evening hours."

Please see Response to Comment PRD10-1.

PRB9-3 The commenters state that in order to meaningfully compare the costs of other alternatives to Alternative E, the County should include a metric that values the benefits of avoided impacts under the proposed project as well as and other avoided impacts to the local community that would occur under the other on-site and off-site alternatives considered (Alternatives B, C, D). The commenter states that these avoided impacts, often termed "non-energy benefits," include significant impacts to habitats and species, air quality, groundwater resources, habitat fragmentation, loss of connectivity for terrestrial wildlife, destruction of carbon sequestration of soils, and introduction of predators and invasive weed species on intact habitat, as well as benefits such as reduced health risks for local communities affected by noise and air pollution. Because distributed generation avoids significant environmental impacts it is critical that the County include those "avoided costs" when comparing alternatives.

The description of Alternative E in EIR Section 2.8.6 and the impact analysis in EIR Section 5.2.8 (see EIR Table 5-1, Comparison of Alternatives to the Proposed Project) support the commenters' statements regarding the environmental benefits of distributed solar. Please see Response to Comment PRD10-1.

PRB9-4 The commenters state that distributed solar generation on commercial or industrial rooftops can be managed as part of a local community energy system to reap significant resilience and reliability benefits, including avoiding or reducing the length of outages from extreme weather events, providing capacity during peak demand, and creating "islandable" generation that operates even when outages do occur.

The comment is noted. Please see Response to Comment PRD10-1.

PRB9-5 The commenters state that Alternative E would assist California in meeting its GHG emissions reduction goals, a stated Project Objective, and by adding storage, it could also meet the objective of extending renewable energy availability into the evening hours. In addition, the commenters state that Alternative E would provide benefits by increasing local reliability and

resiliency; reducing the need for new transmission and substations; and avoiding impacts to many resources, including biological resources, air quality, groundwater, soils and the local community.

Please see Response to Comment PRB9-2 regarding the addition of battery storage.

The commenters' support for the County's consideration of a revised Alternative E to add battery storage and other mechanisms that would meet the project objectives is noted.

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center

ANGEL LAW law offices of Frank P. Angel
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(310) 314-6433 • www.angellaw.com • fangel@angellaw.com

July 8, 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 Partially Recirculated Draft Environmental Impact Report (CUP220021 / PUP230002 / VAR230003 / DA2200016 / SCH 2022110240)**

Dear Mr. Wheeler:

Angel Law submits the following comments on the partially recirculated draft environmental impact report (**PRDEIR**) 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]

PRB10-1

It should be noted once again that the Community of Lake Tamarisk and the Desert Center area are currently surrounded by large-scale solar projects (see PRDEIR Figure 2-4), and the Easley Project will only make more daunting this encircling surge of industrialization in a previously unaltered, natural desert environment. And yet, as is clear from AC/DC's creation and recommendation of the Respect Lake Tamarisk Alternative -- which the PRDEIR drafters have rather ineloquently renamed the "Further Reduced Footprint Alternative with Berms" or Alternative

[1] As a reminder, 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 PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

C -- they are not against this Project if it is developed responsibly and with due consideration and adjustment for the human and non-human living communities that call this area home. **PRB10-1 (cont'd)**

We do appreciate the attention and consideration given to our previous submission on the first draft environmental impact report (**DEIR**) for this Project. Inclusion and analysis of the Respect Lake Tamarisk Alternative in the PRDEIR as the "Environmentally Superior Alternative" under CEQA Guidelines section 15126.6(e)(2)[2] is a good start, and we are cautiously optimistic that County of Riverside (**County**) decision-makers will approve this Alternative C over the proposed Project.[3] However, the PRDEIR's updates and revisions – while an improvement over the DEIR – leave previous questions unanswered and raise a number of new questions.

The most important pillar of CEQA is 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.) "An EIR must include detail 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*.) **PRB10-2**

The PRDEIR leaves sizable gaps in its effort to disclose sufficient information, and, at times -- especially in regard to Alternative C -- demonstrates clear bias in favor of the Applicant's proposed Project. We discuss these shortcomings below.

GENERAL COMMENTS & QUESTIONS **PRB10-3**

To start, seemingly in response to our pointing out that numerous mitigation measures listed in the DEIR were plans that either did not yet exist or were not included as appendices to the DEIR, the PRDEIR presented for the first time Appendices M (Bird and Bat Conservation Strategy), N (Integrated Weed Management Plan), O (Nesting Bird Management Plan), P (Desert Tortoise Protection and Translocation Plan), Q (Raven Management Plan), R (Wildlife Protection and Translocation Plan), S (Vegetation Resources Management Plan), T (Health, Safety and Noise Plan), U (Dust Control Plan), V (Fire Management and Prevention Plan), W (Hazardous Materials Management Plan), X (Environmental Compliance and Monitoring Plan), Y (Closure, Decommissioning, and Reclamation Plan), Z (Easley sUAS Flight Operations Plan), AA (Helicopter Safety Plan), BB (Hydrological Study), and CC (BLM DRECP Conservation and Management Actions). (PRDEIR at p. vi.)

While the PRDEIR labels these additions as "NEW" (at p. vi), they are anything but. All of these documents were completed in either February, August, or September of 2023 and submitted to the

[2] We will refer to the State CEQA Guidelines (Cal. Code Regs., tit. 14, §15000 et seq.) as the "**CEQA Guidelines**." And unlabeled statutory references are to the Public Resources Code.
[3] Though, our most preferred Alternative is Alternative E: Distributed Commercial and Industrial Rooftop Solar Alternative.

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

Bureau of Land Management (**BLM**) last fall during BLM's own National Environmental Policy Act (**NEPA**) scoping process. This begs the question: if all of these documents already existed, why were they excluded from the DEIR? **PRB10-3 (cont'd)**

Further, Appendices C (Biological Resources Technical Report), F (Jurisdictional Delineation), G (Water Supply Assessment), and I (Visual Resources Technical Report) were all "UPDATED" (PEIR at p. vi) in May 2024, ostensibly in response to comments received on the DEIR. Will the PRDEIR's added Appendices similarly change? The Project is still in the early stages of NEPA review. Will further BLM and public scrutiny during that process cause further changes in these plans? If changed plans do not line up with those presented in this CEQA process, recirculation will be necessary. **PRB10-4**

It bears repeating that "[a]n 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*.' ([*San Joaquin Raptor Rescue Center v. County of Merced* (2007)], 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, italics added.) **PRB10-5**

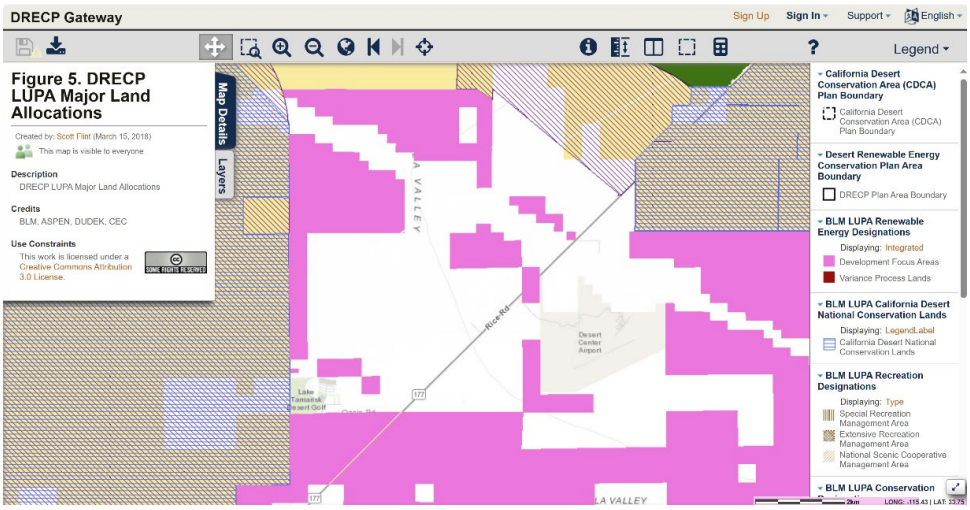
If all of these plans (the vast majority of which also serve as mitigation measures) change after certification of the EIR, then these mitigation measures would not have been properly subjected to analysis and review during the CEQA process.

Moreover, and perhaps most importantly, the PRDEIR repeats over and over again (for various reasons, though most notably in regard to Alternative C) that "[a]ll of the BLM-administered lands considered for Project development are lands designated as Development Focus Area (**DFA**) in the DRECP LUPA." (PRDEIR at 3.5-22.) It claims "[i]f the Project were not constructed, the DFA designation makes it highly likely that a different solar developer would apply to the BLM to construct a similar solar project at this location." (*Id*. at 2-29.) And, "[u]nless BLM amends the California Desert Conservation Area (CDCA) and DRECP Land Use Plan Amendment (LUPA) to designate a portion of the Project area as a solar development exclusion zone, the vacant area within the [Alternative C] buffer would remain designated as a Development Focus Area and may be developed for renewable energy in the future." (*Id*. at 2-32 – 2-33.) **PRB10-6**

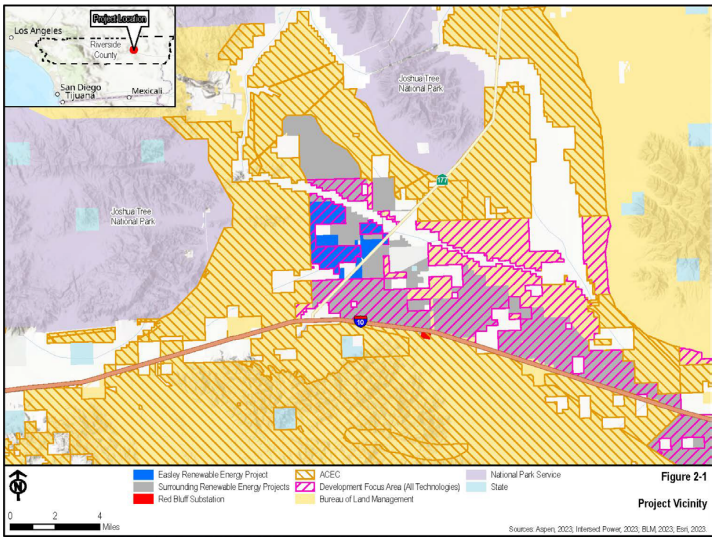
Not only are these assertions a failure to abide by CEQA's information disclosure requirements, but they are also simply false and misleading. It is categorically false that ""[a]ll of the BLM-administered lands considered for Project development are lands designated as" DFA. The indisputable truth is revealed by the below screenshot taken from BLM's proprietary "Figure 5. DRECP LUPA Major Land Allocations" online map: **PRB10-7**

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

PRB10-7 (cont'd)



Adding insult to injury, as can be seen above, Aspen Environmental Group (the DEIR and PRDEIR drafter) is credited with contributing to this map. Nonetheless, the PRDEIR presents the Alternative C buffer zone as completely DFA land, despite only two slivers of DFA land in reality. See, for example, PRDEIR Figure 2-1 below. (See also Figures 2-4, 3.1-1, 3.5-1, and 3.5-9.)



PRB10-8

And to top it all off, PRDEIR Figure 3.5-10 (below) actually depicts the correct DFA land allocation near Lake Tamarisk:

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

PRB10-8 (cont'd)

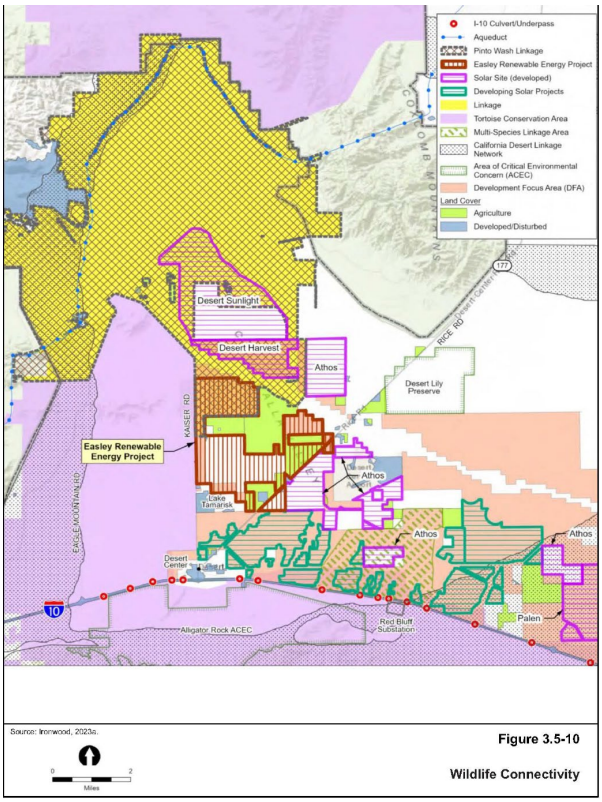


Figure 3.5-10
Wildlife Connectivity

PRB10-9

Why would the PRDEIR make this blatant misrepresentation? Well, consider the PRDEIR's telling final line (at 5-57, italics added):

> "Therefore, because Alternative B, the Reduced Footprint Alternative meets these critical project objectives and reduces impacts to the Lake Tamarisk community compared to the proposed Project, it is considered to be the next most Environmentally Superior Alternative and *preferred overall*."

Preferred by who? And over what? Let us remind you that CEQA "require[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.) The PRDEIR itself admits that Alternative C is the Environmentally Superior Alternative, and "[t]he Further Reduced Footprint Alternative with Berms would achieve most of the Project objectives and *would be feasible*." (PRDEIR at 5-57, italics added.) So why go through all of this trouble to promote Alternative B over Alternative C? Under CEQA, the County is the lead agency for the Project and has the principal responsibility of deciding which version of the Project will go forward.

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

(§ 21067.) The PRDEIR blatantly attempts to corrupt the minds of the County's decision-makers in favor of the Applicant's preferences – this is a fatal flaw. **PRB10-9 (cont'd)**

PROJECT DESCRIPTION

PRB10-10

The PRDEIR (at 2-4) does away with the possibility for two (2) onsite substation yards, in favor of just one (1). However, just two hashes below this update (at 2-4, italics added), the PRDEIR describes "Operations and maintenance (O&M) facilities near *the main substation yard*…" The word "main" implies that there will be at least one lesser substation yard. So which is it? One or two substation yards?

PRB10-11

The PRDEIR (at 2-4) adds to the list of project components a "[s]tandby power source, if needed, [which] is anticipated to be a diesel-powered backup generator rated at 45 kilowatts or approximately 61 horsepower, to power the site security system in the event of an outage." Does this addition not change the Air Quality analysis in DEIR Section 3.4? The PRDEIR did not update Section 3.4. Yet, the DEIR confirmed: "The local air districts…issu[e] permits and requir[e] controls for larger stationary sources of DPM, including diesel powered engines *rated over 50 horsepower*." (DEIR at 3.4-2, italics added.) Unlike "[s]mall diesel-powered backup generators (rated *under 50 brake horsepower*)," which are "exempt from obtaining an air permit and performing a source-specific risk assessment" (*id*., italics added), this 61 horsepower backup generator is large enough to be regulated for its emissions. The PRDEIR does not account for this.

PRB10-12

The PRDEIR (at 2-22) still leaves implementation of "wildlife-friendly fencing" to the discretion of the Applicant "based on its success at the Oberon Project." The Oberon Project has been in "commercial operation" for almost a year. (PRDEIR at 3.2-19.) At what point will the Applicant know whether wildlife-friendly fencing was successful at Oberon? How will the Applicant determine success? And, as we asked in our DEIR comment letter (attached as Exhibit A) (at pp. 7-8):

> "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 [threatened] and state listed [now endangered] species (and other species of concern or of low mobility), and mitigating 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?"

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

These important questions remain unanswered by the PRDEIR. **PRB10-12 (cont'd)**

Regarding where and how the Project will source its water, the PRDEIR (at 2-11) removes some uncertainty by crossing out "or purchased off site." But uncertainty remains, as the language now provides for "onsite or offsite groundwater wells" (*id*.) and "up to 2 onsite or offsite groundwater wells." (PRDEIR at 2-20.) So which is it? Onsite or offsite? How many? Where will it/they be located? The PRDEIR claims the Project will comply "to the maximum extent feasible" (PRDEIR Appendix CC at CC-1) with DRECP Conservation and Management Actions (**CMAs**). The PRDEIR claims that CMA LUPA-SW-23 applies to the Project. (*Id*. at CC-37.) However, LUPA-SW-23 requires a Water Supply Assessment (**WSA**) to identify "[t]he water requirements of the proposed project *and the source(s) of that water*." (*Id*. at CC-38, italics added.) Neither the PRDEIR nor its updated WSA identify exactly where the Project's water will come from. As we will detail later (though we did so before in our DEIR comment letter at pp. 24-30, apparently to no avail), the groundwater supply and quality situation in the Chuckwalla Valley Groundwater Basin (**CVGB**) is much more dire than the PRDEIR (or the Applicant) would like it to be. **PRB10-13**

The PRDEIR lists additional best management practices (**BMPs**) within the Project Description to be incorporated through site preparation and construction. (PRDEIR at 2-25 – 2-26). If these BMPs are meant to "minimize significant adverse impacts" of the Project, then they are mitigation measures that need to be discussed with and assigned appropriately to "each significant environmental effect identified in the EIR," just like the Applicant Proposed Measures (**APMs**) and labeled mitigation measures. (CEQA Guidelines, § 15126.4(a).) "Best management practices" implies a level of industry familiarity with said practices, so the required specificity shouldn't be difficult to attain. However, the PRDEIR's description of these BMPs does not provide adequate information. For example, the BMP regarding the use of " 'Overland Travel' as much as possible" (PRDEIR at 2-25) lacks clear criteria. There is no framework for when "high-impact methods like disk and roll or grading" (*id*.) will be required, nor is there a description of conditions allowing for the possibility of "overland travel." **PRB10-14**

Further, the PRDEIR introduces in this BMP section yet another plan that is yet to be developed -- a BMP calling for the development of a Restoration Plan. (PRDEIR at 2-26.) This bullet point lacks information on when the Restoration Plan will be developed, as well as success criteria and the "required restoration measures." (*Id*.) Is this Restoration Plan the same as the "Restoration Ecologist" activities contemplated by the Vegetation Resources Management Plan (**VRMP**) in Appendix L? If so, why is there no mention of a "Restoration Plan" in the VRMP? And if not, what's the difference? **PRB10-15**

BIOLOGICAL RESOURCES **PRB10-16**

To start, the U.S. Fish and Wildlife Service (**USFWS**), in its July 2, 2024 comment letter on the PRDEIR, asked for the following clarifications and actions:

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

> "Based on the discussion in Section 3, CMAs will be implemented on public lands and mitigation measures, consistent with CMAs, will be implemented on private lands. Please clarify whether CMAs will be implemented on private lands or how the mitigation measures will achieve the same DRECP biological resource avoidance and minimization objectives. Also, to reduce confusion in the field where mitigation measures and CMAs will be implemented, we recommend developing an analysis table to match the mitigation measures on private lands with the corresponding CMAs on public lands…Please [also] clarify whether the CMAs will be included in the [Mitigation Monitoring and Reporting Program] and if Riverside County Planning Department will ensure CMA implementation on private lands." (p. 2.)

PRB10-16 (cont'd)

We, too, are confused by the PRDEIR's distinction between CMA implementation on public lands and mitigation measure implementation on private lands. Under CEQA, the Project is "the whole of an action" (CEQA Guidelines, § 15378), and " 'project' refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term 'project' does not mean each separate governmental approval." (*Id*., subsection (c).) Once again, for the sake of the EIR, it doesn't matter that part of the Project is on BLM-administered land. The County is still responsible for reviewing and mitigating the impacts of the whole Project. Therefore, we second USFWS's requests.

PRB10-17

Additionally, in response to our previous discussion (DEIR comment letter at pp. 12-14) of sensitive plant communities, the PRDEIR states: "Natural communities with ranks S1-S3 are considered sensitive and rare, while S4 communities are considered sensitive and apparently secure; uncommon, but not rare in the state, with some cause for long-term concern due to declines or other factors." (PRDEIR at 3.5-3.) Again, Impact BIO-1, taken from the County of Riverside's Environmental Assessment Form, explains that a significant impact occurs if "[t]he Project would have a substantial adverse effect…on any species identified as a candidate, sensitive, or special status species…by the California Department of Fish and Wildlife [**CDFW**]…" (DEIR at 3.5-20; PRDEIR at 3.5-23.) Again, CDFW, in its comment letter submitted during the Project's scoping period (DEIR Appendix B at p. 73, italics added), did not distinguish between S1-S3 and S4 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." Why does the PRDEIR make a distinction where the CDFW (an agency explicitly mentioned in Impact BIO-1) does not?

PRB10-18

Moving on, the PRDEIR repeats the statement that, "The proposed layout of solar panels would avoid desert dry washes except for minor incurious (sic.) and where there is intervening infrastructure." (PRDEIR at 3.5-27). What intervening infrastructure is located on the Project site? As described below, Figure 10 in Appendix G shows a "Contributing Project Well" directly within the desert dry wash woodland. If this well is considered intervening infrastructure, is its existence then used as pretext for laying down solar panels, disturbing desert dry wash woodland that would

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

otherwise be protected by a buffer zone? Appendix G Figure 10 does not depict a 200 ft setback around the desert dry wash woodland existing in that area, and wells are not listed as allowable minor incursions in Appendix CC: "Except for minor incursion *by gen-tie and collector lines and access roadways*, the Project would avoid desert dry wash woodland with the required 200-foot buffer under LUPA-BIO-RIPWET 1…" (PRDEIR Appendix CC at CC-2, italics added.)[4]

PRB10-18 (cont'd)

HYDROLOGY AND WATER QUALITY / AQUIFER DRAWDOWN

PRB10-19

The PRDEIR's treatment of our previously outlined concerns regarding groundwater supply and quality can be summarized by the following unaddressed conundrum: Despite the DEIR, PRDEIR (at 3.11-11), and WSA's claims that groundwater levels in the Desert Center area are rising or recovering, a 2021 presentation by Noel Ludwig and Peter Godfrey on the CVGB at the 2021 Arizona Hydrological Society Annual Symposium demonstrated that "[w]ell data in [the] 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*." (See our DEIR comment letter at p. 27; see also DEIR comment letter Exhibit 1.) The PRDEIR did not address these conclusions. In other words, the PRDEIR ignored us and doubled down.

PRB10-20

For example, the DEIR stated: "Because of the uncertainties involved and to provide a range of values, two groundwater budgets were developed for the Project WSA." (DEIR at 3.11-9.) This was the "reduced recharge" scenario. Because, as we detailed in our DEIR comment letter, the reduced recharge scenario illustrated a near-present and future dramatic groundwater deficit in the CVGB as a result of the Project and cumulative projects, the PRDEIR decided to just get rid of it because "the reduced recharge groundwater budget is inconsistent with previous studies…" (PRDEIR at 3.11-11.)[5] Then why did/does the WSA include this scenario? The PRDEIR even crossed out the reduced recharge calculations. (PRDEIR at 3.11-20, 21, 26, 27, 36.) The PRDEIR substitutes its preferred numbers in for the unfavored reduced recharge numbers: "*If* the DWR (2020a) annual groundwater pumping estimate *was adopted for this WSA*, the average annual yield for the CVGB would be approximately 1,500 AF and the CVGB would have a surplus of approximately 78,000 AF at the end of the 52-year period." (PRDEIR at 3.11-9 – 3.11-10, italics added.) But the DWR (2020a) numbers *weren't* adopted for the WSA.

PRB10-21

It continues: "This 76,500 AF discrepancy demonstrates the weighted significance of the water budget assumptions (even without consideration of cumulative project pumping) and should be considered when reviewing the various projected groundwater budgets presented herein. For comparison, an additional 'Budget Balance' row that incorporates the DWR (2020a) estimated groundwater pumping is included in the projected groundwater budgets presented herein."

[4] Additionally, Appendix CC states "(see Glossary of Terms)" over 50 times, but a Glossary of Terms does not appear to be included.

[5] Similarly, in regard to the cumulative impact analysis, the PRDEIR (at 3.11-35) states: "As with the Project-level analysis, normal (average) conditions are considered the more accurate estimate…" Considered more accurate by who?

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

(PRDEIR at 3.11-10.) Yes, assumptions are significant.[6] But there must have been a good reason for GSI Water Solutions Inc. to make the assumptions it did. It's simply misleading to rely on an expert and then, when the expert's work product becomes an issue, turn around and say, "Oh, well it could actually be much better than what the expert said." That defeats the purpose of expert analysis and accurate information disclosure.

PRB10-21 (cont'd)

Another example -- seemingly in response to our first question regarding accuracy of estimates (DEIR comment letter at pp. 33-34), the PRDEIR states in a footnote: "There are uncertainties associated with the Fang et al. (2021) groundwater budget recharge components because they were categorized (or grouped) differently than those described in the Project's WSA and limited explanation was provided by the Fang et al. (2021) for each group of recharge components. The percent recharge from precipitation in the Project WSA was reduced to ensure the total annual groundwater recharge was *consistent* with Fang et al. (2021)." (PRDEIR at 3.11-7, fn. 10, italics added.) This doesn't answer our question as to why the WSA relies on the Fang study.[7] Why use the Fang study if it's so uncertain? And why the need to ensure consistency with such an uncertain study? How can consistency even be achieved if recharge components were categorized so differently?

PRB10-22

One more example -- despite our warning (DEIR comment letter at pp. 28-29) regarding the use of the " 'ratio' theory" rejected by the court in *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 720-721, the PRDEIR doubles down on it: "The Project's contribution to cumulative project pumping during the 52-year period is minor, accounting for 3 percent of the total cumulative demand." (PRDEIR at 3.11-37.)

PRB10-23

Moving on, under LUPA-SW-23, a WSA must include "an evaluation of existing extractions, water rights, and management plans for the water supply in the basin…, and whether these cumulative impacts (including the proposed project) can maintain existing land uses as well as existing aquatic, riparian, and other water-dependent resources within the basin," as well as "an analysis of potential project-related impacts on water quality and quantity needed for beneficial uses, reserved water rights, existing groundwater users, or habitat management within or down gradient of the groundwater basin within which the project would be constructed." (PRDEIR Appendix CC at CC-38.) And, under LUPA-SW-25 (which Appendix CC states is applicable to the Project), "[w]here groundwater extraction, in conjunction with other cumulative impacts in the basin, has potential to exceed the basin's perennial yield or to impact water resources, one or more 'trigger points,' or specified groundwater elevations in specific wells or surface water bodies, shall be established by BLM." (PRDEIR Appendix CC at CC-39.) "If the groundwater elevation at the designated monitoring wells falls below the trigger point(s) (or exceeds the trigger pumping rate), additional mitigation measures, potentially including cessation of pumping, will be imposed." (*Id*.) The

PRB10-24

[6] Speaking of significant assumptions, our concerns regarding climate change's impact on these calculations (DEIR comment letter at p. 29-30) remain unanswered, and the PRDEIR still fails to discuss the WSA's climate change data and estimates.
[7] Similarly, the PRDEIR leaves unanswered our previously submitted questions regarding the MODFLOW groundwater model (DEIR comment at pp. 25-26), as well as our third question regarding accuracy of estimates (*id.* at p. 34).

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

PRB10-24 (cont'd)

Project's potential to affect groundwater supply is not in dispute, as the PRDEIR admits (at 3.11-27) "[g]roundwater use during the Project's construction, operation, and decommissioning would cause drawdown in the immediate vicinity of the well(s) used to produce groundwater for the Project."

PRB10-25

The WSA addresses water quality impacts with the bare conclusion that "[b]ased on the limited magnitude of the simulated drawdown due to Project and cumulative project pumping, groundwater levels would not be lowered to a level that would cause a degradation of groundwater quality that affect other beneficial uses." (PRDEIR Appendix G at 62.) The PRDEIR attempts to quell concerns: "The Project would develop a [Groundwater Monitoring, Reporting, and Mitigation Plan] **GMRMP** 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) by Project activities (MM HWQ-4)." (PRDEIR at 3.11-28.)

However, despite the fact that the PRDEIR includes several mitigation measure plans that were missing from the DEIR, it again fails to include the GMRMP. MM HWQ-4 provides that "[b]efore 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 the Project supply well(s) are not adversely affected by Project activities, i.e., chronic lowering of groundwater levels and degradation of groundwater quality." (PRDEIR at 3.11-42.) MM HWQ-4 leaves to the "designated agencies" the job of determining "whether groundwater wells surrounding the Project supply well(s) are adversely affected…by Project activities." (*Id.*) It also leaves to the "designated agencies" the job of requiring "one or more of the following" in case surrounding wells are indeed adversely affected:

- (1) Cessation or reduction of pumping at the Project well(s) until groundwater levels return to levels that allow nearby wells to resume pre-Project pumping levels;
- (2) Compensation for whatever additional equipment is necessary to lower nearby pumps to levels that can adequately continue pumping;
- (3) Compensation to repair or replace wells found to be damaged or inoperable due to lowered groundwater levels; or
- (4) Compensation for increased energy cost due to Project-related well drawdown. (*Id.*)

As we wrote repeatedly in our DEIR comment letter, this is impermissible deferred mitigation.[8] Putting the law aside for a moment, logically, by the time the "designated agencies" determine that surrounding wells are adversely affected, hundreds to thousands of people may already be without clean drinking water. Legally, courts have identified as inadequate this kind of deferral on water supply and quality mitigation measures. For example, in *Gray v. County of Madera* (2008), the

[8] As is the PRDEIR's failure to include for consideration both the Drainage Erosion and Sedimentation Control Plan (MM HWQ-1) and the Project Drainage Plan (MM HWQ-5).

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

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." (167 Cal.App.4th 1099, 1119, italics added.) A specific goal was not enough, though -- 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 Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007), the California Supreme 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.' " (40 Cal.4th 412, 440-441, quoting *Santa Clarita Org. for Planning v. County of Los Angeles* (2003) 106 Cal.App.4th 715, 723.)

PRB10-25 (cont'd)

Further, as described above, LUPA-WS-25 requires BLM to establish "trigger points" that would supposedly trigger additional mitigation measures to be imposed. What are the trigger points for this Project? Has BLM established them yet? Will BLM do so? If not, why not? What are the additional mitigation measures? This lack of information deprives readers, stakeholders, and decision-makers of necessary information to consider and assess.

PRB10-26

Especially in the CVGB, where groundwater makes up 100% of urban water usage, this information is absolutely essential. "Unsustainable groundwater management eventually leads to undesirable effects (Giordano, 2009; Sustainable Groundwater Management Act, 2014), such as: chronic groundwater level declines and depletion of groundwater storage; well failure (Pauloo et al., 2020); increased energy costs for pumping (Wada et al., 2010); land subsidence (Smith et al., 2017); sea water intrusion (Zektser et al., 2005); desiccation of groundwater dependent ecosystems (TNC, 2014); and groundwater quality degradation (Smith et al., 2018; Foster et al., 2000)."[9] In regard to water quality, the PRDEIR leaves the following passage from the DEIR unchanged:

PRB10-27

> "Total dissolved solids (TDS) concentrations across the CVGB range from 274 milligrams per liter (mg/L) to 12,300 mg/L. The lowest TDS concentrations are in the western portion of the CVGB, where TDS concentrations range from 275 to 730 mg/L (DWR, 2004). In the northwest portions of the CVGB, arsenic concentrations have ranged form 9 micrograms per liter (ug/L) to 25 ug/L (GEI, 2010). 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-cholride in character (DWR, 2004)…Recent available water quality data near the proposed Project is limited to four wells, with nitrate being the only constituent analyzed in three of the four wells. Reported nitrate concentrations in all four wells were below the federal and California Maximum Contaminant Level of 10 mg/L (nitrate measure

[9] R.A. Pauloo et al. Anthropogenic basin closure and groundwater salinization (ABCSAL). Journal of Hydrology. 2021. https://www.sciencedirect.com/science/article/pii/S0022169420312488.

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

as nitrogen)." (PRDEIR at 3.11-5.)

PRB10-27 (cont'd)

The fact that recent water quality data for the CVGB is "limited" should not be used to the advantage of project proponents. CEQA requires an accurate description of "the baseline physical conditions by which a lead agency determines whether an impact is significant." (CEQA Guidelines, § 15125; see also *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 952.) The PRDEIR does not disclose the actual levels of nitrate found in these four wells -- just that they fall under 10 mg/L. A more recent study of groundwater quality in the Central Valley "assessed water-quality degradation using a vulnerability threshold of 5 mg of nitrate as nitrogen per liter (mg-N L−1), which is one half the Federal maximum contaminant level (MCL; 10 mg-N L−1) and the level above which [public-supply wells] PSWs are required by law to increase nitrate monitoring frequency from annual to quarterly schedules (SWRCB-DDW, 2019b). Nitrate concentrations in excess of the MCL may be underrepresented in regulatory monitoring data because violating wells are taken off-line if downstream mitigation via treatment or blending is not possible. *Thus, a lower vulnerability threshold more accurately assesses the leading edge of groundwater-quality degradation*."[10] Why does the PRDEIR not use this lower vulnerability threshold?

PRB10-28

The Project is directly adjacent to Lake Tamarisk, where residents rely on groundwater for drinking water. Even though the WSA depicts a "Contributing Project Well" within 1 mile of Lake Tamarisk (PRDEIR Appendix G, Figure 10), the PDREIR fails to adequately discuss the potential groundwater drawdown impacts on Lake Tamarisk's wells. As we noted in our DEIR comment letter, groundwater levels in the vicinity have already been lowered by the Oberon Project, causing local wells to pump degraded and brackish water. (See our DEIR comment letter at p. 24.) What has the Applicant done in recent years to mitigate these effects on residential water use in the area? Did the Applicant perform mitigations in compliance with an Oberon Project GMRMP?

PRB10-29

The PRDEIR also attempts to dismiss the concern of mobilized contaminants through an unsupported assertion that there are no known contaminant plumes that could be mobilized by Project pumping. (PRDEIR at 3.11-38.) However, even without a contaminated plume, there are naturally present contaminants within the host rock that can be triggered by pumping to dissolve into the groundwater. Additionally, lowering the water table can expose contaminants to oxygen and lower the pH, both of which can mobilize contaminants without a contaminated plume nearby.[11] Why does the PRDEIR fail to consider these possibilities?

PRB10-30

The PRDEIR also hides behind the unadjudicated status of the basin. But this unadjudicated status doesn't mean the Applicant is free to extract as much water as it needs. "Without question the authorities approve the use of water for domestic purposes as first entitled to preference." (*Prather*

PRB10-31

[10] Z.F. Levy et al. Critical Aquifer Overdraft Accelerates Degradation of Groundwater Quality in California's Central Valley During Drought. Geophysical Research Letters, AGU. 2021. https://agupubs.onlinelibrary.wiley.com/doi/10.1029/2021GL094398.
[11] Sheng, Y.; Jiang, W.; Zhang, M. Mobilization, Speciation, and Transformation of Organic and Inorganic Contaminants in Soil–Groundwater Ecosystems. *Appl. Sci.* **2023**, *13*, 11454. https://doi.org/10.3390/app132011454.

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

v. Hoberg (1944) 24 Cal. 2d 549, 562.) **PRB10-31 (cont'd)**

Finally, to conclude this section, the PRDEIR indicates water requirements will be fulfilled from onsite or offsite groundwater wells. (PRDEIR at 2-11). We critiqued the uncertainty of this assertion above in our section regarding the Project Description. But even further, we note that the location of potential on- or off-site wells is determinative of the potential impact on groundwater quality for the Lake Tamarisk community. Because location and amount of Project wells is still up to interpretation, how can the Project's cone of depression, and conclusions drawn from it, be reliable? **PRB10-32**

ALTERNATIVES **PRB10-33**

Despite identifying it as the Environmentally Superior Alternative, the PRDEIR goes to a great deal of trouble to cast doubt on the Respect Lake Tamarisk Alternative (AKA Alternative C: Further Reduced Footprint Alternative with Berms). But it also contradicts itself.

For instance, the PRDEIR, right after touting Alternative C's ability to rescue "moderate to high quality desert tortoise habitat (0.4-0.7) (Nussear et al., 2009) and avoid areas where desert tortoise sign were found," asserts that "the altered hydrology resulting from the berms could degrade desert tortoise habitat (Abella and Berry, 2016)." (PRDEIR at 5-27.) In addition, in its one-paragraph summary of Alternative C in its "Summary Impacts of Alternatives" Section 5.3.3.4 (at 5-52), it claims "constructing and maintaining the berms would be challenging given the anticipated level of erosion from wind and rainstorms, and the berms would redirect surface water flood flows in a manner that could create more severe erosion downstream." However, the PRDEIR dispels these "concerns" itself: **PRB10-34**

> "The Westwood preliminary hydrology study shows that the westernmost berm is in an area of minimal and shallow flooding. This berm, which runs mostly parallel with the flow pattern, is *unlikely to create a significant adverse flow diversion*. The eastern berm is in line with one of the wide flood concentrations that could have depths of up to 1.5 feet. This berm is situated such that it would divert these flows to the north. However, the Westwood study shows that *under existing conditions this flow is already mostly diverted to the north in the same manner a few hundred feet downstream of the berm location. The berm would therefore have little effect on drainage patterns as relates to other property. With implementation of MM-HWQ-5, design steps such as placing culverts under the berm to allow drainage through would be taken to reduce adverse impacts to a less-than-significant level*." (PRDEIR at 5-29, italics added.)

The PRDEIR also claims that "[a] longer gen-tie line may result in relatively greater impact to birds due to collision and electrocution." (PRDEIR at 5-27.) But it doesn't elaborate on this claim. Probably because the Alternative C gen-tie line would be only about 1.3 miles longer than the **PRB10-35**

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

already 6.7 mile long proposed Project's gen-tie line. And only about half a mile longer than the PRDEIR's "preferred overall" Alternative B. To compare, the Applicant's Athos Solar Project boasts an approximately 11 mile long gen-tie line. **PRB10-35 (cont'd)**

In a final attempt to curry disfavor with Alternative C, the PRDEIR (at 5-54) in its Table 5-1 "Comparison of Alternatives to the Proposed Project" lists Alternative C's Biological Resources impacts as "Greater" than the proposed Project with regard to the berms. Greater impact than what? No berms? Just above this entry, the same table lists Alternative C's Biological Resources impacts as "Fewer" than the proposed Project with regard to the buffer. Putting the word "greater" in that space is misleading. It is not up for debate that Alternative C's avoidance of 530 acres of habitat greatly outweighs whatever unspecified impacts might be caused by the berms. **PRB10-36**

Moreover, the PRDEIR also continues to weaponize the Project's objectives in order to favor the Applicant's preferred version of the Project. (See DEIR comment letter at p. 42, fn. 37.) In fact, the PRDEIR adds a new, extremely vague objective: "12. Develop a commercially financeable renewable energy project." (PRDEIR at 5-49.) Why was this added? There isn't any discussion as to what is or isn't "commercially financeable." And the PRDEIR does not make any assertion that Alternative C fails to meet Objective #12. **PRB10-37**

The PRDEIR (at 5-51) does, however, include this assertion: Alternative C "would not capture the same economies of scale as the proposed Project nor help as much to solve California's 'duck curve' power production problem (Objective #6), because it would generate, store, and transmit less wholesale solar electricity, and the electricity would be less affordable." These are all unsupported conclusions. And, as a final reminder, diminished profitability is insufficient to show that an alternative is financially infeasible. (See *Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336, 1352.) Regardless, the 400 MW objective was arbitrary and self-serving to begin with. 300-320 MW is infinitely better for California and the Applicant than 0 MW. **PRB10-38**

If the County chooses to go forward with an onsite version of the Project, it should celebrate and support AC/DC's heroic contribution to the environmental review process: Alternative C, the Respect Lake Tamarisk Alternative.

Sincerely,

ANGEL LAW



Frank P. Angel



Cooper Kass

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

EXHIBIT A

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

ANGEL LAW

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March 11, 2024

PRB10-39

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]

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 PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

PRB10-39 (cont'd)

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*.)

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.

***

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 PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

PRB10-39 (cont'd)

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.

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.

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PRB10-39 (cont'd)

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]

PROJECT DESCRIPTION

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 PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

PRB10-39 (cont'd)

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:

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?

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.

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

[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>.

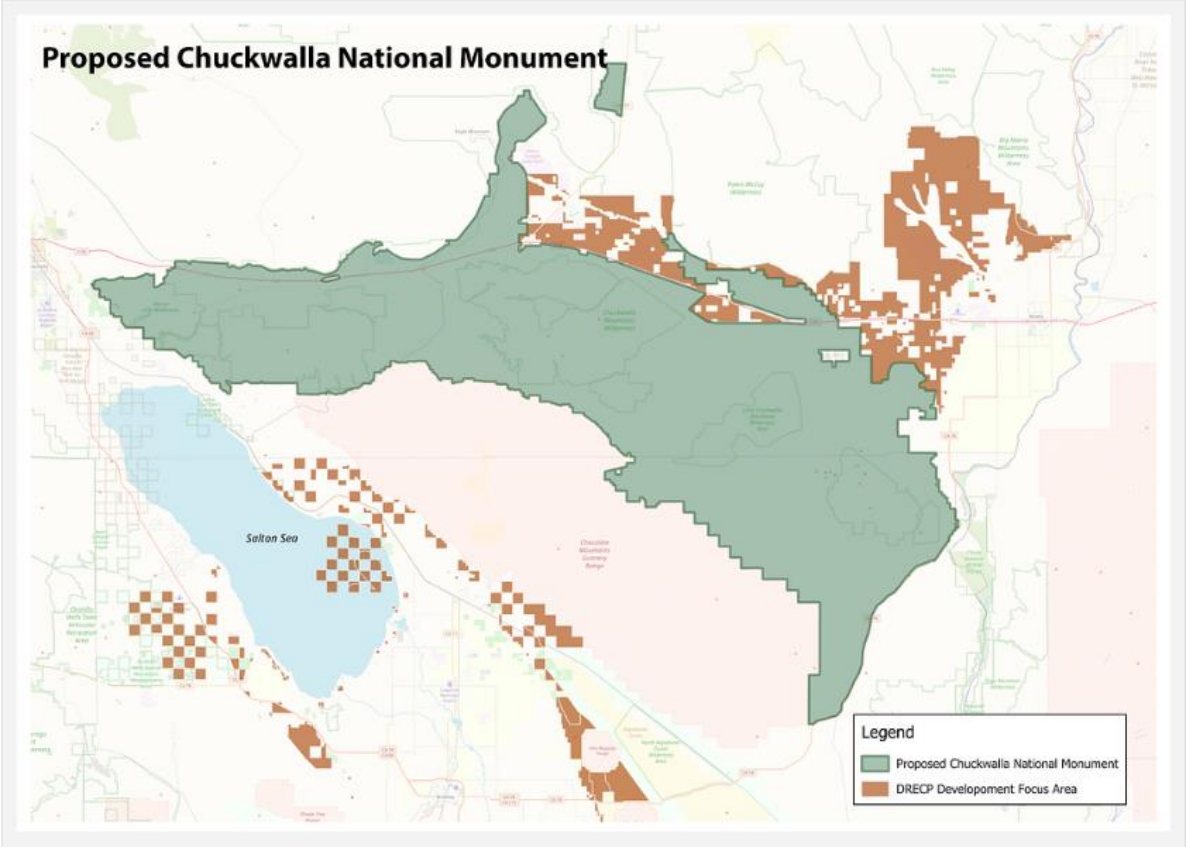
[10] Standing in the shoes of an interconnection customer vis-à-vis CAISO, Intersect must have that information. It will be required to bear its fair cost allocation share in financing the network upgrades to move through CAISO's inundated interconnection queue toward an interconnection agreement.

[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 PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

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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.



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 --

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].)

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PRB10-39 (cont'd)

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.

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?

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?

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

[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.)

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PRB10-39 (cont'd)

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?

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?

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?
The DEIR refers to (at 2-18) "any required upgrades to the Oberon Substation." What upgrades? What determines whether they would be required?

[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?

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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.

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?

ENVIRONMENTAL SETTING

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

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

PRB10-39 (cont'd)

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.)

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

[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.)

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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?

AIR QUALITY

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.)

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>.)

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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.)

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

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*.

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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/>.

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(*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*.)

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.

Federally Endangered Bird Species

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 traillii 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

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> 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."

(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

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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?

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.

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

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how will they mitigate impacts to Federal trust resources like federally endangered bird species? Again, the EIR needs to explain these measures.

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.

Like the BBCS, many of the DEIR's Biological Resources mitigation measures impermissibly defer mitigation to the future, as shown below.

Deferred Mitigation

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:

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> "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)."

(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

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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.

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

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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.)

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.)

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.)

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*

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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*.)

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.)

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

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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*.)

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

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

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?

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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*1jjrz9j*_gcl_au*MTM5NTg3NDc0NC4xNjk5NDgzNjEz>.

[23] *Id*. at p. 12.

[24] *Id*.

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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.

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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).)

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

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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?

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.)

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.

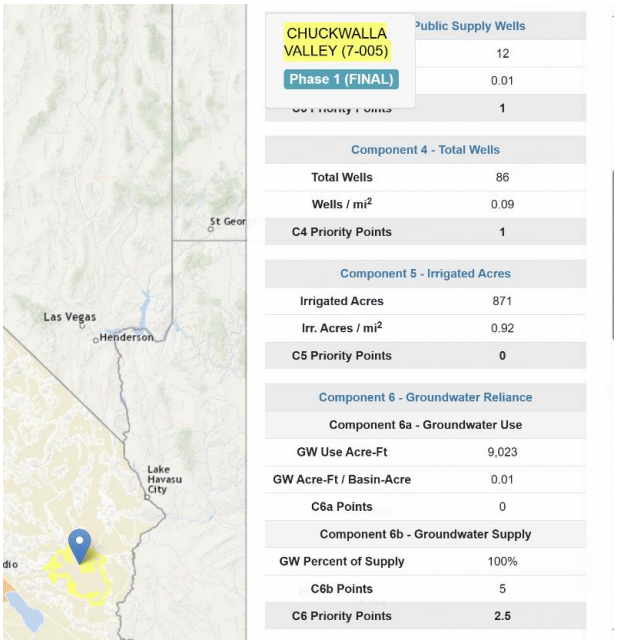
Water Supply

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

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Groundwater Management Act (**SGMA**) Prioritization Dashboard, groundwater makes up 100% of the CVGB urban water usage.[28]



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.

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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*

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> *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."

(*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?

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

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of the Project's and cumulative projects' impacts on groundwater supply, taking full account of future climate change-induced conditions in the CVGB.

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.

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

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*

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groundwater extraction below the Colorado River Accounting Surface." (DEIR at 3.11-35, italics added.)

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.

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

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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?

Deferred Mitigation

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

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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*.)

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

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

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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"?

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?

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)?

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WILDLFIRE

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

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

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> manner' considering the economic, environmental, social and technological factors involved. [Citations.]"

(*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]

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.)

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> "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."

(*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 alternatives" (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.)

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

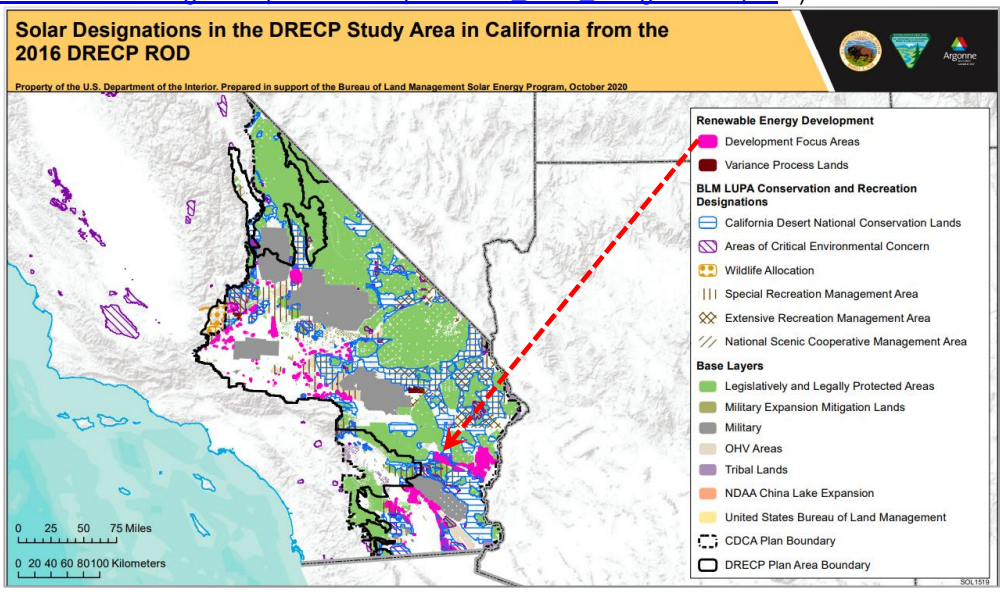
[31] The DEIR elsewhere states that "electrical output would not be appreciably reduced compared to the proposed Project." (*Id*. at 2-25.) Which is it? What is "not appreciably?" Please quantify the output reduction, if any, under the Lake Tamarisk Alternative and explain how it is calculated.

[32] That open space is a privately-owned parcel directly bordering on the Community of Lake Tamarisk. (Figure 2-2.)

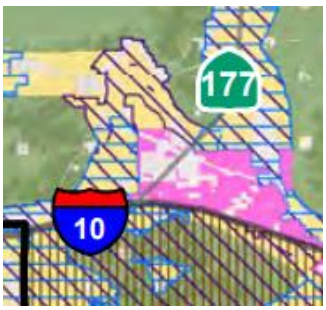
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preserve and other ACEC-designated wildlands from DRECP-designated Development Focus Area (**DFA**). All public lands in this vast expanse of available open space are BLM-managed lands *specifically set aside for solar development* in the DRECP-delineated 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.

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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:



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

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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.

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.

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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]

Unreasonably Narrow Project Objectives

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.

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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.

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"].)

[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"].)

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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.

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PRB10-39 (cont'd)

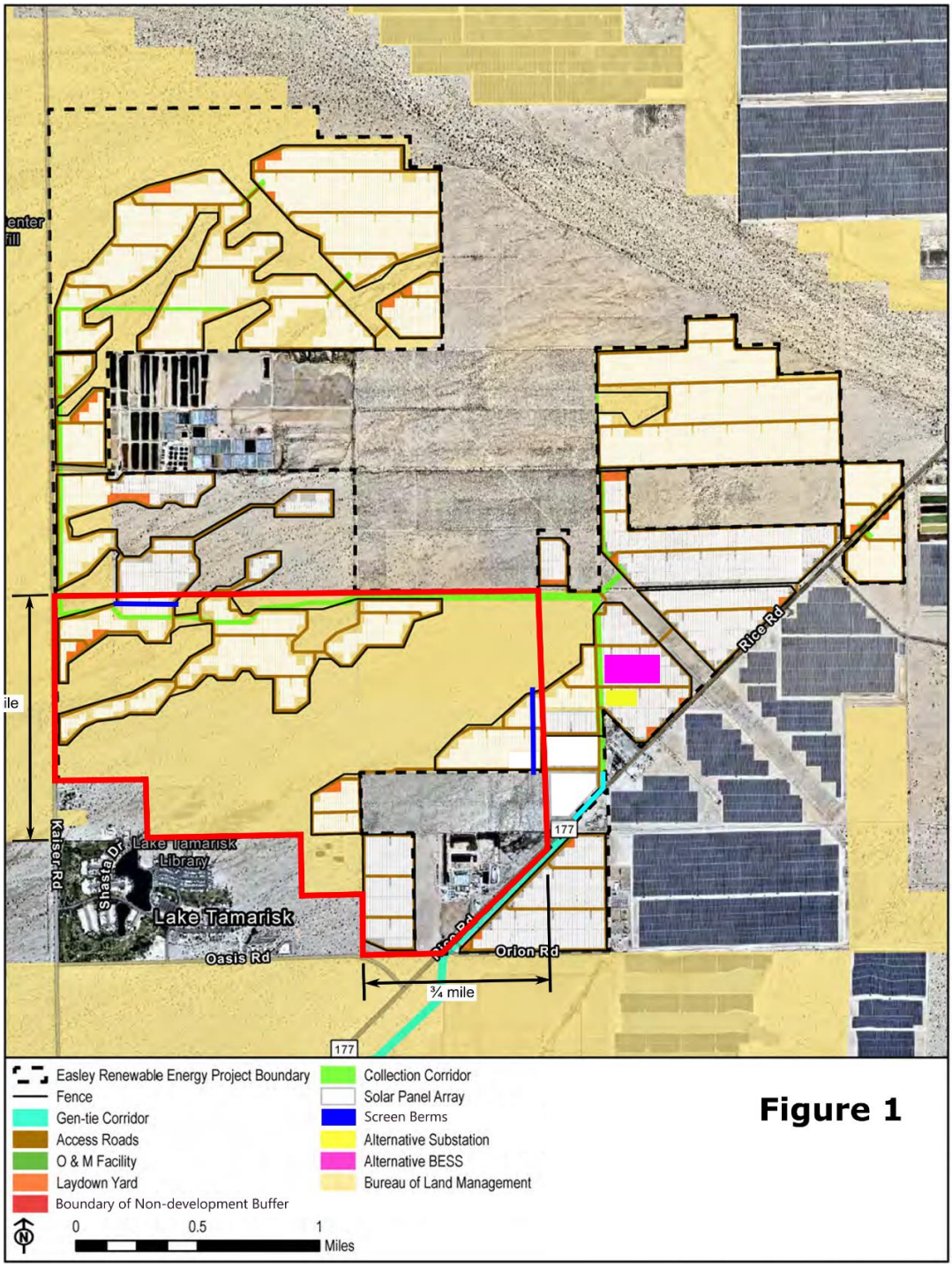
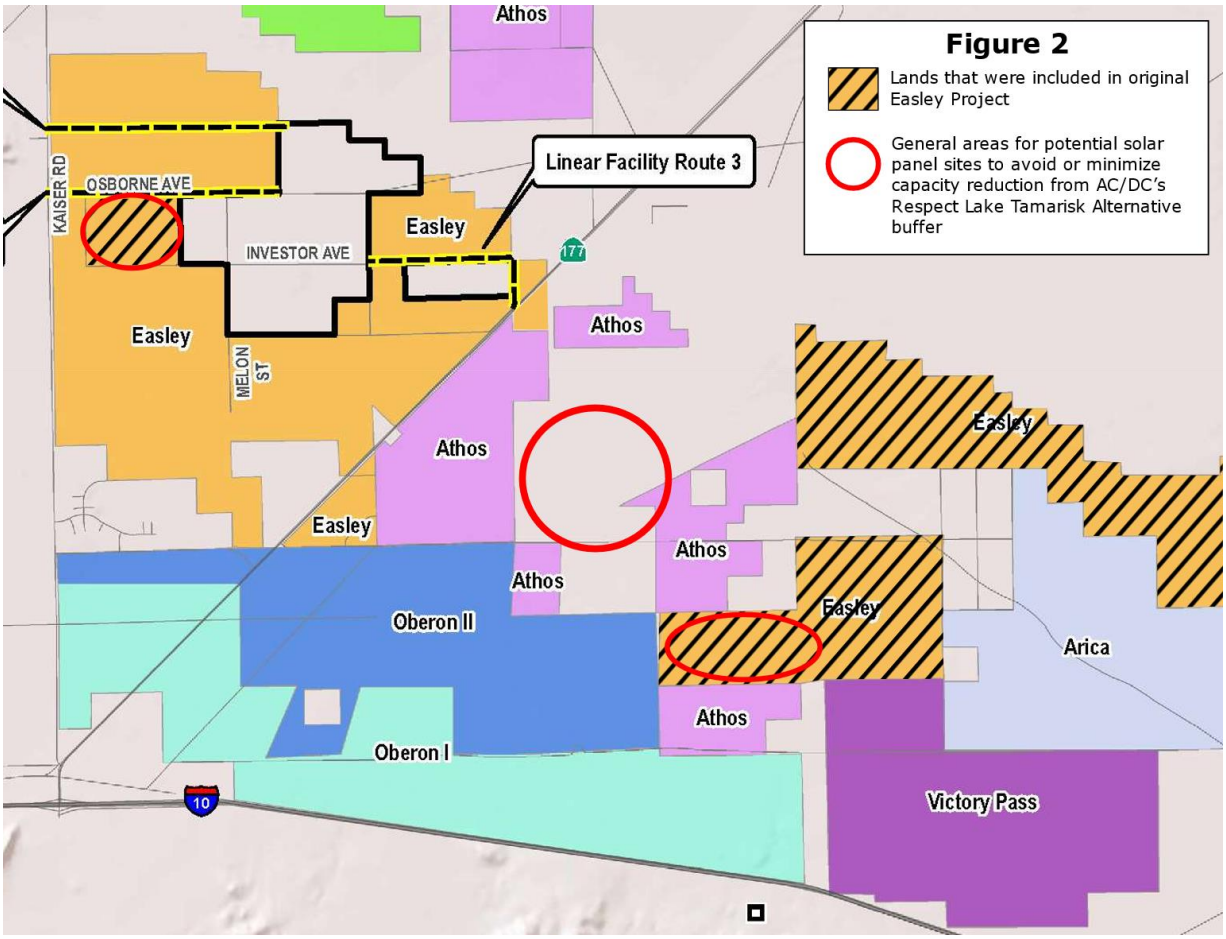


Figure 1

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

PRB10-39 (cont'd)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
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The Respect Lake Tamarisk Alternative has substantial environmental advantages over the Project. To name just a few:

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 PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

PRB10-39 (cont'd)

alternative would protect is also closer to the Alligator Rock ACEC than any other area the Project would impact in the viewshed.[39]

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.

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"].)

[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 PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

PRB10-39 (cont'd)

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.)

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

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 PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

PRB10-39 (cont'd)

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]

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

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 PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

PRB10-39 (cont'd)

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.

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.

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.

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 PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

PRB10-39 (cont'd)

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"].)

***

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.)

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 PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

PRB10-39 (cont'd)

circulated, including a meaningful, preferred alternative, not the disrespectful all-or-nothing choice Intersect has forced into the DEIR.

Sincerely,

ANGEL LAW





Frank P. Angel Cooper Kass

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

PRB10-39 (cont'd)

EXHIBIT 1

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

Renewable Energy Impacts on Ground Water in a Desert Basin

Noel Ludwig, U.S. Forest Service
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Peter Godfrey, Bureau of Land Management
Arizona State Office
pgodfrey@blm.gov

Arizona Hydrological Society 2021 Annual Symposium
September 15th through 17th, Tempe, Arizona

PRB10-39 (cont'd)

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (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.

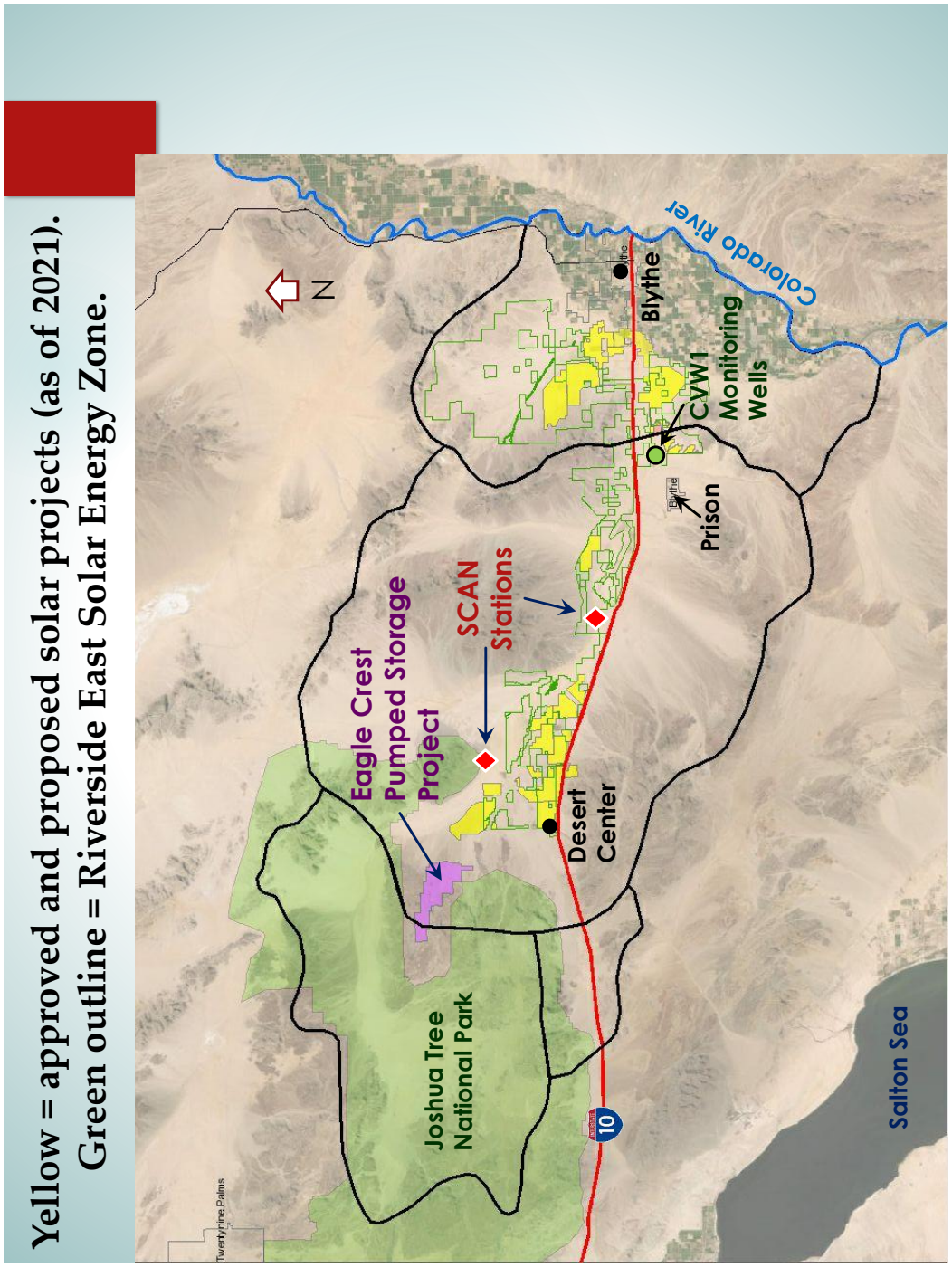
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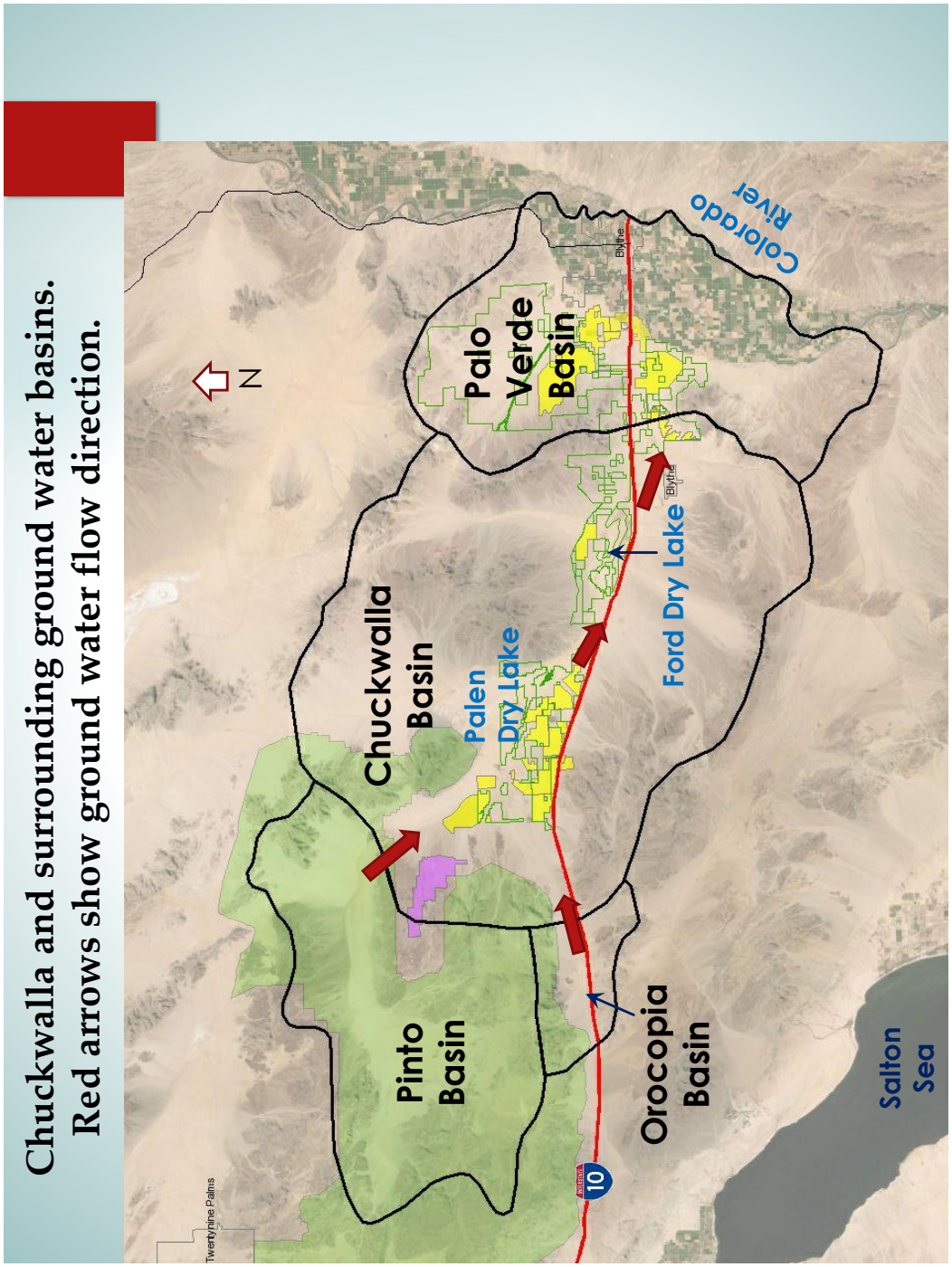


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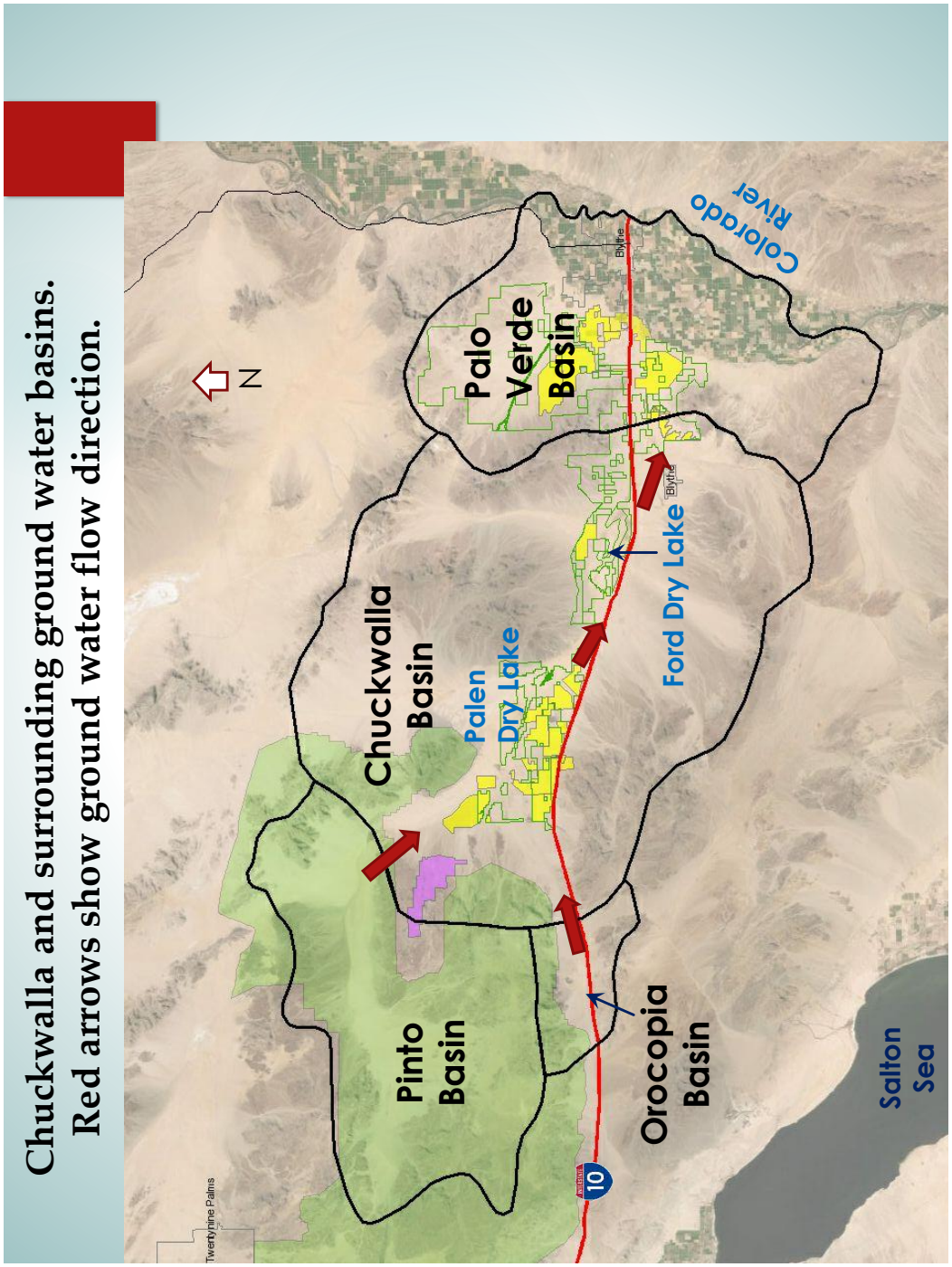
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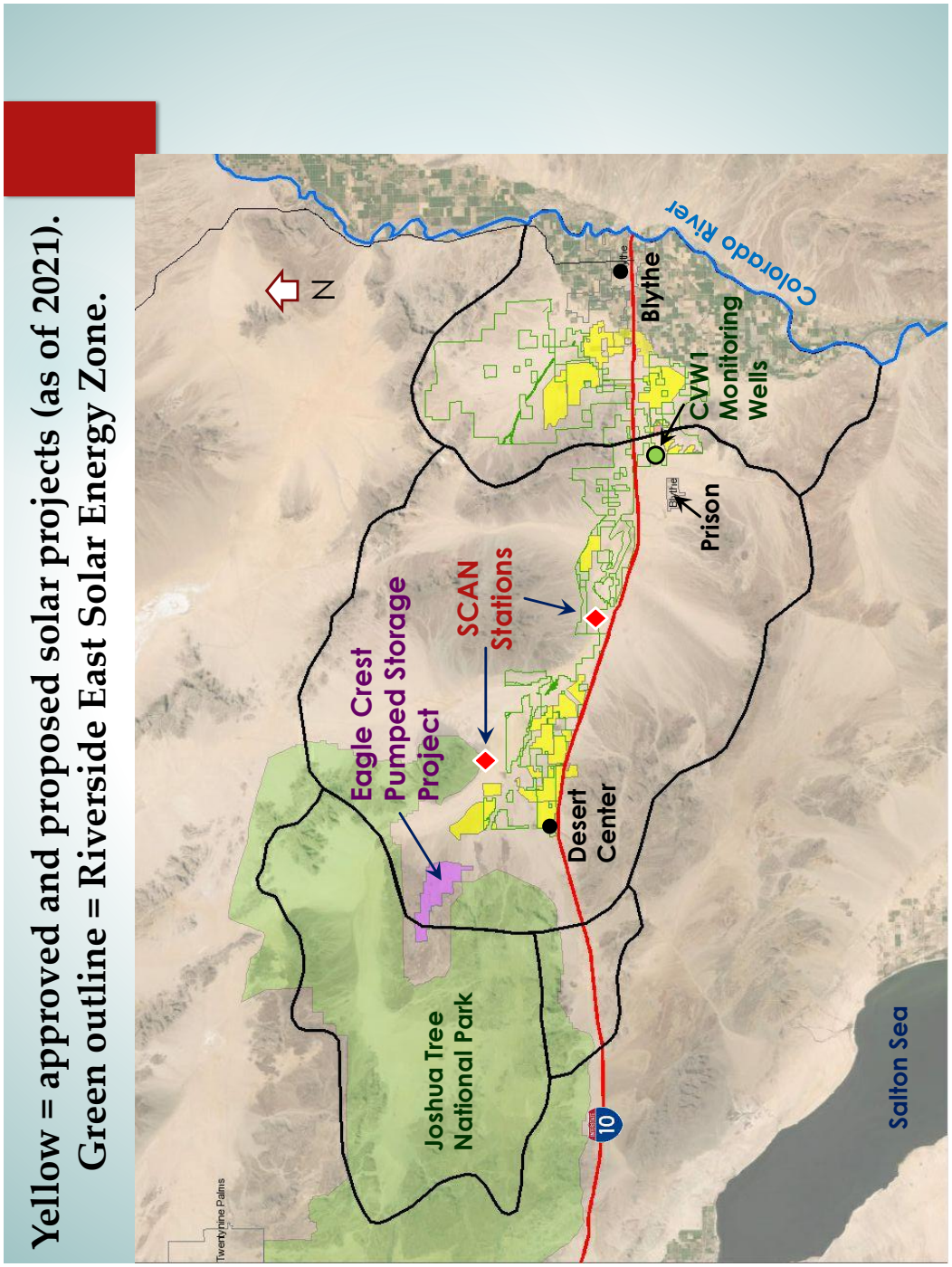
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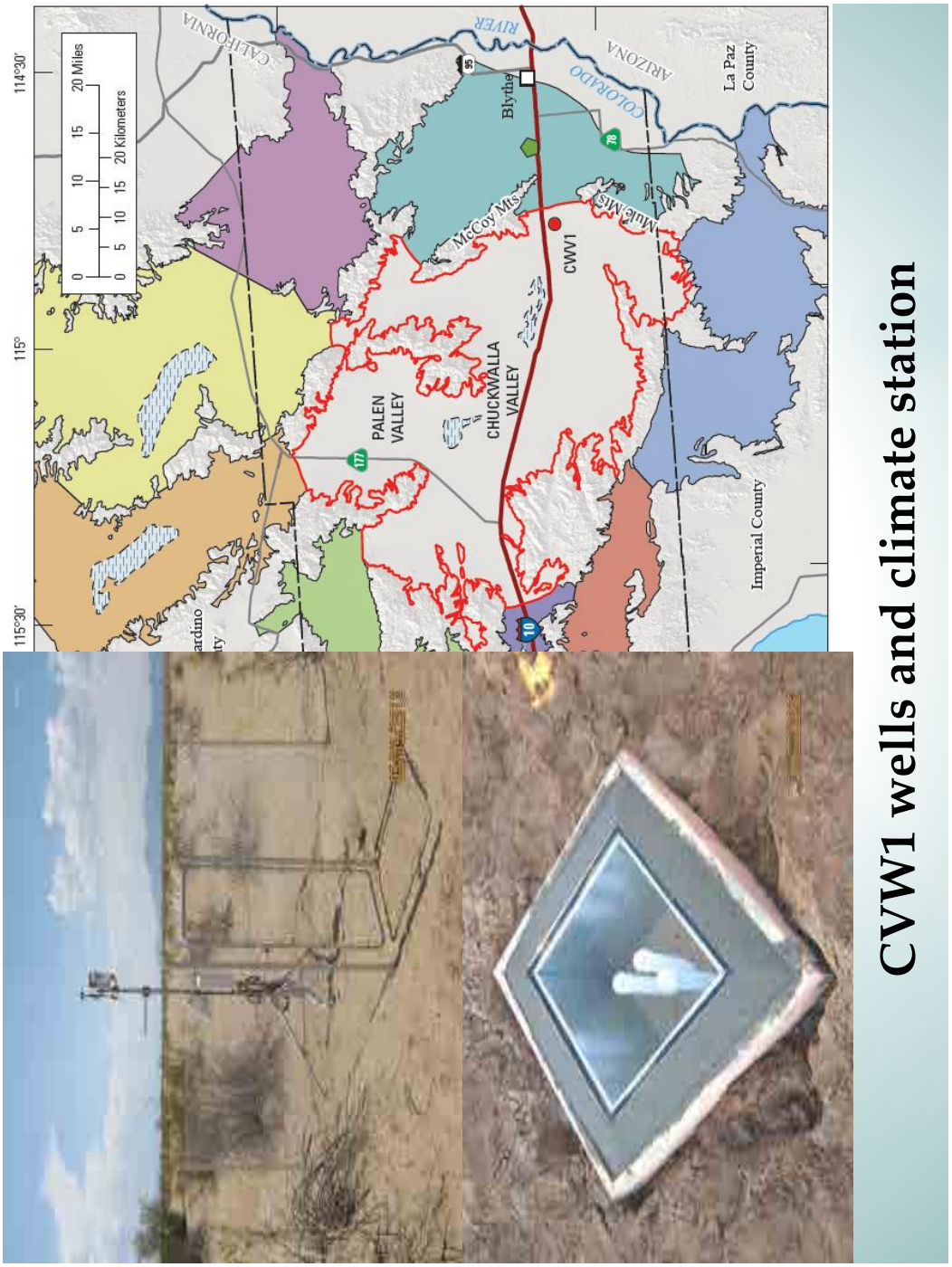
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CVW1 Wells

- Three 2-inch wells in one borehole. Screened at 210, 485, and 973 feet. Bedrock expected at ~1200 feet.
- Transducers collecting water table depth, temperature, and conductivity at 15-minute intervals.
- Adjacent to this site is a climate station and soil monitors at two-foot intervals down to 20 feet. Data logged at 15-minute intervals.

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

PRB10-39 (cont'd)

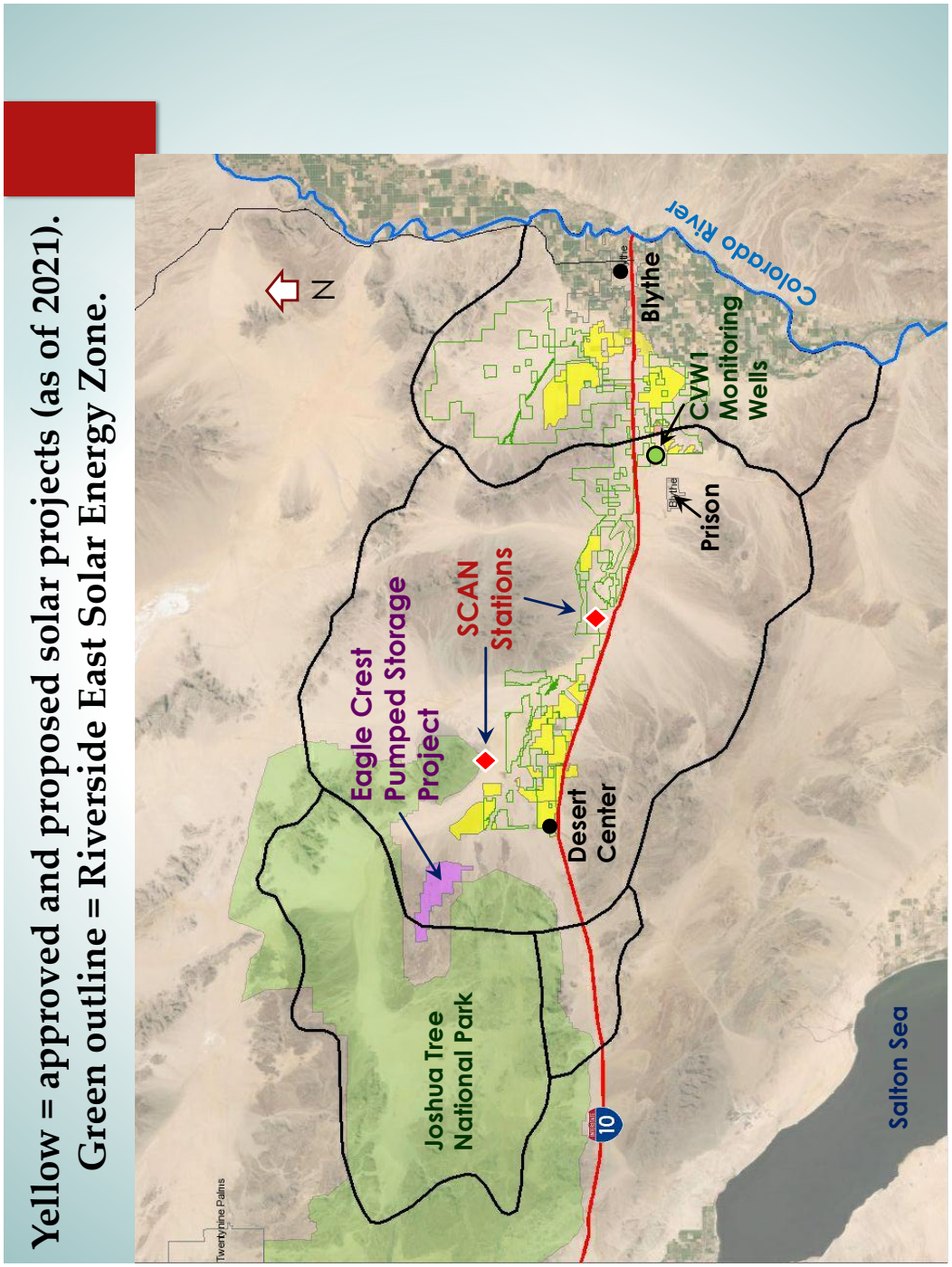


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Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

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.

PRB10-39 (cont'd)

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

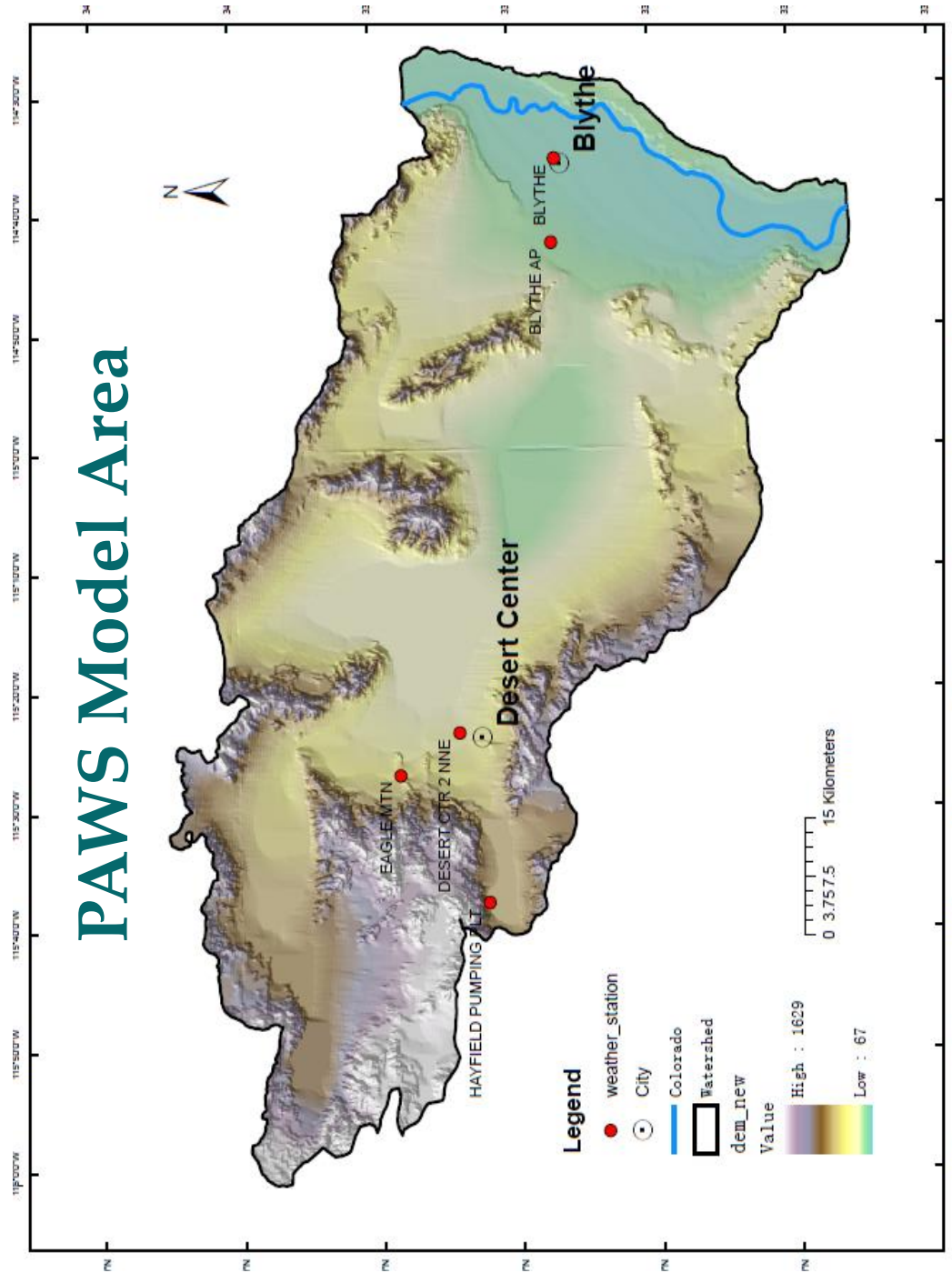
PAWS Model Features

- 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.

PRB10-39 (cont'd)

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

PRB10-39 (cont'd)



Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

PRB10-39 (cont'd)



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

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

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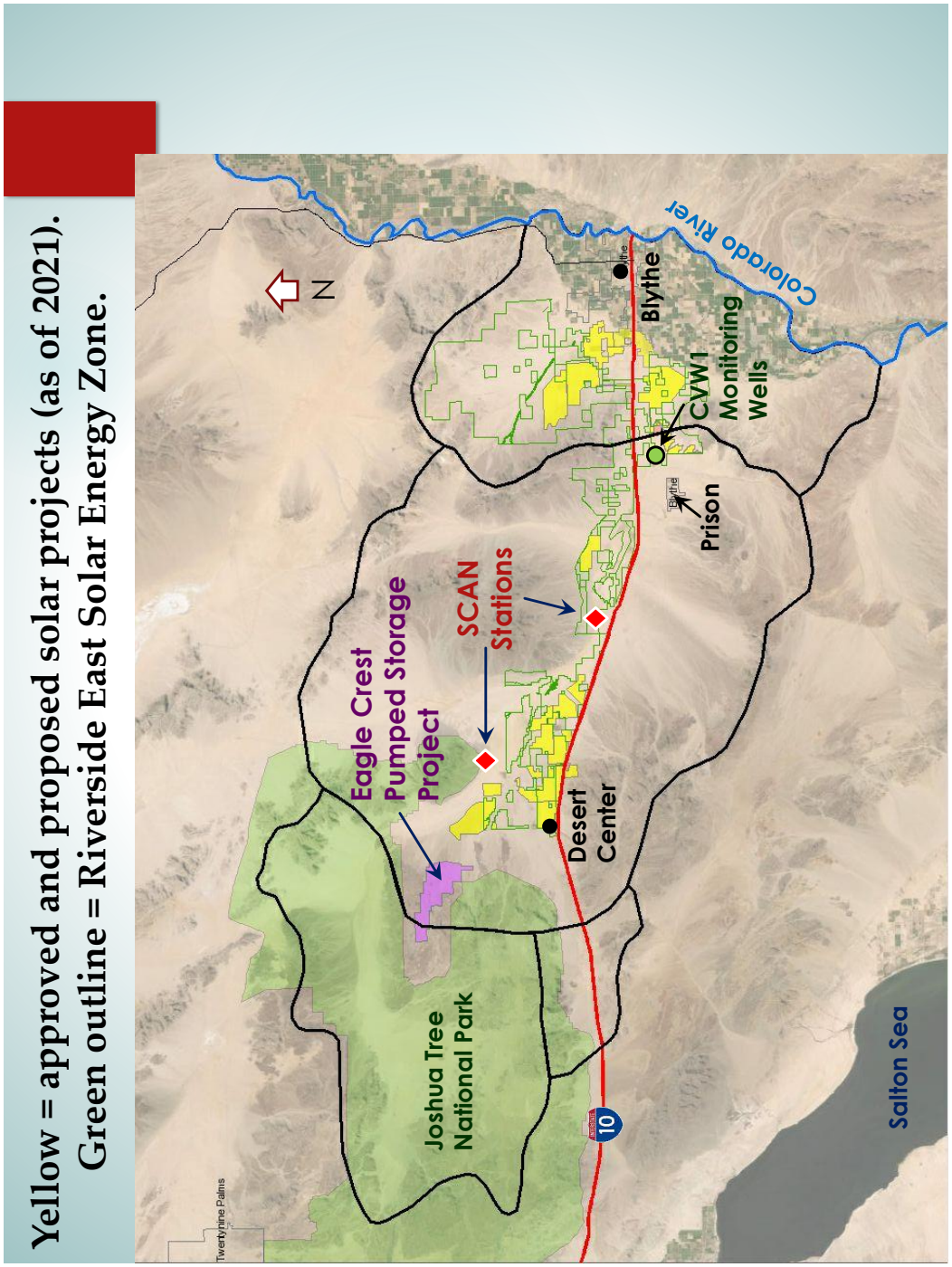
Supporting Evidence from Other Sources

- 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.

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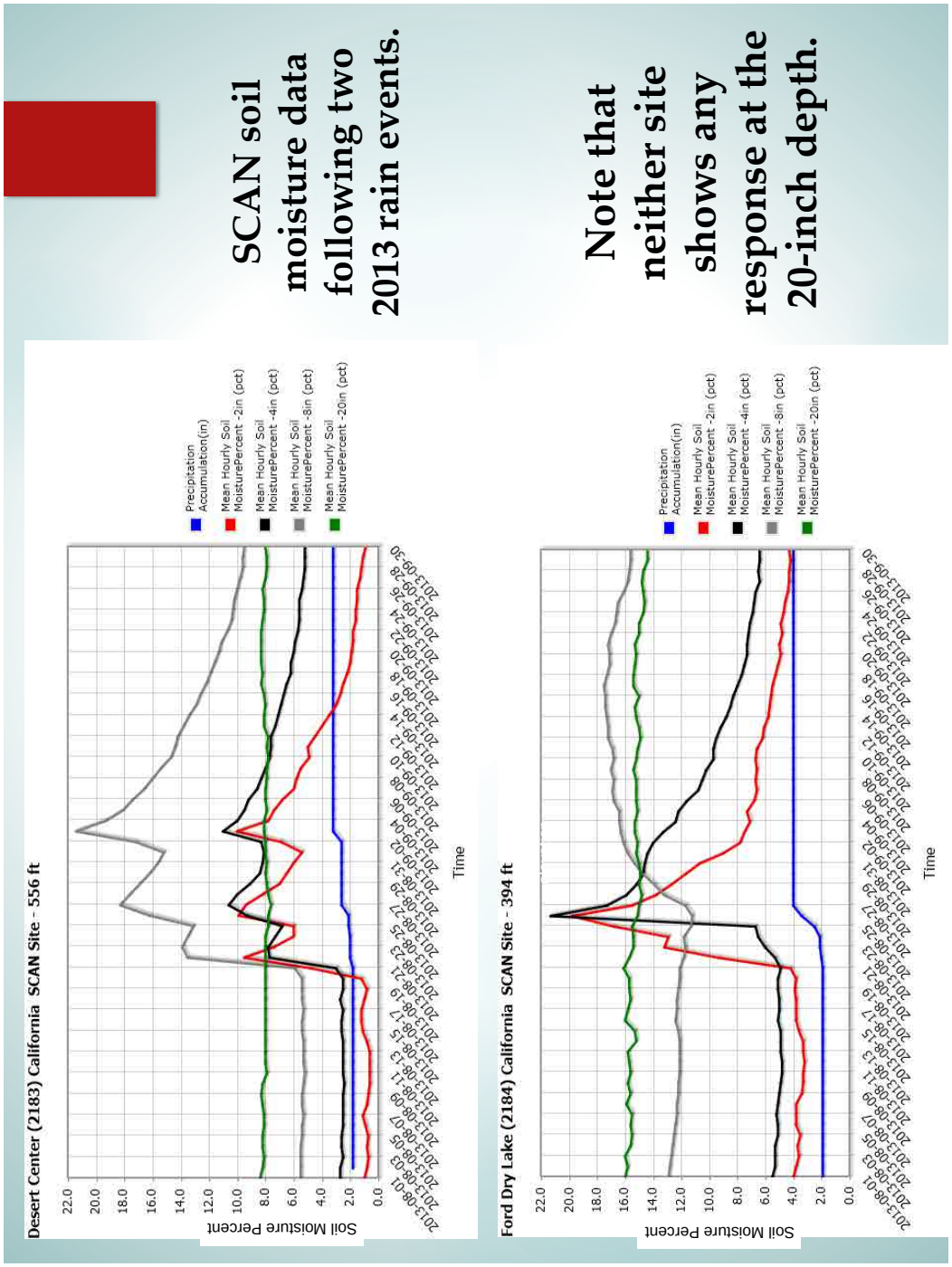
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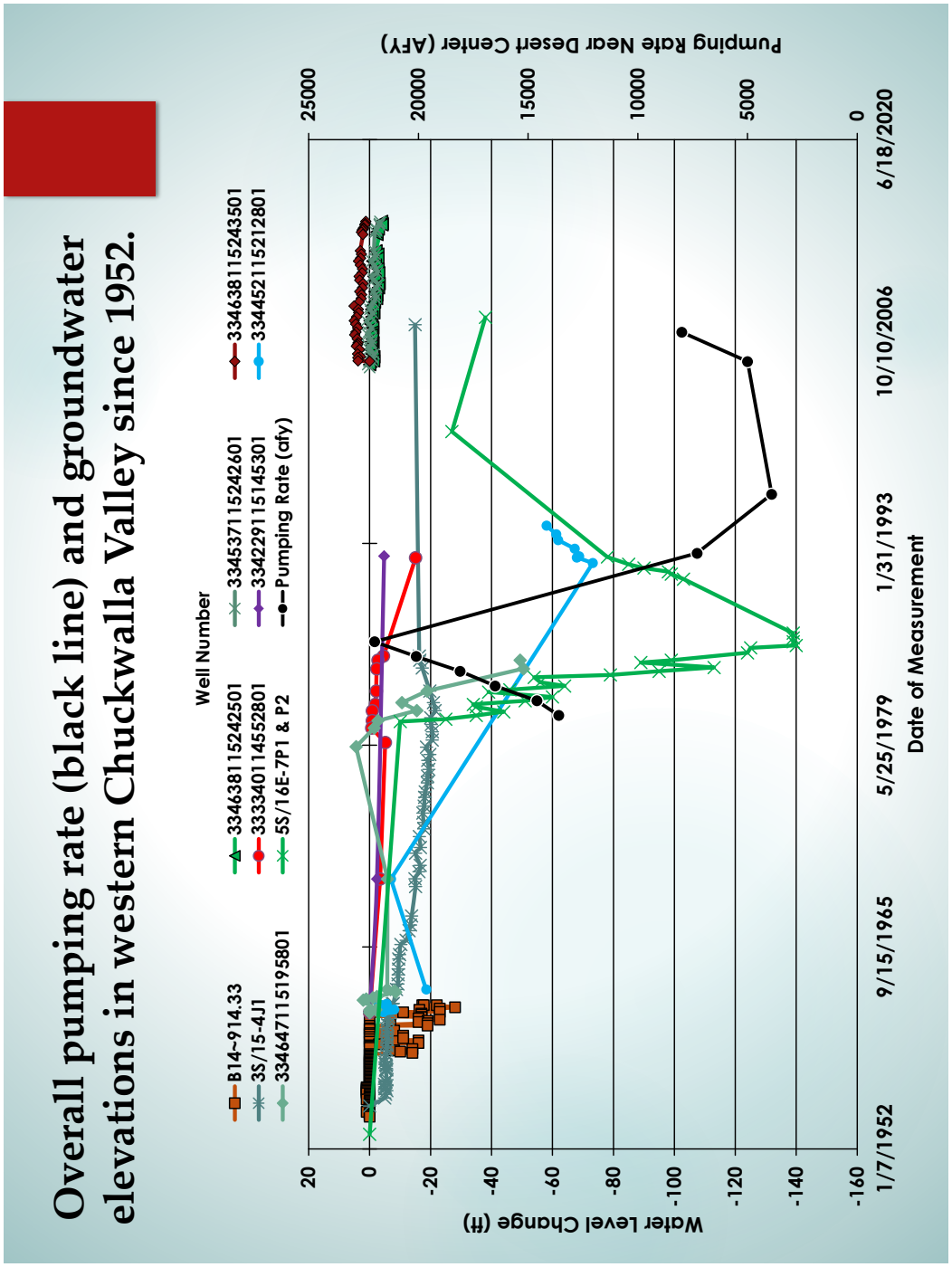


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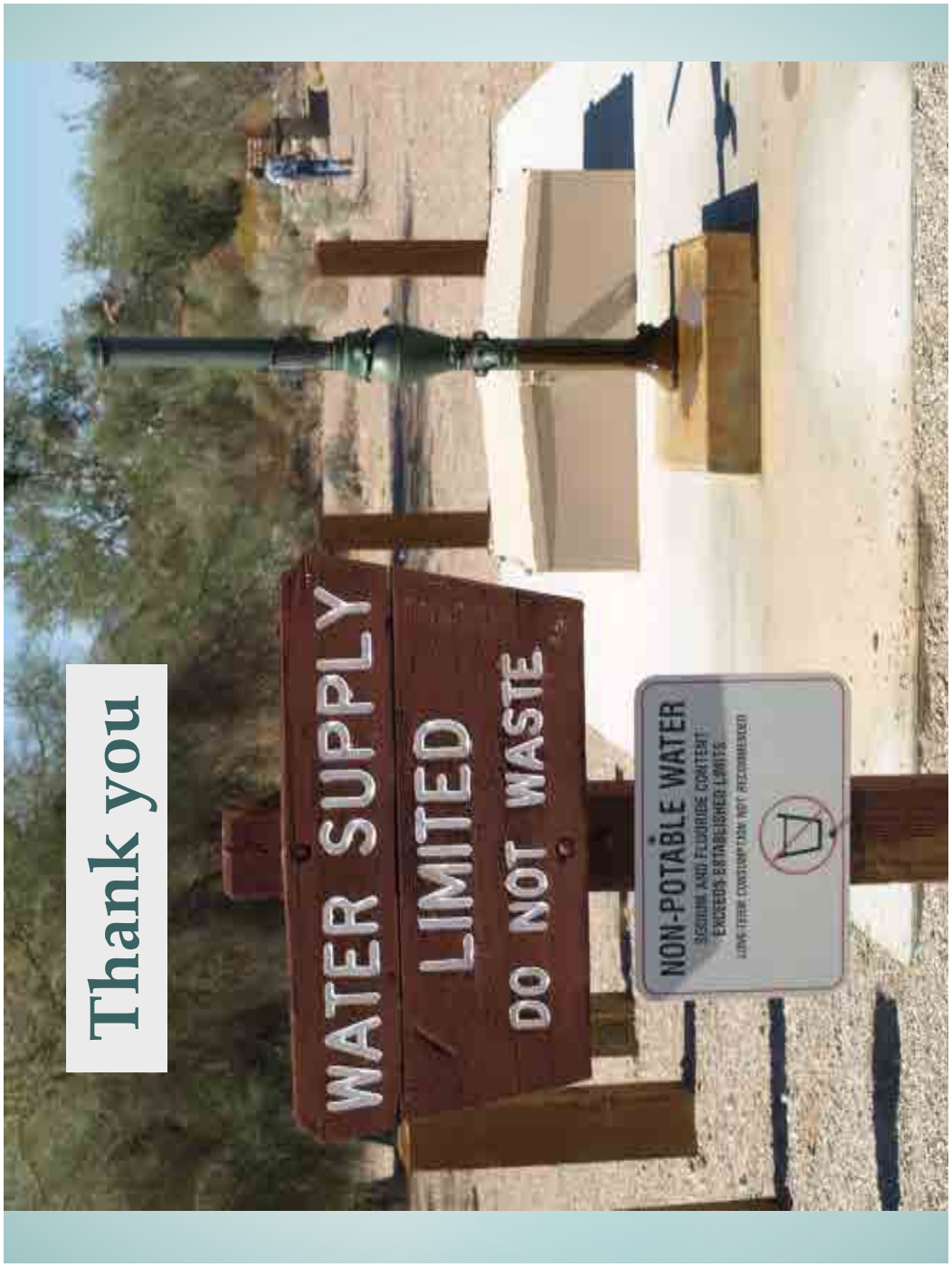
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Responses to Comment Set PRB10 – Angel Law on behalf of Active Communities/ Desert Center

PRB10-1 The commenter states that Angel Law is legal counsel for and writes on behalf of Active Communities/Desert Center (Comment Set PRB11) who have developed the "Respect Lake Tamarisk Alternative," which has been incorporated and analyzed in the Partially Recirculated Draft EIR (PRDEIR) as Alternative C (Further Reduced Footprint Alternative with Berms).

PRB10-2 The commenter provides an introduction to the comment letter and indicates that the PRDEIR has information gaps which will be addressed below.

Responses to Comments PRB10-3 to PRB10-38 address the specific comments raised by Angel Law on behalf of Active Communities/Desert Center.

See also Response to Comment PRB11-28.

PRB10-3 The commenter states that the PRDEIR includes "new" appendices, many of which had been drafted for the U.S. Bureau of Land Management (BLM) National Environmental Policy Act process and questions why they had not been included in the original Draft EIR.

The original Draft EIR included as appendices all technical reports that supported the EIR analysis. The Applicant prepared some management plans and appendices to the BLM Plan of Development (POD), that were published to the BLM's Easley NEPA website and 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.

See General Response GR-4 regarding mitigation plans.

PRB10-4 The commenter states that several EIR appendices were updated in the PRDEIR in response to comments received on the Draft EIR and asks whether the PRDEIR's new appendices will similarly change based on BLM and NEPA public review. The commenter states that if changed plans do not line up with those presented in this CEQA process, recirculation will be necessary.

Prior to NEPA publication, BLM reviewed all POD appendices outside of the CEQA process. Based on review by the public and resource agencies and through plan finalization during pre-construction compliance, minor edits to the plans may be required.

Specific requirements and performance standards of each of the plans are detailed in the CEQA mitigation measures. BLM and the County will separately review the final plans to ensure that they comply with the respective agency and mitigation requirements in accordance with NEPA and CEQA. Once a project has been approved, no additional steps to comply with CEQA are required, unless a further discretionary approval of the project is necessary. If a further discretionary approval is required, PRC section 21166 and CEQA Guidelines section 15162 establish the requirements for preparation of a subsequent or supplemental EIR, which only are required if proposed changes to the project will require "major revisions" to the previous EIR because of "new significant environmental effects or a substantial increase in the severity of previously identified significant effects." See General Response GR-4.

PRB10-5 The commenter states that if the plans (included as appendices to the EIR) change after certification of the EIR, then these mitigation measures would not have been properly subjected to analysis and review during the CEQA process.

If the project is approved, the mitigation measures included in the EIR will be adopted as binding and enforceable conditions of approval that set forth clear performance standards for what the mitigation plans are required to achieve and dictate the content of the respective

plans. The plans provide details on how to implement and achieve the performance criteria laid out in the mitigation measures. The mitigation measures and plans have been analyzed in detail by the County as part of its review of the DEIR and PRDEIR, in accordance with CEQA. Please see Response to Comment PRB10-4, General Responses GR-1 and GR-4.

PRB10-6 The commenter correctly quotes the PRDEIR with the statements that "[a]ll of the BLM-administered lands considered for Project development are lands designated as Development Focus Area (DFA) in the DRECP LUPA" and "[i]f the Project were not constructed, the DFA designation makes it highly likely that a different solar developer would apply to the BLM to construct a similar solar project at this location." And, "[u]nless BLM amends the California Desert Conservation Area (CDCA) and DRECP Land Use Plan Amendment (LUPA) to designate a portion of the Project area as a solar development exclusion zone, the vacant area within the [Alternative C] buffer would remain designated as a Development Focus Area and may be developed for renewable energy in the future."

The DRECP considered the entire California Desert public lands landscape and identified concentrated areas (DFAs) for renewable energy development, usually near transmission and with lower resource conflicts. The Easley Project site is located within a DRECP DFA targeted for renewable energy development, and the DRECP LUPA assumed full development within DFAs. Therefore, it is reasonable to assume that future renewable energy projects are likely to be developed within the Desert Center area whether or not the Easley Project is built. If the Easley Project is not built, another solar project could be constructed on the site. The Easley Project would not affect the development of these future solar projects.

Please see General Responses GR-8 and GR-5.

PRB10-7 The commenter states that all of the BLM-administered lands for the Project are not within the DFA and includes two figures that show differing BLM DFA boundaries taken from the DRECP Gateway database and PRDEIR Figure 2-1 (Project Vicinity) and PRDEIR Figure 3.5-10 (Wildlife Connectivity).

Please see General Response GR-5, which addresses the BLM DRECP DFA land designations within the Project area and explains that the original Draft EIR and PRDEIR statements are accurate.

PRB10-8 The commenter includes PRDEIR Figure 3.5-10 (Wildlife Connectivity) that matches the DRECP Gateway database figure included in Comment PRB10-7, and states that Figure 3.5-10 depicts the correct DFA land allocation near Lake Tamarisk.

Please see General Response GR-5, which addresses the BLM DRECP DFA land designations within the Project area.

Figure 3.5-10 (Wildlife Connectivity) has been updated to accurately reflect BLM DFA lands in the Project area and match the DFA boundaries shown in other figures in Appendix A of the Final EIR. A similar update has been made to the same Figure 14 in EIR Appendix C (Biological Resources Technical Report).

PRB10-9 The commenter quotes the conclusions of the Environmentally Superior Alternative in EIR Section 5.3.5 and asks for clarification on the statement that "because Alternative B, the Reduced Footprint Alternative meets these critical project objectives and reduces impacts to the Lake Tamarisk community compared to the proposed Project, it is considered to be the next most Environmentally Superior Alternative *and preferred overall.*" [emphasis added]

The commenter also correctly states that "[u]nder CEQA, the County is the lead agency for the Project and has the principal responsibility of deciding which version of the Project will go forward."

EIR Section 1.5 (Summary of the Project Evaluated in this EIR) lays out the governmental approvals from the County of Riverside to implement the Project.

Please see Response to Comment PRB11-28, which addresses the EIR conclusions regarding the Environmentally Superior Alternative in Section 5.3.5 The County is the Lead Agency responsible for preparation of the EIR, which reflects its independent judgment, and which be used by the County's decision makers before acting on the Project.

PRB10-10 The commenter states that the PRDEIR describes "[o]perations and maintenance (O&M) facilities near the main substation yard…," and use of the word "main" implies that there will be at least one lesser substation yard.

To clarify that there will be one onsite Project substation, the word "main" has been deleted from Section 2.3 (Project Components) of the Final EIR.

PRB10-11 The commenter states that the PRDEIR adds to the list of project components a standby power source, if needed, and asks whether this addition would change the Air Quality analysis in DEIR Section 3.4 since this 61-horsepower backup generator is large enough to be regulated for its emissions.

Please see Response to Comment A1-3, which explains that the standby power source was incorporated into the Air Quality emissions calculations in the original Draft EIR.

PRB10-12 The commenter states that the PRDEIR leaves implementation of "wildlife-friendly fencing" to the discretion of the Applicant based on its success at the Oberon Project. The commenter states that the Oberon Project has been in commercial operation for almost a year, and asks at what point will the Applicant know whether wildlife-friendly fencing was successful at Oberon, and how will the Applicant determine success. The commenter provides his original Draft EIR questions regarding the replacement of exclusion fencing with wildlife-friendly fencing and the use of a specially designed roadway system to provide safe passage.

Removal of temporary desert tortoise exclusion fencing over a portion of the Oberon site (wildlife-friendly fencing) would occur after vegetation is successfully reestablished within the array areas in accordance with the Oberon Revegetation Plan, which may take several years.

On the Easley Project site, the use of exclusion fencing during construction would avoid and minimize impacts to desert tortoise by ensuring that tortoise cannot enter the construction site. When vegetation is successfully established and suitable for desert tortoise, wildlife-friendly fencing may be implemented in approved areas in coordination with USFWS. Text was added in the Final EIR to Section 3.5.5 in Impact BIO-2 and Impact BIO-3, under *Operations and Maintenance and Decommissioning,* and in Section 3.5.7, MM BIO-7 (Desert Tortoise Protection), to clarify that wildlife-friendly fencing would only be implemented after vegetation is successfully re-established per the Vegetation Resources Management Plan (MM BIO-5) and is suitable to support desert tortoise, in coordination with USFWS.

As described in EIR Section 2.3.10.2 and 2.4.3.5, the Easley Project would be enclosed with fencing that meets National Electric and Safety Code (NESC) requirements for protective arrangements in electric supply stations. Desert tortoise exclusion fencing would be constructed along the bottom of the security fence for Project construction. Desert tortoise exclusion fencing, if included, would remain in place during operations except in places where wildlife-friendly fencing may be implemented over a portion of the solar facility site (depending

on successful re-vegetation of the Project site and the success of wildlife-friendly fencing at the Oberon site).

As provided in Section 2.5.4, wildlife-friendly fencing may be used in certain areas on the Easley site (such as within the Pinto Wash Linkage and/or areas adjacent to desert dry wash woodland that provide higher value wildlife habitat) and would leave a 6- to 8-inch gap between the bottom of the fence and the ground. As described in Section 3.5.5, in Impact BIO-2 and in Impact BIO-3, this gap would allow for passage for small terrestrial wildlife, including desert tortoise, below the fence, which may put individuals at risk of disturbance, mortality, or injury from maintenance activities and vehicles. Section 2.3.9.2 also explains that if gravel is used for road surfaces, portions of road lengths would remain free of gravel in strategic locations to facilitate tortoise movement.

Use of wildlife-friendly fencing would be determined in coordination with USFWS, based on success of revegetation, habitat suitability for wildlife, wildlife use at the site, and success of its use at other sites. That is, pending results of wildlife-friendly fencing on the Oberon Project (i.e., wildlife use of the site), success of re-vegetation, and addressing Federal Energy Regulatory Commission (FERC) security considerations, the Applicant has stated that it would 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. The Project also would implement O&M safety practices, such as worker training, fence inspections, and biological monitoring of nesting, burrowing, or denning wildlife, to maximize long-term safety of desert tortoises and other wildlife present at the site.

The Project also would implement various robust mitigation measures to avoid, minimize, and mitigate impacts to wildlife species. These include biological monitoring by qualified biologists; worker training on sensitive biological resources; flagging, surveying, and monitoring of work areas; weed management; restoration of disturbed areas; protection of wildlife and special-status species; and protection of jurisdictional waters, as provided in MMs BIO-1 through BIO-14. Accordingly, the impact determinations in BIO-1, BIO-2, and BIO-3 would remain less than significant even if the Applicant does not implement wildlife friendly fencing.

PRB10-13 The commenter states neither the PRDEIR nor the Project Water Supply Assessment (WSA), identify the Project water source(s), but rather provides multiple potential Project water sources.

The PRDEIR identifies groundwater within the Chuckwalla Valley Groundwater Basin (CVGB) as the Project water source. The Project WSA evaluates use of groundwater well(s) in CVGB (see General Response GR-3). The PRDEIR states “up to 2 onsite or offsite groundwater wells” as the Project water source. The inclusion of multiple wells in multiple locations enable adaptive management of the Project to ensure compliance with the Project Groundwater Monitoring, Reporting, and Mitigation Plan (GMRMP; Mitigation Measure [MM] HWQ-4).

A discussion of the CVGB groundwater setting, including supply and quality, based on available data are included in the PRDEIR and WSA.

EIR Chapter 2 includes a description of multiple water sources to ensure that the EIR captures all possible scenarios.

PRB10-14 The commenter states that the PRDEIR lists additional best management practices (BMPs) within the Project Description to be incorporated through site preparation and construction. If these BMPs are meant to “minimize significant adverse impacts” of the Project, the commenter asserts they are mitigation measures that need to be discussed with and assigned appropriately to “each significant environmental effect identified in the EIR,” just like the

Applicant Proposed Measures (APMs) and labeled mitigation measures. (CEQA Guidelines, § 15126.4(a).)

The BMPs described in EIR Section 2.7.2 include construction practices that would limit dust and soil and vegetation disturbance associated with Project construction. Where BMP implementation is relevant to the EIR's impact analysis, EIR Chapter 3 references BMP implementation and incorporates reference to relevant BMPs into the EIR's mitigation measures. As described in the impact analyses in EIR Chapter 3, implementation of the APMs and MMs alone are sufficient to reduce applicable impacts to a less than significant level under CEQA, because they would, among other things, ensure that disturbance of vegetation and habitat on the project site is minimized and restricted to designated and demarcated work areas, stabilize soils and re-establish vegetation, require compliance with erosion control measures, and require implementation of dust control practices and controls for off-road equipment engines (see, e.g., MM BIO-1 through BIO-5, MM BIO-13, MM HWQ-1, MM HWQ-5, MM AQ-1, MM AQ-2). The aforementioned BMPs are additional Applicant commitments that are incorporated in the Project Description. The BMPs are not required to minimize significant adverse impacts, which would be addressed by APMs and MMs described in the EIR. Because the BMPs have been incorporated into the Project Description, they will be enforceable by the County through the Project's use permit which, if approved, will require the Applicant to construct the Project in accordance with the Project Description.

PRB10-15 The commenter states that Section 2.7.2 of the PRDEIR introduces a BMP calling for the development of a Restoration Plan, and lacks information on when the Restoration Plan will be developed, as well as success criteria and the "required restoration measures."

The Restoration Plan is the Easley Vegetation Resources Management Plan. Therefore, the text in Section 2.7.2 (Best Management Practices) of the Easley Final EIR has been clarified to read "Vegetation Resources Management Plan (EIR Appendix S)" instead of "~~Restoration Plan~~."

PRB10-16 The commenter refers to Comment Set PRA1 (United States Fish and Wildlife Service) and asks for clarification about the distinction between CMA implementation on public lands and mitigation measure implementation on private lands, and states that the County is responsible for reviewing and mitigating the impacts of the whole Project.

Please refer to Responses to Comments PRA1-2 to PRA1-4.

PRB10-17 The commenter states that based on CDFW's scoping letter, sensitive natural communities designated S1-S4 should be considered sensitive and declining at the local and regional level. The commenter questions why the PRDEIR makes a distinction for the S4 community, while CDFW does not.

Text was added in the PRDEIR in Section 3.5.1.1 based on the commenter's previous Comments B9-21 and B9-22. The revised text provides a detailed description of the S4 community based on CDFW's detailed state rankings for sensitive communities, which defines the S4 community as "Apparently Secure — Uncommon but not rare; some cause for long-term concern due to declines or other factors" (https://map.dfg.ca.gov/rarefind/view/RF_FieldDescriptions.htm#STATE_RANK).

The updated description in Section 3.5.1.1 of the PRDEIR noted that the S4 community is sensitive, as described in the CDFW scoping letter, and is "apparently secure; uncommon, but not rare in the state, with some cause for long-term concern due to declines or other factors" as defined for CDFW's State Rank.

In Section 3.5 (Biological Resources) of the Final EIR, reference to the S1-S3 communities, which do not occur in the Project area, has been deleted. Impacts to S4 communities, including desert dry wash woodlands, are analyzed in that section. As described therein, with implementation of the mitigation measures on private land within the Project site and implementation of the CMAs on BLM land within the Project site, impacts to sensitive communities would be mitigated to a less than significant level.

PRB10-18 The commenter questions the location of a "Contributing Project Well," from Figure 10 of PRDEIR Appendix G, in relation to mapped desert dry wash woodland.

The Contributing Project wells included in Figure 10 of PRDEIR Appendix G include the proposed Project groundwater well and groundwater wells from existing or proposed cumulative solar projects (see Table 12 of PRDEIR Appendix G for a list of projects) for the purpose of the cumulative impact scenario pursuant to DRECP LUPA SW-23. It is unclear to which wells the commenter is referring. However, the location of the wells, if unknown or not yet constructed, were placed central to the respective project site for the purposes of the analysis and may not precisely represent the wells' actual locations. Any on-site wells for the Easley Project would avoid desert dry wash woodland.

PRB10-19 The commenter questions the interpretation of groundwater level trends in the Desert Center area and references a 2021 presentation by Noel Ludwig and Peter Godfrey on the Chuckwalla Valley Groundwater Basin (CVGB) at the 2021 Arizona Hydrological Society Annual Symposium.

Water level data (historical and current) in the CVGB is limited. Although no well location map is provided in the 2021 presentation, the water level graph indicates a significant lowering of groundwater levels in 3 wells (334452115212801 [data gap between late 1960s to early 1990s], 5S/16E-7P1 & P2, and 334647115195801) suspected to be a result of increased agricultural irrigation in the CVGB. No water level data for 334647115195801 is reported after the early 1980s. Water level data for 334452115212801 indicates recovering groundwater levels following the reduction of agricultural irrigation, although water level data are not available after the mid-1990s. 5S/16E-7P1 & P2 also indicates an approximate 110 feet of recovery following the reduction of agricultural pumping, followed by an approximate 10 feet of lowered groundwater levels from two data points between late-1990s to 2006. Water years 2000 through 2004 are classified as Critical Dry Years in the CVGB as defined by the DWR using precipitation data from the meteorological station in Blythe, California, potentially contributing to the lowering of groundwater levels during that period as observed in 5S/16E-7P1 & P2. The 3 wells with available water level data after 2006 do not indicate a significant lowering of groundwater levels. The 3 hydrographs indicate a lowering of groundwater levels of less than 5 feet over a period of approximately 10 years (2006 to 2016). Of the 10 years, 7 years are classified as Below Normal, Dry, or Critical water year types.

The AECOM (2010) report cited in the PRDEIR referenced well hydrographs with period of records generally ending prior to 2000. The hydrographs presented in AECOM (2010) generally indicate water level trends consistent with the 2021 presentation at the Arizona Hydrological Society Annual Symposium. Overall, available historical groundwater level data show generally stable groundwater levels in the CVGB, interrupted in the Desert Center area in the past mainly by relatively intensive agricultural pumping. Available historical 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, 2010a).

PRB10-20 The commenter questions the inclusion of the "reduced recharge" scenario and the DWR (2020a) estimate of annual groundwater pumping in the Project Water Supply Assessment (WSA).

Two groundwater budgets ("normal recharge" and "reduced recharge") were presented in the Project WSA for consideration based on the range of values included in historical publications for the various Chuckwalla Valley Groundwater Basin groundwater budget components. As indicated in the PRDEIR, after consideration of the WSA, the County has determined that the normal recharge groundwater budget is the best estimate using data from recently developed numerical groundwater models for the CVGB and data used in previous studies and was relied upon for purposes of the EIR's impacts analysis. The "reduced recharge" analysis uses lower input estimates from precipitation and underflow from the Pinto Valley Groundwater Basin. All other inflow/outflow estimates are the same for both budgets. Table 3 summarizes the water budget components.

Although the "normal recharge" scenario is described as a baseline groundwater budget during normal climatic conditions, it is also considered the more accurate estimate. As described in the WSA, the adopted groundwater budget components are considered conservative. 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. Because of the aridity, sparse population, and limited development of the CVGB (when compared to the size of the CVGB), the groundwater budget largely is driven by precipitation-related groundwater recharge and groundwater extraction from pumping. Total annual groundwater inflow for the CVGB (as presented in the "normal recharge" scenario) is consistent with volumes calculated by previous studies, including USGS (2007), CEC (2010), and Fang et al. (2021). 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 CVGB stakeholders, agencies (including BLM), and experts for modeling the CVGB (see Section 5.6). DWR (2020a) included a more recent total annual groundwater pumping for the CVGB, which is approximately 1,340 AF less than the annual pumping presented in the WSA water budgets. Inclusion of the DWR (2020a) calculation of total annual groundwater pumping for the CVGB is warranted because it is a more recent calculation, is relied upon by DWR for SGMA Basin Prioritization, and includes recent (2019) agricultural land use acreage (generally decreasing since 2007). Please see General Response GR-3.

PRB10-21 The commenter questions the inclusion of the DWR (2020a) estimate of annual groundwater pumping in the Project WSA.

See Response to Comment PRB10-20 and General Response GR-3. The baseline groundwater budget during normal climatic conditions is considered the more accurate estimate and is relied upon for purposes of the EIR's impacts discussion. As described in Section 5.7 and 5.8 of the Project WSA (GSI, 2024), the adopted groundwater budget components are considered conservative. 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. The 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 a decreased groundwater pumping and (on average) an annual basin groundwater surplus. Additionally, the 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.

The Project WSA was developed in accordance with DRECP CMA LUPA-SW-23 and Senate Bill (SB) 610. The WSA also discusses potential climate change. Based on the 2030 and 2070 DWR climate change data (see Section 5.3), decreased average precipitation and increased ET would decrease the baseline groundwater budget by approximately 100 AFY—this relatively small change does not substantially affect the projected groundwater budgets.

PRB10-22 The commenter requests clarification of the selection of the Fang et al. (2021) model for use in the Project Water Supply Assessment (WSA; EIR Appendix G).

The Fang et al. (2021) model was advocated for on multiple occasions by Lake Tamarisk community members, including on telephone correspondence and at the public workshop. Fang et al. (2021) is the model discussed in the 2021 presentation at the Arizona Hydrological Society Annual Symposium and reference in several comments on the Project WSA (e.g., see General Response GR-3). Likewise, BLM staff that reviewed an Administrative Draft of the Project WSA also suggested consideration of the Fang et al. (2021) model. Additionally, the Fang et al. (2021) model is the most up to date model.

There are uncertainties associated with the model described by Fang et al. (2021) groundwater budget recharge components because they were categorized (or grouped) differently than those described in the Project WSA. Fang et al. (2021) included an upper bound for total annual groundwater recharge (all recharge components). Using the water budget groundwater recharge components described in the Project WSA, the total annual Fang et al. (2021) recharge from precipitation was modified to 4.3% so the total annual groundwater recharge (all recharge components) would remain below the Fang et al. (2021) upper bound for total annual groundwater recharge. The same scenario applied for the reduced groundwater recharge scenario as described in the Project WSA.

The modification discussed above does not indicate an error in the Fang et al. (2021) model. The groundwater recharge components in Fang et al, (2021) were categorized (or grouped) differently than the Project WSA. Although the values within each recharge component or the name of each recharge component may differ between Fang et al. (2021) and the Project WSA, the total annual groundwater recharge is consistent.

The model is a three-dimensional numerical groundwater flow model for the Chuckwalla Valley Groundwater Basin and adjacent Palo Verde Basin. The model may be used to estimate changes in groundwater conditions under certain scenarios, or "simulations", such as proposed groundwater pumping from a solar project. The model uses USGS software MODFLOW-2005, which is explained in greater detail on the USGS website (https://www.usgs.gov/software/modflow-2005-usgs-three-dimensional-finite-difference-ground-water-model).

The number of targets used the model is limited by the amount of available water level data in the Basin. The model contains 59 target wells: 39 in the CVGB area and 20 in the Palo Verde area. Target wells are existing wells in the model domain that have a historical record of water level measurements. The observed data is used to calibrate the model.

An analysis of relative error is a common practice when evaluating the calibration of groundwater models. Relative error is the standard deviation of the residual (observed water level elevation minus modeled water level elevation) divided by the range in water level observations (maximum observed water level minus minimum observed water level). Dividing the standard deviation by the range in observed water elevations in the Basin makes the error "relative" to the observed water levels in a particular basin.

Separating the target wells by area and evaluating the residual statistics, the relative error in the CVGB and Palo Verde area of the model is 6.5% and 8.2%, respectively. Evaluating all of the model targets together, the relative error for the model as a whole is 4.6%.

PRB10-23 The commenter asserts that the PRDEIR improperly relies on the "ratio theory," citing *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692.

In *Kings County, the* court found that an EIR prepared for a project to develop a 26.4–mega-watt coal-fired cogeneration plant contained insufficient information about the cumulative impacts of the project on air quality. After determining that cumulative ozone impacts were potentially significant, the EIR preparers found that the project would not have a significant cumulative impact because it would contribute less than one percent of area emissions for all criteria pollutants in the relevant area. The *Kings County* court found that this "ratio theory" "improperly focused upon the 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." (*Id*. at p. 721.)

As described in *San Francisco Baykeeper, Inc. v. State Lands Com.* (2015) 242 Cal.App.4th 202, "*Kings County* and its progeny illustrate that a project's cumulative environmental impact cannot be deemed insignificant solely because its individual contribution to an existing environmental problem is relatively small. ... By the same token, however, these cases do not hold that any additional effect a project may have "necessarily creates a significant cumulative impact; the 'one [additional] molecule rule' is not the law." [citation omitted.] Rather, to conduct a proper assessment of cumulative impact, an EIR must consider not just whether that cumulative impact is significant but also whether the proposed project's incremental effects are cumulatively considerable. (*Id.* at p. 223.)

The PRDEIR does not rely on the ratio theory in determining that the Project would not result in a cumulatively considerable contribution to significant cumulative impacts. Rather, the PRDEIR first considers the cumulative impacts as a whole (a defect in the *Kings County* EIR not present here) and then considers a variety of factors in reaching the conclusion that the project's contribution is not cumulatively considerable. For example, at section 3.11.7.2, the PRDEIR notes that reported groundwater levels in the CVGB indicate that the groundwater levels are generally stable, or in some areas in the CVGB, indicate an increasing trend. However, under a 52-year (equivalent to the total Project duration) groundwater budget projection, assuming average precipitation and the Project and all cumulative projects in place, there would be an initial groundwater deficit of 6,960 AF in the year 2024 (first year of construction for all cumulative projects not already under construction or operational). The cumulative groundwater deficit would increase to approximately 118,420 AF by the end of the 52-year period. The same analysis using the DWR (2020a) estimated annual groundwater pumping, assuming average precipitation, indicates the initial groundwater deficit would be 5,560 AF in 2024, increasing to a deficit of 45,620 by the end of the 52-year period. Using the driest 52-year period recorded at the Blythe Airport meteorological station, with the Project and all cumulative projects in place, the CVGB total groundwater deficit at the end of the 52-year period would be approximately 112,560 AF, or approximately 39,760 AF using DWR annual groundwater pumping.

However, as provided in the PRDEIR, the estimated water demand of the Eagle Mountain Pump Storage (EMPS) Project is 4,460 AFY during the projected 4-year construction period and 2,050 AFY during the operational phase of the project. Comparatively, one year of construction water demand for the EMPS Project is more than the 52-year water demand for the Project. Further, during its operational phase, the EMPS Project is projected to use more

than six times the groundwater of all other cumulative projects located in the CVGB. The inclusion of the EMPS Project drastically affects the cumulative project projected groundwater budgets. Without the EMPS Project, the cumulative groundwater deficit would be 2,180 AF at the end of the 52-year period under normal conditions. Under normal conditions using DWR (2020a) estimated annual pumping, there would be a cumulative groundwater surplus of 70,620 AF without the EMPS Project. Similarly, if the EMPS Project groundwater use was not included in the driest 52-year period cumulative project scenario, the cumulative groundwater surplus would be 3,680 AF at the end of the 52-year period. Using the DWR (2020a) estimated annual pumping, the cumulative groundwater surplus would be 76,480 AF at the end of the 52-year period. Further, also in contrast to the analysis in the *Kings County* case, the WSA also calculated the groundwater drawdown caused by groundwater use by the cumulative projects. The zone of influence after 2 years of Project construction pumping (500 AFY) is an approximately 4.5-mile radius cone of depression out to 0.5 feet of drawdown. Project operational and decommissioning pumping (50 AFY) for 50 years has a cumulative drawdown with an approximately 15-mile radius out to 0.5 feet of drawdown. This zone of influence also includes pumping from cumulative projects. The modeling results indicate that impacts to groundwater levels as a result of Project and cumulative project pumping are confined to the western part of the CVGB. Although most of the non-cumulative project pumping (see GSI, 2024 Section 5.8.2) in the CVGB occurs in the western part of the CVGB (the total agricultural, municipal, and domestic pumping is limited to approximately 7,900 AFY [CEC, 2010]), cumulative project pumping is not anticipated to adversely affect existing water users and water rights claimants in the CVGB due to the limited magnitude of the simulated drawdown.

Given the potential groundwater deficits, the PRDEIR concludes that cumulative impacts would be potentially significant. It further determines that the Project's incremental contribution is not considered cumulatively considerable. As noted above, the cumulative deficit is driven by the proposed EMPS Project, which accounts for the majority of groundwater use under the cumulative scenario. The Project's contribution to cumulative project pumping during the 52-year period is minor, accounting for 3 percent of the total cumulative demand.

The Project also would implement various construction techniques designed to reduce overall water use during construction, including using soil binders, "overland travel," designating primary travel routes, limiting grading, utilizing small rubber-wheel vehicles, and phasing construction, as described in Chapter 2. Project-level impacts are less than significant, and the Project would comply with various mitigation measures that would minimize potential pumping impacts to nearby wells and the larger CVGB. Accordingly, in determining that the Project's incremental contribution to cumulative impacts is not cumulatively considerable, the PRDEIR did not rely on the ratio theory; rather, "it was only one minor component of the EIR's cumulative impacts analysis," and it "did not employ a misleading ratio to avoid addressing the complex issue" of groundwater impacts. (*See Baykeeper*, 242 Cal.App.3d at 223-224.)

Further, the WSA contains a conservatively high estimate for Project water use. In the PRDEIR, the Applicant revised its maximum expected water use during the construction period down from 1000 AF (500 AFY) to 800 AF (400 AFY) (see PRDEIR Section 2.3.11 for explanation of reduced Project water use). The WSA therefore represents a conservative estimate of the Project's water use and resulting impacts.

PRB10-24 The commenter restates select CMA LUPA-SW required evaluations as well as restating the proposed Project well would cause drawdown in the immediate vicinity of the well.

The Project Water Supply Assessment (WSA) adequately addresses the evaluations required by DRECP CMA LUPA-SW-23. The proposed Project well, and all groundwater production wells, cause temporary drawdown within the immediate vicinity of the well. The drawdown is referred to as a cone of depression and is created when the well is pumping groundwater. When the well stops pumping, groundwater levels recover. As described in the Project WSA, the simulated cumulative drawdown from the Project well and cumulative projects was calculated after 2 years of Project construction and 50 years of Project operation (48 years of operation and 2 years of decommissioning), respectively. The zone of influence after 2 years of Project construction pumping is an approximately 4.5-mile radius cone of depression out to 0.5 feet of drawdown. Project operational and decommissioning pumping for 50 years has a cumulative drawdown with an approximately 15-mile radius out to 0.5 feet of drawdown. Due to the limited magnitude of the simulated drawdown, cumulative project pumping is not anticipated to adversely affect existing water users and water rights claimants in the CVGB.

Regarding DRECP CMA LUPA-SW-25, as provided in Appendix CC, use of water will be considered during the NEPA process and if deemed appropriate, trigger points may be required. However, as described above and in PRDEIR Section 3.11, the Project's incremental contribution to cumulative groundwater impacts is not cumulatively considerable. Further, and also consistent with CMA LUPA-SW-25, the Project is subject to MM HWQ-4 Groundwater Monitoring, Reporting, and Mitigation Plan (GMRMP), which requires the Project to develop a GMRMP, in coordination with the County and BLM, to ensure that groundwater wells surrounding Project supply well(s) are not adversely affected by Project activities, i.e., chronic lowering of groundwater levels and degradation of groundwater quality. The Applicant must submit the GMRMP to the County and BLM for review and approval, which may also require various actions—including cessation of pumping—if the Project GMRMP monitoring results indicate a significant lowering of groundwater levels or degradation of groundwater quality.

PRB10-25 The commenter asserts that MM HWQ-4 constitutes deferred mitigation. MM HWQ-4 does not result in improperly deferred mitigation. Rather, it requires the Project and a BLM-approved hydrologist to prepare a Groundwater Monitoring, Reporting, and Mitigation Plan (GMRMP), designed to ensure that Project groundwater use—based on the final location of Project groundwater wells—does not result in the chronic lowering of groundwater levels or degradation of groundwater quality in nearby groundwater wells, a defined and ascertainable performance standard. To do so, the MM mandates that the GMRMP provide a detailed methodology for monitoring site groundwater levels and comparisons for levels within the CVGB, including identification of the closest private wells to the Project's well(s). Monitoring under the GMRMP must be performed during pre-construction, construction, and operation of the Project, to establish pre-construction and Project-related groundwater level and water quality trends that can be quantitatively compared against observed and simulated trends near the Project's pumping well(s) and near potentially impacted existing wells. Based on this detailed monitoring, and if Project groundwater use results in a chronic lowering of groundwater levels and degradation of groundwater quality, designated agencies (i.e., BLM and the County) will implement various actions to mitigate that impact, including cessation of Project pumping. Accordingly, MM HWQ-4 does not constitute improperly deferred mitigation, as it ensures that Project groundwater wells will not result in the chronic lowering of groundwater levels and degradation of groundwater quality through the implementation of specific actions, including extensive monitoring of project activities (including quantitative comparisons of pre-construction and Project-related groundwater levels and quality), and cessation of Project pumping until groundwater levels return to levels that allow nearby wells to resume pre-Project pumping levels, among other things. Thus, under MM HWQ-4, the County has committed to implement the mitigation, adopted a specified and ascertainable performance

standard, and identified the types of actions that may be implemented to achieve compliance with the performance standard. (14 Cal Code Regs §15126.4(a)(1)(B).)

The commenter restated water quality related impact conclusions from the Project Water Supply Assessment (WSA). See Response to Comment PRB10-24 regarding the limited magnitude of simulated drawdown resulting from cumulative project pumping. Based on the limited magnitude of the simulated drawdown due to Project and cumulative project pumping, groundwater levels would not be lowered to a level that would cause a degradation of groundwater quality that affect other beneficial uses. Groundwater levels would not be lowered to a level that causes pumping wells near the Project to begin to capture deeper/older groundwater within the CVGB. Deeper/older groundwater typically contains increased salts and nutrients as a result of prolonged exposure to the aquifer material (leaching of minerals from the host rock into groundwater) (USGS, 2019). Additionally, there are no known point source plumes near the Project. Therefore, there are no known contaminant plumes Project pumping or cumulative pumping could potentially mobilize.

Finally, the comment states that MM HWQ-1 and HWQ-5 constitute improperly deferred mitigation, without explanation. Please see General Response GR-4. Neither MM constitutes improperly deferred mitigation, as the County has committed to implement the mitigation, adopted specified performance standards, and identified the types of actions that may be implemented to achieve compliance with the performance standards.

PRB10-26 The commenter restates requirements of DRECP CMA LUPA-SW-25, including the establishment of trigger points. The commenter also mentions urban use of groundwater in the Chuckwalla Valley Groundwater Basin (CVGB) and potential impacts of unsustainable groundwater management. Please see Responses to Comments PRB10-23, PRB10-24, and PRB10-25.

PRB10-27 The commenter restates the discussion of water quality from the Project WSA.

The water quality discussion included in the Project WSA adequately summarizes historical and current conditions in the CVGB, establishing a proper baseline for purposes of determining if the Project would negatively exacerbate existing groundwater conditions. Data, including groundwater quality, used for the development of the Project WSA is publicly available. Likewise, the cumulative impact analysis presented in the Project WSA adequately addresses the evaluations required by LUPA-SW-23, including an evaluation of potential impacts on water quality. See Response to Comment PRB10-25 regarding the Project's GMRMP.

PRB10-28 The commenter cites a groundwater quality study in the Central Valley (Z.F. Levy et al, 2023). The cited study does not address groundwater conditions in the Project area and thus does not provide any results that would require changes to the baseline groundwater quality conditions presented in the PRDEIR and WSA. See Response to Comment PRB10-27.

In accordance with DRECP LUPA CMA SW-24 and as described under MM HWQ-4, a Project Groundwater Monitoring, Reporting, and Mitigation Plan (GMRMP) will be developed and approved by BLM, in coordination with USFWS, CDFW, and other agencies as appropriate, prior to the development, extraction, injection, or consumptive use of any water resource, including establishing baseline groundwater conditions prior to the start of Project construction by conducting groundwater monitoring in accordance with the Project GMRMP. Groundwater quality results will be compared with applicable State and Federal MCLs and SMCLs. If regulatory agencies implement lower constituent concentrations for the Chuckwalla Valley Groundwater Basin (CVGB), water quality results collected as part of the Project GMRMP will be compared to the CVGB specific groundwater quality thresholds. The objective of the GMRMP is to ensure Project groundwater use does not significantly degrade groundwater

conditions in the CVGB. It is not the objective of the GMRMP, nor the responsibility of the Project, to improve existing groundwater conditions.

PRB10-29 The commenter indicates the Project Water Supply Assessment does not discuss potential groundwater drawdown impacts on the community of Lake Tamarisk. The commenter also indicates the Oberon Project groundwater pumping has caused lowering of groundwater levels and degraded groundwater quality on well within the vicinity of the Project.

See General Response GR-3 and Responses to Comments PRB10-23, PRB10-24 and PRB10-25.

The Oberon Project is separate from this Easley Project CEQA process, and Riverside County has no jurisdiction over the Oberon Project. For informational purposes, the Oberon Solar Project implemented a GMRMP upon construction of the Oberon Solar Project. Quarterly groundwater level and groundwater quality monitoring has been conducted since the first quarter of 2023 and submitted to BLM. Available groundwater level and groundwater quality data do not indicate that impacts stated by the commenter have resulted from Oberon Solar Project groundwater pumping. Rather, available data indicate generally stable water levels and water quality in the area of the Oberon Solar Project since implementation of the Oberon Solar Project GMRMP.

PRB10-30 The commenter indicates that no citation was provided for the Project WSA statement regarding no point source plumes Project pumping could mobilize. The commenter also indicates current groundwater quality conditions can be degraded by groundwater drawdown.

The omission of the reference for the "no point source" statement from the Project WSA was an error. This statement is based on available data from the State Water Resources Control Board GeoTracker website.

See a water quality discussion in Response to Comment PRB10-25.

PRB10-31 The commenter states the Applicant cannot extract groundwater freely from the Chuckwalla Valley Groundwater Basin even though it is not adjudicated. As an unadjudicated (and low priority) groundwater basin, owners of property overlying the CVGB have the right to pump groundwater from the CVGB for reasonable and beneficial use.

See General Response GR-3.

PRB10-32 This commenter restates the inclusion of multiple Project water sources in the PRDEIR and indicates the location of a pumping well used for the Project may impact Lake Tamarisk differently than presented in the Project Water Supply Assessment (WSA).

The WSA's analysis regarding cone of depression assumes a groundwater well within the geographic center of the Project site. However, due to the similar geological and hydrogeological conditions across the Project, the analysis is representative for a well located anywhere within the Project site. See General Response GR-4, Responses to Comments PRB10-13, PRB10-24, and PRB10-25, in particular the discussion of the Project GMRMP and ensuring that Project groundwater pumping will not adversely impact nearby wells.

PRB10-33 The commenter provides an introductory comment, alleging that the PRDEIR casts doubt on the Respect Lake Tamarisk Alternative (AKA Alternative C: Further Reduced Footprint Alternative with Berms). No additional response is necessary.

PRB10-34 The commenter says that the PRDEIR casts doubt on Alternative C. For instance, the PRDEIR explains that the minimum 1-mile buffer would preserve "moderate to high quality" desert tortoise habitat," but then contradicts itself by saying that the berms would cause the altered hydrology that could degrade desert tortoise habitat.

The purpose of the EIR Chapter 5 impact discussion is to provide a qualitative comparison of the environmental advantages and disadvantages of each alternative and its components. See Response to Comment PRB10-36 for a discussion of biological resources impacts of the buffer setback and the earthen berms under Alternative C (see also General Response GR-8).

The commenter also questions the PRDEIR's analysis of hydrological impacts related to Alternative C by referencing language in Section 5.3.3.4 and the Westwood preliminary hydrology study, which indicates the berms would not be in areas with significant flows.

Even if the berms are not located in an area of flooding or significant flows, given the windy desert environment and sandy soil, an earthen berm would be difficult to stabilize with vegetation, and therefore, could become a source of wind and water erosion and downstream sedimentation, especially since the Project area is subject to monsoonal rains.

Although there are no mapped sand transport corridors across the Project site, sand is likely carried by fluvial processes (surface flow and active washes) across the site and ultimately to the dune system; berms would disrupt the fluvial flow and thus potentially disrupt sand transport.

The Geology, Soils, and Mineral Resources discussion of Alternative C (Section 5.2.6.7) states that impacts related to erosion would potentially be increased due to disruption of flow paths due to the presence of the berms, however due to the decrease in area disturbed due to the removal of a large solar panel development area, erosion impacts would be overall reduced compared to the proposed Project. No EIR revisions are necessary.

PRB10-35 The commenter questions the PRDEIR's claim that Alternative C's "longer gen-tie line may result in relatively greater impact to birds due to collision and electrocution."

As explained in EIR Section 3.5 (Biological Resources) for the proposed Project and Section 5 for alternatives, impacts to biological resources from the proposed Project, Alternative B, and Alternative C would be less-than-significant with implementation of mitigation. The proposed Project and Alternative B would be comparatively "similar" and Alternative C without berms would have fewer biological resources impacts (see EIR Table 5-1). The types of impacts would be similar, and the purpose of the discussion in EIR Chapter 5 is to provide a relative comparison.

As explained in EIR Section 3.5.5, after completion of construction and throughout the life of the Project, the gen-tie line would present a potential electrocution and collision risk to birds and bats. The commenter's quoted statement simply states that a longer gen-tie line would increase the risk of bird collision and electrocution based on its relative increase in length. Impacts related to bird and bat collision and electrocution would remain less-than-significant with mitigation for the proposed Project and alternatives.

PRB10-36 The commenter states that Table 5-1 (Comparison of Alternatives to the Proposed Project) lists Alternative C's Biological Resources impacts as "Greater" than the proposed Project with regard to the berms and "Fewer" than the proposed Project with regard to the buffer. The commenter states that Alternative C's avoidance of 530 acres of habitat greatly outweighs whatever unspecified impacts might be caused by the berms.

Where an impact differs between alternative components, EIR Table 5-1 notes the difference to provide an informed comparison (see also under Aesthetics). As summarized in Table 5-1, implementation of the minimum 1-mile buffer would eliminate 530 acres of ground disturbance and associated biological resources impacts resulting in "fewer" biological resources

impacts compared to the proposed Project. Furthermore, EIR Section 5.3.5 finds Alternative C to be the Environmentally Superior Alternative.

Although Alternative C was found to be the Environmentally Superior Alternative, construction of berms would create some biological resources impacts that would be "greater" than those associated with the proposed Project. For instance, as described in EIR Section 5.2.6, 1:1 sloped berms would serve as an additional barrier to movement in the local area. In general, a 10-foot-high unnatural berm would need to have a 3:1 ratio ramp to allow wildlife to easily traverse it. A berm of this size was not included in Alternative C, because it would require a large surface area, and thus, would greatly increase disturbance of the natural habitat.

If the fill for the berm is sourced from the Project area, the environment for wildlife would likely be impacted. In addition, with a large berm, surface water would likely channel differently and create an unnatural flow. A 2016 study for desert tortoise indicates that habitat restoration also includes ameliorating altered hydrology – that is, if the hydrology is altered, the habitat is being further degraded for desert tortoise (Abella and Berry, 2016). No revisions are necessary to EIR Table 5-1 in the Final EIR.

PRB10-37 The commenter states that the PRDEIR weaponizes the Project's objectives in order to favor the Applicant's preferred version of the Project. The commenter states that the PRDEIR adds a new objective: "12. Develop a commercially financeable renewable energy project," and asks why it is added since the PRDEIR does not make any assertion that Alternative C fails to meet Objective #12.

Under CEQA, a lead agency has broad discretion to formulate project objectives. CEQA does not restrict an agency's discretion to identify and pursue a particular project designed to meet a particular set of objectives. CEQA simply requires the agency to thereafter prepare and certify a legally adequate EIR that provides the agency and the public alike with detailed information regarding the proposed project's significant environmental impacts, as well as reasonable alternatives that 'would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen [those impacts.] (*California Oak Found. v. Regents of Univ. of Cal.* (2010) 188 Cal.App.4th 227, 276 quoting CEQA Guidelines, § 15126.6(a).)

Similarly, CEQA Guidelines Section 15124(b) states that an EIR must include the following regarding project objectives:

> *(b) A statement of the objectives sought by the proposed project. A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project and may discuss the project benefits.*

The County has considered the project objectives in developing a reasonable range of alternatives to the project, as dictated in the CEQA Guidelines. As provided in the EIR, the purpose for the Project is to generate, store, and transmit renewable energy to the statewide wholesale electricity grid. Objective 12 is related to that overall purpose, ensuring that the Project can be commercially financed and developed.

Furthermore, CEQA Guidelines Section 15126.6(a) (see EIR Section 4.1) states that an EIR "shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain *most* of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives" [emphasis added]. CEQA does not require an alternative fully analyzed in the EIR meet all project objectives. This is evidenced by full analysis

in EIR Chapter 5 of the Further Reduced Footprint Alternative with Berms, which would produce 290 MW to 320 MW of solar generation, but which would not meet the Project's objectives to the same extent as the Project, primarily as a result of the loss of up to 110 MW (>25% of the capacity of the proposed Project).

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 approximately 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 output of Alternative C.

PRB10-38 The commenter states that the PRDEIR says that Alternative C "would not capture the same economies of scale as the proposed Project nor help as much to solve California's 'duck curve' power production problem (Objective #6), because it would generate, store, and transmit less wholesale solar electricity, and the electricity would be less affordable." The commenter states that these are all unsupported conclusions and diminished profitability is insufficient to show that an alternative is financially infeasible.

The EIR does not state that Alternative C is financially infeasible. Rather, EIR Section 5.3.5 states that the Further Reduced Footprint Alternative with Berms would not achieve the Project objectives to the same extent as the Project, including that Alternative C would not capture the same economies of scale as the proposed Project nor help as much to solve California's 'duck curve' power production problem (Objective #6), because it would generate, store, and transmit less wholesale solar electricity, and the electricity would be less affordable. It is unclear why the commenter believes these conclusions are unsupported, given that the reduced footprint under Alternative C would result in fewer solar panels and, accordingly, reduced energy generation that would be transmitted to the grid or stored in the BESS. Because less energy would be transmitted to the grid overall, including energy transmitted to the grid from the Project's battery energy storage system, Alternative C would not help solve the duck curve problem to the same extent as the Project. The same is true for economies of scale. Although the overall output of Alternative would be reduced by approximately 25%, the cost of construction of Alternative C would not be reduced by the same percentage, 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 Alternative C and the proposed Project. Thus, the average costs for Alternative C would be higher than the Project, requiring increased energy prices to cover the higher average costs associated with development of Alternative C. EIR Section 5.3.3.2 (Ability to Meet Project Objectives) discusses each alternative's ability to meet each of the Applicant's stated objectives. See also Response to Comment PRB10-37 and Section 2.8.1 under General Response GR-8.

The commenter's support for Alternative C is noted.

PRB10-39 The commenter included as an "Exhibit A" a duplicate of its comment letter on the original Draft EIR, submitted on March 11, 2024.

Please refer to Responses to Comment Set B9, which address the March 11, 2024, Draft EIR comments from Angel Law on behalf of Active Communities/Desert Center.

Comment Set PRB11 – Active Communities/Desert Center

Email: Easley Renewable Energy Project

From: MARK C <mcarrington81@gmail.com>
Sent: Monday, July 8, 2024 5:35:27 PM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Cc: Allen Grant Lake Tamarisk <allen@grantdevelopment.com>; Coach Don Lake Tamarisk Desert Oasis Community <coachdongonehome@gmail.com>; MARK C (BBG) <mcarrington81@gmail.com>; Skip Pierce Lake Tamarisk #141 <walterskipie@aol.com>; Teresa. Lake Tamarisk. #141 Lake Tamarisk. #141 <teresapierce52@gmail.com>; Vicki and James Bucklin #14 Lake Tamarisk <vickibucklin@pugetisland.com>
Subject: Fwd: Draft of submission to Planning Department PRDEIR

Tim Wheeler
Principle Planner,
RIVCO Planning Department

Hello Tim,

PRB11-1

Attached please find our Comments on the IP Easley Solar Energy Project Partially Recirculated Draft Environmental Impact Report (PRDEIR). CUP 220021; PUP 230002; DP 2200016.
These Comments are separated into several distinct Sections along with a few Supplemental Comments documents.

As you have pointed out, one of the primary functions of the Planning Department is to make sure that a Project design does not deteriorate the Health, Safety or General Welfare of the Communities in Riverside County.

—
Riverside County Code section 17.200.050 states: “A conditional use permit 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. Any permit that is granted shall be subject to such conditions as shall be necessary to protect the health, safety or general welfare of the community.”

RCC section 17.208.040 similarly states: “A public use permit 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. Any permit that is granted shall be subject to such conditions as shall be necessary to protect the health, safety or general welfare of the community.”
—

Section 1 of our comments points out overriding, significant detrimental effects that the Easley Solar Project would have on the Desert Oasis Community of Lake Tamarisk and the Desert Center Area.

These include property values, economic development, health and safety issues, water quality and others. These are not vague or lacking documentation or scientific study, as you will see.

Comment Set PRB11 – Active Communities/Desert Center (continued)

Other Sections discuss these and other issues in more detail. PRB11-1 (cont'd)

Section 2, for example, discusses the fact that the **Environmentally Superior Alternative C** is required to be the selected onsite build option since there are no specific economic, social or other conditions that make it infeasible and no other build alternative avoids any significant effects. PRB11-2

The Cumulative Effects of Intersect Power's 500 MW Oberon Solar Project, constructed at 600 yards from the Lake Tamarisk Community without any notification to residents, and their Easley Solar Project, designed at less than 100 feet from our borders on two additional sides, would be devastating to the Health, Safety and General Welfare of the residents of the Desert Oasis Community of Lake Tamarisk. Please refer to **Section 1** for further details on these detrimental effects. PRB11-3

We support Responsible Renewable Energy Development.
Renewable Energy Development can and must be required to be Responsible and Respect the Communities in Riverside County.
Intersect Power has demonstrated callous disregard for the Community of Lake Tamarisk. They have shown their irresponsible disrespect from the very first contacts with Community residents. Some examples of this are pointed out in Section 13, but there are several other even more egregious examples that we can provide documentation on. PRB11-4

The most responsible development plan is **Alternative E: Distributed Commercial and Industrial Rooftop Solar Alternative.** This Alternative provides the Clean Energy where it will be used and saves the Environment for future generations to enjoy. After all, isn't that what Clean Energy is about, saving the Planets Environment from Global Warming?

Of the onsite Alternatives only the **Further Reduced Footprint Alternative C** significantly mitigates the detrimental effects of the Project on the Desert Oasis Community of Lake Tamarisk.

Therefore, in order for the Planning Department to protect the Health, Safety and General Welfare of the Community, only **Alternative C**, the **Environmentally Superior Alternative,** may be recommended to the Board of Supervisors for approval of any Conditional or Public Use Permits by the Riverside County Planning Department.

Thank you for all your work on this Project Tim.

Mark

M. Carrington
Senior Technical Advisor
Active Communities/Desert Center

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-5

Section 1. **A Conditional or Public Use Permit May Not Be Granted Unless….**
https://docs.google.com/document/d/11FWAy5g-0e_aRYGzyzQizbLzSUnbSQOtrG_aB0JuXtI/edit

Section 2. **The Environmentally Superior Alternative is Mandated for Selection by CEQA Regulations**
https://docs.google.com/document/d/10i_Yt2uz_FQcF9ARnG3q3g-vxoP-_nN8IMJ_ANziUYg/edit

Section 3. **The 1-Mile Setback Buffer Zone is NOT in the Development Focus Area (DFA) for Renewable Energy Development**
https://docs.google.com/document/d/1-XGLRJ2UTyVtns0Jw8TP6SZPEJvd80rPD6Oarw66ZPo/edit

Section 4. **Amended Fugitive Dust Management Plan**
https://docs.google.com/document/d/121jq_V_w4fZCSi6AL0AQMjk-EHkP6FwFanMr_3PtXgY/edit

Section 5. **Biological Diversity and Valuable Wildlife Habitats**
https://docs.google.com/document/d/1ZHL0gRzjB3dUIWfFBbPv86CN-Dv1FkagjUf21Q19ASU/edit

Section 6. **Water Supply Assessment and Drinking Water Availability**
https://docs.google.com/document/d/1TLVBPfJI4Zk9RiOkgPSEOq6FstUzzKb835JoBeNKNmI/edit

Section 7. **Land Use Element**
https://docs.google.com/file/d/15jJFby1KMVNiHrIHnet-nuH5_IGBD16J/edit?usp=docslist_api&filetype=msword

Section 8. **Minimum Requirements - Environmentally Superior Alternative C**
https://docs.google.com/document/d/1c8iUSZ_ByjxJwudasqZOnT0Jpendl-PZ6Obw2mZq0pQ/edit

Section 9. **We Support Responsible Renewable Energy Development**
https://docs.google.com/document/d/1OfIXqB3PM0uZj85oMNfGSd7GeVaA9fW3oN8YmADDYm8/edit

Section 10. **Easley Project Becomes an Actual Environmental Leadership Project** https://docs.google.com/document/d/1NRBckVfd7rDZSTLwjF_GmKcmbdLVADABrLNgbJHVmxE/edit

Section 11. **Additional Comments on PRDEIR**
https://docs.google.com/document/d/1Ne5gKvjdu5nJrQ5dX9-Up2ty3dAZi1FcDm8Pm1sNwyc/edit

Section 12. **Board of Supervisors Policy B-29**
https://docs.google.com/document/d/15zALOAzZ1cAyf2N2Wx0bCCyk38BSIC9xL78isMtOnoE/edit

Section 13. **Misleading Statements by Intersect Power**
https://docs.google.com/document/d/1P4dZ-ksfjUZA-m2ciHWH1kHlusdGVkjLRymgdYGlGWo/edit

Supplemental Comments 1. **Detrimental Impacts on the Health, Safety and General Welfare of the Community**
https://docs.google.com/document/d/1-XXkSQnz5rAtwKQwA0cmh9O-Gq8Du-KvkzVRTt2CREc/edit

Supplemantal Comments 2. **Protecting Valuable Biological Resources - Respect Lake Tamarisk Alternative**
https://docs.google.com/document/d/178IxFuMBMSjuum57nlQhni_c9HqHCx_O4JAJlRP8hgg/edit

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-5 (cont'd)

Supplemental Comments 3. **Amended Fugitive Dust Management Plan**
https://docs.google.com/document/d/1_eDJZMYi6T6C4jularKRVtY18c8d1vVd0VnO9ZnCDhQ/edit

Supplemental Comments 4. **Aquifer Conservation and Water Quality**
https://docs.google.com/document/d/1R6QtBI7-RhgRx7QR-PVXx0B4OXUBWEWs7R10WH1JQRc/edit

Supplemental Comments 5. **Conservation Organizations**
https://docs.google.com/document/d/1MFwykwmDWDJL05AzHv_CZXdTGqTVb-NTMz8HYTdWcXU/edit

Supplemental Comments 6. **DRECP Development Focus Area**
https://docs.google.com/document/d/178oCd1uj3OFtlJHBhXL0CmnQdugPTlgMcjdIRPOpSUk/edit

Supplemental Comments 7. **Governor's Certification**
https://docs.google.com/document/d/1AEQS4r4VrcYvSZcydZ-3zJbPTPTHjdJsFpdccAqogpU/edit

Supplemental Comments 8. **Employment Opportunities**
https://docs.google.com/document/d/1DTuLKH2ZdLH4gjr4fDRIbXH55Td2p0xqrWthaHy9m6g/edit

Supplemental Comments 9. **Importance of the 1-Mile Setback Buffer Zone** https://docs.google.com/document/d/1Aj8Wu3q6gmxU02aqsqy9WNVX5dDRX-xbjIpA89zJ80Y/edit

Comment Set PRB11 – Active Communities/Desert Center (continued)

Section 1. A CUP or PUP shall Not be Granted Unless….

–Partially Recirculated Draft Environmental Impact Report for the IP Easley Renewable Energy Project–

Conditional Use Permit No. 220021 Public Use Permit No. 230002 Development Permit No. 2200016

Riverside County Code section 17.200.050 states: "A conditional use permit 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. Any permit that is granted shall be subject to such conditions as shall be necessary to protect the health, safety or general welfare of the community."

RCC section 17.208.040 similarly states: "A public use permit 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. Any permit that is granted shall be subject to such conditions as shall be necessary to protect the health, safety or general welfare of the community."

Both the Original Proposed Development Plan and the Reduced Footprint Alternative Development Plan B for the Easley Solar Project, described in the Partially Recirculated Draft Environmental Impact Report (PRDEIR), can be shown to be **seriously detrimental** to the Health, Safety and General Welfare of the Desert Oasis Community of Lake Tamarisk.

Therefore, both of these Easley Solar Project Development Plans are prohibited from being included in the potential Selected Plan Alternatives to receive any CUPs or PUPs.

Of the remaining available Development Plan Alternatives, only the **Further Reduced Footprint Alternative C**, previously the Respect Lake Tamarisk Alternative has been designated the **Environmentally Superior Alternative,** will significantly mitigate the detrimental effects of the Project and is therefore the the only Development Plan that may be recommend for approval by the Planning Department and approved for permitting by our Board of Supervisors without violating the above Ordinances.

PRB11-6

Contrary to the statements in the Partially Recirculated Draft Environmental Impact Report (PRDEIR), this Environmentally Superior Alternative C, at 300 to 320 MW, **meets or exceeds All of the Project Objectives.** It violates CEQA regulations to require a specific MW output to be considered as a Project Objective.

PRB11-7

Comment Set PRB11 – Active Communities/Desert Center (continued)

From PRDEIR Project Objectives,
"4. Deliver UP TO 400 MW of affordable, wholesale renewable energy to California ratepayers under long- term contracts with electricity service providers".

PRB11-7 (cont'd)

The Detrimental impacts that both the Original Proposed Development Plan and the Reduced Footprint Alternative B, put forward by Intersect Power, would have on the Community of Lake Tamarisk and the Desert Center Area would be severe and cannot be shown to be mitigated to less than significant by the Applicant.

The above County Ordinances leave no allowance for a Statement of Overriding Considerations.

PRB11-8

Direct and Indirect Detrimental Impacts of the proposed Easley Solar Project to the Health, Safety, and General Welfare of the Lake Tamarisk Community and the Desert Center Area

-Present and Future Property Values

Utility Scale Solar Developers, including Intersect Power, have asserted that constructing Large Scale Solar (LSS) projects near Communities has a less than significant impact on property values, quoting a 2023 study by Berkeley National Laboratory.

This Berkeley Labs nationwide study showed that LSS constructed within a mile of Communities caused an average decline of only 1.7% to property values. Residents largely supported these Solar Projects.

However, a second study by Berkeley National Laboratory, published in April, 2024 has an additional different conclusion.
https://docs.google.com/document/d/1BHYfgjhpy05Qa8WBYCJcXcabfG1PXAVZ4cyLq8Mebsk/edit

This recent study showed that the attitudes of Community residents to Large Scale Solar within 3 miles was generally positive. In fact, 5 out of 6 residents approved of these projects and felt no decline in their quality of life. This certainly clarifies why only an average property value decline of 1.7% was found nationwide in their previous study.

However, further into the report, an important distinction relating to the size of these Projects is revealed, requiring new definitions.

-Large Scale Solar (LSS) is now defined as Solar Projects of between 1 and 100 MW.

PRB11-9

Comment Set PRB11 – Active Communities/Desert Center (continued)

-Very Large Scale Solar (VLSS) is newly defined as Solar Projects **over** 100 MW. **PRB11-10**

The report goes on to say that while 5 out of 6 Community residents have positive attitudes towards Large Scale Solar under 100 MW, 12 out of 13 residents have negative attitudes towards Very Large Scale Solar over 100 MW within 3 miles and declare that their quality of life has been diminished.

- **"Very large (>100 MW) projects elicit substantially more negative attitudes compared to smaller and mid-sized projects.** Negative attitudes outnumber positive by a 12:1 margin around the largest projects (>100 MW) in our sample. Yet that trend is reversed for projects below 100 MW: Attitudes are 5:1 positive for 50-100 MW projects; 2:1 positive for 2-50 MW projects, and 5:1 positive for 1-2 MW projects.
- **Perceptions relating to aesthetic, economic, and quality of life impacts are strongly correlated with attitudes."** Berkeley National Laboratory, April, 2024

Fortunately the County of Riverside code prohibits approval of any proposed project plan that would cause such a detrimental impact on the General Welfare of our Community.

It is common knowledge, and emphasized in real estate courses, that attitudes about the surrounding environment and perceptions of their impact on quality of life have a direct impact on the desirability of residing in an Area and consequently directly impacts demand and resulting present and future property values.

Intersect Power recently completed construction of the 500 MW Oberon Solar Project within ⅓ mile South of the Desert Oasis Community of Lake Tamarisk **without any notification** to the residents of Lake Tamarisk. **PRB11-11**

Intersect Power is now applying to build the 400 MW Easley VLSS Project within 100 feet on both the East and North borders of the Lake Tamarisk Community.

As clearly established by the recent Berkeley Labs study, the Oberon VLSS Project alone will have deleterious impact on the property values in the Community of Lake Tamarisk, particularly future values. Riverside County had input into flood and traffic control but did not play an active role in the approval of this Project since it is entirely on BLM managed public lands. **PRB11-12**

If either of the two local site plans proposed by Intersect Power were to be constructed, the cumulative impact to the quality of life and present and future property values would be devastating.

Comment Set PRB11 – Active Communities/Desert Center (continued)

Therefore, the Easley Proposed Project Development Plan or the Reduced Footprint Alternative B Development Plan may **Not** be approved for any Conditional or Public Use Permits according to Riverside County Ordinances.

PRB11-13

While still within the 3 mile limit described in the 2024 Berkeley National Laboratory study, the 1-Mile Setback Zone with Berms and Substation Relocation in the **Further Reduced Footprint Alternative C** (Respect Lake Tamarisk Alternative) significantly reduces this impact of the Easley Solar Project.

However, Intersect Power must significantly mitigate the impact of the Oberon Solar Project by constructing similar screening Berms in order for the **cumulative impacts** of their two projects to be significantly reduced to a level acceptable to the Community residents, thereby maintaining their quality of life.

PRB11-14

The Respect Lake Tamarisk Alternative, now called the **Further Reduced Footprint Alternative C** and designated the **Environmentally Superior Alternative** in the PRDEIR, was created by Active Communities/Desert Center to significantly mitigate the impacts of the Project while still supporting the Renewable Energy needs of California and the Nation.

Under this **Environmentally Superior Alternative C** the Project is to be completely hidden from view and Setback a minimum of 1 mile from the Community borders thus retaining the sense of our Desert Environment and Oasis Identity.

While the Community recognizes that there will be two years of construction with all the chaos that it brings, we support responsible clean energy. By following the minimum requirements of the **Respect Lake Tamarisk Alternative**, the impacts of construction on the Community will be minimized.

By building the Easley Solar Project with the 1-Mile Setback with Screening Berms and Substation Relocation along with screening the Oberon Project from view, we retain our Community's Identity as an Oasis in a Natural Desert Environment and the impacts of these Projects on present and future property values can be minimized.

-Development and Future Values Lost

PRB11-15

Liability for Future Value Losses would be enormous if either the Proposed Project Development Plan or the Reduced Footprint Alternative B Development Plan were to be constructed. According to Intersect Power that liability would be passed to the approving agency.

The economic development of the Desert Center Area is finally happening now.

Comment Set PRB11 – Active Communities/Desert Center (continued)

Desert Center Development Corporation is currently in the permitting process for constructing a much needed Truck Stop/Travel Center in Desert Center, halfway between Phoenix and Los Angeles. **PRB11-16**

The Chuckwalla National Monument is very likely to be designated this year, further encouraging economic growth through tourism. **PRB11-17**

Establishment of affordable housing is in progress for Lake Tamarisk by Grant Development. Between Community Phase I and II, as many as 300 homes could be constructed. This development is absolutely dependent on the Community of Lake Tamarisk retaining its Desert Oasis Identity and thus its desirability to reside in. **PRB11-18**

Developers like Allen Grant create value. The Future Values of the properties in Lake Tamarisk will grow substantially as these developments proceed.

As this development occurs the economic stability of the Desert Center Area improves and benefits the entire County of Riverside.

The minimum 1-Mile Setback Buffer Zone around Lake Tamarisk, required in the **Further Reduced Footprint Alternative C**, is critical to this development success. The 2024 Berkeley National Laboratory study clarifies this fact. **PRB11-19**

- **Very large (>100 MW) projects elicit substantially more negative attitudes compared to smaller and mid-sized projects.** Negative attitudes outnumber positive by a 12:1 margin around the largest projects (>100 MW) in our sample. Yet that trend is reversed for projects below 100 MW: Attitudes are 5:1 positive for 50-100 MW projects; 2:1 positive for 2-50 MW projects, and 5:1 positive for 1-2 MW projects.
- **Perceptions relating to aesthetic, economic, and quality of life impacts are strongly correlated with attitudes.**

Perception relating to aesthetics, economics and quality of life are directly correlated to residential property values. Any area where the residents believe their quality of life has diminished loses its desirability and the demand for real estate. Property values fall and substantial future values plummet.

-Toxic Fugitive Dust **PRB11-20**

1. The severe health consequences of unabated Fugitive Dust in desert environments is well documented in the State of California and throughout the Southwestern United States.

Comment Set PRB11 – Active Communities/Desert Center (continued)

2. The risks of COPD, Silicosis and other cardiopulmonary diseases are exponentially increased without implementing an aggressive Fugitive Dust Management Plan and an adequate Buffer Zone.
3. The demographics of Lake Tamarisk is nearly 70% seniors and children, the most vulnerable segment of the population.
4. Intersect Power has demonstrated their inability and unwillingness to manage Fugitive Dust on the vast majority of the Oberon Project.
5. The risk of Valley Fever is particularly high due to the recent El nino weather patterns. Disturbing the biological crusts releases the infectious spores.
6. The Respect Lake Tamarisk Alternative Fugitive Dust Management Plan follows the EPA recommended construction practices and requires **all** disturbed land to be treated with approved soil stabilizers and hydroseeded.
7. Best Management Practices for construction and dust control has been updated to include the Construction Plan for the RoughHat Clark Solar Project. https://drive.google.com/file/d/1oblHoigKzv8m3I5zP0k74nxQZHeccykn/view?usp=drivesdk
8. The 1-Mile Buffer Zone is necessary to protect Community Residents from temporarily unabated Fugitive Dust.
9. This is a NO-TOLERANCE Fugitive Dust Management Plan
10. Intersect Power has stated that once their Projects methods are approved they are no longer responsible for any negative Impacts. That liability is passed to the authorities granting the permits.
11. To protect Riverside County, Intersect Power should be required to secure a substantial Bond to meet the liabilities incurred through any failures in managing the Fugitive Dust within the Project boundaries.

PRB11-20 (cont'd)

PRB11-21

PRB11-22

PRB11-23

PRB11-24

There is ample evidence that Intersect Power has failed to control toxic fugitive dust during construction of their recently constructed Oberon Solar Project, located at ⅓ mile from the Community of Lake Tamarisk.

By following the Fugitive Dust Management Plan, developed by the Active Communities/Desert Center in conjunction with the EPA, coupled with the 1-Mile Setback, health risks to the Community will be minimized.

Details of the severe health risks can be found in the Respect Lake Tamarisk Alternative-Amended Fugitive Dust Management Plan https://docs.google.com/document/d/121jq_V_w4fZCSi6AL0AQMjk-EHkP6FwFanMr_3PtXgY/edit

-Degrading Availability of Quality Water

PRB11-25

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-25 (cont'd)

The scientific report developed for Intersect Power by GSI clearly states that the Easley Solar Project's water extraction for construction would significantly Overdraft the Chuckwalla Valley Groundwater Basin.

Once an Aquifer is in overdraft the water quality begins to degrade. This is particularly true for the Chuckwalla Basin due to high salinity of the ancient waters that the annual precipitation recharge would begin to mix with.

The long term availability of high quality water is essential to residents and future developments.

Irreparable harm would result if Intersect Power were to be allowed to extract from the local groundwater basin as currently planned.

For details on the Impacts of this project on the Groundwater see our chapter on water supply. https://docs.google.com/document/d/1TLVBPfJI4Zk9RiOkgPSEOq6FstUzzKb835JoBeNKNmI/edit

Following our Amended Fugitive Dust Management Plan minimizes the water needs for the Project and makes sourcing these reduced water requirements elsewhere viable.

PRB11-26

-Economic Development in the Desert Center Area

The Economic Development of the Desert Center Area is in progress now. This development includes a Truck Stop/Travel Center at Desert Center, Affordable Housing at Lake Tamarisk and Aggregate and Mineral Resources Group at Eagle Mountain.

Permanent employment opportunities for more than 150 individuals is expected within the next three years at Desert Center and Eagle Mountain. Additionally, Grant Development will offer many more jobs in Affordable Housing construction as demand increases.

The Easley Solar Project would put this Economic Development at risk in the following two ways.

First, if permitted to construct the Project by either of the two site plans proposed by Intersect Power the desirability of residing in Lake Tamarisk is severely diminished. The opportunity to live affordably in a Desert Oasis Community is a major incentive for employees in such a remote location as the Desert Center Area.

Second, degrading the quality of the water supply would discourage any development. A quality water supply is a prerequisite to development.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-27

Both of these concerns can be minimized by allowing only **Further Reduced Footprint Alternative C** with its 1-Mile Setback Buffer Zone to be selected for permitting and by following our Amended Fugitive Dust Management Plan.

The Cumulative Effects of Intersect Power's 500 MW Oberon Solar Project, constructed at 600 yards from the Lake Tamarisk Community without any notification to residents, and their Easley Solar Project, designed at 100 feet from our borders, would be devastating to the Health, Safety and General Welfare of the residents of the Desert Oasis Community of Lake Tamarisk.

Renewable Energy Development can and must be required to be Responsible and Respect the Communities in Riverside County.

The Further Reduced Footprint Alternative C encourages Clean Energy Development while protecting the future of the Communities in the Desert Center Area.

The **Further Reduced Footprint Alternative C** mitigates the detrimental effects of the Project significantly. Therefore, in order for the Planning Department to protect the Health, Saftey and General Welfare of the Community, only **Alternative C**, the **Environmentally Superior Alternative,** may be recommended to the Board of Supervisors for approval of any Conditional or Public Use Permits by the Riverside County Planning Department.

Easley PRDEIR:
NOA - Easley Partially Recirculated DEIR.pdf

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-28

Section 2. Environmentally Superior Alternative C is Mandated for Selection by CEQA regulations

–Partially Recirculated Draft Environmental Impact Report for the IP Easley Renewable Energy Project–

Conditional Use Permit No. 220021 Public Use Permit No. 230002 Development Permit No. 2200016

The **Further Reduced Footprint Alternative C**, previously the Respect Lake Tamarisk Alternative, has been designated the **Environmentally Superior Alternative** in the Partially Recirculated Draft EIR (PRDEIR) and is both economically and technically feasible.

According to legislated CEQA regulations, the Environmentally Superior Alternative must be selected for permitting if the project is to be permitted on site.

CEQA Chapter 1 Policy CA Pub Res Code 21000-21006
https://drive.google.com/file/d/1QhVVgErXvXmyPpeoS2RY3kLTAXxsQNw-/view?usp=drivesdk

> **§ 21002. Approval of projects; feasible alternative or mitigation measures**
>
> The Legislature finds and declares that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects, and that the procedures required by this division are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects. The Legislature further finds and declares that in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-28 (cont'd)

The Intersect Power's proposed Reduced Footprint Alternative B does not meet these requirements since it does not "substantially lessen such significant effects" and must, therefore, be eliminated from consideration.

While Intersect Power identifies their Alternative B as the "next most Environmentally Superior Alternative", the PRDEIR clearly states that its Environmental Impacts are Not significantly different than the Proposed Project Plan. It is precisely this lack of difference that forced the Draft EIR to be rewritten and recirculated in order to meet CEQA regulations.

PRB11-29

CEQA requires the selection of one Alternative that will avoid one or more significant effects on the environment.

PRDEIR:
"Although this EIR identifies an environmentally superior alter- native, it is possible that the decision-makers could balance the importance of each impact area differently and reach different conclusions. In other words, the lead agency is not required to select the environmentally superior alternative. CEQA's "**substantive mandate**" only requires the selection of one alternative over others if that alternative is feasible, based on a list of statutory factors, and if it will avoid one or more significant effects on the environment compared to other alternatives."

Intersect Power would like decision makers to believe that their Alternative B, the Reduced Footprint Alternative, can be selected for permitting approval rather than the **Environmentally Superior Alternative**.

However, CEQA requires the selection of one alternative that will avoid one or more significant effects on the environment compared to other alternatives.

The Reduced Footprint Alternative B avoids **NO** significant effects compared to the Proposed Project Plan or other Alternatives.

The PRDEIR states that the Environmental Impacts of Alternative B are Not significantly different from the original Proposed Project Plan. Significant is the key word is the CEQA regulations.

Since Alternative B, the Reduced Footprint Alternative, creates **NO** significant reduction in environmental effects compared to the original Plan of Development or any Alternative, it may Not be selected for permitting according to CEQA regulations.

However, **Alternative C, the Further Reduced Footprint Alternative,** does avoid many significant environmental effects when compared to other alternatives, as described in the PRDEIR. Therefore, the Only on site Alternative that may be selected for permitting is **Alternative C,** also designated the **Environmentally Superior Alternative.**

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-30

Since the **Further Reduced Footprint Alternative C** is designated the **Environmentally Superior Alternative** and is the only Project Development Plan that will "substantially lessen such significant effects" and still meet **All** the Project Objectives, it is required to be the Selected Alternative if any permitting is allowed.

The PRDEIR mistakenly states that this **Environmentally Superior Alternative C** meets most but not all Project Objectives since it will produce 300 to 320 MW instead of the Intersect Power's desired 400 MW.

Easley Project Objectives from PRDEIR:
"4. Deliver up to 400 MW of affordable, wholesale renewable energy to California ratepayers under long- term contracts with electricity service providers;"

CEQA regulations do not allow a specific MW output to be a Project Objective since it would not allow for Alternatives that would substantially reduce significant effects.

Therefore, since the **Environmentally Superior Alternative C** would produce 300 to 320 MW it meets the Project Objective: "Deliver up to 400 MW".

PRB11-31

Additionally we have identified available alternative sites that Intersect Power may construct their desired additional 80 to 100 MW significantly closer to their Oberon Substation.

PRB11-32

There are **NO** "specific economic, social, or other conditions" that make the **Environmentally Superior Alternative C** "infeasible". Therefore, this **Further Reduced Footprint Alternative C** is "feasible" and the only on site Project Development Plan that meets all Project Objectives that may be approved for any Conditional or Public Use Permits.

Possible Intersect Power complaints:

1. 300 to 320 MW production would be economically infeasible because of the cost of the 7 mile transmission line.

The Desert Harvest Solar Project, by EDF Renewables, produces only 116 MW with a transmission line over 12 miles long.

2. We still need to produce 400 MW and alternative locations for the additional 80 to 100 MW would require a seperate on site substation and transmission line, it would be economically infeasible.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-33

Intersect Power's Athos Solar Project, now owned by SB Energy, has two satellite Solar Fields that have separate substations and transmission lines. One has a transmission line just under 1 mile long and the other is over 4 miles long.

The available locations for the Easley satellite Solar Fields would be less than 3 miles from the Oberon substation.

There are no social or other conditions that make the **Environmentally Superior Alternative C** infeasible.

Easley PRDEIR:
NOA - Easley Partially Recirculated DEIR.pdf

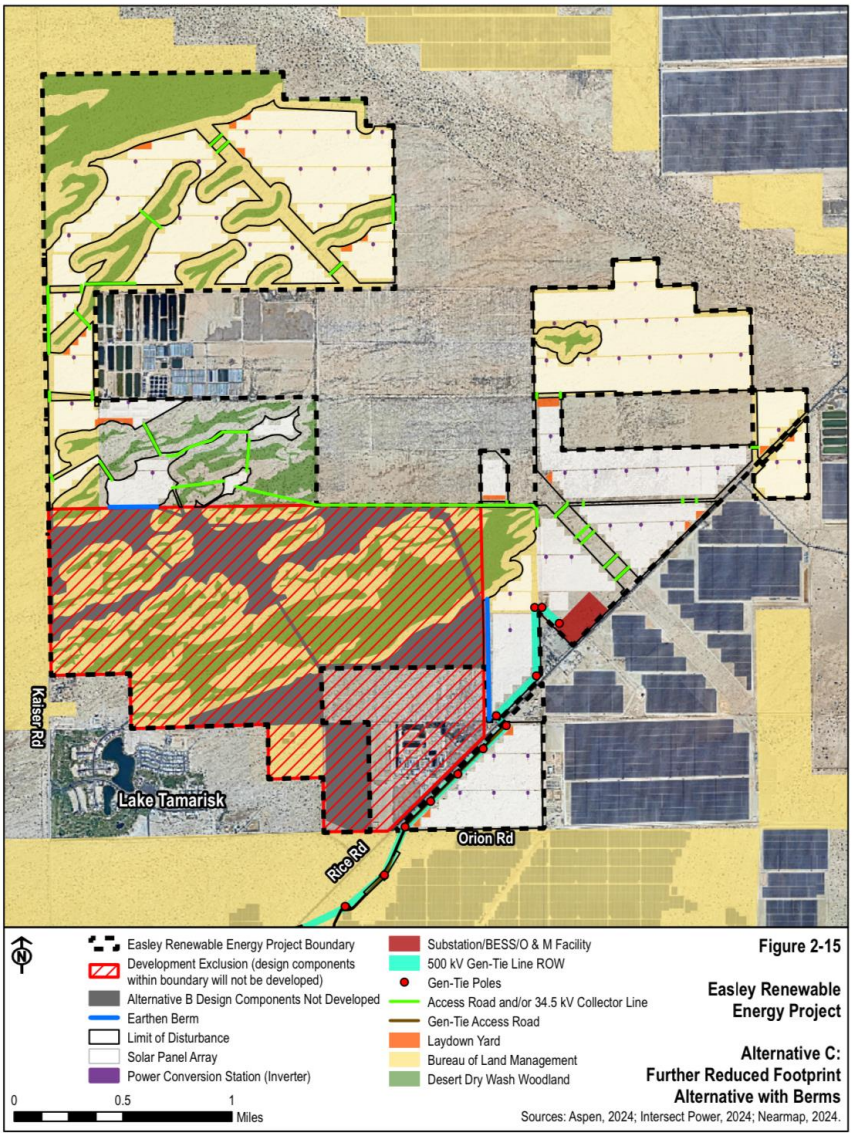
Comment Set PRB11 – Active Communities/Desert Center (continued)

Section 3. Public and Private Lands within the 1-Mile Setback are NOT in the Development Focus Area (DFA) or the Riverside East Solar Energy Zone (SEZ) for Renewable Energy Development

–Partially Recirculated Draft Environmental Impact Report for the IP Easley Renewable Energy Project–

Conditional Use Permit No. 220021 Public Use Permit No. 230002 Development Permit No. 2200016

PRB11-34



Further Reduced Footprint Alternative C

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-34 (cont'd)

The Private and Public Lands within the 1-Mile Setback have never been designated for Renewable Energy Development.

Aspen Environmental Group has made a major error in all of their documents related to the Easley Solar Project, including the Partially Recirculated Draft EIR (PRDEIR), by describing the public lands within the Project Area to be in the Development Focus Area for Renewable Energy Development (DFA).

Nearly all the Public Lands within the 1-Mile Setback are **NOT** in the DFA of the 2016 DRECP or any LUPA Revision since. Neither was this area in the Riverside East Solar Energy Zone (SEZ) of 2012 or beyond.

Neither the Private or Public Lands within the 1-Mile Setback in the **Further Reduced Footprint Alternative C** have EVER been designated for Renewable Energy Development.

The Public Lands within the 1-Mile Setback were specifically **excluded** from DFA due to their high value habitats for the, now listed as Endangered, Desert Tortoise and several other Listed Special Status wildlife and plant species.

The Public Lands within the 1-Mile Buffer Zone Setback are designated General Public Lands and are <u>NOT</u> needed to fulfill the DRECP renewable energy strategy.

DRECP 2016 Record of Decision (ROD):

II.3.2.3 **General Public Lands**

"Within the DRECP Plan Area there are BLM-administered lands that do not have a specific land allocation or designation associated with energy development, conservation, or recreation. **These lands are not needed to fulfill the DRECP biological conservation or renewable energy strategy.** While renewable energy applications will be prioritized first in DFAs and second in VPLs, renewable energy applications that conform to certain Conservation and Management Actions will also be considered in General Public Lands (GPL) (see Section II.4.2.10). **Applications within the CDCA, Bishop RMP and Bakersfield RMP will continue to require a Plan Amendment.**"

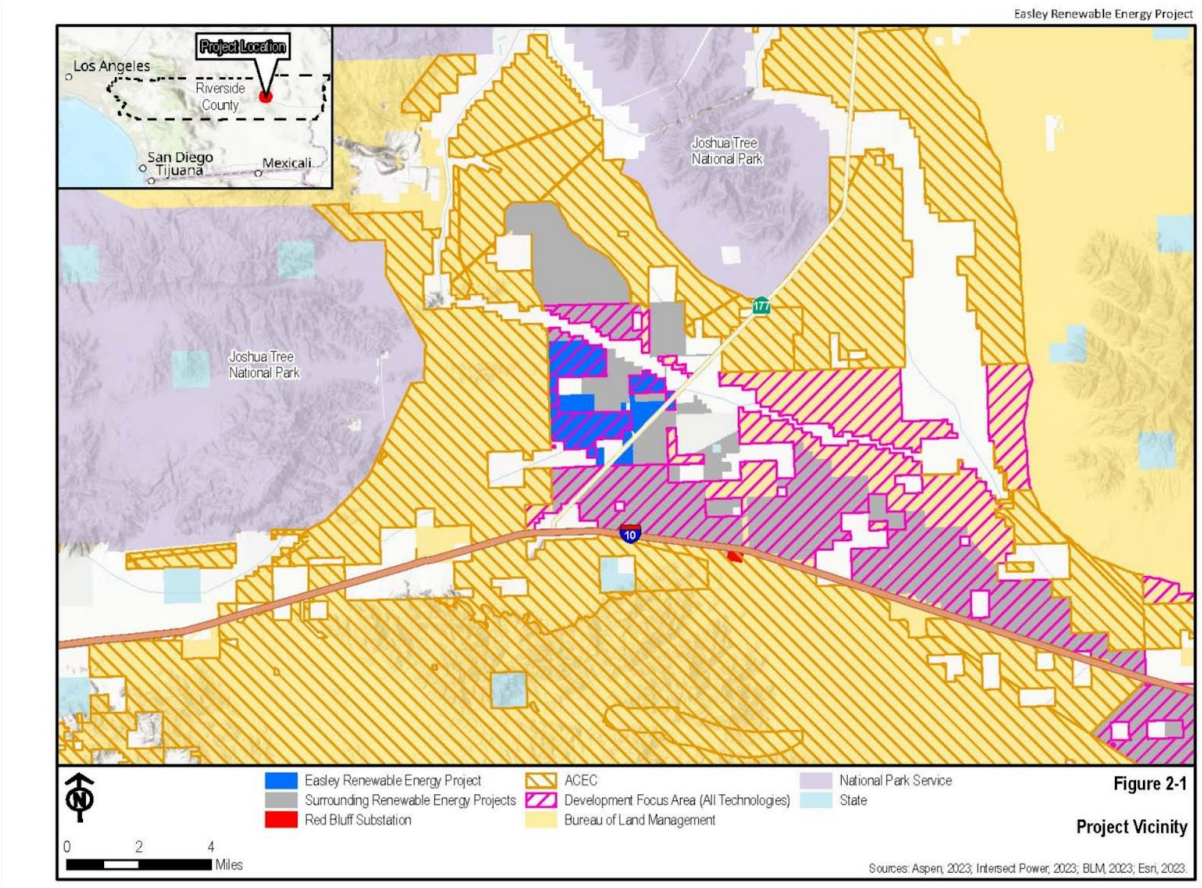
The high value of the habitats in this area is mainly due the 500 acres of fingers of Desert Dry Wash Woodlands (DDWW), throughout the two square miles of Public Lands within the 1-Mile Setback Zone.

These Microphyll Woodlands also provide food and shelter for over 90% of all migratory passerine bird species yet comprise only 5% of the Sonoran Desert.

Comment Set PRB11 – Active Communities/Desert Center (continued)

All of the Maps included within the Partially Recirculated Draft Environmental Impact Report, save one, **misrepresent** the boundaries of the DFA.

PRB11-34 (cont'd)



Maps 2-4, 2-15, 3.1-1, 3.2-1, 3.5-1 and 3.5-9 also misrepresent the Development Focus Area.

Aspen did include the actual DFA boundaries obscured in the following Map included in the PRDEIR.

PRB11-35

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-35 (cont'd)

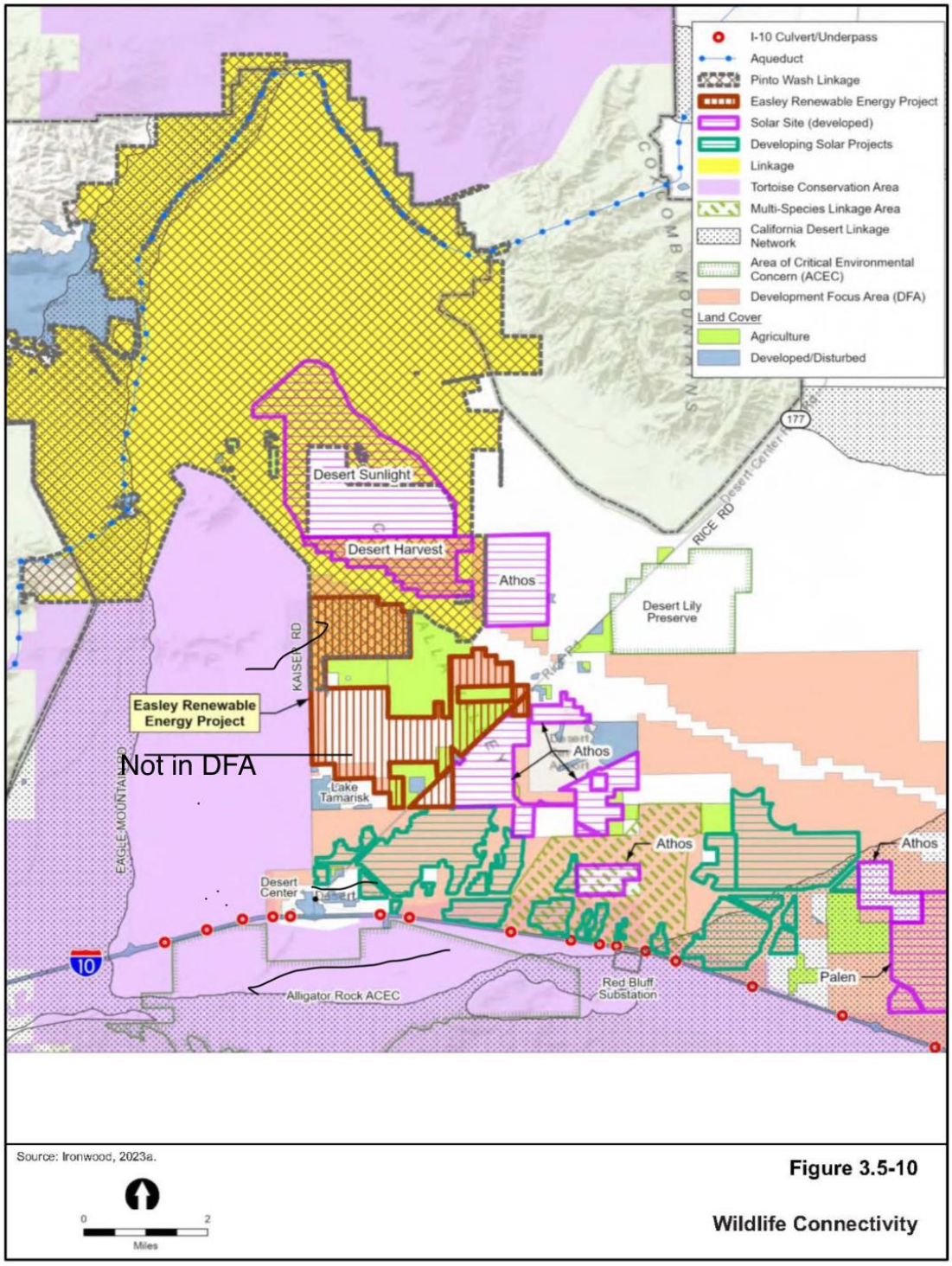


Figure 3.5-10

Wildlife Connectivity

Comment Set PRB11 – Active Communities/Desert Center (continued)

The following Maps, directly from the DRECP documentation of 2016 and the LUPA revision of 2021, confirm the actual boundaries of the Development Focus Area. **PRB11-36**

PRB11-37



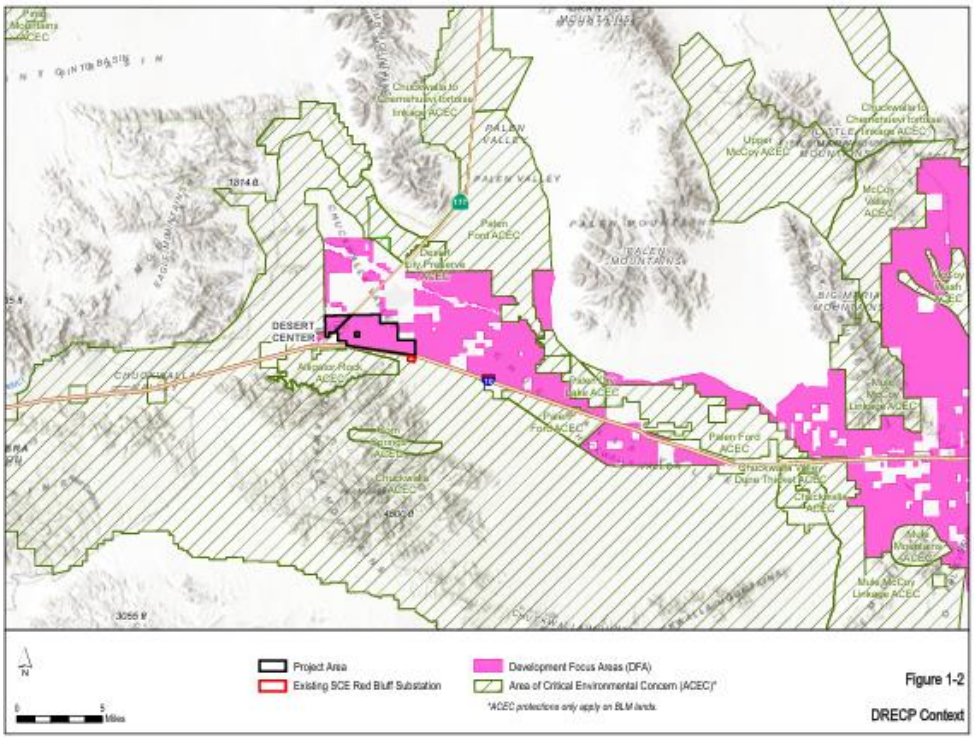
DRECP Databasin.org Pink is DFA



From DRECP LUPA Record of Decision

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-37 (cont'd)



From Oberon Record of Decision

PRB11-38

Intersect Power and Aspen Environmental Group identified the DFA boundaries correctly in the Oberon Solar Project documentation. It's difficult to fathom the corporate memory loss, only a year later, when planning the Easley Solar Project. This suggests the purposeful misleading of the approval decision makers.
The following link has further explanations and documentation of the actual boundaries of the DFA in the Project Area.
https://docs.google.com/document/d/1AvhJlUvz-JZpl3gu4s2t3mEzw0D3W-PHoN0r2VaQQgw/edit

Intersect Power uses their **erroneous description** of the Development Focus Area as their primary reason to build on these valuable habitat lands.

From PDEIR:

"Unless BLM amends the California Desert Conservation Area (CDCA) and DRECP Land Use Plan Amendment (LUPA) to designate a portion of the Project area as a solar development exclusion zone, **the vacant area within the buffer would remain designated as a Development Focus Area and may be developed for renewable energy in the future."**

This is False ! Since this area is **Not** in the DFA the **opposite is true**. **A Land Use Plan Amendment would be required for the Easley Project to use these lands.** DRECP section II.3.2.3.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-38 (cont'd)

From PRDEIR:

2.8.4. Alternative C: Further Reduced Footprint Alternative with Berms

As requested in comments submitted by residents of the Lake Tamarisk Desert Resort, the Further Reduced Footprint Alternative with Berms (Alternative C) includes the following components, which are shown in Figure 2-15 (see EIR Appendix A) and described in greater detail below:

- Minimum buffer zone setback of one mile from the Lake Tamarisk Desert Resort borders, including the "Phase II" expansion area.
- Earthen berms at 2 locations.
- Onsite Substation/BESS/O&M Building and Associated Gen-Tie Line Relocation.

Community Setback. Under the Further Reduced Footprint Alternative with Berms, all panels would be removed within 1.5 miles to the east, 2 miles to the northeast, and 1 mile north of the nearest existing Lake Tamarisk Desert Resort. With the requested setback, approximately 530 acres would not be developed with solar panels compared to the proposed Project (up to 400 MW) and 480 acres would not be developed with solar panels compared to the Reduced Footprint Alternative (up to 390 MW). Underground medium voltage 34.5 kV lines may need to cross within the setback area to connect the solar facility development areas to the onsite substation. Additional acreage would also be lost to account for construction of two earthen berms and rerouting the gen-tie line across the solar facility site from the relocated substation site, as described below. Alternative C would therefore result in a reduction of at least 80 to 100 MW compared to the proposed Project and would generate 300 to 320 MW.

Unless BLM amends the California Desert Conservation Area (CDCA) and DRECP Land Use Plan Amendment (LUPA) to designate a portion of the Project area as a solar development exclusion zone, the vacant

area within the buffer would remain designated as a Development Focus Area and may be developed for renewable energy in the future.

Earthen Berms. Two 10-foot high earthen/sand berms, with a 1:1 slope, 20-feet across would be con-

Development Focus Area Error in Intersect Power's Easley Solar Project Plan of Development (POD):

1. Project Overview
1.1. Introduction

"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."

Comment Set PRB11 – Active Communities/Desert Center (continued)

Again False !

PRB11-39

The fact that the lands within the **1-Mile Setback Zone** are **Not in the DFA** or the Riverside East Solar Zone for Renewable Energy Development allows our County Planning Department and Board of Supervisors to require that this area be excluded from the Easley Solar Project and protected for its high valued habitats without jeopardizing the DRECP itself or the surrounding LUPA designated Areas of Critical Environmental Concern.

Approving only the **Further Reduced Footprint Alternative C**, also the **Environmentally Superior Alternative**, coupled with our Amended Fugitive Dust Management Plan and Water Conservation Plan accomplishes this protection for both our Community and the Endangered Desert Tortoise and other protected species of wildlife and flowering plants.

Easley PRDEIR:
NOA - Easley Partially Recirculated DEIR.pdf

Comment Set PRB11 – Active Communities/Desert Center (continued)

Section 4. Amended Fugitive Dust Management - Respect Lake Tamarisk Alternative (Further Reduced Footprint Alternative)

–Partially Recirculated Draft Environmental Impact Report for the IP Easley Renewable Energy Project

Conditional Use Permit No. 220021 Public Use Permit No. 230002 Development Permit No. 2200016

PRB11-40

Primary Takeaways:

1. The severe health consequences of unabated Fugitive Dust in desert environments is well documented in the State of California and throughout the Southwestern United States.
2. The risks of COPD, Silicosis and other cardiopulmonary diseases are exponentially increased without implementing an aggressive Fugitive Dust Management Plan and an adequate Buffer Zone.
3. The demographics of Lake Tamarisk is nearly 70% seniors and children, the most vulnerable segment of the population.
4. Intersect Power has demonstrated their inability and unwillingness to manage Fugitive Dust on the vast majority of the Oberon Project.
5. The risk of Valley Fever is particularly high due to the recent El Nino weather patterns. Disturbing the biological crusts releases the infectious spores.
6. The Respect Lake Tamarisk Alternative Fugitive Dust Management Plan follows the EPA recommended construction practices and requires **all** disturbed land to be treated with approved soil stabilizers and hydroseeded.
7. Best Management Practices for construction and dust control has been updated to the Construction Plan for the RoughHat Clark Solar Project. https://drive.google.com/file/d/1oblHoigKzv8m3I5zP0k74nxQZHeccykn/view?usp=drivesdk
   This calls for a **maximum of 20%** ground disturbance and 60% of perennial vegetation preservation for all development areas.
8. All disturbed soil must be hydroseeded with native vegetation.
9. Fire breaks will be the area between fence lines and PV panel fields.
10. The 1-Mile Buffer Zone is necessary to protect Community Residents from temporarily unabated Fugitive Dust.
11. This is a NO-TOLERANCE Fugitive Dust Management Plan
12. Intersect Power has stated that once their Projects methods are approved they are no longer responsible for any negative Impacts. That liability is passed to the authorities granting the permits.
13. To protect Riverside County, Intersect Power should be required to secure a substantial Bond to meet the liabilities incurred through any failures in managing the Fugitive Dust within the Project boundaries.

Comment Set PRB11 – Active Communities/Desert Center (continued)

Riverside County Code section 17.200.050 states: "**A conditional use permit 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**. Any permit that is granted shall be subject to such conditions as shall be necessary to protect the health, safety or general welfare of the community."

RCC section 17.208.040 similarly states: "A public use permit 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. **Any permit that is granted shall be subject to such conditions as shall be necessary to protect the health, safety or general welfare of the community**."

PRB11-41

The severe health consequences of unabated Fugitive Dust in desert environments is well documented in the State of California and throughout the Southwestern United States.

Since the Solar Projects would create a new source of Toxic Fugitive Dust that can easily be avoided, it would violate County ordinances to approve any project that does not provide 100% dust control.

The soils of the Colorado Desert surrounding the Community of Lake Tamarisk in the Desert Center Area are very high in Silica. Winds blowing across disturbed soils pick up large quantities of Silica. These dust emissions are considered Toxic by the EPA and South Coast Air Quality Control Board. As residents are exposed to these high concentrations of Silica, severe lung problems are often the result. Silicosis is a dangerous condition with seniors and children being the most susceptible individuals.
The population of the Lake Tamarisk Community is nearly 70% seniors and children, the most vulnerable segment of the population to cardiopulmonary diseases. Several residents already have lung conditions that are aggravated by silica inhalation.

> *Removal of stabilized soils and biological soil crust creates a destructive cycle of airborne particulates and erosion. As more stabilized soils are distributed, blowing particulates damages 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."*

PRB11-42

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-42 (cont'd)

According to the CDC, "exposure to respirable crystalline silica puts (individuals) at risk for developing other serious diseases including Lung Cancer, Chronic Obstructive Pulmonary Disease (COPD), Kidney Disease and Autoimmune Disease."

It should be noted that the prevailing winds in this region blow across the proposed Easley Project area towards the Desert Oasis Community of Lake Tamarisk.

PRB11-43

Additionally, Valley Fever has become much more prevalent in Southern California in recent years. Valley fever is a debilitating and often fatal disease resulting from breathing spores released from Disturbed soils.

"Last August the California Department of Public Health (CDPH) warned of potential increased risk of Valley Fever statewide after winter's heavy rains and summer's increasingly hot temperatures. In January the CDPH said that a total of 9,280 cases with onset dates in 2023 had been reported in California, higher than any other year on record."

https://drive.google.com/file/d/19QgggnU3ygFsvwPt1XUHp5tq3Jy1lkB_/view?usp=drivesdk

PRB11-44

"as developers build more infrastructure and expand into virgin areas of the state, and as climate change creates ever more convenient conditions for Coccidiodes, Valley fever will pose an increasingly profound threat to public health. Last year was a harbinger of things to come, Lauer said. "We will see more cases.""

https://docs.google.com/document/d/1pGMmATLn6nbTm31G1Uq-TxoH8ACm5CQyvwy4ZGhM2V8/edit?usp=drivesdk

Fallow agricultural lands are particularly susceptible to Coccidiodes invasion.

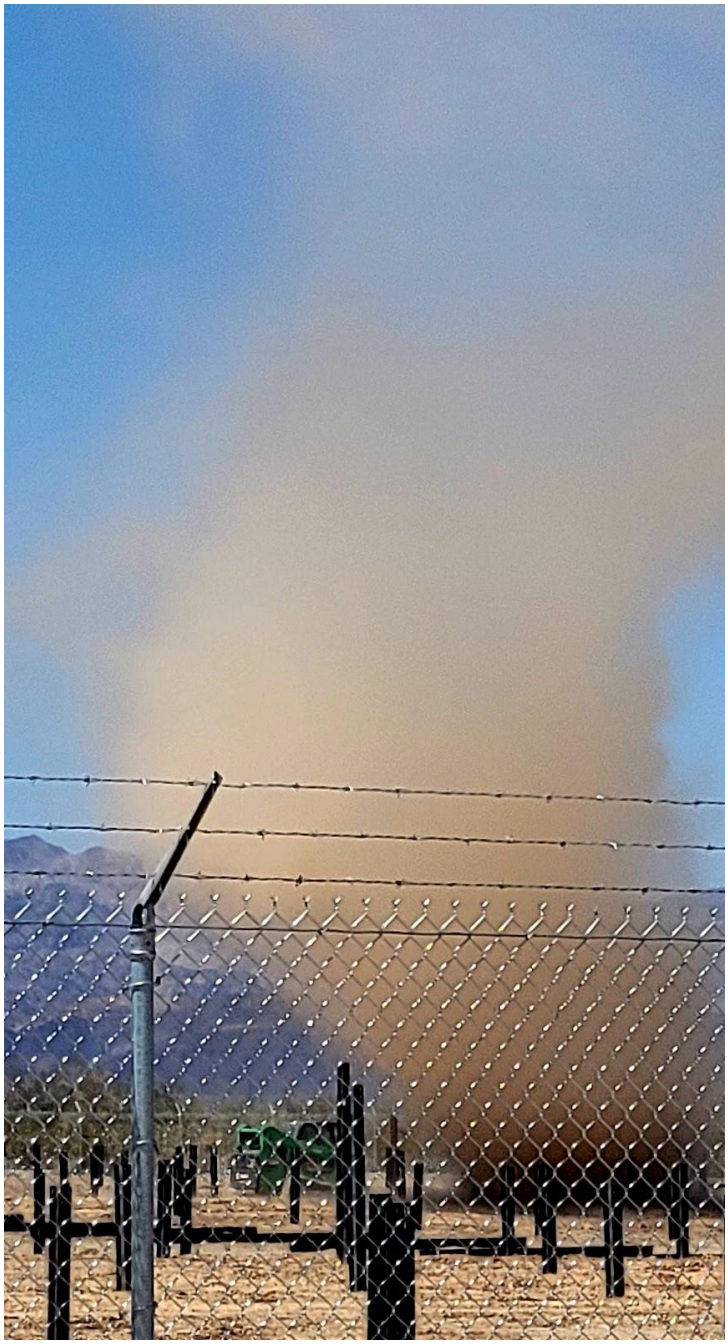
PRB11-45

Intersect Power has demonstrated its inability to manage Fugitive Dust Emissions on their Oberon Project. Their construction methodology has led to massive clouds of toxic dust inundating our Community. Intersect Power practiced no dust management on the majority of the Oberon Project. Only roadways were treated with water or soil binders while the rest of the entire project was left untreated and unmanaged.

Currently, Intersect Power has no definitive Fugitive Dust Management Plan. In their Plan of Development any number of methodologies may be used, at their discretion, calling each of them best management practices. These so-called best management practices have been an utter failure to this point as can be seen in the pictures below. There is no Dust Management Plan for the disturbed soils in the PV Panel fields.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-45 (cont'd)



Small Twister in the Oberon Project area picking up toxic dust.

The link below shows the same twister dissipating after moving to undisturbed land outside of the Project boundaries. The biological crusts keep the fine dust particles from exposure.

https://drive.google.com/file/d/13oiYp6mE1IIc1NRix2ZjHtvNaDSROJai/view?usp=drivesdk. (large file, opens slowly)

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-45 (cont'd)

Fine toxic particulate matter picked up over disturbed soil crusts are carried for miles in winds over 10 mph.



Oberon Project unnecessarily disturbed land throughout the entire Project. No dust abatement is used except for exterior roadways.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-45 (cont'd)



The Community of Lake Tamarisk inundated with Toxic Fugitive Dust from the Oberon Solar Project by Intersect Power. (Taken December 11, 2022, at 9:30am during 16 mph southwest winds with gusts to 30 mph). The Oberon Project is ⅓ to mile South of Lake Tamarisk.

PRB11-46

The EPA has defined new Best Management Practices for dust management and construction practices that are designed to contain Fugitive Dust within the Project boundaries as required by air quality regulations. These practices are described in the EPA's scoping comments for the Easley Solar Project and have been found feasible and implemented by other Solar Projects both in California and Nevada.

https://drive.google.com/file/d/1TlEdb3dp9YpkHqVgvP_J_7PXCJwMm17S/view?usp=drivesdk

PRB11-47

A 1-Mile Buffer Zone along with modified construction methods and an aggressive Dust Management Plan is necessary to protect the residents of the Lake Tamarisk Community and the Desert Center area. While regulations state that Fugitive Dust must be contained within the project boundaries, the "best management practices" used by Intersect Power has failed to do so. The 1-Mile Buffer Zone provides some protection when accompanied by an appropriate dust management plan.

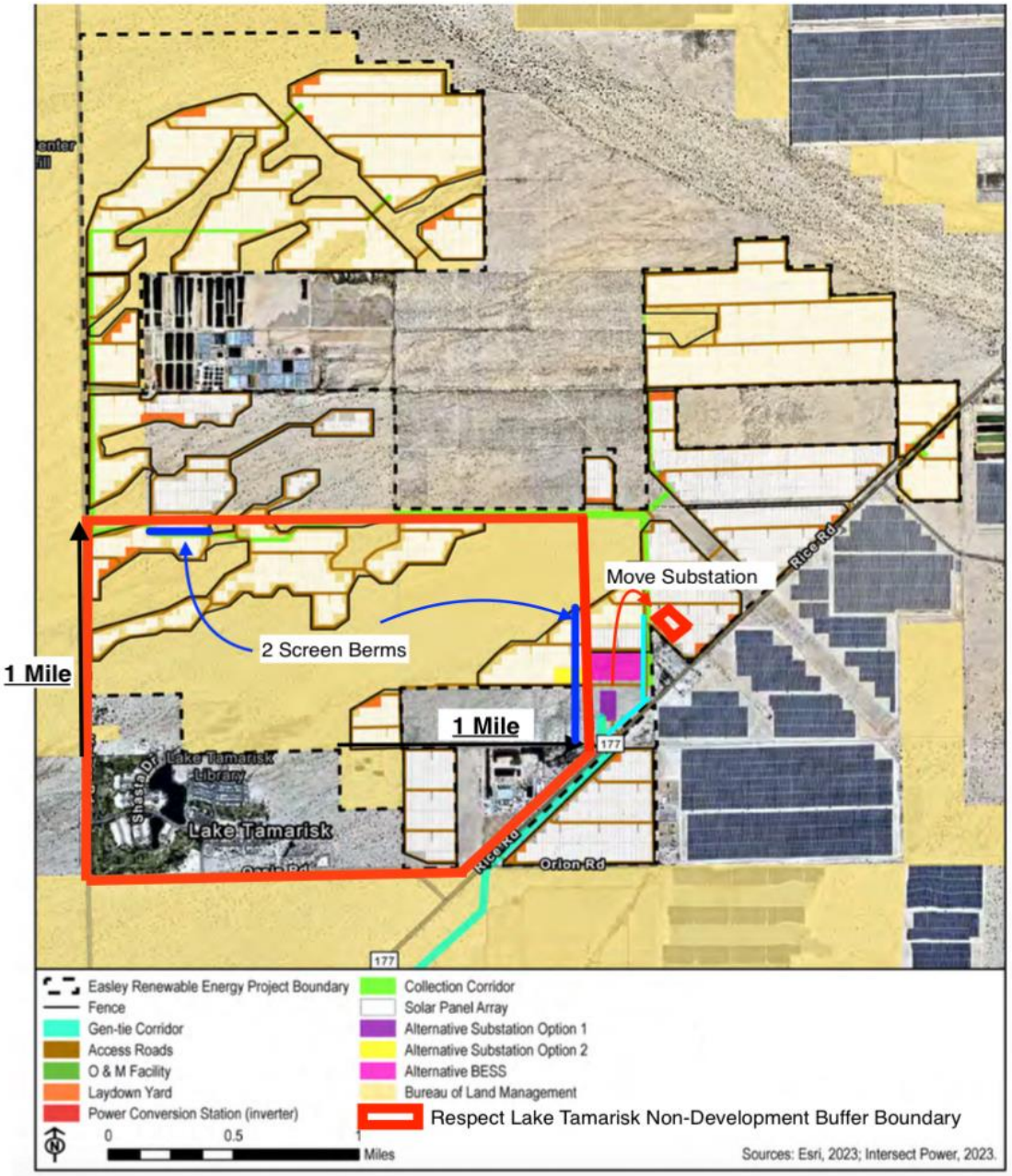
The Respect Lake Tamarisk Alternative lays out a construction plan and Fugitive Dust Management Plan that follow the guidelines of the EPA and would help protect the health and welfare of the residents of Lake Tamarisk and the surrounding area. The objective of these plans is to contain 100% fugitive dust within the project boundaries. The 1-Mile Buffer Zone allows for a short containment distance beyond the project boundary in light winds (below 10 mph) only. This aggressive dust management plan requires soil binders to be used on **all** disturbed soil crusts in the project area as disturbances occur as well as native vegetation hydroseeding on those areas.

PRB11-48

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-49

Strict construction methods are required to minimize soil disturbance. These practices exclude scraping the land bare, leveling or rolling the project area except for the minimum required areas for the Substation and BESS yard along with exterior roadways and a minimalized parking area. These areas are to be as far away as possible from the Community. Neither of the sites in the current plan of development for the Easley Project are sufficiently removed from our borders. The locations designated in the Respect Lake Tamarisk Alternative are significant improvements and are Economically and Technically Feasible to develop.



Comment Set PRB11 – Active Communities/Desert Center (continued)

In order to cause the least soil crust disturbance possible while protecting soil holding vegetation, our modified construction plan follows the EPA recommended practices. All vegetation is to be hand trimmed to one foot height, no land leveling is allowed. As the area is trimmed, approved soil binders are to be applied on all disturbed areas. Use of soil binders also greatly reduces water usage requirements. **PRB11-50**

A maximum of 20% of the project area may be disturbed as was required for implementation on the Rough Hat Clark Solar Project. Additionally, **All** disturbed soils are to be hydroseeded with native vegetation. **PRB11-51**
Rough Hat Clark DEIS:
https://drive.google.com/file/d/1oblHoigKzv8m3I5zP0k74nxQZHeccykn/view?usp=drivesdk

Access Best Management Practices, January 2024: **PRB11-52**
https://drive.google.com/file/d/17UVnVNtD4zCWCwNj8Ra99cJkoz74BPdd/view?usp=drivesdk

Throughout the solar panel fields vehicle traffic will use single tracks between every other panel row thus minimizing soil crust disturbance. If winds are or expected to exceed 10 mph soil binders must be applied to all disturbed tracks and soils.

All roadways are to be graveled.

Air quality monitors are to be provided both up and down wind on all construction areas and accessible to all residents within 5 Miles of the project. This allows monitors to establish the source of any Toxic Dust Emissions.

The Respect Lake Tamarisk Alternative Fugitive Dust Management Plan is described in more detail in the following document. EPA guidelines are incorporated into this plan and represent new and feasible “best management practices” for Solar Project Development. **PRB11-53**

https://docs.google.com/document/d/1_eDJZMYi6T6C4juIarKRVtY18c8d1vVd0VnO9ZnCDhQ/edit?usp=drivesdk

The increased costs of adequate Fugitive Dust containment should be expected as part of the costs of constructing a project within 5-Miles of a Community, particularly with a high proportion of susceptible Seniors and Children. **PRB11-54**

To allow the Easley Solar Project to be constructed within 1-Mile would put the residents of Lake Tamarisk at severe health risks.

To allow any Project to be built within 5-Mile without a 100% guaranteed containment Fugitive Dust Management Plan would put the residents of Lake Tamarisk at high risk for cardiopulmonary and related diseases.

Comment Set PRB11 – Active Communities/Desert Center (continued)

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." **PRB11-55**

Since Intersect Power has already shown their inadequacies in regard to Toxic Dust containment with the Oberon Project, any dust management plan proposed by them should be suspect. **PRB11-56**

Any Permit approvals of the Easley Project within 1-Mile would put the Community of Lake Tamarisk in harm's way.

Since the Governor's Office of Planning and Research has confirmed that the Environmental Leadership Development Certification, bestowed upon the Easley Solar Project, “does not affect the lead agency’s discretion over the
project.”, as our Planning Department and County Supervisors, you may require any modifications necessary for the protection of nearby Communities or deny all Permits for the Project entirely.

Additionally, a bond requirement of at least $100MM should be posted by Intersect Power for the contingency of inadequate Fugitive Dust Management that allows Lake Tamarisk to be inundated with these dangerous Dust Emissions. This would at least partially cover the expense of individuals being forced to vacate the Community and relocate, pay for medical treatment regardless of the origination of any cardiopulmonary disease, and compensation for future property values losses. With such a bond requirement, Intersect Power will take Fugitive Dust Management more seriously. **PRB11-57**

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-57 (cont'd)



September 2022. Dust picked up from Oberon Construction Site

Video of twister, dust picked up from Oberon Construction Site August 28th, 2022
https://drive.google.com/file/d/1Mnf8is3T5xLj6K4M9b3GH_xaTryjIW_N/view?usp=drivesdk

Easley PRDEIR:
NOA - Easley Partially Recirculated DEIR.pdf

Comment Set PRB11 – Active Communities/Desert Center (continued)

Section 5. Biological Diversity and Valuable Wildlife Habitats

–Partially Recirculated Draft Environmental Impact Report for the IP Easley Renewable Energy Project–

Conditional Use Permit No. 220021 Public Use Permit No. 230002 Development Permit No. 2200016

PRB11-58

Intersect Power has been required to Partially Recirculate the Draft EIR (PRDEIR) for the Easley Solar Project due to multiple CEQA inadequacies. Primary among these is the lack of Alternatives that provide significantly different impacts.

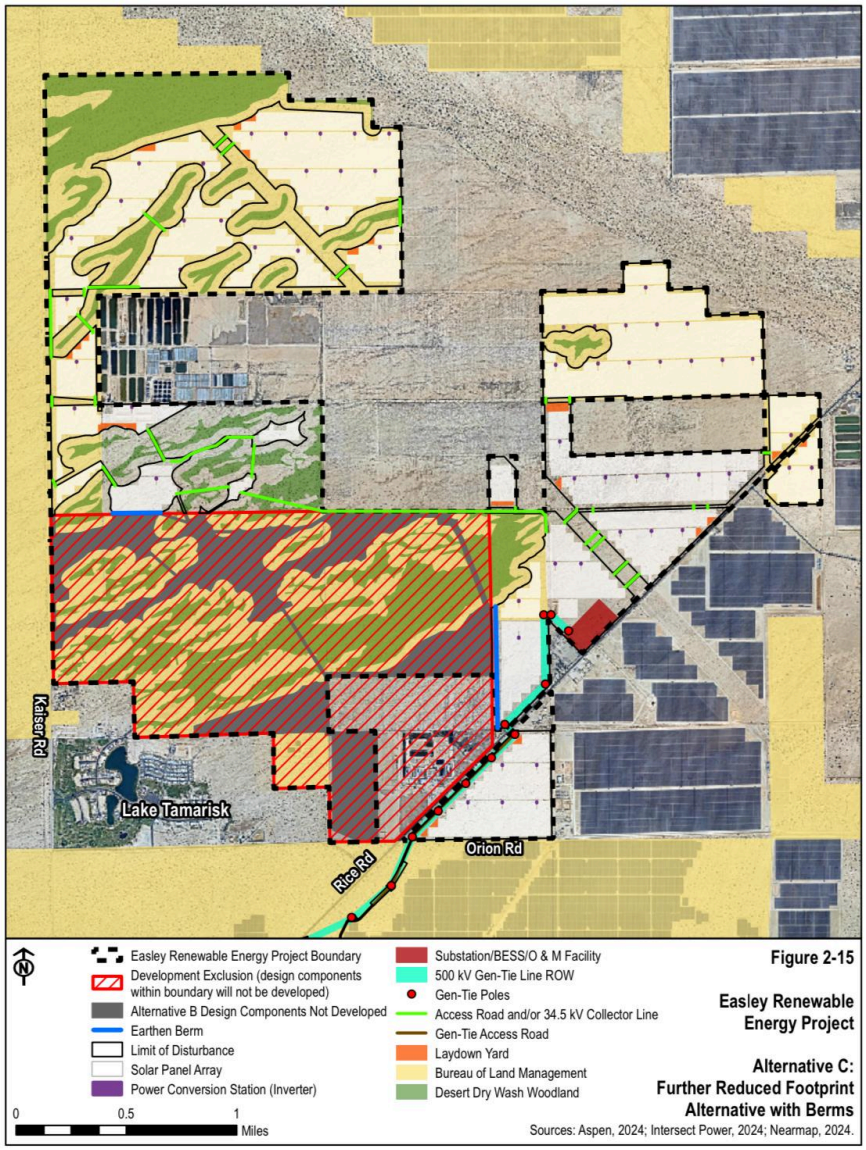
In response to the original Draft EIR members of the Desert Oasis Community of Lake Tamarisk developed the Respect Lake Tamarisk Alternative. Active Communities/Desert Center (AC/DC) submitted this Development Plan as our comments on the Draft EIR. https://docs.google.com/document/d/1P8PeYfb9lBEyifLyBMV-deN6e_JJCPPH6qVm-KuqNdc/edit

Additionally, we hired Angel Law who submitted legal arguments on the CEQA inadequacies of the Draft EIR, especially the lack of feasible Alternatives. https://drive.google.com/file/d/1MIhOiFl91NscVUBFJxPwnsXIL2glCF2S/view?usp=drivesdk

The Respect Lake Tamarisk Alternative includes a 1-Mile Buffer Zone Setback from the Community borders among other minimum requirements.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-58 (cont'd)



Comment Set PRB11 – Active Communities/Desert Center (continued)

In a surprising move, the **Respect Lake Tamarisk Alternative** has been included as a feasible Alternative in the Partially Recirculated Draft EIR. This Alternative is identified as the **Further Reduced Footprint Alternative** in the PRDEIR and is designated as the **Environmentally Superior Alternative**.

PRB11-58 (cont'd)

For the reasons that follow, we are asking you to please stipulate that Only this onsite **Environmentally Superior Alternative** be granted any Conditional or Public Use Permits or other permissions for construction of the Easley Solar Project. **Alternative E: Distributed Commercial and Industrial Rooftop Solar** is the preferred offsite Alternative. The Only other acceptable option is the No-Build Alternative (A1).

PRB11-59

While we have several specific justifications for Only permitting the **Further Reduced Footprint Alternative C**, the most critical Environmental Conservation reasons is that the Public Lands within the 1-Mile Setback are highly valued habitats for the Endangered Desert Tortoise and several Listed Special Status Species of both plants and animals.

Ironwood Consulting Inc biological surveys found the following biological resources on lands within the 1-Mile Setback Zone:

-Microphyll Woodlands (Desert Dry Wash Woodlands)

Special Status Wildlife

-Desert Tortoise
-American Badger
-Desert Kit Fox
-Buro Deer
-Canid
-Burrowing Owl
-Common Raven
-Loggerhead Shrike

Special Status Plants

-Desert Unicorn Plant

PRB11-60

The Private and Public Lands within the 1-Mile Setback have never been designated for Renewable Energy Development.

The Public Lands within the 1-Mile Setback were specifically **Excluded** from the Development Focus Area for Renewable Energy Development due to their high value habitats for the, now

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-60 (cont'd)

listed as Endangered, Desert Tortoise and several other Special-Status wildlife and plant species.

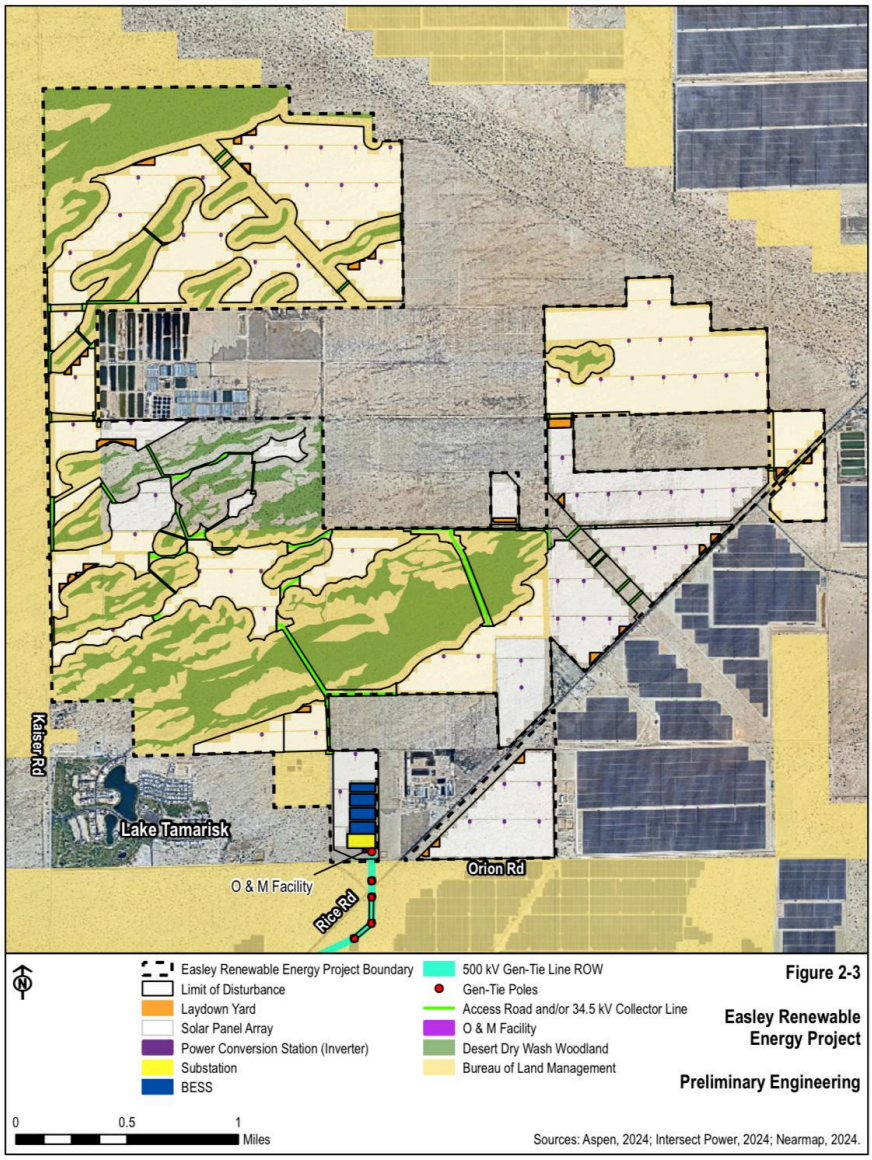
The high value of the habitats in this area is mainly due the 500 acres of extensive fingers of Desert Dry Wash Woodlands (DDWW) throughout the two square miles of Public Lands within the 1-Mile Setback Zone.

These Microphyll Woodlands also provide food and shelter for over 90% of all migratory passerine bird species yet comprise only 5% of the Sonoran Desert.

Biological Survey Maps:

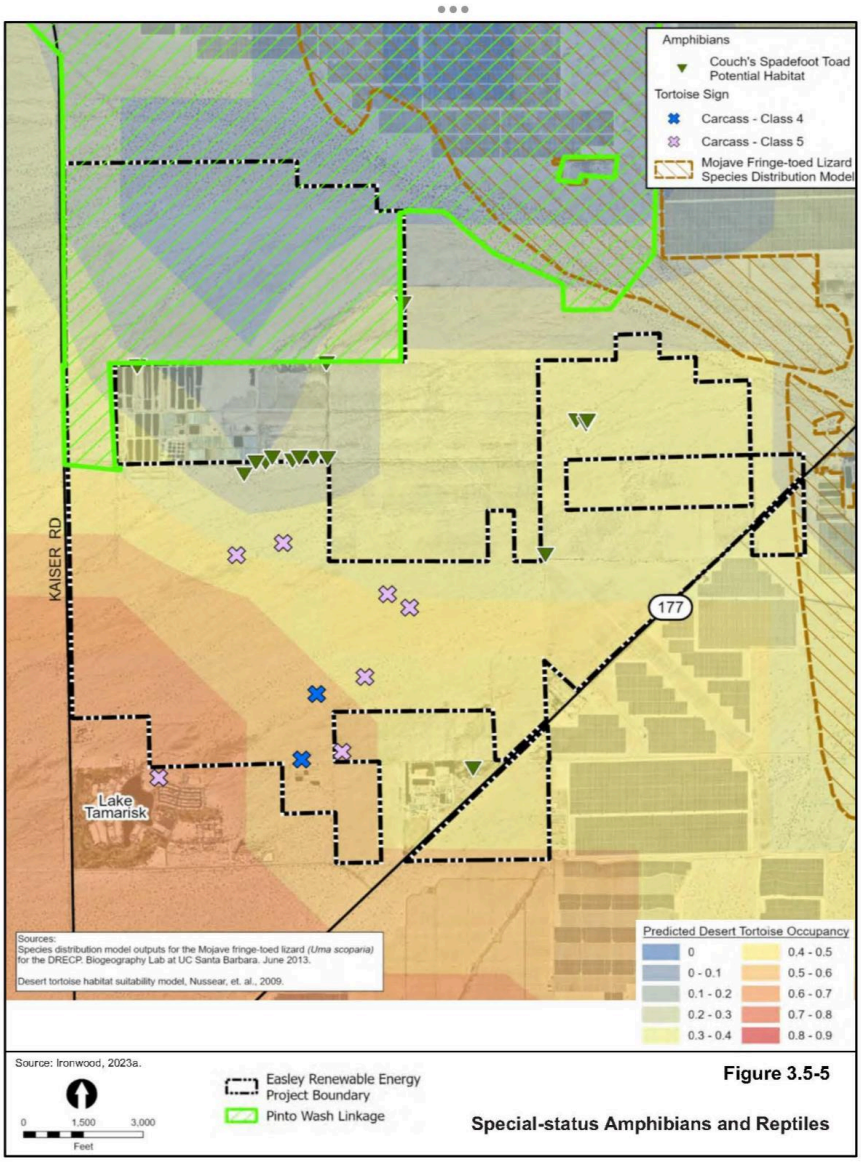
Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-60 (cont'd)



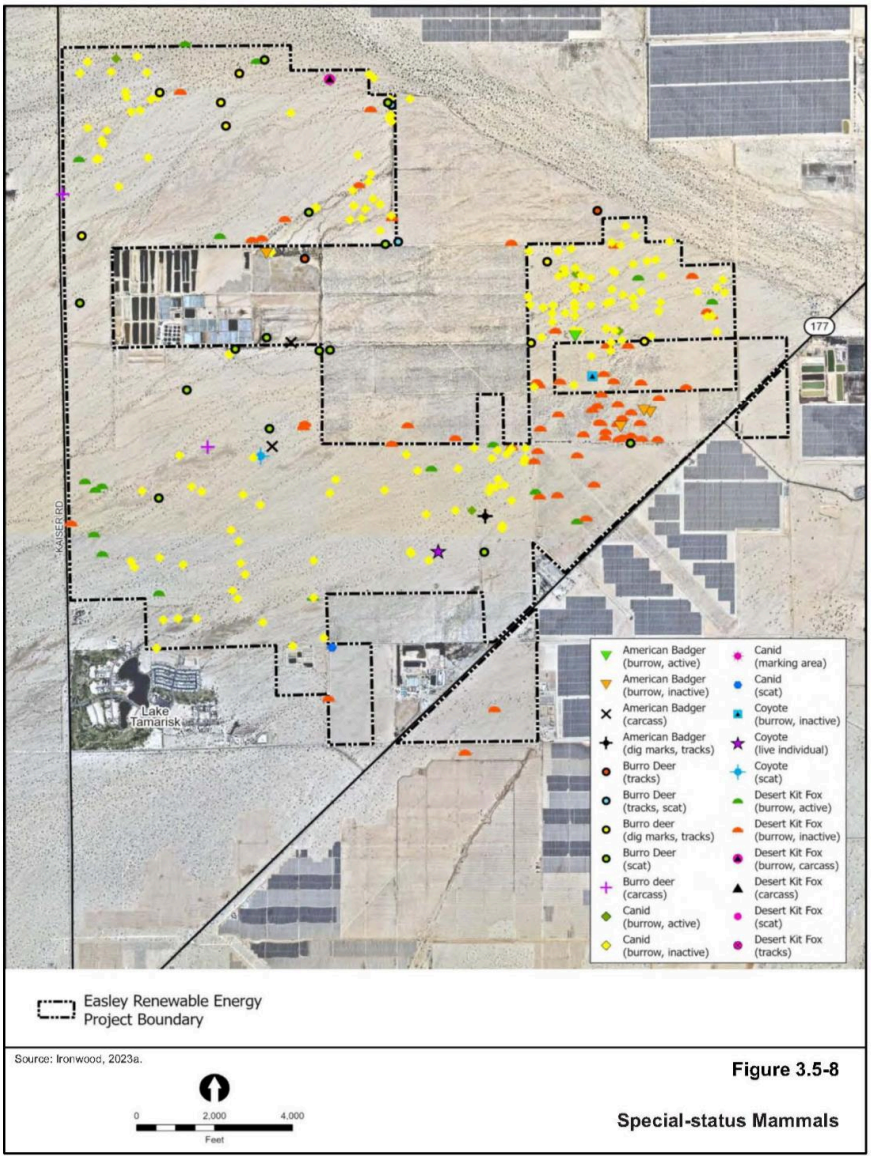
Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-60 (cont'd)



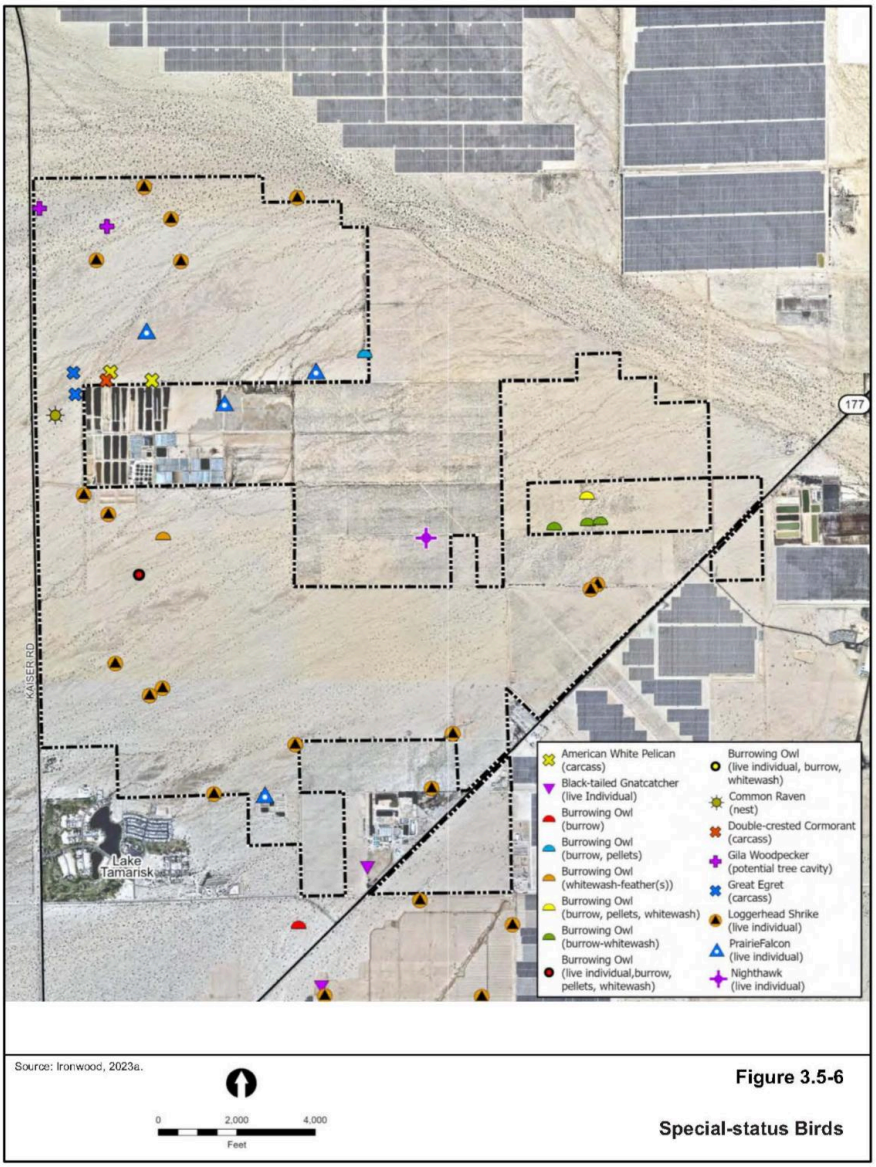
Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-60 (cont'd)



Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-60 (cont'd)



Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-60 (cont'd)

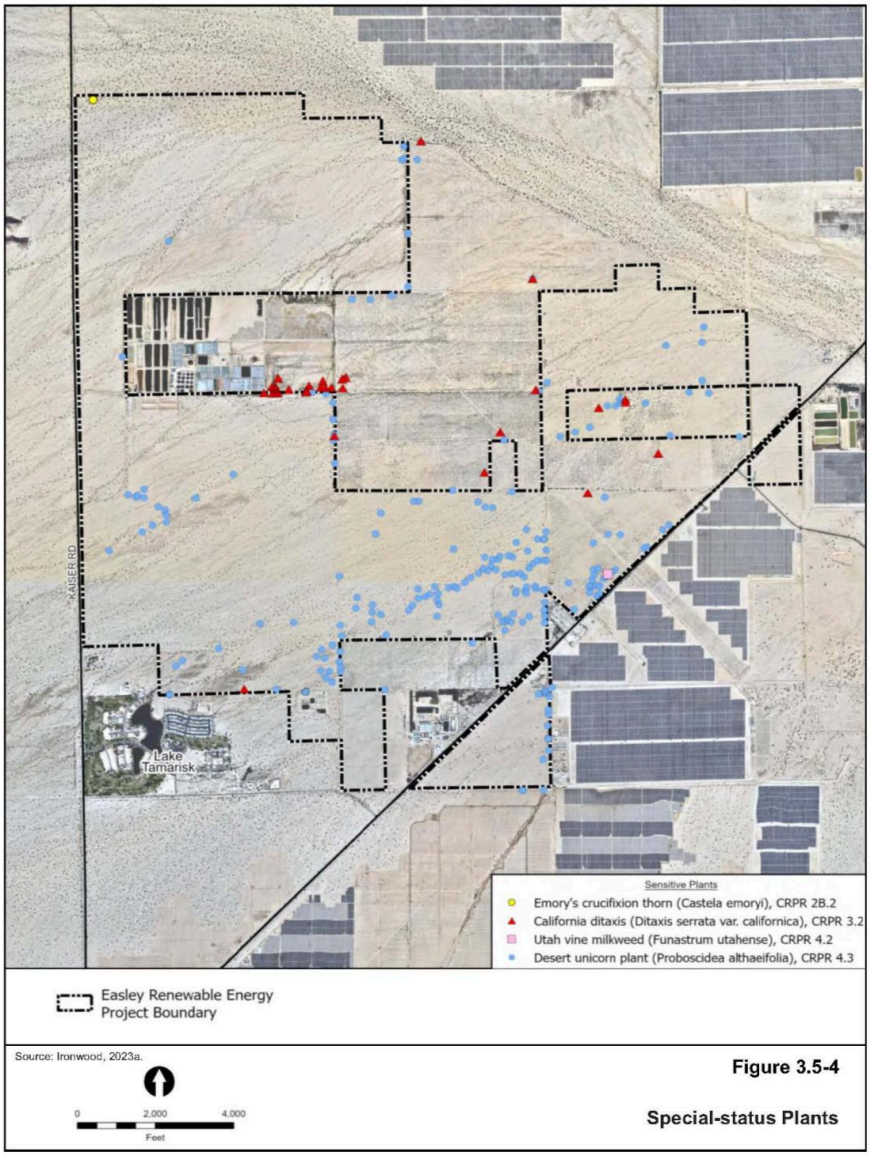


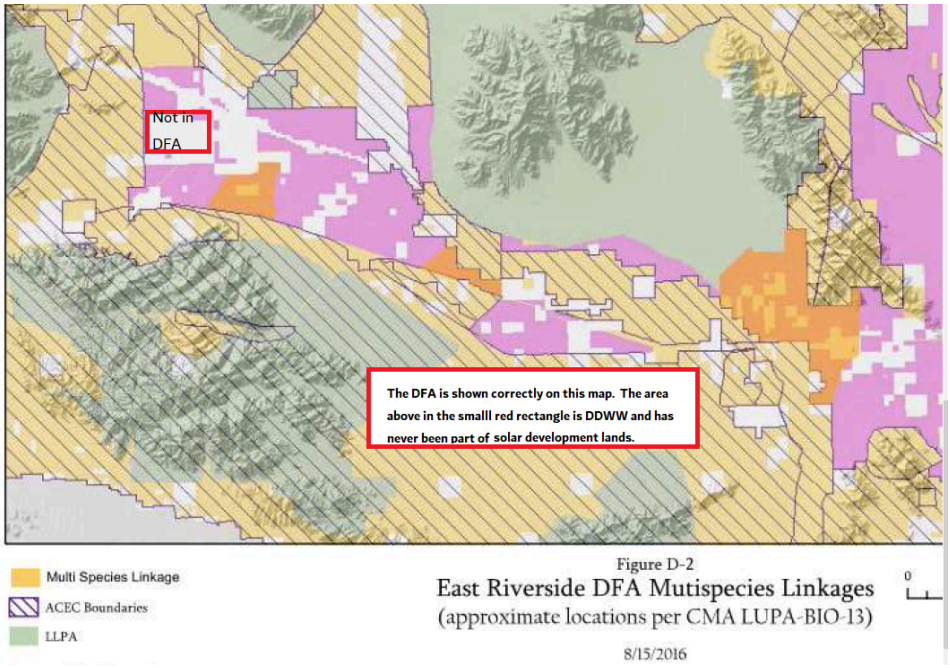
Figure 3.5-4

Special-status Plants

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-60 (cont'd)

The lands within the 1-Mile Setback are not in the Development Focus Area (DFA) for Renewable Energy Development.



These lands have been excluded from the DFA due to their high value wildlife habitats.

–

The Public Lands within the 1-Mile Buffer Zone Setback are designated General Public Lands and are NOT needed to fulfill the DRECP renewable energy strategy.

As General Public Lands not covered by the DRECP Programmatic EIS an Environmental Assessment is inadequate and a new Environmental Impact Statement would be required to develop this area.

DRECP 2016 Record of Decision (ROD):

"II.3.2.3 General Public Lands

Within the DRECP Plan Area there are BLM-administered lands that do not have a specific land allocation or designation associated with energy development, conservation, or recreation. **These lands are not needed to fulfill the DRECP biological conservation or renewable energy strategy.** While renewable energy applications will be prioritized first in DFAs and

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-60 (cont'd)

second in VPLs, renewable energy applications that conform to certain Conservation and Management Actions will also be considered in General Public Lands (GPL) (see Section II.4.2.10). **Applications within the CDCA, Bishop RMP and Bakersfield RMP will continue to require a Plan Amendment.**"

–

Since the Easley Project proposes to build Solar Fields with wildlife exclusion fencing between the narrow fingers of Desert Dry Wash Woodlands, thus disrupting any movement between the narrow wash, the proponent cannot show that their proposed project plans will avoid or minimize impact on sensitive resources like Endangered Desert Tortoise habitat and other wildlife dependent on free movement from wash to wash.

Conservation on General Public Lands is prioritized.

Easley PRDEIR:
NOA - Easley Partially Recirculated DEIR.pdf

Comment Set PRB11 – Active Communities/Desert Center (continued)

Section 6. Water Supply Assessment and Drinking Water Availability - CSA 51- Desert Center Area

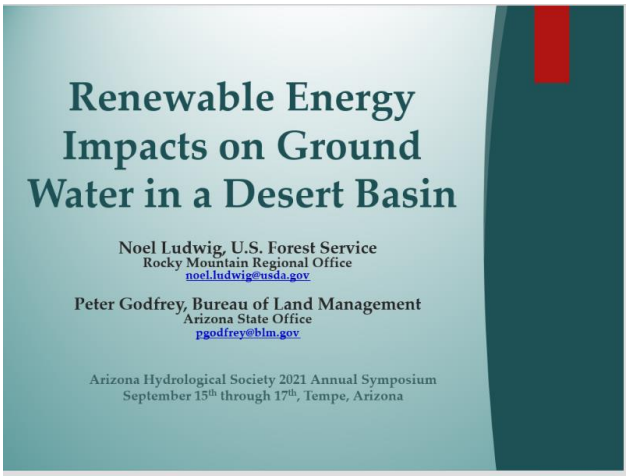
–Partially Recirculated Draft Environmental Impact Report for the IP Easley Renewable Energy Project–

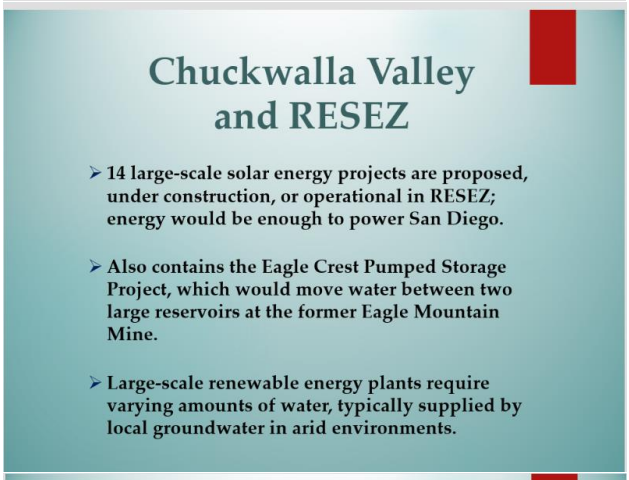
Conditional Use Permit No. 220021 Public Use Permit No. 230002 Development Permit No. 2200016

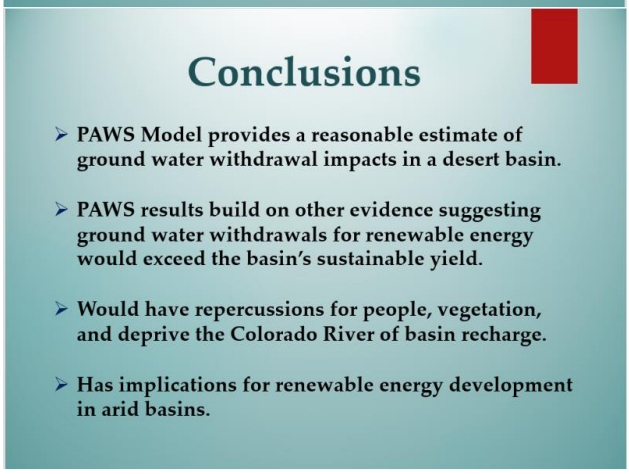
Primary Takeaways: PRB11-61

1. The Chuckwalla basin aquifer is only 100 Acre Feet above overdraft. Exorbitant groundwater use for Utility Scale Solar construction is largely responsible for this reduction from 12,000 AF over the last decade.
2. Further extraction by Energy Developers directly threatens the water quality for the Desert Center Area residents and businesses developers.
3. **Intersect Power caused several wells to go dry when over pumping for construction of their Oberon Project caused a Cone of Depression. Other well began pumping brackish water.**
4. The Cumulative Impacts of construction water withdrawal for Renewable Energy Development throughout the Chuckwalla Valley would have devastating impacts on the water quality in our Chuckwalla Basin Aquifer ultimately rendering it untreatable for human consumption. The Impact of these continued extractions beyond the Sustainable Annual Yield on the future of the Residents, Communities and Business Developments in the Desert Center Area would be overwhelmingly destructive and irresponsible. PRB11-62
5. **Riverside County is responsible for providing quality water to CSA 51.** Continued groundwater extraction by Renewable Energy Developers puts the ability to fulfill this responsibility at risk.
6. **Intersect Power alone would extract an additional 1000 Acre Feet of groundwater thus causing a 900 Acre Feet <u>Overdraft</u> of the Chuckwalla Valley Groundwater Basin and continuous degradation of water quality as fresh water mixes with high salinity ancient water layers.** PRB11-63
7. Intersect Power completely ignores the water requirements of the true economic developments occurring in Desert Center, Eagle Mountain and Lake Tamarisk. PRB11-64
8. 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.”
9. The Metropolitan Water District’s Colorado River Aqueduct is a readily available source for construction water needs. Only a very small proportion of the water going to the same recipients of the Renewable Energy produced would be required.

Comment Set PRB11 – Active Communities/Desert Center (continued)







PRB11-65

Water Availability and the Chuckwalla Valley Groundwater Basin

PRB11-66

The Chuckwalla basin aquifer has already been depleted by Exorbitant groundwater extraction for Utility Scale Solar construction beyond the Sustainable Annual Yield.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-66 (cont'd)

According to the scientific evaluation made by GSI for Intersect Power, the 12,000 Acre Feet of excess water in 2012 is now a mere 100 Acre Feet above the Overdraft level.

Intersect Power plans to extract an additional 1000 AF for construction of the Easley Solar Project causing an Overdraft and initiating a continual decline in water quality.

Conserving aquifers is a major concern in California, particularly when faced with long-term droughts going forward due to Climate Change.

While the Chuckwalla Basin Aquifer has adequate drinking water supply for the current and limited expansion capacity of the Desert Center Area, it is not capable of supporting the large quantities of water that Energy Development has required in the past. Through specific water conservation construction techniques and alternate sources for construction water for Fugitive Dust Control, no further depletion of this aquifer is necessary. See the Respect Lake Tamarisk Alternative Amended Fugitive Dust Control Plan (Section 4).

Extracting groundwater beyond the Annual Sustainable Yield is expressly forbidden in the state of California. However, groundwater extraction is only required to be regulated in medium or high priority basins. Therefore, it is left to the County to manage groundwater basins deemed low priority for agriculture.

California Department of Water Resources, Statewide Groundwater Management, Sustainable Groundwater Management Act (SGMA):
https://drive.google.com/file/d/15Ui6SWp1lFLe2s_WMk9WmdzWQ5VXkWtW/view?usp=drivesdk

PRB11-67

Fresh, potable water that the residents and businesses of the Desert Center area require, comes from rainwater runoff from the nearby mountain ranges and is layered on the surface of the Chuckwalla Basin Aquifer. Below this freshwater surface is layered ancient “fossil” water, tens of thousands years old.
These lower layers have a significant increase in dissolved salts that becomes untreatable for human consumption as the levels recede.

Imagine that the Salton Sea is underground. The Salton Sea once supported a great variety of fish. As the water levels declined the dissolved salts became more and more concentrated, resulting in a body of water that no fish can survive in. A similar process will occur in the Chuckwalla Basin Aquifer as the groundwater levels decline due to extraction exceeding the Annual Sustainable Yield.

PRB11-68

Our aquifer already has significant levels of fluoride and arsenic salts that must be removed through our drinking water treatment system. Further concentrations of these salts will make our available water untreatable to the levels necessary for human consumption.

Comment Set PRB11 – Active Communities/Desert Center (continued)

An example of this occurred as the nearby Oberon Solar Project, also by Intersect Power, rapidly extracted vast quantities of water from the aquifer. Several neighboring wells were depleted of water. Wells for the local fish farm began pumping such high concentrations of salts in the groundwater that even the brackish water tolerant tilapia could not survive. This clearly demonstrates that extraction of groundwater beyond the Sustainable Annual Yield threatens the entire Chuckwalla Basin Aquifer. **PRB11-68 (cont'd)**

In order to preserve the drinkability of the waters in the Chuckwalla Basin Aquifer, alternate sources of water for fugitive dust control must be used for the construction of all energy projects.

A readily available water source is the Colorado River Aqueduct flowing a few miles north of Desert Center. The sediment removal station is ideal for this purpose and currently has a portable system for filling water tank trucks. A second site is available at the Eagle Mountain pumping station. **PRB11-69**

A simple siphon could be used to provide gravity fed water pressure through a 6" line to a tank truck filling station near the Chuckwalla Raceway for all future projects.

The water flowing in the Aqueduct services the Cities that also receive the bulk of the Renewable Energy generated in the Chuckwalla Valley. An extremely small proportion of this water would be necessary for all the Utility Scale Solar construction in the Valley, less than 0.4 %, using the current dust control methods, and only a fraction of that with the fresh water conservation methods of the Amended Fugitive Dust Control Plan described in the Respect Lake Tamarisk Alternative.

This negligible impact on the Colorado River Aqueduct flow makes City water for City power the responsible choice for sourcing water for Renewable Energy Development in the Chuckwalla Valley.

Partially Recirculated Draft EIR; Appendix G - Water Supply Assessment Summary **PRB11-70**
https://drive.google.com/file/d/1xh3Oh9gkR94W2UHjdktT6Kjwjx2i-nyk/view?usp=drivesdk

"BLM (2016a and 2016b) requirements state that a WSA must include an analysis of "estimates of the total
cone of depression considering cumulative drawdown from all potential pumping in the basin, including the
project, for the life of the project through the decommissioning phase." The "cumulative project pumping is not anticipated to adversely affect existing water users and water rights claimants in the CVGB due to the limited magnitude of the simulated drawdown." **PRB11-71**

Intersect Power caused a cone of depression during the recent construction of the Oberon Solar Project which caused multiple wells in the area to fail and others to pump brackish water.

Comment Set PRB11 – Active Communities/Desert Center (continued)

Stakeholders sought restitution from Intersect Power and eventually received it under a nondisclosure arrangement.

PRB11-71 (cont'd)

PRB11-72

"Based on the limited magnitude of the simulated drawdown due to Project and cumulative project pumping,
groundwater levels would not be lowered to a level that would cause a degradation of groundwater quality
that affect other beneficial uses. Groundwater levels would not be lowered to a level that causes pumping
wells near the Project to begin to capture deeper/older groundwater within the CVGB. Deeper/older
groundwater typically contains increased salts and nutrients as a result of prolonged exposure to the aquifer
material (leaching of minerals from the host rock into groundwater) (USGS, 2019)."

This only discusses an immediate impact of the Easley Project groundwater extraction. "Groundwater levels would not be lowered to a level that would cause degradation of groundwater quality" is a convenient half truth.

Since they also state that the groundwater level is only 100 AF above Overdraft and the Project would extract 1000 AF, the Aquifer would be put into Overdraft.
It's this Overdraft that puts the long term water quality at risk.

"Regardless how they spin the narrative, the end result will still be the same. There is only 100 Acre feet of water left that flows into and out of the Chuckwalla basin. Yes, the basin might be millions of acre feet in capacity, but that water is all below the overflow of the basin. Once the 100-acre feet is allocated and used up then the quality of the remaining groundwater will start to decline. It will not happen overnight, but over time, the water left in the basin will slowly become more and more like the Salton sea. When you look at the tables that show the drier years you really start to see a rapid decline in the remaining volume of water within the basin. This report is basically the same as the last report stating that in normal years there will be a small impact and in dry years there will be a greater impact. We can assume that the reason that all these solar arrays are being installed is to ward off further increased heat from climate change. Therefore, we can expect the area to see less rainfall and less recharge to the basin making the situation even worse.

We have seen what they have done in the central valley of the state by allowing those groundwater basins to be depleted and the land to subside before any action is taken to correct the problem." Kent Madison (3R Valve) June 20, 2024. Review of PRDEIR

Comment Set PRB11 – Active Communities/Desert Center (continued)

The Riverside County Board of Supervisors can avoid the liability associated with this declining water quality only by NOT allowing Renewable Energy Developers to cause this overdraft in the first place. **PRB11-72 (cont'd)**

In Summary: **PRB11-73**

The Cumulative Impacts of construction water withdrawal for Renewable Energy Development throughout the Chuckwalla Valley would have devastating impacts on the water quality in our Chuckwalla Basin Groundwater Basin, ultimately rendering it untreatable for human consumption. The Impact of these continued extractions beyond the Sustainable Annual Yield on the future of the Communities in the Desert Center Area would be overwhelmingly destructive and irresponsible.

Preventing an Overdraft is the only way to protect the water quality of this Aquifer. **PRB11-74**

No Renewable Energy construction projects should be allowed to access any water out of the Chuckwalla Valley Basin Groundwater Basin, whether from new or existing wells. All construction water needs must be obtained elsewhere.

One, readily available source of Renewable Energy construction water, is the Colorado River Aqueduct managed by the Metropolitan Water District. Since this source would be City water for City power, and requires only a tiny fraction of the water flow, it is the logical choice for sourcing construction water needs.
It would be up to Intersect Power and other energy developers to negotiate with the Metropolitan Water District with the assistance of the California Department of Energy.

The BLM states that groundwater is the responsibility of the State of California. Yet the State does not regulate groundwater extraction from the Chuckwalla Basin Aquifer and deems it as low priority. Because of this lack of responsibility our available drinking water quality is at risk of becoming untreatable for human consumption. **PRB11-75**

However, the **California Department of Water Resources stated that Riverside County may form a Local Groundwater Sustainability Agency and Plan.**

Since Riverside County is responsible for safe drinking water for CSA 51 Lake Tamarisk, we must rely again on our Riverside County Board of Supervisors to force Intersect Power and other Renewable Energy Developers to find alternative sources of water for construction and all other purposes and preserve the quality of our precious aquifer for the needs of the residents and businesse developments of the Chuckwalla Valley. **PRB11-76**

Intersect Power is required to show proof that the Easley Solar Project will not negatively impact this essential resource for the Residents of Lake Tamarisk and the Desert Center Area. The

Comment Set PRB11 – Active Communities/Desert Center (continued)

2023 water availability study by GSI states clearly that the **Easley Project would extract more water than the Sustainable Annual Yield and cause an Overdraft of the Aquifer and put our long term water quality at risk**. **PRB11-76 (cont'd)**

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." **PRB11-77**

As our Supervisors require that the Easley Solar Project meets the minimum requirements of the Respect Lake Tamarisk Alternative in order to receive any Conditional or Public Use Permits, our available drinking water quality is preserved.

The California State Water Resources Control Board indicates that they do not have any control over water extraction from the Chuckwalla Basin Aquifer since it is deemed low priority. However they made it clear that **Riverside County does have the authority to require a Local Groundwater Sustainability Agency and Plan to manage extraction to remain within the Sustainable Annual Yield.** **PRB11-78**

Therefore, it is left up to the Riverside County Board of Supervisors to **protect CSA 51 drinking water supply** by not allowing any energy developers to use Groundwater in the Chuckwalla Valley.

All water needs for energy projects may come from the Colorado River Aqueduct. The same recipients of this water receive the energy from these projects.

Detailed explanations of the most recent studies of Groundwater Availability: **PRB11-79**

Kent Madison (3R Valve) Overview - https://docs.google.com/document/d/1ii4zOZHkC5waJVlBzWyVOBHESx8bx9IgCW5-3uxA7us/edit

Feb. 9th 2024 (3R Valve)

I am a third-generation farmer. The farm has been in my family for about 110 years on a large agricultural farm here in the heart of the first critical groundwater area in Oregon. The State actually regulated one of our wells off, our only deep well, 30 years ago due to declined aquifers. We actually had declined aquifers over hundreds of feet of water over a period of 50-60 years and the State finally came in. Now it is completely shut off. This should have been done 40 years earlier, so we know the pain of over pumping the aquifer.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-79 (cont'd)

Because of that situation, I developed an aquifer recharge valve and formed my company 3R Valve. This valve is now in use throughout the western United States. It makes water management adjustments easier for controlling flow from various sources.

I also own my first 4.95 Megawatts of wind power and a half megawatt of solar. We have 105 megawatts on our own farm. So, I am a supporter of renewable energy. It is another tool in our toolbox, so I think solar in the Southwest is a good idea if it is done responsibly.

I have knowledge of aquifers in general, including knowledge of the Central Valley of California and the Lancaster area of California. I know about the Chuckwalla Valley Aquifer due to the BLM reports that I read from attending the Arizona Hydrological Society Ground Water Conference in Tempe AZ.

This raises concerns for me regarding what is going to happen to our Chuckwalla Aquifer. After seeing their reports and knowing more about the Sustainable Groundwater Management Act that was passed in 2014, I can see that the Chuckwalla Valley is going in the wrong direction because of outside needs for the water.
The GSI report stating that there is basically about 100 acre feet left on a normal year, makes clear there is even less “pass through capacity” in our aquifer in dry years.

Even though the report says there’s about 10 million acre feet in the aquifer, there is really only 100 acre feet of excess water that flows in and out of that basin. Easley Project alone would require 900 acre feet during construction. This exceeds our Sustainable Annual Yield by 800 acre feet which will result in concentration of salts, reducing water quality.
There used to be 12,000 acre feet that flowed in and out of that aquifer. In an accumulation of bad years as expected, as the weather gets drier in the southwest it will only exacerbate the problems associated with the Chuckwalla Aquifer. The point is, with the cumulation of the number of acres that all the solar companies intend to develop here, along with lower volumes of recharge available, water extraction will continue to exceed the Sustainable Annual Yield year after year.

The Colorado Aqueduct is the biggest source of water in this area.

The aqueduct delivers a billion gallons of water a day downstream through here. If the entire Solar Development Industry in the Chuckwalla Valley took ONLY water from the aqueduct to service all the needs of any solar projects, it would equate to 11 ounces of water per customer a day, currently destined for LA, that would come out of the aqueduct.

Los Angeles & San Diego hold the 40 million people who will benefit from these solar projects. They are currently allotted 240 16-oz. bottles per day, per person from the Colorado River aqueduct. In all fairness, they should accept 11 oz less water each day per person to support solar.
NONE of these solar projects benefit our community at all!

Comment Set PRB11 – Active Communities/Desert Center (continued)

The Groundwater Management Act originally came from the Central Valley where they depleted the aquifers, by let's say raping and pillaging that environment, and now they are paying the price for it. We don't want that to happen here in the Chuckwalla Valley Aquifer. **PRB11-79 (cont'd)**

Our big concern is death by a thousand cuts. The threat is building due to cumulative use of our aquifer by multiple outside forces. Eventually one of those cuts hits the juggler. Death by the solar project that "cuts the juggler" leaving us not enough quality water in our aquifer to use, will cause our community to die. So, when does it stop…before it is too late?

I see many instances where we as humans exceed the carrying capacity of a resource, whether it is over grazing, draining aquifers, or destroying an ecosystem. We build cities in the middle of the desert and wonder why they don't help conserve it. Las Vegas is a great example of that and yet we are the only species on the planet that thinks we can survive when we exceed the carrying capacity of a resource.
We know better now because the technology, history and data are available. We know that we can do better, and we encourage all the solar projects to do a better job of sourcing water and not destroying our community.

Brookshire Hathaway Solar Project at Lancaster California is a recharge project of the aquifer and there is grass underneath all those solar panels. In the spring and fall it is green and not allowing dust to escape as badly as others. All solar projects should be planted with native grasses and plants.

There are tens of thousands of acres in the Chuckwalla Valley and more and more solar companies are going to want their cut of the pie. The same problems will be here with more coming.

The bucket of water in our aquifer is getting smaller and there are no frequent overflows. The more straws or wells that go into it are going to consume the drinkable water, and then our community is finished. We deserve our water for our community and it should be reserved for the future growth of our community, which is already starting. Wouldn't it be a shame if this new growth can't happen due to irresponsible Groundwater Management.

There is a truck stop and Hotel Developer, Balwinder Wraich, on I-10 at Desert Center, plus a company called Grant Development that is in the permitting process to build in our expansion area at lake Tamarisk. Grant Development wants to build affordable homes here. Wouldn't it be a shame if all that went by the wayside because there won't be enough drinkable water for our future growth? **PRB11-80**

The Sustainable Groundwater Management Act clearly states that the groundwater dependent regions need to halt overdraft and develop plans that bring basins into balance.
The fact that the aqueduct is there and flows fast is a huge benefit that can make water diversion easily accessible is for Solar Development use. There is a pump station by Eagle Mountain Mine. There's a mud dump that pumps mud out of the canal before it goes into that **PRB11-81**

Comment Set PRB11 – Active Communities/Desert Center (continued)

pipe. That mud pump literally discharges water into the head of the Chuckwalla Valley Aquifer. It could be pumped 24-7. You could meter the out flow to equate the usage by solar companies and they could be charged a certain fee. Preferably, solar field construction water needs may be met by filling water tank trucks directly from this source.

We encourage solar companies to follow the new guidelines the EPA has established and do a better job of protecting our community from fugitive dust and Valley Fever, which has exponentially gone up in the last few years, using water conservation methods of fugitive dust control. We are hoping for all solar projects to do a better job and set a new standard. Solar companies may have to give up some of their profits allowing the County and BLM to be responsible to protect communities like ours.

If we all work together, the BLM, Fish and Wildlife, the County and State Representatives, we can find a compromise of doing things responsibly. Respect us as a human community. I encourage the industry to look at alternative ways of doing things and not just rubber stamp a project.

We are going to continue battling for our water through the Sustainable Groundwater Management Act that clearly states the groundwater dependent regions need to halt overdraft and develop plans that bring basins into balance.

PRB11-81 (cont'd)

Sincerely,

Kent Madison 3R Valve LLC

Appendix P of the Plan of Development for the Easley Solar Project. Study and analysis done by GSI for Intersect Power:
https://drive.google.com/file/d/15oy9vm4jkZI4wiwbk4Yq3YG6LXEhgnp7/view?usp=drivesdk

This study shows clearly that energy projects in the Chuckwalla Valley have pumped well above the Sustainable Annual Yield for over a decade and any additional extraction will cause an overdraft of the Chuckwalla Basin Aquifer and that each Project will continue to adversely impact this situation. Our water quality is at severe risk as this depletion continues.

Further explanation of groundwater report:

The GSI ground water report clearly shows that the Chuckwalla Valley groundwater supply is within 100/acre feet of becoming overdrafted and degrading the water quality for the community needs of any future growth of the local Desert Center Area. This would include the entire

PRB11-82

Comment Set PRB11 – Active Communities/Desert Center (continued)

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 is illegal for the Government to permit additional use of groundwater more than the aquifer's sustainable annual yield. This report literally shows that any development of the Easley Project or other Energy 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 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.

PRB11-82 (cont'd)

Excerpts from the GSI Water Report (Easley Solar Water Supply Assessment):

PRB11-83

"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."

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-83 (cont'd)

"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) 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."

"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), the 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 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."

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-83 (cont'd)

"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."

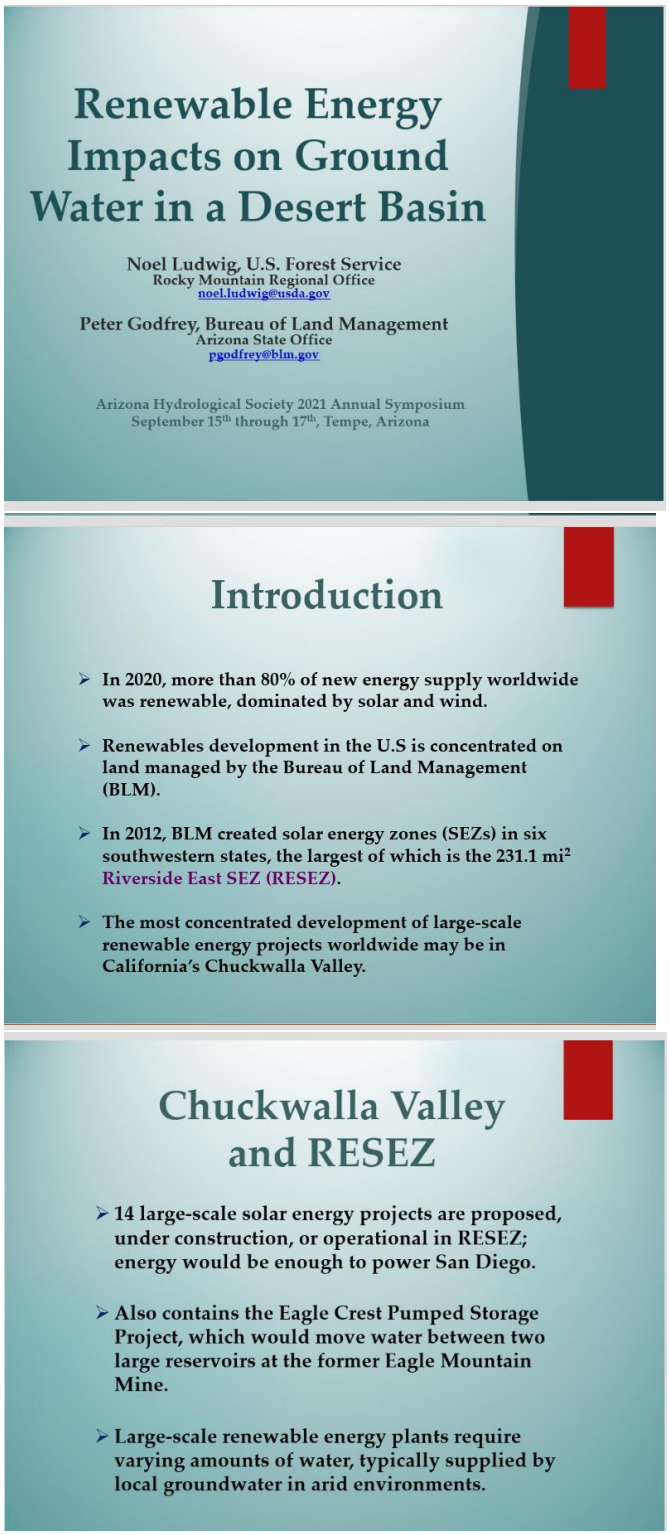
"Table 11 indicates that with all cumulative qualifying projects, including the proposed Project, in place and using normal groundwater recharge estimates, the CVGB would experience an initial groundwater deficit of approximately 7,000 AF in 2024 (the planned first year of Project construction). The 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."

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.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-84



Renewable Energy Impacts on Ground Water in a Desert Basin

Noel Ludwig, U.S. Forest Service
Rocky Mountain Regional Office
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Arizona Hydrological Society 2021 Annual Symposium
September 15th through 17th, Tempe, Arizona

Introduction

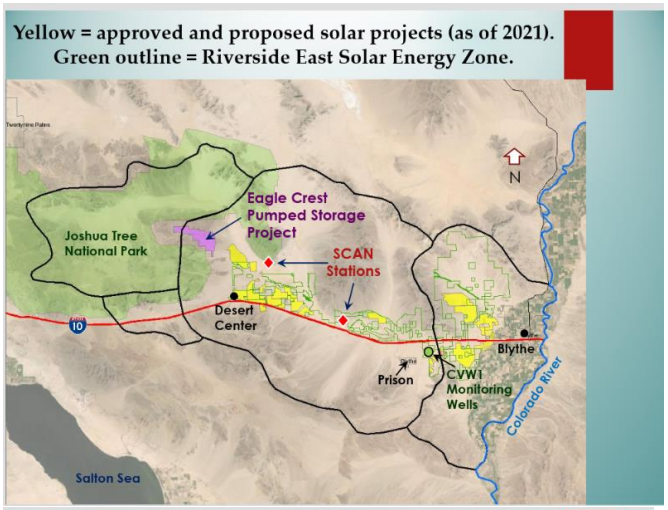
- In 2020, more than 80% of new energy supply worldwide was renewable, dominated by solar and wind.
- Renewables development in the U.S is concentrated on land managed by the Bureau of Land Management (BLM).
- In 2012, BLM created solar energy zones (SEZs) in six southwestern states, the largest of which 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.

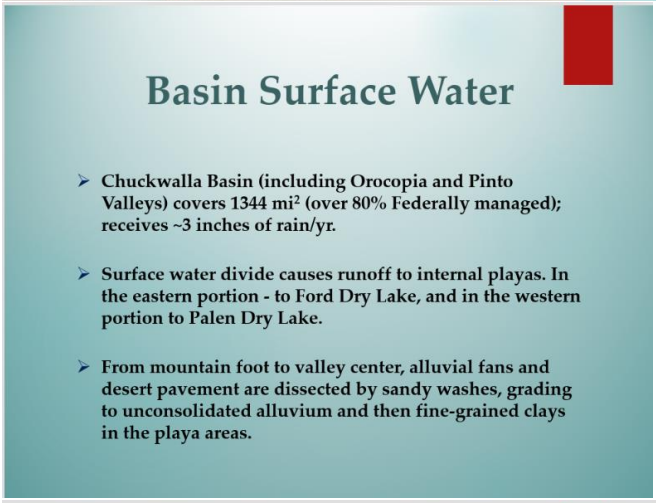
Chuckwalla Valley and RESEZ

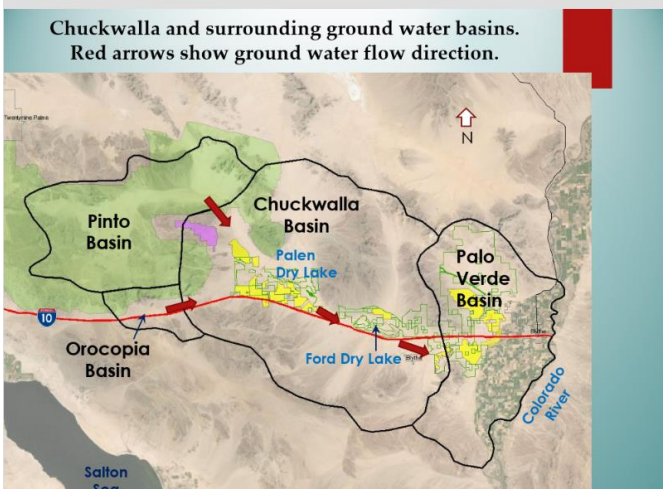
- 14 large-scale solar energy projects are proposed, under construction, or operational in RESEZ; energy would be enough to power San Diego.
- Also contains the Eagle Crest Pumped Storage Project, which would move water between two large reservoirs at the former Eagle Mountain Mine.
- Large-scale renewable energy plants require varying amounts of water, typically supplied by local groundwater in arid environments.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-84 (cont'd)







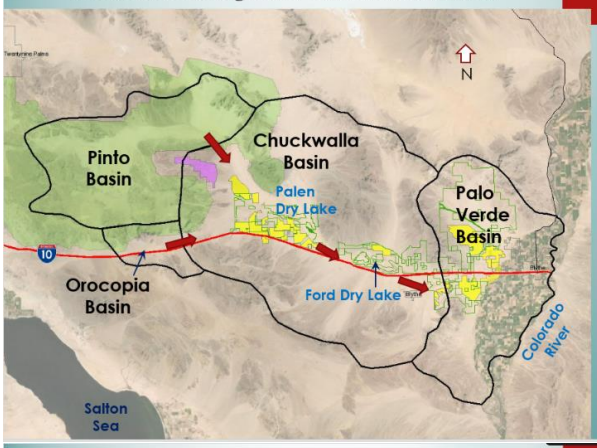
Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-84 (cont'd)

Basin Geohydrology

- Ground water is recharged from direct precipitation, underflow from Orocopia and Pinto valleys, and return flows from in-basin users.
- Primary outflow via pumping; with some loss through underflow east through Palo Verde Mesa Ground Water Basin and into the Colorado River, and through evapotranspiration at Palen Dry Lake.
- Mean depth to water table ranges from 400 ft near Desert Center to 8 ft below Palen Dry Lake.
- Valley fill up to 5000 feet thick, divided into two aquifers: unconfined Quaternary alluvium, and confined Bouse Fm.

Chuckwalla and surrounding ground water basins.
Red arrows show ground water flow direction.

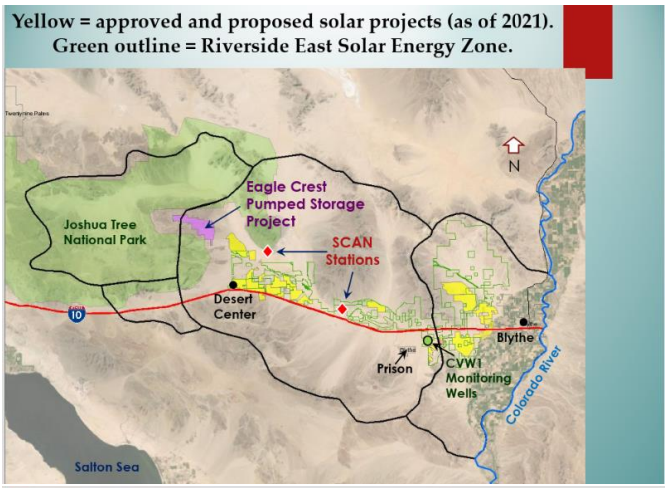


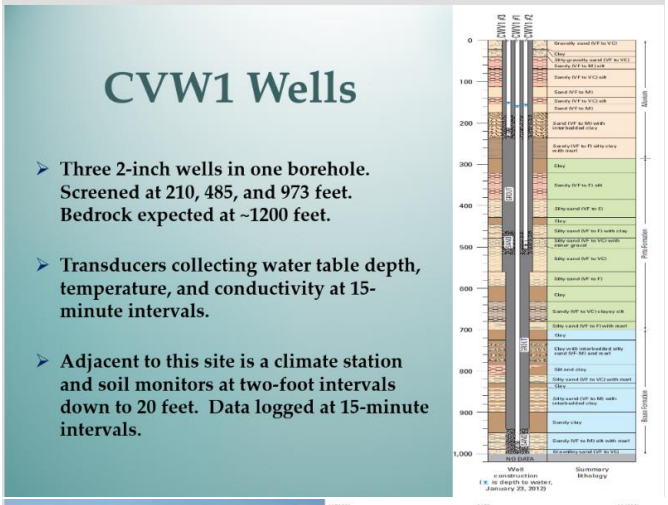
Groundwater Monitoring

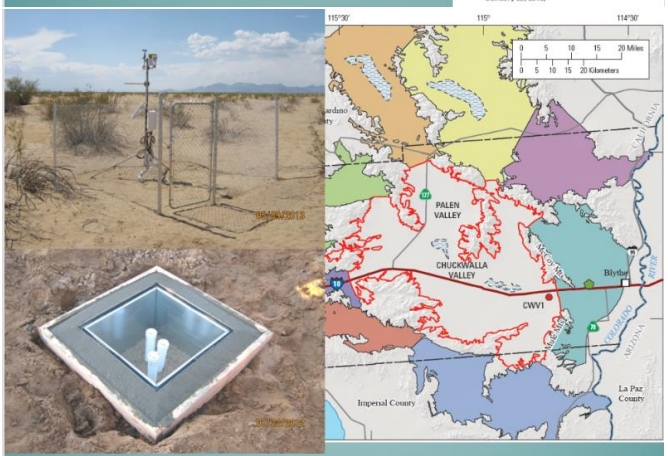
- USGS only monitors one well in the basin. Long-term records exist for a few more.
- Solar projects monitor their own wells and some surrounding wells, as required in ROW grants.
- USGS & BLM installed three wells (CVW1 wells) near the basin's outlet in 2012.
- Two Soil Climate Analysis Network (SCAN) stations installed in basin's central and western portions in 2011.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-84 (cont'd)







CVW1 wells and climate station

Comment Set PRB11 – Active Communities/Desert Center (continued)

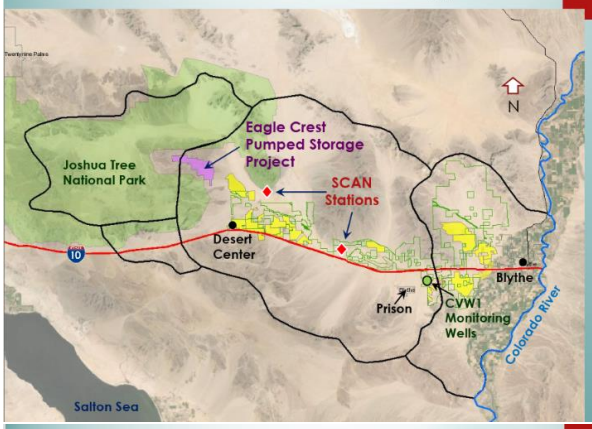
PRB11-84 (cont'd)

SCAN Stations

- Installed and maintained by NRCS. Data telemetered to public website every 15 minutes.
- Measure climate parameters and soil moisture down to 40 inches depth.
- One located at foot of Coxcomb Mtns to monitor mountain-front recharge, one located by Ford Dry Lake to record mid-valley sand corridor conditions.



Yellow = approved and proposed solar projects (as of 2021).
Green outline = Riverside East Solar Energy Zone.



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.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-84 (cont'd)

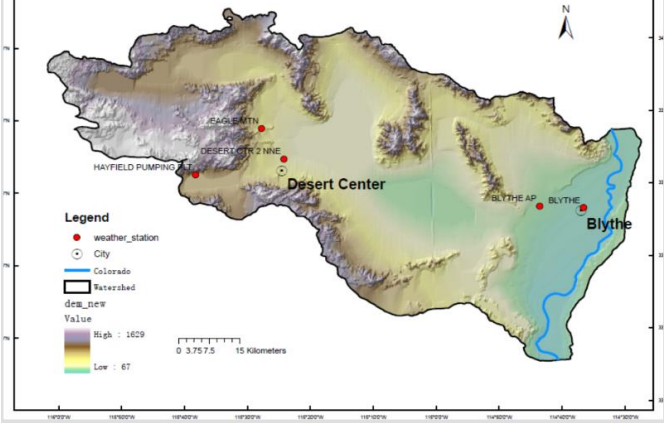
Basin Recharge Modeling

- 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.

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.

PAWS Model Area



Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-84 (cont'd)

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

10:33 AM

% 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
Remaining Available Water -5178 2977 -5173 2390 -375 -1072

Slide 19 of 26

Basin Water Balance

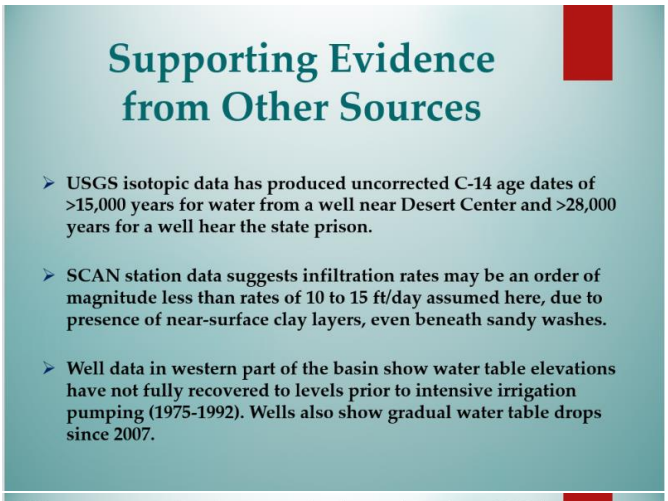
- Basin recharge estimates vary between studies, from less than 5000 afy to more than 13,000 afy. Due in large part to large differences in hydraulic conductivity (K).
- Mean recharge between these studies is 10,257 afy, which we accept as our baseline recharge value for this study.
- Since current total 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.

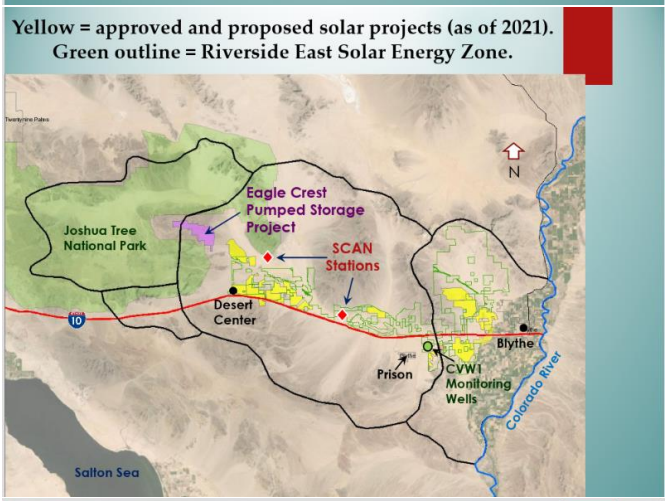
Supporting Evidence from Other Sources

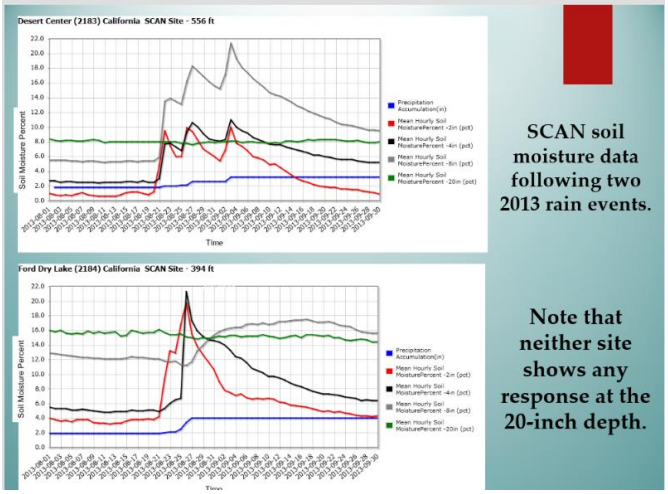
- USGS isotopic data has produced uncorrected C-14 age dates of >15,000 years for water from a well near Desert Center and >28,000 years for a well hear the state prison.
- SCAN station data suggests infiltration rates may be an order of magnitude less than rates of 10 to 15 ft/day assumed here, due to presence of near-surface clay layers, even beneath sandy washes.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-84 (cont'd)

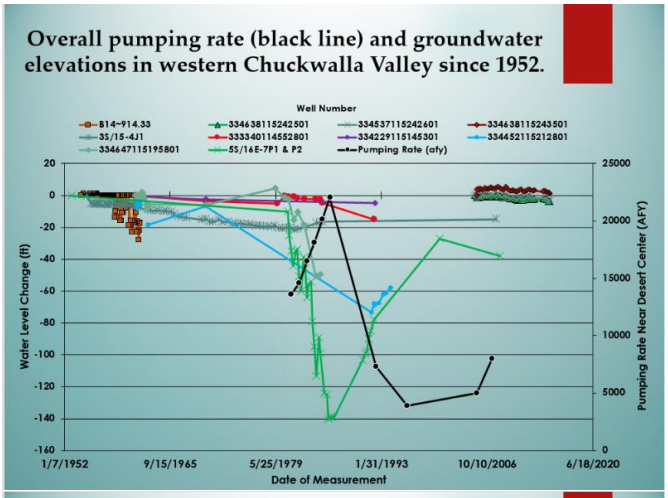


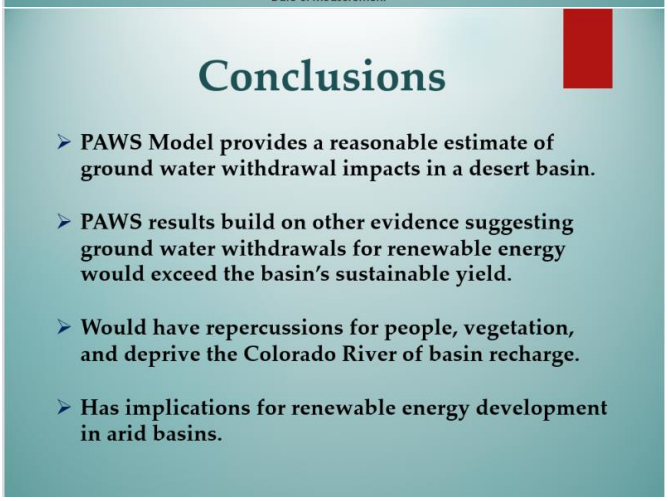




Comment Set PRB11 – Active Communities/Desert Center (continued)

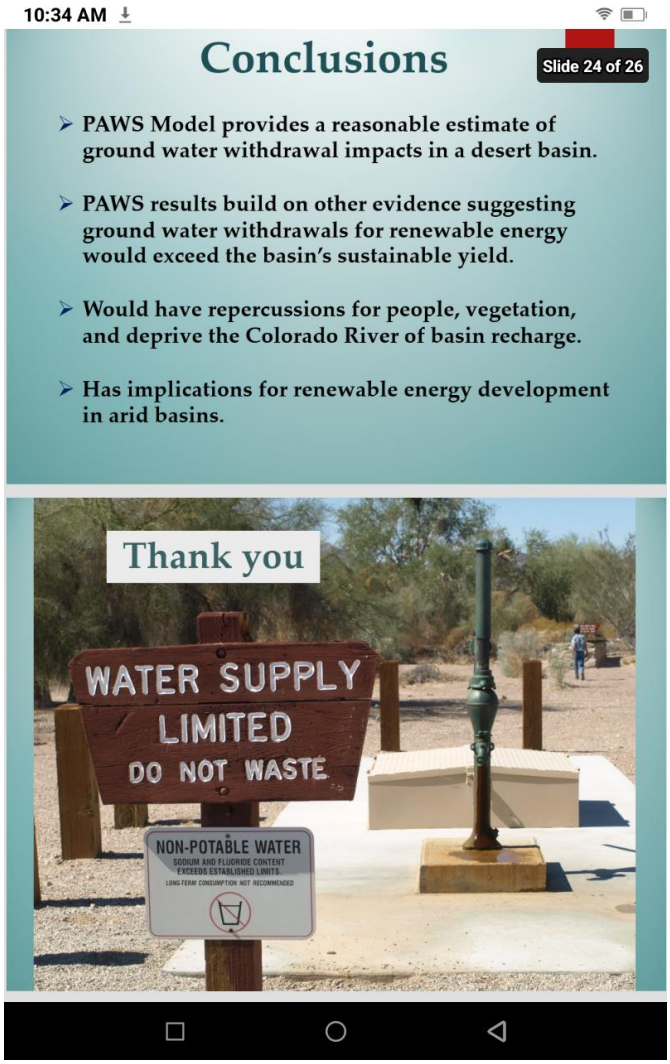
PRB11-84 (cont'd)





Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-84 (cont'd)



Easley PRDEIR:
NOA - Easley Partially Recirculated DEIR.pdf

Comment Set PRB11 – Active Communities/Desert Center (continued)

Section 7. Land Use Element - Respect Lake Tamarisk Alternative (Further Reduced Footprint Alternative C)

–Partially Recirculated Draft Environmental Impact Report for the IP Easley Renewable Energy Project–

Conditional Use Permit No. 220021 Public Use Permit No. 230002 Development Permit No. 2200016

Primary Takeaways: **PRB11-85**

1. The Respect Lake Tamarisk Alternative (**Further Reduced Footprint Alternative C** in PRDEIR) significantly mitigates most of the Easley Solar Project's land use violations as well as others impacts throughout the Easley Solar Draft EIR, written for the express benefit of Intersect Power by Aspen Environment Group.
2. Very few of the "less than significant impact" statements used by Aspen Environmental Group throughout the PREIR are valid.
   Many mislead the Riverside County Planning Department and our Board of Supervisors in order to get CUP approvals.
3. The Respect Lake Tamarisk Alternative (**Further Reduced Footprint Alternative C**) **does mitigate** many of the significant impacts that Aspen Environmental Group erroneously identifies as "less than significant".

   Therefore, only the Respect Lake Tamarisk Alternative (**Further Reduced Footprint Alternative C**) should be considered as meeting the necessary requirements to receive any Conditional or Public Use Permits.

Land Use Violations - Easley Solar Draft EIR **PRB11-86**

Land Use Elements:

Policy LU 7.1. Require land uses to develop in accordance with the Riverside County General Plan (RCGP) and area plans to ensure compatibility and minimize impacts.

Comment Set PRB11 – Active Communities/Desert Center (continued)

Policy LU 8.1. The County shall accommodate the development of a balance of land uses that maintain and enhance the County's fiscal viability, economic diversity and environmental integrity (General Plan LU-26). **PRB11-86 (cont'd)**

Only our Respect Lake Tamarisk Alternative (Further Reduced Footprint Alternative C)** meets all these requirements**

Also, note that the future economic diversity and viability is currently in progress in the Desert Center Area, but is dependent on the implementation of the Respect Lake Tamarisk Alternative. See details in other sections. **PRB11-87**

The Riverside County Planning Department stated that since no mitigation of the Visual Aesthetics will eliminate these impacts a Statement of Overriding Considerations must be obtained. These are often given by the California Department of Energy. **PRB11-88**

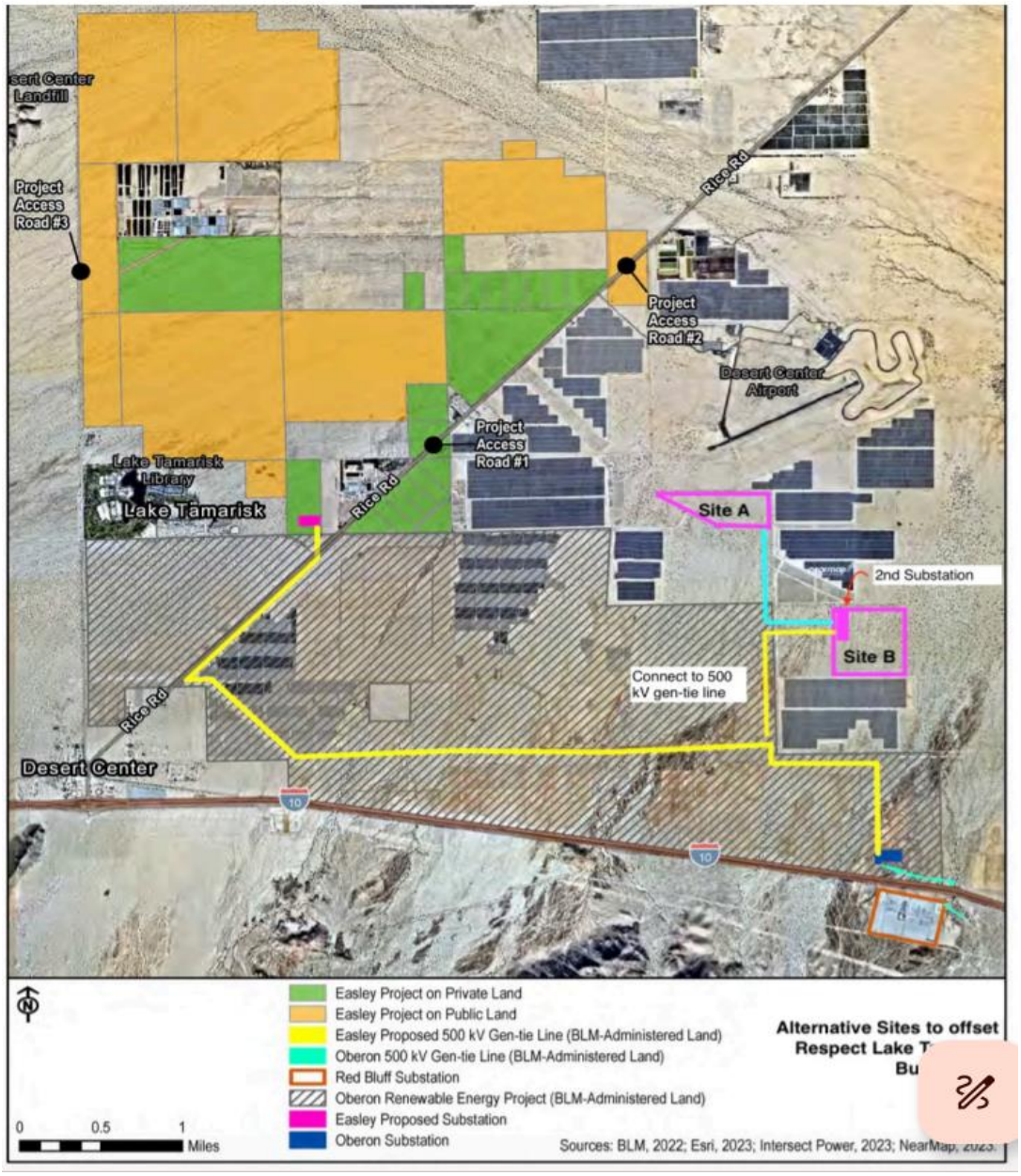
The Respect Lake Tamarisk Alternative (Further Reduced Footprint Alternative C**) **does** mitigate these impacts for our Desert Oasis Community while meeting **all** Project Objectives.**

Note that Easley claims that their 400 megawatts will provide 650,000 homes their energy needs while the California ISO estimates the 400 megawatts would power up to 300,000 homes and EDF Renewables' Maverick Solar Facility's 650 megawatts, reportedly, will only provide 217,000 homes with clean energy. **PRB11-89**

Additionally, the Respect Lake Tamarisk Alternative (**Further Reduced Footprint Alternative C)** reduces the project by only 80 to 100 megawatts West of Hwy 177 and identifies suitable lands currently available East of Hwy 177 and much closer to the Red Bluff substation to build a 100 megawatt facility if they desire. Intersect Power relinquished permitting for these lands with generalized statements that do not apply to the specific locations we have identified. **PRB11-90**

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-90 (cont'd)



Also, Private land is currently available west of Hwy 177, less than 1 mile north of the Easley Solar Project site, of sufficient size for a 100 megawatt solar array field.

Private land has been offered to Intersect Power but they refused to review it, saying it was late in the permitting process. Perhaps they will re-evaluate once the reduction in MW is definite.

Comment Set PRB11 – Active Communities/Desert Center (continued)

County of Riverside General Plan Land Use Element (LU) **PRB11-91**

The following policies of the General Plan Land Use Element are applicable to **aesthetics/visual** resources and the Project: Policy LU

4.1: Require that new developments be located and designed to visually enhance, not degrade the character of the surrounding area through consideration of the following concepts: a) Compliance with the design standards of the appropriate area plan land use category. b) Require that structures be constructed in accordance with the requirements of Riverside County's zoning, building, and other pertinent codes and regulations. o) Preserve natural features such as unique natural terrain, arroyos, canyons, and other drainage ways, and native vegetation, wherever possible, particularly where they provide continuity with more extensive regional systems.

*Note that **only** our Respect Lake Tamarisk Alternative (**Further Reduced Footprint Alternative C)** will meet this requirement for our Community and the Desert Center Area. Intersect Power uses their lack of ability to meet this requirement in their current site plans in general as an excuse not to mitigate these impacts on our Community.

Policy LU 7.1: Require land uses to develop in accordance with the General Plan and area plans to ensure compatibility and minimize impacts. **PRB11-92**

*Note that our Respect Lake Tamarisk Alternative (**Further Reduced Footprint Alternative C)** meets this requirement while neither of Intersect Power's plans would.

Policy LU 9.1: Provide for permanent preservation of open space lands that contain important natural resources, cultural resources, hazards, water features, watercourses including arroyos and canyons, and scenic and recreational values. **PRB11-93**

*Note that the Respect Lake Tamarisk Alternative (**Further Reduced Footprint Alternative C)** mitigates the scenic and recreational value for the Lake Tamarisk Desert Oasis Community.

Policy LU 9.2: Require that development protect environmental resources by compliance with the Multipurpose Open Space Element of the General Plan and federal and state regulations such as CEQA, NEPA, and Clean Air Act, and the Clean Water Act. **PRB11-94**

*Note that The Easley Project violates most of these as currently designed but the Respect Lake Tamarisk Alternative (**Further Reduced Footprint Alternative C**) significantly mitigates many of these impacts.

Policy LU 14.1: Preserve and protect outstanding scenic vistas and visual features for the enjoyment of the traveling public. **PRB11-95**

*Note that throughout the Draft EIR, Aspen Environmental Group used the lowest visual resource value that the BLM has. This is in direct contrast to Riverside County's evaluation.

Comment Set PRB11 – Active Communities/Desert Center (continued)

Policy LU 14.3: Ensure that the design and appearance of new landscaping, structures, equipment, signs, or grading within Designated and Eligible State and County scenic highway corridors are compatible with the surrounding scenic setting or environment. **PRB11-96**

*Note that the DCAP proposes that I-10 become a scenic highway and is therefore eligible, but it was not designated as such at that time. This does, however stress the overall scenic value of the Desert Center Area.

Policy LU 14.5: Require new or relocated electric or communication distribution lines, which would be visible from Designated and Eligible State and County Scenic Highways, to be placed underground. **PRB11-97**

*According to a prospective Renewable Energy Developer this can be done, though extremely expensive. - see the Respect Lake Tamarisk Alternative Synopsis

Policy LU 21.1: Require that grading be designed to blend with undeveloped natural contours of the site and avoid an unvaried, unnatural, or manufactured appearance. **PRB11-98**

*Note that according to the EPA, and put into practice by Crimson Solar Project, grading is unnecessary for the majority of the project - See references in the outline of the Respect Lake Tamarisk Alternative.

Policy LU 21.3: Ensure that development does not adversely impact the open space and rural character of the surrounding area. **PRB11-99**

*Note that our Respect Lake Tamarisk Alternative (**Further Reduced Footprint Alternative C**) mitigates this Impact and both Easley plans submitted by Intersect power violate this policy.

Policy LU 26.1: Require that development be designed to blend with undeveloped natural contours of the site and avoid an unvaried, unnatural, or manufactured appearance. **PRB11-100**

*Note that the Respect Lake Tamarisk Alternative (**Further Reduced Footprint Alternative C**) mitigates this impact for the Community of Lake Tamarisk.

Policy LU 26.3: Ensure that development does not adversely impact the open space and rural character of the surrounding areas. **PRB11-101**

*Note that the Respect Lake Tamarisk Alternative (**Further Reduced Footprint Alternative C**) mitigates this impact.

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Comment Set PRB11 – Active Communities/Desert Center (continued)

Significance After Mitigation

PRB11-102

"The night lighting and glare impacts associated with Riverside County General Plan Land Use Element Policy LU 4.1 and Desert Center Area Plan Policy DCAP 4.1 would be less than significant with effective implementation of MMs AES-1 and AES-3. The Project's inconsistences or partial inconsistencies with Riverside County General Plan Land Use Element (LU) Policies 4.1, 14.5, 21.1, 21.3, 26.1, and 26.3; Circulation Element (C) Policy 25.2; and DCAP Policy 2.3 are not considered significant given the absence of scenic resources on the Project site, the Project's consistency with the applicable BLM VRM Class IV management objective, the renewable energy development and energy infrastructure trends already established in the Chuckwalla Valley, and the visual consistency of the Project features with other existing (and under construction) solar generation and electric transmission facilities in the immediate Project vicinity."

*Note that Aspen is using the BLM Visual resource management definition of class IV which is the polar opposite of the Riverside County General Plan's high scenic value identification for this Area. The Impacts of the Project **are Significant.**

PRB11-103

This technique of misrepresentation of the facts is used throughout the Draft EIR in order to downplay the significance of the Easley Solar Project Impacts.

Very few of the "less than significant impact" statements used by Aspen Environmental Group throughout the Draft EIR are valid.

They are meant to mislead the Riverside County Planning Department and our Board of Supervisors in order to get CUP approvals.

All of these statements should be suspect and reevaluated by an independent, unbiased Environmental Assessment. Aspen Environmental Group has clearly shown its inability to make such an unbiased evaluation.

However, the Respect Lake Tamarisk Alternative (**Further Reduced Footprint Alternative C**) **does** mitigate many of the **significant** impacts that Aspen Environmental Group erroneously identifies as "less than significant".

Therefore, only the Respect Lake Tamarisk Alternative (**Further Reduced Footprint Alternative C**) should be considered as meeting the necessary requirements to receive any Conditional or Public Use Permits.

Easley PRDEIR:
NOA - Easley Partially Recirculated DEIR.pdf

Comment Set PRB11 – Active Communities/Desert Center (continued)

Section 8. Minimum Requirements - Environmentally Superior Alternative C (Further Reduced Footprint Alternative C, formally the Respect Lake Tamarisk Alternative)

–Partially Recirculated Draft Environmental Impact Report for the IP Easley Renewable Energy Project–

Conditional Use Permit No. 220021 Public Use Permit No. 230002 Development Permit No. 2200016

Respect Lake Tamarisk Alternative for the Easley Solar Project minimum requirements: **PRB11-104**

1. Minimum Buffer Zone Setback of 1 mile from the Lake Tamarisk Community borders, including the Phase II expension area.
2. Screening berms at 2 locations.
3. Water usage plan modified to exclude water from the Chuckwalla Aquifer.
4. Aggressive Fugitive Dust Management Plan to include the Site preparation plan that follows EPA guidelines as previously implemented by the Crimson Solar Project and planned for the Rough Hat Clark Solar Project (Maximum of 20% of project surfaces may be disturbed)
6. Fugitive Dust Abatement Plan includes hydro-seeding with native vegetation of all disturbed soils
7. Relocate substation.
9. Hydrology plan modified to minimize flooding impacts to downstream properties.
10. All night lighting shielded to eliminate light leakage outside of construction areas. This specifically includes temporary work lighting. Protect valuable Dark Skies resources.
11. OHV access routes North to Joshua Tree National Park boundary road and East to Hwy 177; Specifically Mellon Street to remain open for public travel.
12. Noxious weed plan modified to allow only spot treatment.
13. Noise plan modified for high density residential zone.
14. Fire plan modified to include automatic suppression systems on BESS and Inverter units.
15. Waste generation plan modified to include weekly pickup around fence line during construction.
16. Compliance monitoring plan that coordinates between RIVCO and BLM In conjunction with Lake Tamarisk residents.
17. Traffic management plan includes no employee access on Kaiser Road; speed limits; flagers at junctions.
18. Employee parking at Desert Center and bussing to the construction sites is required to alleviate congestion. Fenced lots are available to lease from Desert Center Development Corporation.

Easley PRDEIR:
NOA - Easley Partially Recirculated DEIR.pdf

Comment Set PRB11 – Active Communities/Desert Center (continued)

Section 9. We Support Responsible Renewable Energy Development

–Partially Recirculated Draft Environmental Impact Report for the IP Easley Renewable Energy Project–

Conditional Use Permit No. 220021 Public Use Permit No. 230002 Development Permit No. 2200016

PRB11-105

Development of Renewable Energy is essential to the future health of our Planet.
However, it must and can be done responsibly and respectfully.

Responsible Renewable Energy Developers respect nearby Communities, both human and biological.

Intersect Power has a clear record of disregard for both.
Greed under the guise of saving the planet permeates this company.

They built the Oberon Solar Project within 1/3 mile of the Desert Oasis Community of Lake Tamarisk without even notifying the residents and destroyed large areas of Endangered Desert Tortoise habitat.



Enormous piles of Ancient Ironwood trees obliterated by Intersect Power

Yet Governor Newsom, fooled by Intersect Power, awarded their proposed Easley Solar Project the Environmental Leadership Development Project status. This project would be constructed within 100 feet of Lake Tamarisk and destroy hundreds of acres of highly valued Desert Tortoise habitat.

The character of this company is flawed from the top down.

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Comment Set PRB11 – Active Communities/Desert Center (continued)

CEO Sheldon 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.

"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."Bloomberg News, December 4, 2023, Daniel Moore

—

Such arrogance permeates throughout this irresponsible company.

Reducing the size of the 3700 acre Easley Solar Project by less than 500 acres of panels would protect hundreds of acres of Endangered Desert Tortoise habitat that was excluded from Renewable Energy Development Focus Area (DFA) in the Desert Renewable Energy Conservation Plan (DRECP).

These valuable habitats surround the Desert Oasis Community of Lake Tamarisk. Experiencing these desert environments is an essential part of residents' quality of life.

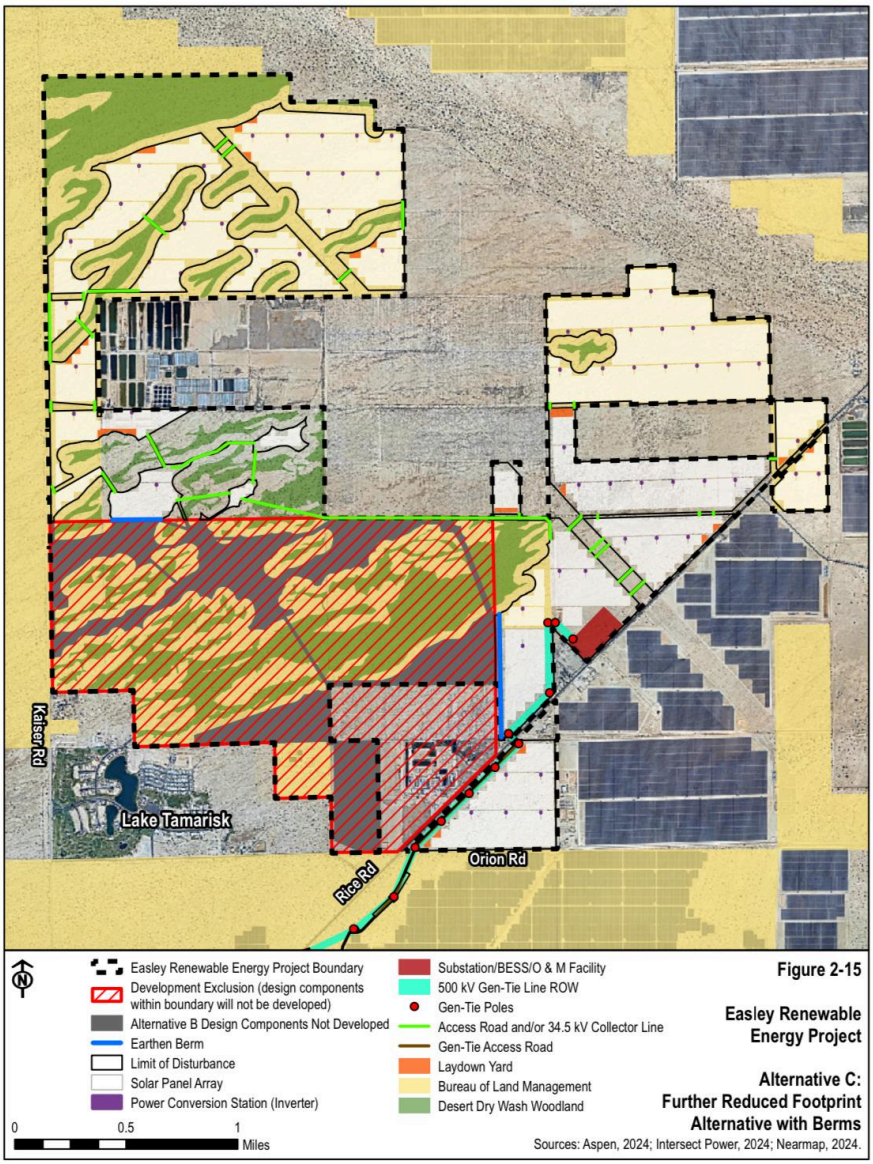
PRB11-105 (cont'd)

The Environmentally Superior Alternative, identified as the **Further Reduced Footpath Alternative C**, protects this area within its 1-Mile Setback from the Community. The public lands within this Setback are excluded from the Development Focus Area(DFA) for Renewable Energy Development due to their valuable wildlife habitats.

PRB11-106

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-106 (cont'd)



Further Reduced Footprint Alternative C

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-107

There are over 100,000 acres of available lands remaining within the Development Focus identified for further Renewable Energy Development.

The only defense against such an arrogant and irresponsible developer as Intersect Power, is our government authorities who have both the power and responsibility to protect the human and biological Communities under their care.

We ask our Riverside County Board of Supervisors to select only the **Environmentally Superior Alternative C** for any Conditional or Public Use Permits regardless of the pleas of Intersect Power in their avarice.

Easley PRDEIR:
NOA - Easley Partially Recirculated DEIR.pdf

Comment Set PRB11 – Active Communities/Desert Center (continued)

Section 10. Requiring the Easley Solar Project to become an actual Environmental Leadership Development Project

–Partially Recirculated Draft Environmental Impact Report for the IP Easley Renewable Energy Project–

Conditional Use Permit No. 220021 Public Use Permit No. 230002 Development Permit No. 2200016

PRB11-108

Primary Takeaways:

1. Intersect Power has demonstrated that Environmental Destruction is acceptable to them during the construction of the Oberon Project.
2. Requiring the Easley Solar Project to meet the minimum requirements of the Respect Lake Tamarisk Alternative (**Further Reduced Footprint Alternative C)** would protect hundreds of acres of Microphyll Woodlands, a highly valuable biological resource for the Endangered Desert Tortoise, several Special Status species of wildlife, and essential migratory bird habitat. This would help demonstrate Environmental Leadership.

Intersect Power has proven that they are **not** leaders in Environmental Protection.
Their Oberon project, completed last year next to our Community, demonstrates their Leadership in Environmental Destruction. When the Project was approved with the DRECP regulation 200 ft set back from Microphyll Woodlands, Intersect Power complained that they could not produce as much power as they desired. Consequently the Bureau of Land Management granted a variance so that the Oberon Project could be at 50 ft from the Desert Dry Wash Woodlands and remove hundreds of ancient Ironwood trees, thus destroying vast amounts of valuable Endangered Desert Tortoise and other wildlife habitat.



Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-108 (cont'd)





Intersect Power's proposed Easley Solar Project was expected to receive the same variance. The map below shows this plan presented to the County, BLM, and the Community of Lake Tamarisk. However, the BLM rejected this plan on the basis that it violated the DRECP required 200 ft setback from Ironwood filled Desert Dry Wash Woodlands. A variance could be applied for after an initial approval of a Plan that meets these regulations.

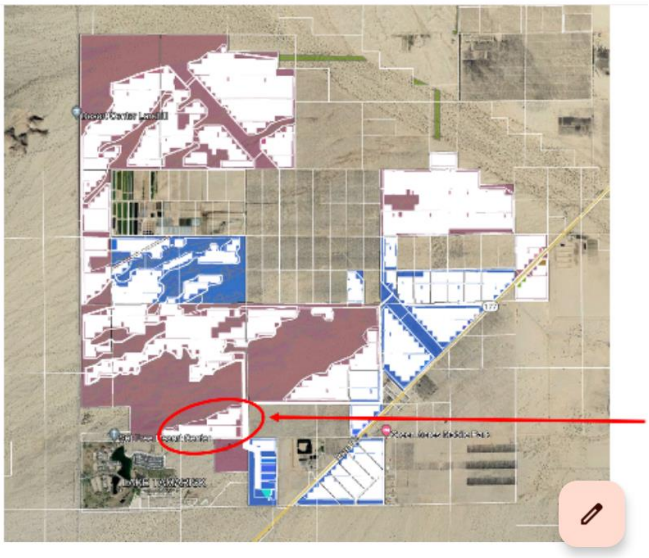
Comment Set PRB11 – Active Communities/Desert Center (continued)

Easley Layout Evolution

PRB11-108 (cont'd)

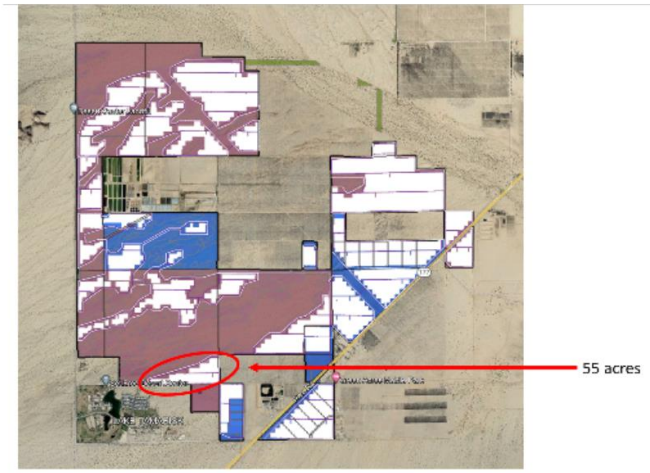
Note: Acres refer to acres within Easley Project fence line

Original (incorrect DDWW buffer) - shown in CEQA Scoping Meeting (Dec 2022):



The areas between PV panel fields are protected Desert Dry Wash Woodlands with wildlife exclusion fencing at 50 feet as the Oberon Project variance allowed.

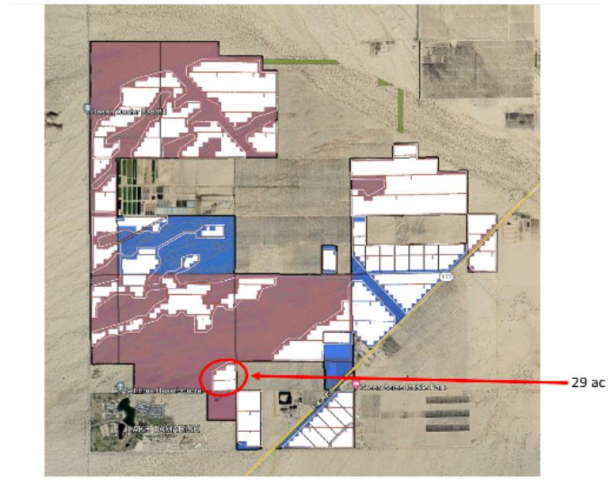
Proposed (corrected DDWW buffer) - submitted to agencies 2023; being analyzed in EIR/EA:



Corrected site plan with regulation 200 ft setback from Desert Dry Wash Woodlands. A variance could be applied for after approval as it was for the nearby Oberon Solar Project.

Comment Set PRB11 – Active Communities/Desert Center (continued)

Alternative (Lake Tamarisk Alternative) - submitted to agenc
Feb 2023; being analyzed in EIR/EA:



PRB11-108 (cont'd)

This site plan shows the reduction of 26 acres that Intersect Power misrepresented as a “great sacrifice” to the Easley Project for the Desert Oasis Community of Lake Tamarisk.

PRB11-109

The fingers of Ironwood Washes, known as the Veins of Life of the Sonoran Desert, throughout the Project would be separated by Photovoltaic Panels and Wildlife Exclusion Fencing completely eliminating animal movement from Wash to Wash. Yet the Biodiversity in these Microphyll Woodland Washes is dependent on this movement and the microhabitat variation between them.

This unique habitat variation is responsible for the Biodiversity in the area. To place a fenced Solar Field between these Washes would make the habitats within the washes isolated thus destroying the life-giving purpose of these narrow Woodland Washes.

Desert Dry Wash Woodlands are cover for 95% of Migratory Birds yet they comprise only 5% of the Sonoran Desert.

The Habitat proposed to be covered by the Easley Solar Project is a rare and highly valued habitat for the Endangered Desert Tortoise, several Listed Special Status Species of wildlife as well as Migratory Birds.

Under Intersect Power's Plan of Development, the Easley Project would only show Leadership in Environmental Destruction.

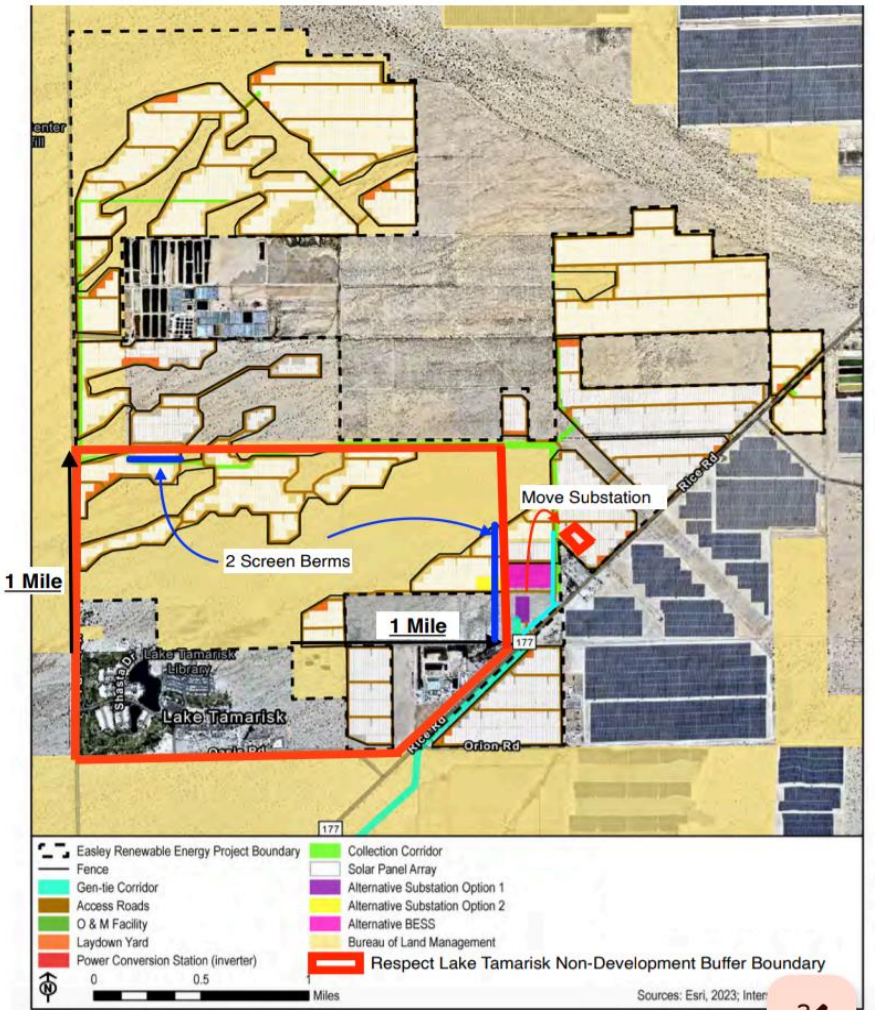
PRB11-110

Implementation of the Respect Lake Tamarisk Alternative (**Further Reduced Footprint Alternative C**) would prohibit placement of all PV Panels and Wildlife Exclusion Fencing between the Ironwood Washes for 1-Mile around Lake Tamarisk, thus preserving this highly

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-110 (cont'd)

valued habitat on the BLM managed Public Lands. Beyond this 1-Mile Buffer Zone Setback is 1.5 miles of private lands. The private and public lands north of the one mile buffer zone would not receive this protection. The value of the Desert Dry Wash Woodlands in those regions would be sacrificed.



The above map shows the 1-Mile Buffer Zone. All of the areas in yellow are protected Desert Dry Wash Woodlands.

By reducing the Easley Solar Project footprint by the 1-Mile Buffer Zone described above, the Project would protect hundreds of acres of highly valued habitat of Ironwood filled Desert Dry Wash Woodlands. This would show Environmental Leadership.

Governor Newsom's Certification of the Easley Solar Project as an Environmental Leadership Development Project would then have some merit. As our County Supervisor you can help the Governor by requiring this Project to live up to the standards of this Certification.

Comment Set PRB11 – Active Communities/Desert Center (continued)

Section 11. Additional Comments

–Partially Recirculated Draft Environmental Impact Report for the IP Easley Renewable Energy Project–

Conditional Use Permit No. 220021 Public Use Permit No. 230002 Development Permit No. 2200016

1. **All public access roads must be left open**. None may be eliminated, including Melon Street from the borders of Lake Tamarisk north to the Big Wash and Pinto Wash. **PRB11-111**
2. Transportation. In order to reduce traffic, Intersect Power will lease a lot in Desert Center for employee parking and bus workers to the construction site. Desert Center Development Corporation has fenced lots available for this purpose. **PRB11-112**
3. All lighting, including portable work lights, are to be shielded to eliminate all light leakage outside construction sites. This also includes substation lighting. Motion sensors are to be installed to eliminate unnecessary light. Portable work lights must be shielded. "Portable lighting may be used occasionally and temporarily during construction and for maintenance activities during operations, such as emergency work that must occur at night." PRDEIR. Dark Skies are a valuable resource in the west Chuckwalla Valley. **PRB11-113**
4. Socio Economic Impacts are completely missing from the PRDEIR. Significant negative impacts on property values are not addressed. **PRB11-114**
5. Health Effects are addressed for workers only. The Health Effects analysis for the nearby residents is omitted. **PRB11-115**
6. Mitigation Lands for displaced wildlife are not identified. **PRB11-116**
7. Drainage, erosion and flood control for downstream businesses are not adequately addressed. **PRB11-117**
8. If any water extraction from the Chuckwalla Valley Groundwater Basin is allowed, weekly drawdown testing is required. Intersect Power caused several wells to go dry by Overpumping their Oberon well. Owners were eventually compensated under confidentiality agreements, preventing permitting agencies discovery of their irresponsibility. **PRB11-118**
9. Trash must be picked up weekly during construction including along all fence lines. **PRB11-119**
10. Fire breaks will be established between the fence lines and panel fields. **PRB11-120**
11. Automated fire suppression for BESS units and inverters is required for preventing highly toxic fumes from risking the health and safety of residents.
12. Noise from inverters and BESS units disturbs the peaceful nature of an Oasis environment and can only be mitigated by the 1-Mile Buffer Zone Setback. **PRB11-121**
13. Construction work must Not begin before 7 am from October through March and end by 7 pm.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-122

14. Ground disturbance of 20% maximum is allowed in the project construction areas. This would be approximately 500 acres. This provides for maximum vegetation preservation and greatly reduces water requirements for dust control.

Easley PRDEIR:
https://drive.google.com/file/d/19nZ3FhjcHRclbdQXzBwdoe4gilwlk2Dh/view?usp=drivesdk

Comment Set PRB11 – Active Communities/Desert Center (continued)

Section 12. Board of Supervisors Policy B-29

–Partially Recirculated Draft Environmental Impact Report for the IP Easley Renewable Energy Project–

Conditional Use Permit No. 220021 Public Use Permit No. 230002 Development Permit No. 2200016

COUNTY OF RIVERSIDE, CALIFORNIA BOARD OF SUPERVISORS POLICY SOLAR POWER PLANTS B-29
https://drive.google.com/file/d/1PvLCbjYeux-i0e0k64ZnDkP5IR_ymKN_/view?usp=drivesdk

PRB11-123

"Purpose:
The Board supports solar energy and acknowledges its benefits. The benefits of solar power plants, however, occur on a national, statewide and regional level. **The County wants to contribute its fair share to meet renewable energy goals, but not at the expense of its residents. At the local level, solar power plants permanently alter the landscape.** They also permanently commit vast areas of the County to energy production and **preclude all other potential uses**, including, but not limited to, agricultural, recreational, commercial, residential and open space uses."

-Of the on site Development Plans, only the **Further Reduced Footprint Alternative C** allows the Board of Supervisors to fulfill this Policy's requirements to protect residents.

PRB11-124

-Without notice to residents, Intersect Power irresponsibly constructed the Oberon Project within 600 yards from the Desert Oasis Community of Lake Tamarisk, damaging our views, access to wilderness and quiet enjoyment of our desert surroundings. The cumulative effects of adding the Easley Project within a few feet of our Community would be devastating to our Quality of Life and General Welfare.

PRB11-125

"There are currently such a large number of solar power plants approved and pending in the County that the **fundamental values** of the County expressed in its General Plan are in jeopardy. **These fundamental values include "sustainability", pursuant to which the County has an expectation that its future residents will inherit communities offering them a reasonable range of choices (General Plan pg. V-7); and the "natural environment", pursuant to which the County is committed to maintaining sufficient areas of natural**

Comment Set PRB11 – Active Communities/Desert Center (continued)

open space and sustaining the permanent viability of unique landforms and ecosystems (General Plan pg. V-6)."

-The **Natural Environment** surrounding a Desert Oasis Community is essential to its identity and desirability. Sustaining the permanent viability of the ecosystem around Lake Tamarisk can be accomplished through selecting the **Further Reduced Footprint Alternative C**, designated the **Environmentally Superior Alternative,** for the Easley Solar Project.

PRB11-125 (cont'd)

"**The vision of the County expressed in its General Plan is also in jeopardy.** Corridors and areas may not be preserved for distinctive purposes, including multi-purpose open space; economic development; agriculture; residences; and public facilities (General Plan pg. V-11). **The rich diversity of the County's environmental resources may not be preserved and enhanced for the enjoyment of present and future generations** (General Plan pg. V-11)."

-Our Riverside County Board of Supervisors recognizes the risks to the Vision Statement of our County. The **Further Reduced Footprint Alternative C** will significantly reduce the direct portion of this impact on the Community of Lake Tamarisk.

PRB11-126

"The purposes of this Board policy are to implement these and other General Plan provisions, **to ensure that the County does not disproportionately bear the burden of solar energy production**, to ensure the County is compensated in an amount it deems appropriate for the use of its real property"

-The Desert Oasis Community of Lake Tamarisk is **disproportionately bearing the burden of solar energy production.** All 25% of the B-29 funds from all solar projects within 20 miles should be dedicated to the Community of Lake Tamarisk and the ongoing economic development of the Area.

PRB11-127

"To secure public health, safety and welfare, a solar power plant shall be subject to the requirements of this policy as well as the requirements of any applicable ordinance, state or federal law."

-Our Board of Supervisors recognizes its responsibility to the Health, Safety and General Welfare of the Community of Lake Tamarisk and the Desert Center Area. With economic development currently in progress within the Area, special attention is required to enhance rather than deter such development. The businesses in development now will bring over 150 new **permanent jobs** to the Area within the next 2 years. **Affordable housing** development is planned for the Lake Tamarisk Community. This development is dependent on the Community retaining it's desirability and identity as a Desert Oasis. The only on site Development Plan that presets that identity is the **Further Reduced Footprint Alternative C.**

PRB11-128

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-128 (cont'd)

While a Responsible Developer would Respect the Communities in Riverside County, we are fortunate that our Board of Supervisors has the authority and responsibility to regulate an irresponsible Developer like Intersect Power in order to protect the future Health, Safety and General Welfare or the Desert Oasis Community of Lake Tamarisk.

Easley PRDEIR:
https://drive.google.com/file/d/19nZ3FhjcHRclbdQXzBwdoe4gilwlk2Dh/view?usp=drivesdk

Comment Set PRB11 – Active Communities/Desert Center (continued)

Section 13. Misleading Statements by Intersect Power

Intersect Power has made several statements that have misled decision makers at all levels. PRB11-129

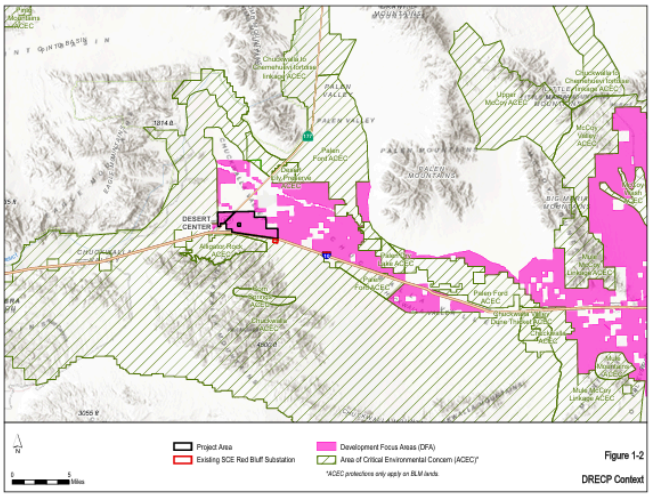
Development Focus Area (DFA) for Renewable Energy Development

From PDEIR:

"Unless BLM amends the California Desert Conservation Area (CDCA) and DRECP Land Use Plan Amendment (LUPA) to designate a portion of the Project area as a solar development exclusion zone, the vacant area within the buffer would remain designated as a Development Focus Area and may be developed for renewable energy in the future."

This is False ! The opposite is true. A Land Use Plan Amendment would be required for the Easley Project to use these lands since they are **NOT in the Development Focus Area (DFA) or the Riverside East Solar Energy Zone (SEZ).**

The public and private lands within the 1-Mile Setback have Never been designated for Solar Energy Development.



From the Oberon Project Decision of Record

Comment Set PRB11 – Active Communities/Desert Center (continued)

The white area above the Oberon Project Area is at the border of Lake Tamarisk and is Not in the DFA.

It is hard to believe that Intersect Power forgot where the Development Focus Area is during the year between their two Project developments.

This error, whether intentional or not, has misled decision makers at all levels, including Governor Newsom.

PRB11-129 (cont'd)

Chuckwalla Valley Groundwater Basin water quality issues caused by overpumping.

PRB11-130

Intersect Power attorney, Rob Bernheimer, to Steven Hernandez:

"You asked me to summarize the Groundwater basin issues for the Intersect Power Easley Project. I have attached the WSA summary and conclusions for your review, but the critical conclusion is:

"Based on the limited magnitude of the simulated drawdown due to Project and cumulative project pumping, groundwater levels would not be lowered to a level that would cause a degradation of groundwater quality that affect other beneficial uses. Groundwater levels would not be lowered to a level that causes pumping wells near the Project to begin to capture deeper/older groundwater within the CVGB.""

This is a convenient half truth. The second half of the same paragraph, quoted by Rob, summarizes the water quality of those lower levels.

"Deeper/older groundwater typically contains increased salts and nutrients as a result of prolonged exposure to the aquifer material (leaching of minerals from the host rock into groundwater) (USGS, 2019)."

The inconvenient truth for Intersect Power, that they clearly wish decision makers not to understand, is that once the Groundwater Basin goes into Overdraft, (water level below the outlet into the Colorado River), the fresh annual recharge waters will mix with these ancient high salinity layers. The result is a continuous decline in water quality.

The same GSI report shows that there are only 100 acre feet of fresh water above the Overdraft level. This is down from 12,000 acre feet 12 years earlier, largely due to the enormous volumes of groundwater extracted by Solar Developers in the Chuckwalla Valley beyond the Sustainable Annual Yield (inflow).

Comment Set PRB11 – Active Communities/Desert Center (continued)

Intersect Power would use up to 1000 acre feet of water for construction dust suppression on the Easley Project over an 18 month period. This extraction will take the water levels below the outlet and put the CVGB into Overdraft. 100-1000= -900.

Even with reduced water needs, any withdrawal beyond 100 acre feet would cause an Overdraft situation.

It's the long term water quality that our Developers and residents are concerned with not pumping directly out of ancient water levels that most wells in the Valley could not even reach.

PRB11-130 (cont'd)

Misrepresenting the amount of highly value wildlife habitat that would be saved by the 1-Mile Setback required by the Environmentally Superior Alternative (Further Reduced Footprint Alternative C)

"an **additional 10 acres** of desert dry wash woodland and 6 acres of desert pavement would be avoided by removing the solar panels within the 1-mile buffer." (p. 5-27.)

This makes it appear as though preserving the 1-Mile Setback would make little difference to wildlife habitats.

Yet when describing Alternative C**, the Further Reduced Footprint Alternative**, is identified as the Environmentally Superior Alternative. The PRDEIR admits that "[b]y avoiding 530 acres of habitat compared to the proposed Project" – instead of just 50 acres in the Reduced Footprint Alternative – Alternative B "would provide more opportunities for wildlife movement through the Project site…" (p. 5-27.) It also states that "[t]he areas where panels would be excluded overlap with moderate to high quality desert tortoise habitat." (p. 5-27.)

PRB11-131

CEQA requires the selection of one Alternative that will avoid one or more significant effects of the environment.

PRDEIR:

PRB11-132

Comment Set PRB11 – Active Communities/Desert Center (continued)

"Although this EIR identifies an environmentally superior alter- native, it is possible that the decision-makers could balance the importance of each impact area differently and reach different conclusions. In other words, the lead agency is not required to select the environmentally superior alternative. CEQA's "**substantive mandate**" only requires the selection of one alternative over others if that alternative is feasible, based on a list of statutory factors, and if it will avoid one or more significant effects on the environment compared to other alternatives."

PRB11-132 (cont'd)

Intersect Power would like decision makers to believe that their Alternative B, the Reduced Footprint Alternative, can be selected for permitting approval rather than the Environmentally Superior Alternative.

However, CEQA requires the selection of one alternative that will avoid one or more significant effects on the environment compared to other alternatives.

The Reduced Footprint Alternative B avoids NO significant effects compared to the Proposed Project Plan or other Alternatives.

The PRDEIR states that the Environmental Impacts of Alternative B are Not significantly different from the original Proposed Project Plan. Significant is the key word is the CEQA regulations.

Since Alternative B, the Reduced Footprint Alternative, creates **NO** significant reduction in environmental effects compared to the original Plan of Development or any Alternative, it may Not be selected for permitting according to CEQA regulations.

However, **Alternative C, the Further Reduced Footprint Alternative,** does avoid many significant environmental effects when compared to other alternatives, as described in the PRDEIR. Therefore, the Only on site Alternative that may be selected for permitting is **Alternative C,** also designated the **Environmentally Superior Alternative.**

-Oberon Solar Project, by Intersect Power, success in reducing water usage in construction dust control

PRB11-133

Another point that Intersect Power put forward is their success in reducing the water usage for the Intersect Power Oberon Solar Project.

"The Easley project will be using BLM and County-approved soil binders to meet dust control standards and minimize construction-phase water use. This is how Oberon was able to so successfully reduce its water use."

Comment Set PRB11 – Active Communities/Desert Center (continued)

However, when you read the Amended Fugitive Dust Management Plan , you will see the utter failure of their fugitive dust control. The vast majority of the project was left untreated and the toxic dust from the project inundated the Community of Lake Tamarisk on multiple occasions. That failure must not be allowed to be repeated on the Easley Project without damaging the health of the residents, several of whom have lung disorders. This would be a life threatening situation that is completely avoidable.

PRB11-133 (cont'd)

The Amended Fugitive Dust Management Plan that we have developed with the cooperation of the EPA presents both construction methods and dust control measures that significantly reduce the water requirements while creating nearly 100% dust containment within the project area. Coupled with the 1-Mile Setback in the Environmentally Superior Alternative the health hazards to the Community would be minimized.

Additionally, by irresponsible Overpumping the Oberon well, several local wells went dry and others began pumping brackish water. The well owners were eventually compensated only after signing confidentiality agreements.

PRB11-134

This is hardly a success story of water conservation.

Easley PRDEIR:
https://drive.google.com/file/d/19nZ3FhjcHRclbdQXzBwdoe4gilwlk2Dh/view?usp=drivesdk

Comment Set PRB11 – Active Communities/Desert Center (continued)

Detrimental Impacts on the Health, Safety and General Welfare of the Community - Respect Lake Tamarisk Alternative (Further Reduced Footprint Alternative C)(Further Reduced Footprint Alternative C)

–Partially Recirculated Draft Environmental Impact Report for the IP Easley Renewable Energy Project–

Conditional Use Permit No. 220021 Public Use Permit No. 230002 Development Permit No. 2200016

PRB11-135

Riverside County Code section 17.200.050 states: "A conditional use permit **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.** Any permit that is granted shall be subject to such conditions as shall be necessary to protect the health, safety or general welfare of the community."

RCC section 17.208.040 similarly states: "A public use permit 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. **Any permit that is granted shall be subject to such conditions as shall be necessary to protect the health, safety or general welfare of the community**."

Only the **Further Reduced Footprint Alternative C** coupled with the **Fugitive Dust Management Plan** in the Respect Lake Tamarisk Alternative will allow the Riverside County Planning Department and the Board of Supervisors to meet these Ordinances and protect the Health, Safety, and General Welfare of the Desert Oasis Community of Lake Tamarisk.

Therefore, the Planning Department may only recommend for Board approval the **Further Reduced Footprint Alternative C.** The only other viable option that fulfills the department's obligations is the No Build Alternative A1.

PRB11-136

Degradation of Present and Future Property Values

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-136

Utility Scale Solar Developers, including Intersect Power, have asserted that constructing Large Scale Solar (LSS) projects near Communities has a less than significant impact on property values, quoting a 2023 study by Berkeley National Laboratory.

This Berkeley Labs nationwide study showed that LSS constructed within a mile of Communities caused an average decline of only 1.7% to property values. Residents largely supported these Solar Projects.

However, a second study by Berkeley National Laboratory, published in April, 2024 has an additional different conclusion.
https://docs.google.com/document/d/1BHYfgjhpy05Qa8WBYCJcXcabfG1PXAVZ4cyLq8Mebsk/edit

This recent study showed that the attitudes of Community residents to Large Scale Solar within 3 miles was generally positive. In fact, 5 out of 6 residents approved of these projects and felt no decline in their quality of life. This certainly clarifies why only an average property value decline of 1.7% was found nationwide in their previous study.

However, further into the report an important distinction relating to the size of these Projects is revealed, requiring new definitions.

-Large Scale Solar (LSS) is now defined as Solar Projects of between 1 and 100 MW.

-Very Large Scale Solar (VLSS) is newly defined as Solar Projects over 100 MW.

The Easley Project would be 300 to 400 MW and coupled with the 500 MW Oberon Solar Project by Intersect Power.

The report goes on to say that while 5 out of 6 Community residents have positive attitudes towards Large Scale Solar under 100 MW, 12 out of 13 residents have negative attitudes towards Very Large Scale Solar over 100 MW within 3 miles and declare that their **quality of life has been diminished.**

"Very large (>100 MW) projects elicit substantially more negative attitudes compared to smaller and mid-sized projects.

Negative attitudes outnumber positive by a 12:1 margin around the largest projects (>100 MW) in our sample.

Yet that trend is reversed for projects below 100 MW: Attitudes are 5:1 positive for 50-100 MW projects; 2:1 positive for 2-50 MW projects, and 5:1 positive for 1-2 MW projects.

Comment Set PRB11 – Active Communities/Desert Center (continued)

Perceptions relating to aesthetic, economic, and quality of life impacts are strongly correlated with attitudes." Berkeley National Laboratory, April, 2024

PRB11-136 (cont'd)

Fortunately the County of Riverside code prohibits approval of any proposed project plan that would cause such a detrimental impact on the General Welfare of our Community.

It is common knowledge, and emphasized in all real estate courses, that attitudes about the surrounding environment and perceptions of their impact on quality of life have a direct impact on the desirability of residing in an Area and consequently directly impacts demand and the resulting present and future property values.

With the developments in progress at Desert Center, Eagle Mountain and Lake Tamarisk property values are set to rise significantly over the next 10 years. The Future Value Losses would be enormous if either the Proposed Project Development Plan or the Reduced Footprint Alternative B for the Easley Solar Project were approved. This is directly detrimental to the General Welfare of the Community.

Therefore, **only** the **Further Reduced Footprint Alternative C** may be recommended for Board approval by the Planning Department without violating County Ordinances meant to protect the Communities in Riverside County.

-Development and Future Values Lost

PRB11-137

Liability for Future Value Losses would be enormous if either the Proposed Project Development Plan or the Reduced Footprint Alternative B Development Plan were to be constructed. According to Intersect Power that liability would be passed to the approving agency.

The economic development of the Desert Center Area is finally happening now.

Desert Center Development Corporation is currently in the permitting process for constructing a much needed Truck Stop/Travel Center in Desert Center, halfway between Phoenix and Los Angeles.

The Chuckwalla National Monument is very likely to be designated this year, further encouraging economic growth through tourism.

Establishment of affordable housing is in progress for Lake Tamarisk by Grant Development. Between Community Phase I and II, as many as 300 homes could be constructed. This development is absolutely dependent on the Community of Lake Tamarisk retaining its Desert Oasis Identity and thus its desirability to reside in.

Comment Set PRB11 – Active Communities/Desert Center (continued)

Developers like Allen Grant create value. The Future Values of the properties in Lake Tamarisk will grow substantially as these developments proceed.

PRB11-137 (cont'd)

As this development occurs the economic stability of the Desert Center Area improves and benefits the entire County of Riverside.

PRB11-138

The minimum 1-Mile Setback Buffer Zone around Lake Tamarisk, required in the **Further Reduced Footprint Alternative C**, is critical to this development success. The 2024 Berkeley National Laboratory study clarifies this fact.
https://docs.google.com/document/d/1BHYfgjhpy05Qa8WBYCJcXcabfG1PXAVZ4cyLq8Mebsk/edit

"Very large (>100 MW) projects elicit substantially more negative attitudes compared to smaller and mid-sized projects.

Negative attitudes outnumber positive by a 12:1 margin around the largest projects (>100 MW) in our sample.

Yet that trend is reversed for projects below 100 MW: Attitudes are 5:1 positive for 50-100 MW projects; 2:1 positive for 2-50 MW projects, and 5:1 positive for 1-2 MW projects.

Perceptions relating to aesthetic, economic, and quality of life impacts are strongly correlated with attitudes."

Perception relating to aesthetics, economics and quality of life are directly correlated to residential property values. Any area where the residents believe their quality of life has diminished loses its desirability and the demand for real estate. Property values fall and substantial future values plummet.

The end result of the Easley Solar Project Proposed Plan of Development or the Reduced Footprint Alternative B coupled with Intersect Power's adjacent Oberon VLSS Project would suppress Affordable Housing development in the Lake Tamarisk Community and negatively impact the Area's Economic Development and therefore the General Welfare of Riverside County as a whole.

Therefore, only the **Further Reduced Footprint Alternative C** may be recommended for Board approval by the Planning Department without harming the General Welfare of the Community and Riverside County as a whole and violating County Ordinances meant to protect the Communities in Riverside County.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-139

Fugitive Dust Management

The severe health consequences of unabated Fugitive Dust in desert environments is well documented in the State of California and throughout the Southwestern United States.

Since the Solar Projects would create a new source of Toxic Fugitive Dust that can easily be avoided, it would violate County ordinances to approve any project that does not provide 100% dust control.

Water Quality

Oasis Community Identity

Stress and Mental Anguish

Comment Set PRB11 – Active Communities/Desert Center (continued)

Protecting Valuable Biological Resources - Respect Lake Tamarisk Alternative (Further Reduced Footprint Alternative C)

–Partially Recirculated Draft Environmental Impact Report for the IP Easley Renewable Energy Project–

Conditional Use Permit No. 220021 Public Use Permit No. 230002 Development Permit No. 2200016

Primary Takeaways: **PRB11-140**

1. The 1-Mile Buffer Zone is filled with many fingers of Desert Dry Wash Woodlands, known as the Veins of Life in the Desert. These Microphyll Woodlands are rare and a highly valued habitat for the Endangered Desert Tortoise, 95% of Migratory Birds and many other animal and plant life.
2. Animals required free access between Woodland Washes for food and shelter. The current Easley site plans would place PV panels and wildlife exclusion fencing between these Washes thus destroying the value of this habitat.
3. Establishment of the 1-Mile Buffer Zone requirement in the Respect Lake Tamarisk Alternative would secure these Microphyll Woodland Washes for the uncommon Biodiversity they provide to the Desert Environment.

By you requiring Intersect Power to adopt the Respect Lake Tamarisk Alternative for the Easley Solar Project, Governor Newsom will have backed a true Environmental Leadership Project by protecting the highly valued habitat of Microphyll Woodlands while allowing the Desert Oasis Community of Lake Tamarisk to keep its Oasis Identity and Way of Life. **PRB11-141**

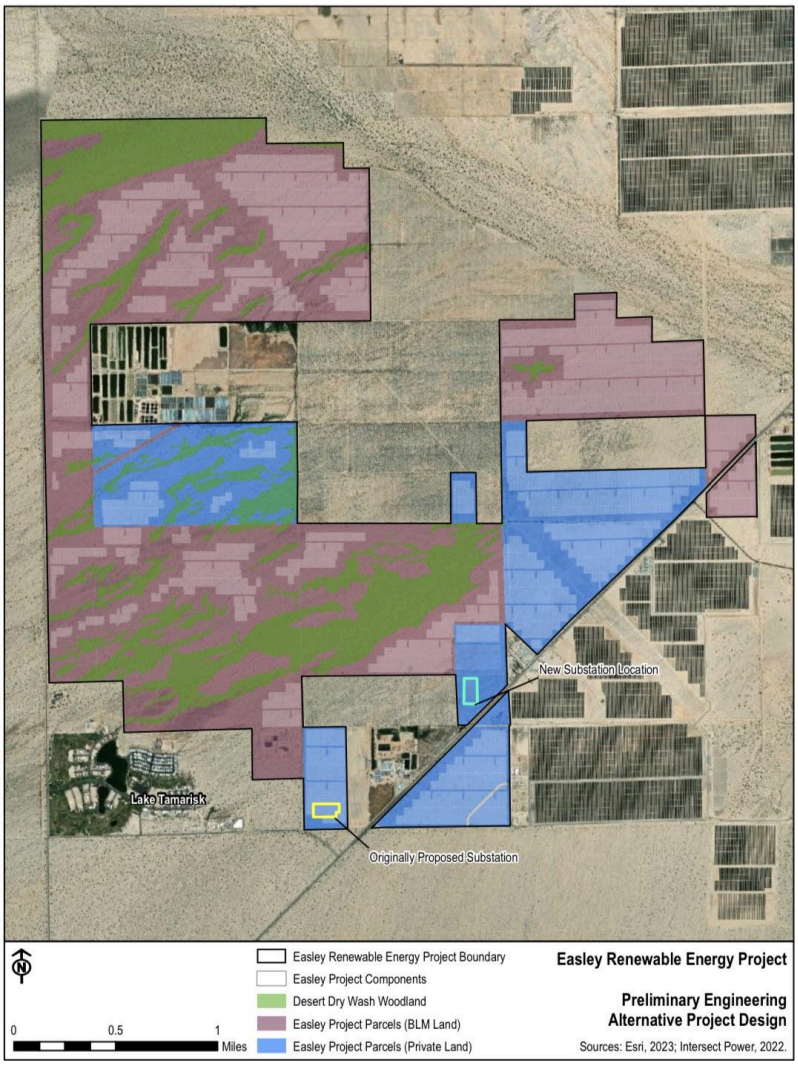
The Respect Lake Tamarisk Alternative requires a 1-Mile Buffer Zone around the Community of Lake Tamarisk. The Easley Solar Project would be reduced by less than 100 Megawatts on this site with currently available private lands close by to replace this production.

In this 1-Mile Buffer Zone surrounding Lake Tamarisk there are approximately 2 square miles of Microphyll Woodlands in the Desert Dry Washes in many veins throughout the 2 sections of BLM managed Public Lands. Many Mammals, Birds, and Reptiles depend on the washes for food and shelter. Among these is the Endangered Desert Tortoise.

This number of Woodland Washes, covering the majority of the 2 square miles, exists only in the Northwestern corner of the Colorado Desert.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-141 (cont'd)



The 1-Mile Buffer Zone includes all Microphyll Woodland (green) up to private lands.

These Desert Dry Wash Woodlands, filled with ancient Ironwood Trees exist only scattered throughout the entire Sonoran Desert. And Ironwood trees are found only in the Sonoran Desert. Only parts of the Northern boundaries of the Desert hold any abundance of these Microphyll Woodlands. The Desert Oasis Community of Lake Tamarisk happens to be right in the Center of a heavy concentration of these life giving Dry Washes.

Comment Set PRB11 – Active Communities/Desert Center (continued)



PRB11-141 (cont'd)

Comment Set PRB11 – Active Communities/Desert Center (continued)

In fact, these fingers of Ironwood Washes are known as the Veins of Life in the Sonoran Desert to Naturalists.
This is no overstatement. The Audubon Society states that 95% of Migratory Birds are dependent on Microphyll Woodlands yet these Desert Washes comprise only 5% of the Sonoran Desert.

According to the California Native Plant Society, “This largely unknown habitat provides essential ecosystem services. The woodlands and their seasonal washes (streams) transport water, seeds,and other nutrients to nearby desert ecosystems. They are the veins of the desert supporting plant and animal life for miles.”

Another concentration of Ironwood, on the Northern edge of the Sonoran Desert in Arizona, has recently been designated the Ironwood Forest National Monument due to its importance to Biological Diversity.

PRB11-141 (cont'd)

Only 10 miles East of Lake Tamarisk these Woodland Washes begin to disappear. The majority of the next 40 miles is the open Creosote Bush Desert we all expect to experience. Approximately 100,000 acres of these lands are available in the Development Focus Area for Renewable Energy.

With this much land available for Utility Scale Solar Development it would be irresponsible not to preserve all possible Microphyll Woodlands for their proven value to the Biodiversity of California Deserts.

Only by requiring the Easley Solar Project to adhere to the 1-Mile Buffer Zone would these Ironwood Washes be preserved and thus the Project can demonstrate Environmental Leadership as the Governor Certified.

PRB11-142

Easley PRDEIR:
https://drive.google.com/file/d/19nZ3FhjcHRclbdQXzBwdoe4gilwlk2Dh/view?usp=drivesdk

Comment Set PRB11 – Active Communities/Desert Center (continued)

Amended Fugitive Dust Management Plan
Further Reduced Footprint Alternative C in the PRDEIR

–Partially Recirculated Draft Environmental Impact Report for the IP Easley Renewable Energy Project–

Conditional Use Permit No. 220021 Public Use Permit No. 230002 Development Permit No. 2200016

4,5,6. Dust Management Plan **PRB11-143**

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

-Site Preparation

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

All roadways are to be graveled. **PRB11-144**

Site preparation should follow the specific guidelines indicated in the attached EPA letter submitted to the BLM for the proposed Easley Solar Project. **PRB11-145**
https://drive.google.com/file/d/1Hkn7sTQ8_AgW3p7PS27zYx--VXYDCC67/view?usp=drivesdk

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

A maximum of 20% of the Project area may disturbed. This includes the Substation, Bess yard, laydown and parking areas, roadways, and Inverter pad areas. **PRB11-146**

Comment Set PRB11 – Active Communities/Desert Center (continued)

The Rough Hat Clark Solar Project successfully implemented these revised "best management practices".
https://drive.google.com/file/d/1oblHoigKzv8m3I5zP0k74nxQZHeccykn/view?usp=drivesdk

PRB11-146 (cont'd)

"Pg. 2-22 & 2-23: The Resources Integration Alternative would include additional construction methods, compared with the Proposed Action.

• Grading Limits. Traditional construction methods (grading) for specific facilities are allowed, but there is a maximum disturbance threshold on total grading (including for spot grading within panel array blocks). Grading would be limited to 20-21.5 percent of the total development areas.

• Maintains 60 percent of Perennial Vegetation in Panel Array Blocks. A maximum disturbance threshold, using perennial vegetation density as a metric, is established across each panel array block as described in Section 2.2.2. This threshold does not include areas that are graded within the panel array block. If more than 40 percent of the existing perennial vegetation density is permanently impacted within each block of panel arrays, restoration is required to restore perennial vegetation on-site. In other words, at least 60 percent of perennial vegetation density within these areas must be maintained post-construction."

Scarification and rolling are not necessary for most of the project footprint and are environmentally destructive.

PRB11-147

Clearing of all vegetation is unnecessary for wildfire control since the access areas between the fence lines and PV fields will remain clear. Soil binders are required on these areas and reapplied as necessary for dust control.

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

PRB11-148

Mulches may be evaluated as potentially effective on previously disturbed agricultural lands as an option.

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

PRB11-149

All disturbed soils are to be stabilized as the disturbances occur. The use of approved soil stabilizers, such as Earth Glue, greatly reduces the water requirements for fugitive dust control.

All disturbed areas are to be hydroseeded with native vegetation.

PRB11-150

Once disturbed soils are stabilized construction may begin.

-Construction

Comment Set PRB11 – Active Communities/Desert Center (continued)

In order to minimize further disturbances vehicles will use follow-on single-track access between piling rows and perimeter routes. **PRB11-151**

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

Access must follow Best Management Practices, January 2024. **PRB11-152**
https://drive.google.com/file/d/17UVnVNtD4zCWCwNj8Ra99cJkoz74BPdd/view?usp=drivesdk

"To provide further specificity we recommend the following best management practices be required as part of an Access Management Plan for construction and O&M that has been developed by Southern Nevada District Office:

BMP Access 1: An Access Management Plan would be developed that details how access through the panel array blocks would take place. This would detail where construction equipment needs to travel, how many passes need to be made, and include information for roping off or clearly excluding and marking areas that can and cannot be used for access. Each trade worker on site should be clear on where they can and cannot drive and when.

BMP Access 2: BLM recommends carefully planning access throughout the solar array prior to initiation of construction. Training for all employees on site should clarify desired outcomes of site preparation, to include minimizing travel outside of direct needs for construction. **PRB11-153**

BMP Access 3: Primary access route widths should be minimized to the maximum extent possible. **PRB11-154**

BMP Access 4: BLM recommends avoiding every other panel row to avoid impacts to vegetation. The best way to minimize impacts is to avoid vegetation wherever possible.

We also recommend the additional BMPs outlined in the link below be considered and included as mitigation measures and/or as an Access Management Plan appendix." **PRB11-155**

Intersect Power's Oberon Solar Project failed to contain Fugitive Dust within the project boundaries as their permit required. Rule 403:
https://drive.google.com/file/d/1eQNnfhcDQNgHL6yqVL__MG2o22gCFZdK/view?usp=drivesdk

See figure 1.

Comment Set PRB11 – Active Communities/Desert Center (continued)

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

Residents of Lake Tamarisk came here in part for the clean desert air. Several residents were forced to leave during the 18 months of construction of the Oberon project due to the risks associated with lung disorders. Many of our residents fear that the lack of responsibility taken by Intersect Power on the Oberon project will continue through the Easley project for up to 2 years into the future.

PRB11-155 (cont'd)

Cumulative Fugitive Dust Impacts of the Solar Projects surrounding Lake Tamarisk are high and risk the health of the vulnerable seniors and children, which represent over half our population.

PRB11-156

**All linked materials are to be considered direct comments on the Easley Solar Draft EIR and the PRDEIR.

Rule 403:
https://drive.google.com/file/d/1eQNnfhcDQNgHL6yqVL__MG2o22gCFZdK/view?usp=drivesdk

Morongo Basin Conservation Association
https://drive.google.com/file/d/1bvjPW1ZB6RiPMm7wlfjK-4Dav2UOt45N/view?usp=drivesdk

—

Silica in Fugitive Dust risks:

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 deteriorate 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

PRB11-157

Comment Set PRB11 – Active Communities/Desert Center (continued)

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

The Cumulative Impacts of Fugitive Dust emissions from construction of the proposed Easley Project, Sapphire Project and the recently constructed Oberon Project put the health risk to the residents of the Community of Lake Tamarisk at an extremely high level.

A 1 Mile Buffer Zone along with an aggressive Fugitive Dust Control Management Plan is necessary to significantly mitigate these severe health risks.

PRB11-157 (cont'd)

Valley Fever risks.

- *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 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*

PRB11-158

**All attached linked submissions are to be considered direct comments to the Easley Solar Draft EIR.

—
How 'green energy' is threatening biodiversity, human health, and environmental justice: An example from the Mojave Desert, California

PRB11-159

Comment Set PRB11 – Active Communities/Desert Center (continued)

https://drive.google.com/file/d/19m9Fp-sAz3QLPksojnucWV41Lgbs16Fq/view?usp=drivesdk

PRB11-159 (cont'd)

—

Related YouTube Video Coverage (which includes a reference to the significant role that solar facility development can play, including university research credits/sourcing)**:**

PRB11-160

Link**:** https://youtu.be/kggpgKea0lk

Problem:

PRB11-161

A Pervasive Desert Fungal Presence, Exacerbated by Local Solar Facility Development, Most Recently by, Potentially, the Above Referenced, Proposed IP Easley Project: CUP220021 / DA2200016, which has the capacity to Pose an Extreme, Mortal, Threat to All Regional Wildlife/Biological Organisms, Including Human Beings:

A Fungus which, Atypically, Thrives in Dry/Arid Conditions**:**

"Coccidoides immitis".

- There is an infectious disease associated with this fungus, known as "Coccidiodomycosis", otherwise known as "Valley Fever", or "Desert Rheumatism". A disease which makes a serious, broad impact which is often seriously underestimated . . . and deadly.

- Respectively and in combination, symptoms of the infection include achiness, fever, fatigue, fungal pneumonia, chronic lung disease, skin abscesses and meningitis. The fungus can and has, not infrequently, progressively digested living human internal organs, as well as the spinal cord, over the course of several months and(or) years. The fungus has the copiously, reliably and scientifically/medically documented capacity to digest 'any' living tissue.

  Consequently, for any of those reasons, the disease can 'easily' prove fatal.

- 97% of reported cases are in *California and Arizona. Desert rodent species often carry the fungus. Once the infected rodents' remains have decomposed, returning to the sand/ground surface, the remaining, contaminated dust particulates become airborne, with even a minor breeze, distributing the toxic fungus, progressively compounding its presence and increasing the threat to human life, as well as the lives of animals and insects. In addition to effecting proximal/local areas, those toxic fungal particulates can and do drift for tens, if not hundreds of miles.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-161 (cont'd)

***** Please Note: Often, Desert Center and the Tamarisk Community experience 'western bound' wind gusts which exceed '80 mph'. These pervasive, westward windstorms often bring massive dust storms, worsened by disrupted ground surfaces which have been persistently and aggressively excavated by surrounding, Solar Facility development projects.

****** Between 2013 and 2019, there has been a *159%* increase in cases.

These concerns have also been brought to the attention of two prominent, respective University, environmental research Departments, which have expressed a strong interest in pursuing the subject.

It is an understatement to assert that this, very understandable medical/human concern, statistically supported by the California Department of public Health data, warrants assiduous, scientific research follow-up.

Many vulnerable Children, Senior Citizens, as well as the immunocompromised live in our Community.

Mark Goddard

Figure 1.

Fugitive dust from the Oberon Solar farm 1/3 mile South of Lake Tamarisk after inadequate dust abatement procedures. (Taken December 11, 2022, at 9:30am during 16 mph southwest winds with gusts to 30 mph).

Comment Set PRB11 – Active Communities/Desert Center (continued)



PRB11-161 (cont'd)

**All attached links are to be considered as direct comments on the Easley Solar Project Draft EIR.

https://docs.google.com/document/d/1CvOSz6kNREnTz9L2EYsQ9XgP1yagnPGIkOp9dUBJ21I/edit?usp=drivesdk

PRB11-162

Comment Set PRB11 – Active Communities/Desert Center (continued)

Aquifer Conservation and Water Quality - Respect Lake Tamarisk Alternative (Further Reduced Footprint Alternative C) (Further Reduced Footprint Alternative C)

–Partially Recirculated Draft Environmental Impact Report for the IP Easley Renewable Energy Project–

Conditional Use Permit No. 220021 Public Use Permit No. 230002 Development Permit No. 2200016

Primary Takeaways: **PRB11-163**

1. The Chuckwalla basin aquifer is only 100 Acre Feet above overdraft. Exorbitant groundwater use for Utility Scale Solar construction is largely responsible for this reduction from 12,000 AF over the last decade.
2. Further extraction by Energy Developers directly threatens the water quality for the Chuckwalla Valley residents and businesses.
3. The Cumulative Impacts of construction water withdrawal for Renewable Energy Development throughout the Chuckwalla Valley would have devastating impacts on the water quality in our Chuckwalla Basin Aquifer rendering it untreatable for human consumption. The Impact of these continued extractions beyond the Sustainable Annual Yield on the future of the Residents ,Communities and Businesses in the Desert Center Area would be overwhelmingly destructive and irresponsible.
4. Riverside County is responsible for providing quality water to CSA 51. Continued groundwater extraction by Renewable Energy Developers puts the ability to fulfill this responsibility at risk.
5. 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. **PRB11-164**
6. Intersect Power caused several neighboring wells to go dry as they over pumped during construction of their Oberon Project. Other wells began pumping brackish water. **PRB11-165**
7. The Metropolitan Water District’s Colorado River Aqueduct is a readily available source for construction water needs. Only a very small proportion of the water going to the same recipients of the Renewable Energy produced would be required.

Water Availability and the Chuckwalla Basin Aquifer **PRB11-166**

The Chuckwalla basin aquifer is only 100 Acre Feet above overdraft. Exorbitant groundwater use for Utility Scale Solar construction is largely responsible for this reduction from 12,000 AF over the last decade.

Comment Set PRB11 – Active Communities/Desert Center (continued)

Conserving aquifers is a major concern in California, particularly when faced with long-term droughts going forward due to Climate Change.

While the Chuckwalla Basin Aquifer has adequate drinking water supply for the current and limited expansion capacity of the Desert Center Area, it is not capable of supporting the large quantities of water that Energy Development has required in the past. Through specific conservation techniques and alternate sources for construction water for Fugitive Dust Control, no further depletion of this aquifer is necessary. See the Respect Lake Tamarisk Alternative Fugitive Dust Control Plan (Ch 4).

Extracting groundwater beyond the Annual Sustainable Yield is expressly forbidden in the state of California.
See:
California Department of Water Resources, Statewide Groundwater Management, Sustainable Groundwater Management Act (SGMA):
https://drive.google.com/file/d/15Ui6SWp1lFLe2s_WMk9WmdzWQ5VXkWtW/view?usp=drivesdk

PRB11-166 (cont'd)

Fresh, potable water that the residents of the Desert Center area require, comes from rainwater runoff from the nearby mountain ranges and is layered on the surface of the Chuckwalla Basin Aquifer. Below this freshwater surface is layered ancient “fossil” water, tens of thousands years old.
These lower layers have a significant increase in dissolved salts that becomes untreatable for human consumption as the levels recede.

Imagine that the Salton Sea is underground. The Salton Sea once supported a great variety of fish. As the water levels declined the dissolved salts became more and more concentrated, resulting in a body of water that no fish can survive in. A similar process will occur in the Chuckwalla Basin Aquifer as the groundwater levels decline due to extraction exceeding the Annual Sustainable Yield.

Our aquifer already has significant levels of fluoride and arsenic salts that must be removed through our drinking water treatment system. Further concentrations of these salts will make our available water untreatable to the levels necessary for human consumption.

An example of this occurred as the nearby Oberon Solar Project, also by Intersect Power, rapidly extracted vast quantities of water from the aquifer. Several neighboring wells were depleted of water. Wells for the local fish farm began pumping such high concentrations of salts in the groundwater that even the brackish water tolerant tilapia could not survive. While this was a localized event and the levels of groundwater eventually recovered, it clearly demonstrates that extraction of groundwater beyond the Sustainable Annual Yield threatens the

PRB11-167

PRB11-168

Comment Set PRB11 – Active Communities/Desert Center (continued)

entire Chuckwalla Basin Aquifer. Intersect Power paid off at least 2 private well owners and required that they sign nondisclosure agreements. **PRB11-168 (cont'd)**

In order to preserve the drinkability of the waters in the Chuckwalla Basin Aquifer, alternate sources of water for fugitive dust control must be used for the construction of all energy projects.

A readily available water source is the Colorado River Aqueduct flowing a few miles north of Desert Center. The sediment removal station is ideal for this purpose and currently has a portable system for filling water tank trucks. A second site is available at the Eagle Mountain pumping station. **PRB11-169**

A simple siphon could be used to provide gravity fed water pressure through a 6” line to a tank truck filling station near the Chuckwalla Raceway for all future projects.

The water flowing in the Aqueduct services the Cities that also receive the bulk of the Renewable Energy generated in the Chuckwalla Valley. An extremely small proportion of this water would be necessary for all the Utility Scale Solar construction in the Valley, less than 0.4 %, using the current dust control methods, and only a fraction of that with the fresh water conservation methods of the Fugitive Dust Control Plan described in the Respect Lake Tamarisk Alternative.

This negligible impact on the Colorado River Aqueduct flow makes City water for City power the responsible choice for sourcing water for Renewable Energy Development in the Chuckwalla Valley.

Date and detailed explanations are provided after the summary. **PRB11-170**

In Summary:

The Cumulative Impacts of construction water withdrawal for Renewable Energy Development throughout the Chuckwalla Valley would have devastating impacts on the water quality in our Chuckwalla Basin Aquifer rendering it untreatable for human consumption. The Impact of these continued extractions beyond the Sustainable Annual Yield on the future of the Communities in the Desert Center Area would be overwhelmingly destructive and irresponsible.

No Renewable Energy construction project should be allowed to access any water out of the Chuckwalla Basin Aquifer whether from new or existing wells. All construction water needs must be obtained elsewhere.

One, readily available source of Renewable Energy construction water, is the Colorado River Aqueduct managed by the Metropolitan Water District. Since this source would be City water for

Comment Set PRB11 – Active Communities/Desert Center (continued)

City power, and requires only a tiny fraction of the water flow, it is the logical choice for sourcing construction water needs.
It would be up to Intersect Power and other energy developers to negotiate with the Metropolitan Water District with the assistance of the California Department of Energy.

The BLM states that groundwater is the responsibility of the State of California. Yet the State does not evaluate groundwater extraction from the Chuckwalla Basin Aquifer and deems it as low priority. Because of this lack of responsibility our available drinking water quality is at risk of becoming untreatable for human consumption.

Since we have notified our Regional Water Quality Control Board (Colorado River Basin) and provided them with updated Chuckwalla Basin Aquifer studies, an emergency evaluation is in progress.

PRB11-170 (cont'd)

Since Riverside County is responsible for safe drinking water for CSA 51, Lake Tamarisk, we must rely again on our Riverside County Board of Supervisors to force Intersect Power and other Renewable Energy Developers to find alternative sources of water for construction and all other purposes and preserve our precious aquifer for the needs of the residents and businesses of the Chuckwalla Valley.

Intersect Power is required to show proof that the Easley Solar Project will not negatively impact this essential resource for the Residents of Lake Tamarisk and the Desert Center Area. The 2023 water availability study by GSI states clearly that the Easley Project would extract more water than the Sustainable Annual Yield and thereby cause an Aquifer overdraft and put our water quality at risk.

PRB11-171

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.”

As our Supervisors require that the Easley Solar Project meets the minimum requirements of the Respect Lake Tamarisk Alternative in order to receive any Conditional or Public Use Permits, our available drinking water quality is preserved.

PRB11-172

The following statement of the California State Water Resources Control Board indicates that they do not have any control over water extraction from the Chuckwalla Basin Aquifer. Therefore, it is left up to the Riverside County Board of Supervisors to protect CSA 51 drinking water supply by not allowing any energy developers to use Groundwater in the Chuckwalla Valley. All water needs for energy projects need to come from the Colorado River Aqueduct. The same recipients of this water receive the energy from these projects.

PRB11-173

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-174

Eagle Crest Pump Storage Hydroelectric Project:
"The petition for reconsideration filed by NPCA on August 13, 2013, sought review of the State Water Board's issuance of the certification for the Project on the basis that the certification did not comply with CEQA. Among other matters, NPCA raised concern that the environmental impact analysis had occurred before completion of "several interagency investigations designed to develop baseline data on [ground]water trends and to better understand the cumulative impacts of several proposed renewable energy projects." (NPCA Petition for Reconsideration, p. 5.)
NPCA's petition for reconsideration is now moot, based on FERC's determination that the State Water Board lacked jurisdiction to issue the certification. Additionally, because no further discretionary approval of the Project by the State Water Board is required, the State Water Board is not in a position to consider whether a subsequent EIR may be necessary for future discretionary approvals based on changes to the Project, changes in circumstances, or new information of substantial importance that was not known and could not have been known at the time the previous EIR was certified. (Cal. Code Regs., tit. 14, S 15162.)"

https://drive.google.com/file/d/1hpuAZL4PYDkwVbAPmHkPrAbQxNCXpNLD/view?usp=drivesdk

PRB11-175

Detailed explanations of the most recent studies of Groundwater Availability:

Kent Madison (3R Valve) Overview -
https://docs.google.com/document/d/1ii4zOZHkC5waJVlBzWyVOBHESx8bx9IgCW5-3uxA7us/edit

Feb. 9th 2024 (3R Valve)

I am a third-generation farmer. The farm has been in my family for about 110 years on a large agricultural farm here in the heart of the first critical groundwater area in Oregon. The State actually regulated one of our wells off, our only deep well, 30 years ago due to declined aquifers. We actually had declined aquifers over hundreds of feet of water over a period of 50-60 years and the State finally came in. Now it is completely shut off. This should have been done 40 years earlier, so we know the pain of over pumping the aquifer.

Because of that situation, I developed an aquifer recharge valve and formed my company 3R Valve. This valve is now in use throughout the western United States. It makes water management adjustments easier for controlling flow from various sources.

I also own my first 4.95 Megawatts of wind power and a half megawatt of solar. We have 105 megawatts on our own farm. So, I am a supporter of renewable energy. It is another tool in our toolbox, so I think solar in the Southwest is a good idea if it is done responsibly.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-175 (cont'd)

I have knowledge of aquifers in general, including knowledge of the Central Valley of California and the Lancaster area of California. I know about the Chuckwalla Valley Aquifer due to the BLM reports that I read from attending the Arizona Hydrological Society Ground Water Conference in Tempe AZ.

This raises concerns for me regarding what is going to happen to our Chuckwalla Aquifer. After seeing their reports and knowing more about the Sustainable Groundwater Management Act that was passed in 2014, I can see that the Chuckwalla Valley is going in the wrong direction because of outside needs for the water.
The GSI report stating that there is basically about 100 acre feet left on a normal year, makes clear there is even less "pass through capacity" in our aquifer in dry years.

Even though the report says there's about 10 million acre feet in the aquifer, there is really only 100 acre feet of excess water that flows in and out of that basin. Easley Project alone would require 900 acre feet during construction. This exceeds our Sustainable Annual Yield by 800 acre feet which will result in concentration of salts, reducing water quality.
There used to be 12,000 acre feet that flowed in and out of that aquifer. In an accumulation of bad years as expected, as the weather gets drier in the southwest it will only exacerbate the problems associated with the Chuckwalla Aquifer. The point is, with the cumulation of the number of acres that all the solar companies intend to develop here, along with lower volumes of recharge available, water extraction will continue to exceed the Sustainable Annual Yield year after year.

The Colorado Aqueduct is the biggest source of water in this area.

The aqueduct delivers a billion gallons of water a day downstream through here. If the entire Solar Development Industry in the Chuckwalla Valley took ONLY water from the aqueduct to service all the needs of any solar projects, it would equate to 11 ounces of water per customer a day, currently destined for LA, that would come out of the aqueduct.

Los Angeles & San Diego hold the 40 million people who will benefit from these solar projects. They are currently allotted 240 16-oz. bottles per day, per person from the Colorado River aqueduct. In all fairness, they should accept 11 oz less water each day per person to support solar.
NONE of these solar projects benefit our community at all!

The Groundwater Management Act originally came from the Central Valley where they depleted the aquifers, by let's say raping and pillaging that environment, and now they are paying the price for it. We don't want that to happen here in the Chuckwalla Valley Aquifer.

Our big concern is death by a thousand cuts. The threat is building due to cumulative use of our aquifer by multiple outside forces. Eventually one of those cuts hits the juggler. Death by the

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-175 (cont'd)

solar project that "cuts the juggler" leaving us not enough quality water in our aquifer to use, will cause our community to die. So, when does it stop…before it is too late?

I see many instances where we as humans exceed the carrying capacity of a resource, whether it is over grazing, draining aquifers, or destroying an ecosystem. We build cities in the middle of the desert and wonder why they don't help conserve it. Las Vegas is a great example of that and yet we are the only species on the planet that thinks we can survive when we exceed the carrying capacity of a resource.
We know better now because the technology, history and data are available. We know that we can do better, and we encourage all the solar projects to do a better job of sourcing water and not destroying our community.

Brookshire Hathaway Solar Project at Lancaster California is a recharge project of the aquifer and there is grass underneath all those solar panels. In the spring and fall it is green and not allowing dust to escape as badly as others. All solar projects should be planted with native grasses and plants.

There are tens of thousands of acres in the Chuckwalla Valley and more and more solar companies are going to want their cut of the pie. The same problems will be here with more coming.

The bucket of water in our aquifer is getting smaller and there are no frequent overflows. The more straws or wells that go into it are going to consume the drinkable water, and then our community is finished. We deserve our water for our community and it should be reserved for the future growth of our community, which is already starting. Wouldn't it be a shame if this new growth can't happen due to irresponsible Groundwater Management.

There is a truck stop and Hotel Developer, Balwinder Wraich, on I-10 at Desert Center, plus a company called Grant Development that is in the permitting process to build in our expansion area at lake Tamarisk. Grant Development wants to build affordable homes here. Wouldn't it be a shame if all that went by the wayside because there won't be enough drinkable water for our future growth?

The Sustainable Groundwater Management Act clearly states that the groundwater dependent regions need to halt overdraft and develop plans that bring basins into balance.
The fact that the aqueduct is there and flows fast is a huge benefit that can make water diversion easily accessible is for Solar Development use. There is a pump station by Eagle Mountain Mine. There's a mud dump that pumps mud out of the canal before it goes into that pipe. That mud pump literally discharges water into the head of the Chuckwalla Valley Aquifer. It could be pumped 24-7. You could meter the out flow to equate the usage by solar companies and they could be charged a certain fee. Preferably, solar field construction water needs may be met by filling water tank trucks directly from this source.

Comment Set PRB11 – Active Communities/Desert Center (continued)

We encourage solar companies to follow the new guidelines the EPA has established and do a better job of protecting our community from fugitive dust and Valley Fever, which has exponentially gone up in the last few years, using water conservation methods of fugitive dust control. We are hoping for all solar projects to do a better job and set a new standard. Solar companies may have to give up some of their profits allowing the County and BLM to be responsible to protect communities like ours. **PRB11-175 (cont'd)**

If we all work together, the BLM, Fish and Wildlife, the County and State Representatives, we can find a compromise of doing things responsibly. Respect us as a human community. I encourage the industry to look at alternative ways of doing things and not just rubber stamp a project.

We are going to continue battling for our water through the Sustainable Groundwater Management Act that clearly states the groundwater dependent regions need to halt overdraft and develop plans that bring basins into balance.

Sincerely,

Kent Madison 3R Valve LLC

Appendix P of the Plan of Development for the Easley Solar Project. Study and analysis done by GSI for Intersect Power: **PRB11-176**
https://drive.google.com/file/d/15oy9vm4jkZI4wiwbk4Yq3YG6LXEhgnp7/view?usp=drivesdk

This study shows clearly that energy projects in the Chuckwalla Valley have caused a severe overdraft of the Chuckwalla Basin Aquifer and that each Project will continue to adversely impact this situation. Our water quality is at severe risk as this depletion continues.

Further explanation of groundwater report:

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 is illegal for the Government to permit additional use of groundwater more than the aquifer's sustainable annual yield. This report literally shows that any development of the Easley Project or other Energy Projects will cause a ground water deficit to occur like what the State of California has experienced in the Central Valley.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-176 (cont'd)

It would be incredibly 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 GSI Water Report (Easley Solar 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) 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

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-176 (cont'd)

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."

"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), the 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 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

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-176 (cont'd)

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."

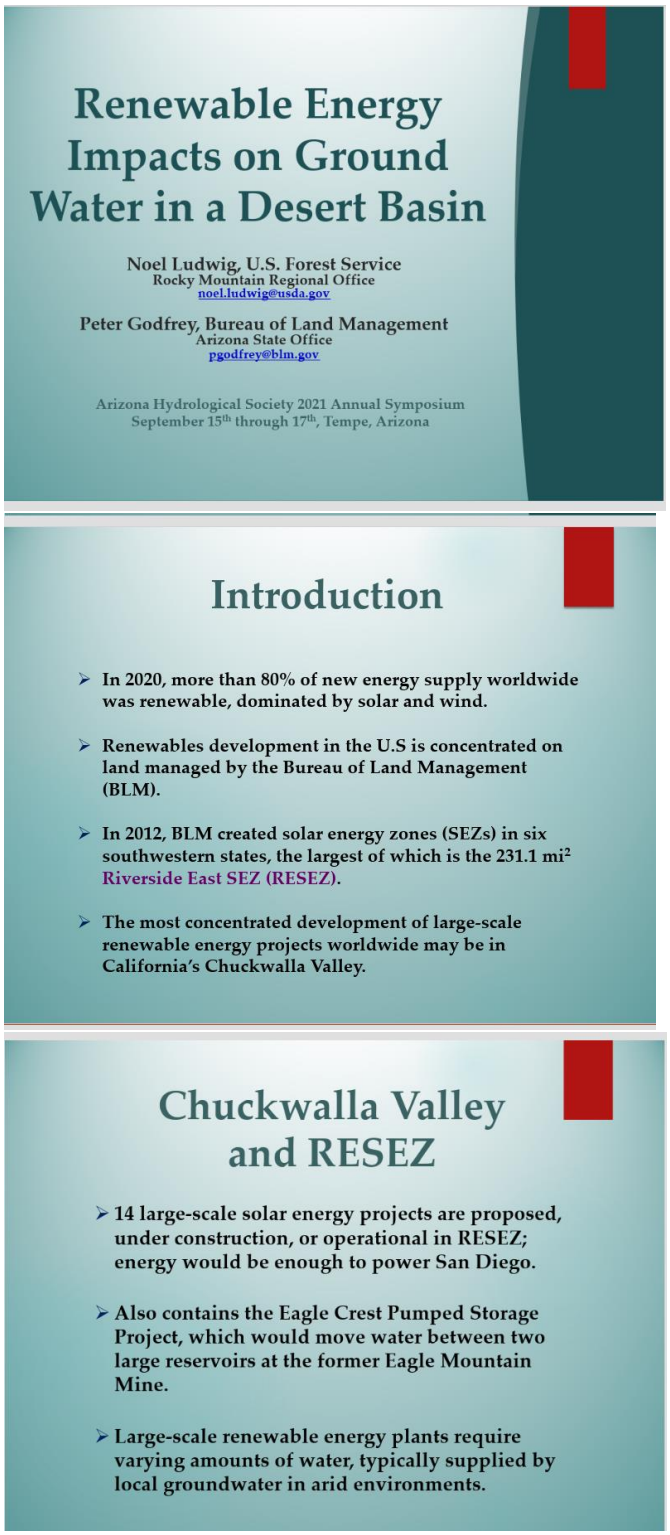
"Table 11 indicates that with all cumulative qualifying projects, including the proposed Project, in place and using normal groundwater recharge estimates, the CVGB would experience an initial groundwater deficit of approximately 7,000 AF in 2024 (the planned first year of Project construction). The 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."

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.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-177



Renewable Energy Impacts on Ground Water in a Desert Basin

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Arizona State Office
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Arizona Hydrological Society 2021 Annual Symposium
September 15th through 17th, Tempe, Arizona

Introduction

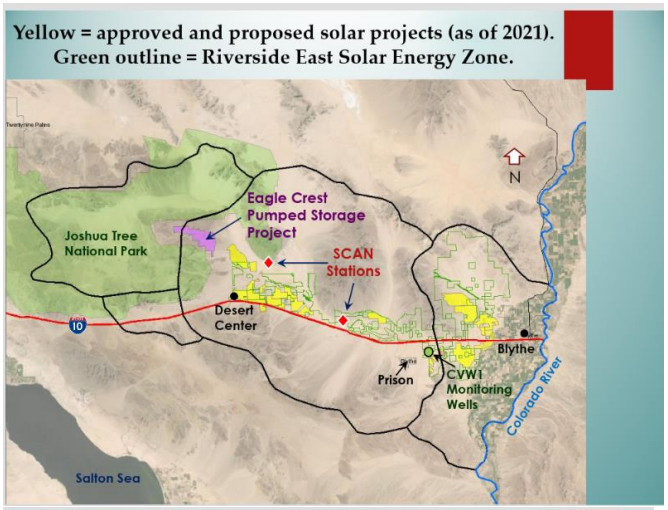
- In 2020, more than 80% of new energy supply worldwide was renewable, dominated by solar and wind.
- Renewables development in the U.S is concentrated on land managed by the Bureau of Land Management (BLM).
- In 2012, BLM created solar energy zones (SEZs) in six southwestern states, the largest of which 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.

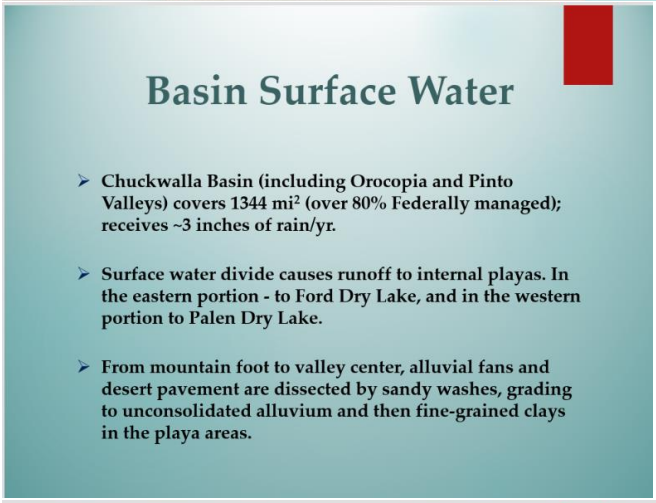
Chuckwalla Valley and RESEZ

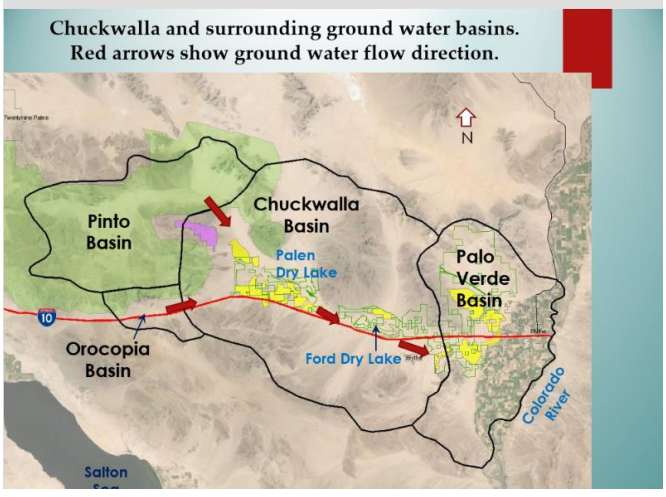
- 14 large-scale solar energy projects are proposed, under construction, or operational in RESEZ; energy would be enough to power San Diego.
- Also contains the Eagle Crest Pumped Storage Project, which would move water between two large reservoirs at the former Eagle Mountain Mine.
- Large-scale renewable energy plants require varying amounts of water, typically supplied by local groundwater in arid environments.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-177 (cont'd)







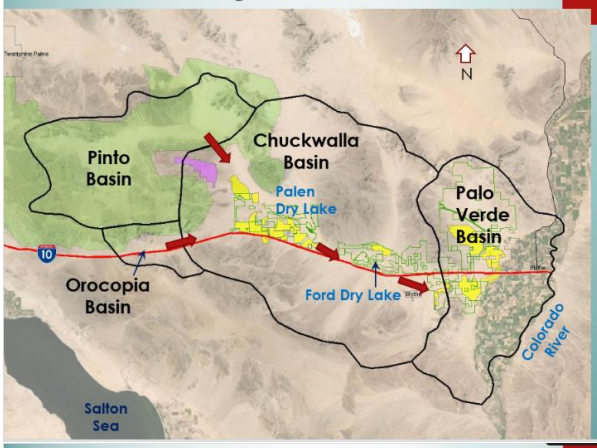
Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-177 (cont'd)

Basin Geohydrology

- Ground water is recharged from direct precipitation, underflow from Orocopia and Pinto valleys, and return flows from in-basin users.
- Primary outflow via pumping; with some loss through underflow east through Palo Verde Mesa Ground Water Basin and into the Colorado River, and through evapotranspiration at Palen Dry Lake.
- Mean depth to water table ranges from 400 ft near Desert Center to 8 ft below Palen Dry Lake.
- Valley fill up to 5000 feet thick, divided into two aquifers: unconfined Quaternary alluvium, and confined Bouse Fm.

Chuckwalla and surrounding ground water basins.
Red arrows show ground water flow direction.

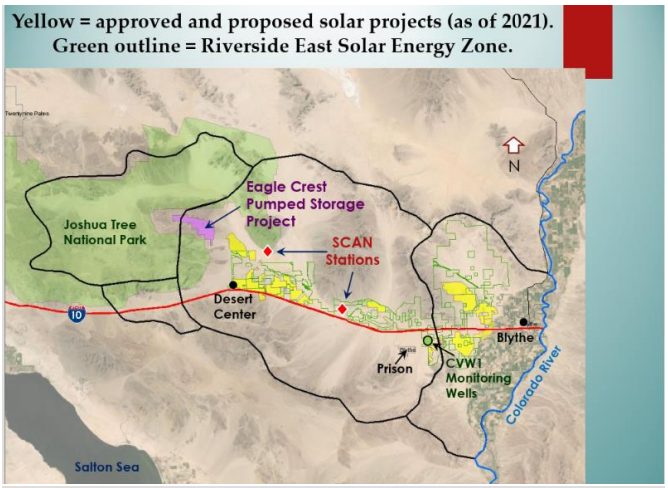


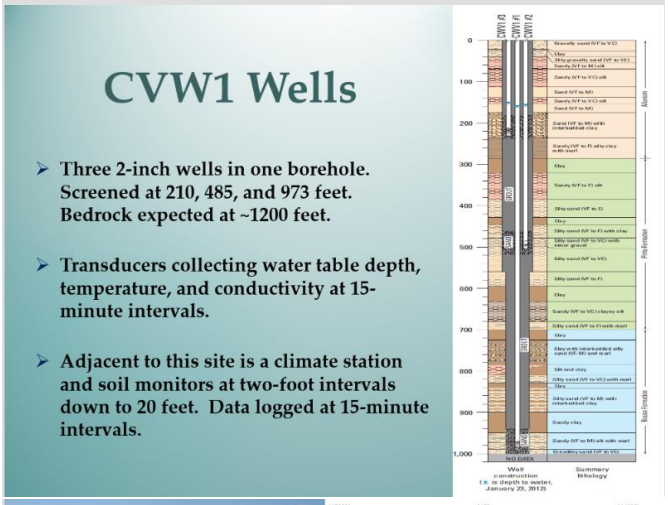
Groundwater Monitoring

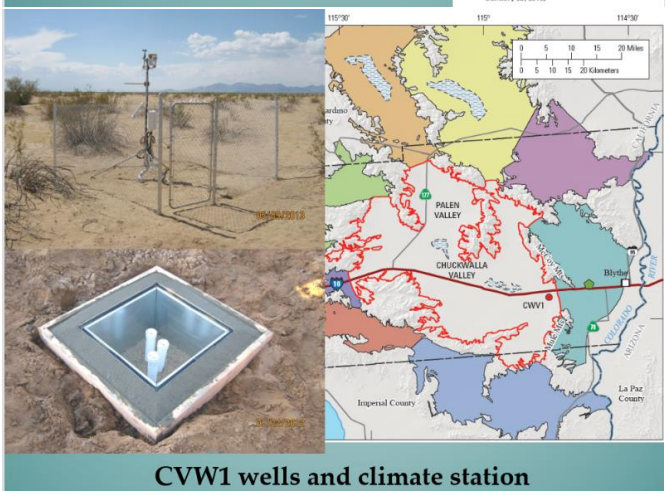
- USGS only monitors one well in the basin. Long-term records exist for a few more.
- Solar projects monitor their own wells and some surrounding wells, as required in ROW grants.
- USGS & BLM installed three wells (CVW1 wells) near the basin's outlet in 2012.
- Two Soil Climate Analysis Network (SCAN) stations installed in basin's central and western portions in 2011.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-177 (cont'd)







CVW1 wells and climate station

Comment Set PRB11 – Active Communities/Desert Center (continued)

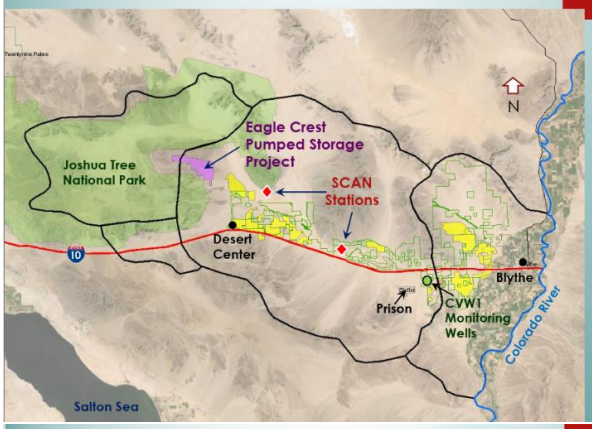
PRB11-177 (cont'd)

SCAN Stations

- Installed and maintained by NRCS. Data telemetered to public website every 15 minutes.
- Measure climate parameters and soil moisture down to 40 inches depth.
- One located at foot of Coxcomb Mtns to monitor mountain-front recharge, one located by Ford Dry Lake to record mid-valley sand corridor conditions.



Yellow = approved and proposed solar projects (as of 2021).
Green outline = Riverside East Solar Energy Zone.



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.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-177 (cont'd)

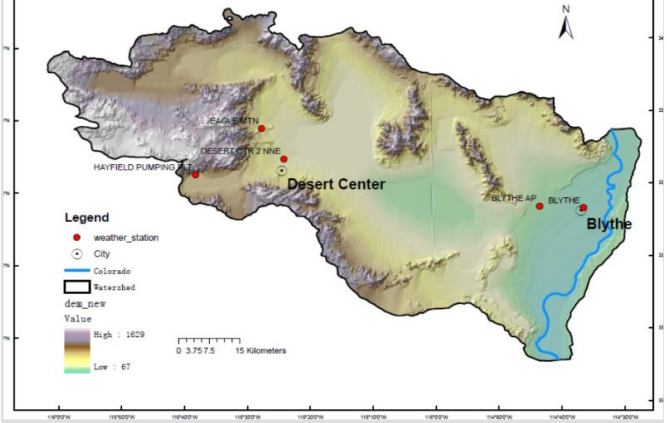
Basin Recharge Modeling

- 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.

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.

PAWS Model Area



Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-177 (cont'd)

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

10:33 AM

% 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	
Remaining Available Water	-5178	2977	-5173	2390	-375	-1072

Slide 19 of 26

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.

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.

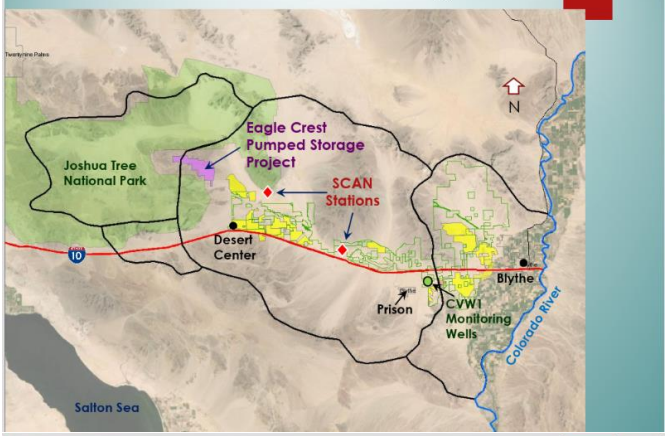
Comment Set PRB11 – Active Communities/Desert Center (continued)

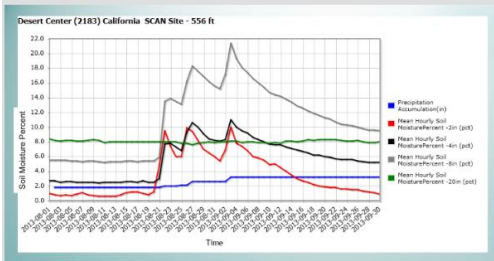
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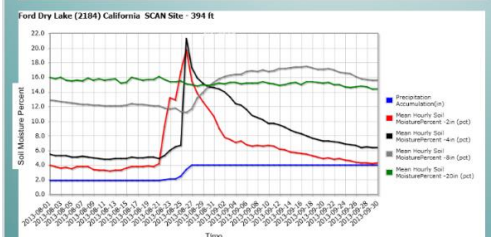
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- SCAN station data suggests infiltration rates may be an order of magnitude less than rates of 10 to 15 ft/day assumed here, due to presence of near-surface clay layers, even beneath sandy washes.
- Well data in western part of the basin show water table elevations have not fully recovered to levels prior to intensive irrigation pumping (1975-1992). Wells also show gradual water table drops since 2007.

Yellow = approved and proposed solar projects (as of 2021).
Green outline = Riverside East Solar Energy Zone.





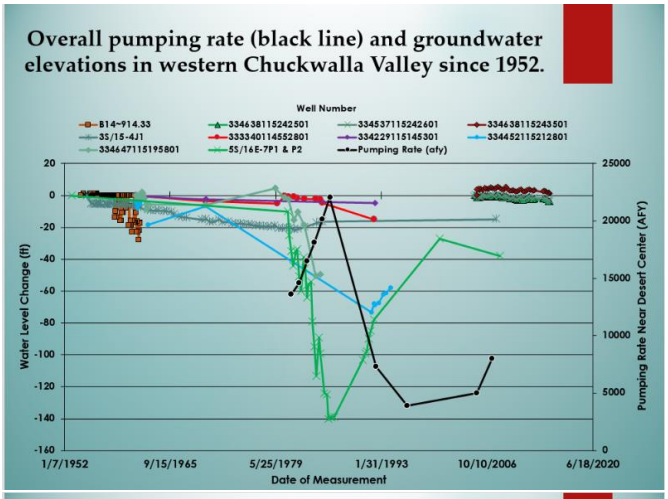


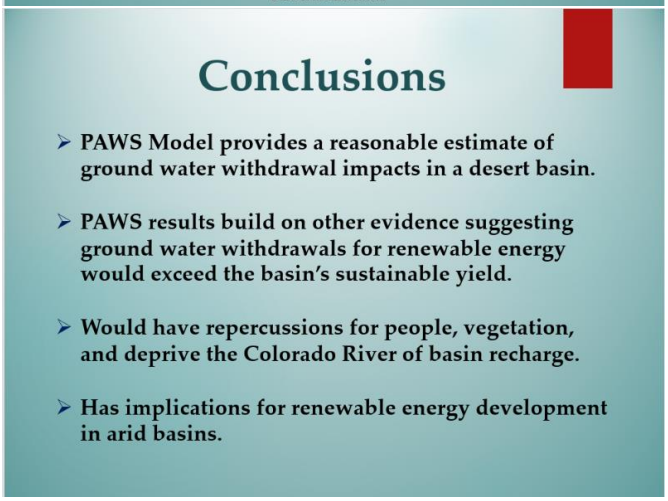
SCAN soil moisture data following two 2013 rain events.

Note that neither site shows any response at the 20-inch depth.

Comment Set PRB11 – Active Communities/Desert Center (continued)

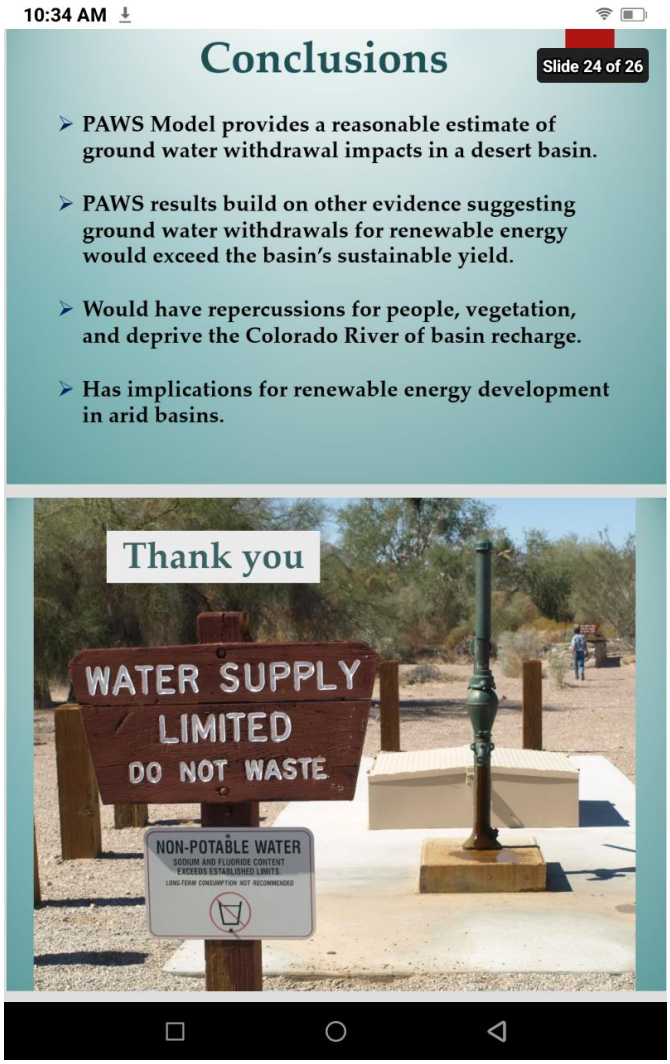
PRB11-177 (cont'd)





Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-177 (cont'd)



Easley PRDEIR:
https://drive.google.com/file/d/19nZ3FhjcHRclbdQXzBwdoe4gilwlk2Dh/view?usp=drivesdk

Comment Set PRB11 – Active Communities/Desert Center (continued)

Conservation Organizations and Members - Environmentally Superior Alternative C (Further Reduced Footprint Alternative C) for the Easley Solar Project

–Partially Recirculated Draft Environmental Impact Report for the IP Easley Renewable Energy Project–

Conditional Use Permit No. 220021 Public Use Permit No. 230002 Development Permit No. 2200016

PRB11-178

At Desert Center, CA we are being overrun with Very Large Scale Solar Projects (>100 MW). We have not asked for your help with Projects within the DRECP Development Focus Area (DFA) for Renewable Energy, but they are now encroaching on Public Lands excluded from the DFA. We need your help to protect the public lands filled with Desert Dry Wash Woodlands (Microphyll Woodlands) that are prime Desert Tortoise habitat, and Not in the DFA.

Intersect Power has been required to Partially Recirculate the Draft EIR (PRDEIR) for the Easley Solar Project due to multiple CEQA inadequacies. Primary among these is the lack of Alternatives that provide significantly different impacts.

In response to the original Draft EIR members of the Desert Oasis Community of Lake Tamarisk developed the Respect Lake Tamarisk Alternative. Active Communities/Desert Center (AC/DC) submitted this Development Plan as our comments on the Draft EIR.
https://docs.google.com/document/d/1P8PeYfb9lBEyifLyBMV-deN6e_JJCPPH6qVm-KuqNdc/edit

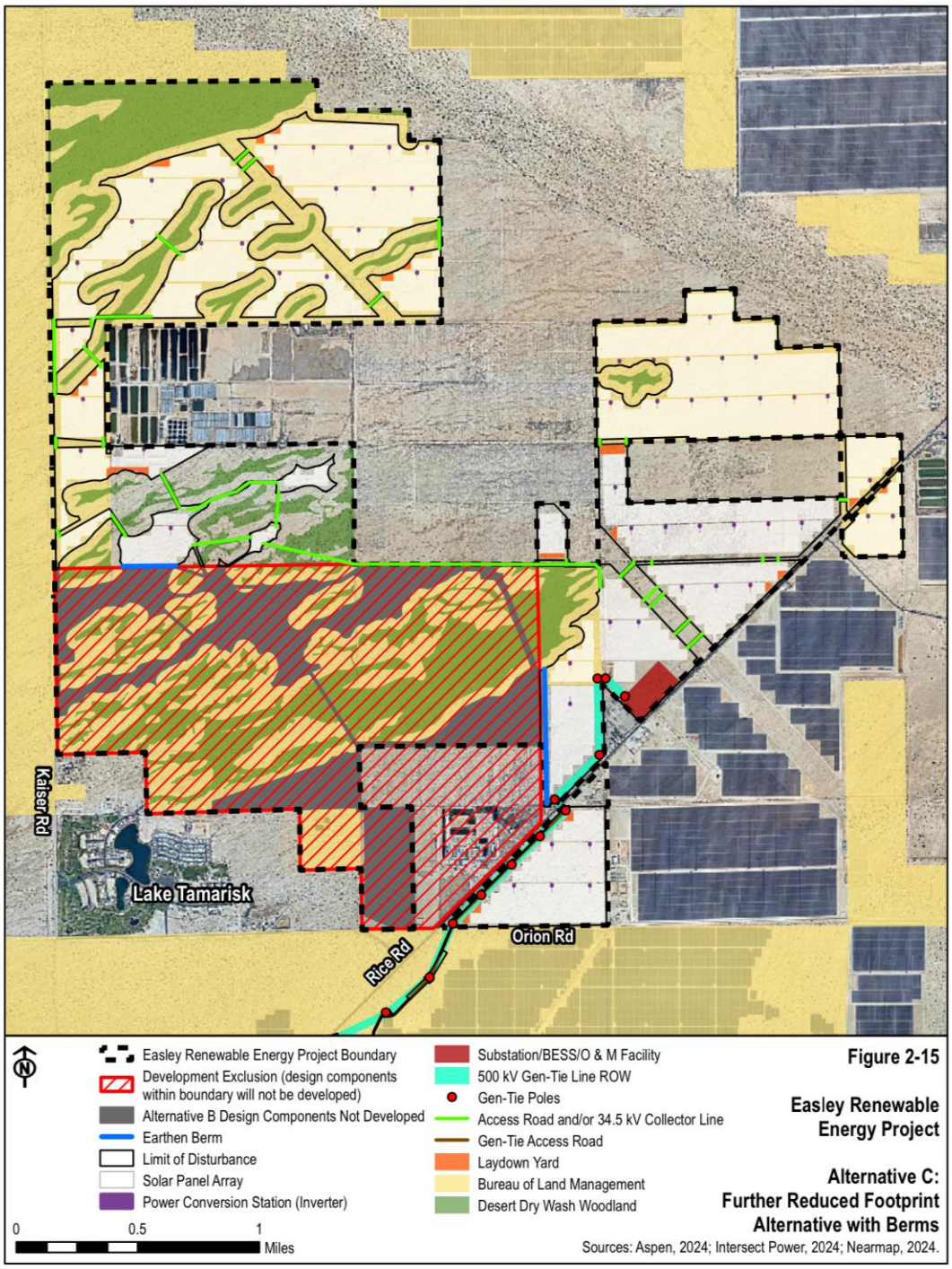
PRB11-179

Additionally, we hired Angel Law who submitted legal arguments on the CEQA inadequacies, especially the lack of feasible Alternatives.
https://drive.google.com/file/d/1MIhOiFl91NscVUBFJxPwnsXIL2glCF2S/view?usp=drivesdk

The Respect Lake Tamarisk Alternative includes a 1-Mile Buffer Zone Setback from the Community borders among other minimum requirements.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-179 (cont'd)



In a surprising move, the **Respect Lake Tamarisk Alternative** has been included as a feasible Alternative in the Partially Recirculated Draft EIR. This Alternative is identified as the **Further**

Comment Set PRB11 – Active Communities/Desert Center (continued)

Reduced Footprint Alternative C in the PRDEIR and is designated as the **Environmentally Superior Alternative**. **PRB11-179 (cont'd)**

For the reasons that follow, we are asking you to please submit comments on the PEDEIR in support of the **Environmentally Superior Alternative.** The Only other acceptable option is the No-Build Alternative (A1).

Comments on the PRDEIR are due by 5 Pm on **July 8th.**

While we have several specific justifications for Only permitting the **Further Reduced Footprint Alternative C**, but the most critical Environmental Conservation reason is that the Public Lands within the 1-Mile Setback are highly valued habitats for the Endangered Desert Tortoise and several Listed Special Status Species of both plants and animals.

Ironwood Consulting Inc biological surveys found the following biological resources on lands within the 1-Mile Setback Zone:

-Microphyll Woodlands (Desert Dry Wash Woodlands)

Special Status Wildlife

-Desert Tortoise
-American Badger
-Desert Kit Fox
-Buro Deer
-Canid
-Burrowing Owl
-Common Raven
-Loggerhead Shrike
-Yuma Ridgway's Rail (previous sittings)

Special Status Plants

-Desert Unicorn Plant

Biological Survey Maps:

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-179 (cont'd)

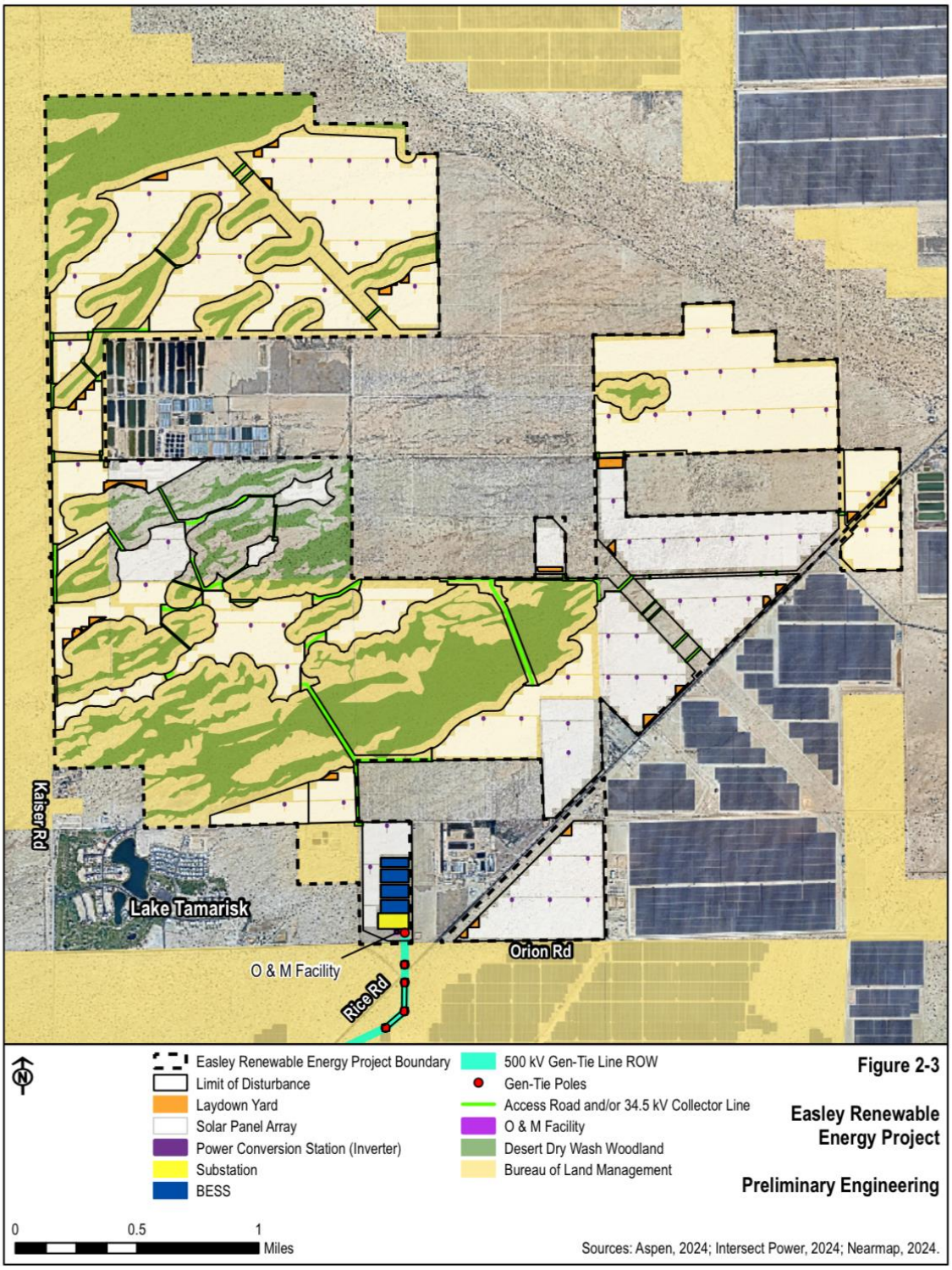


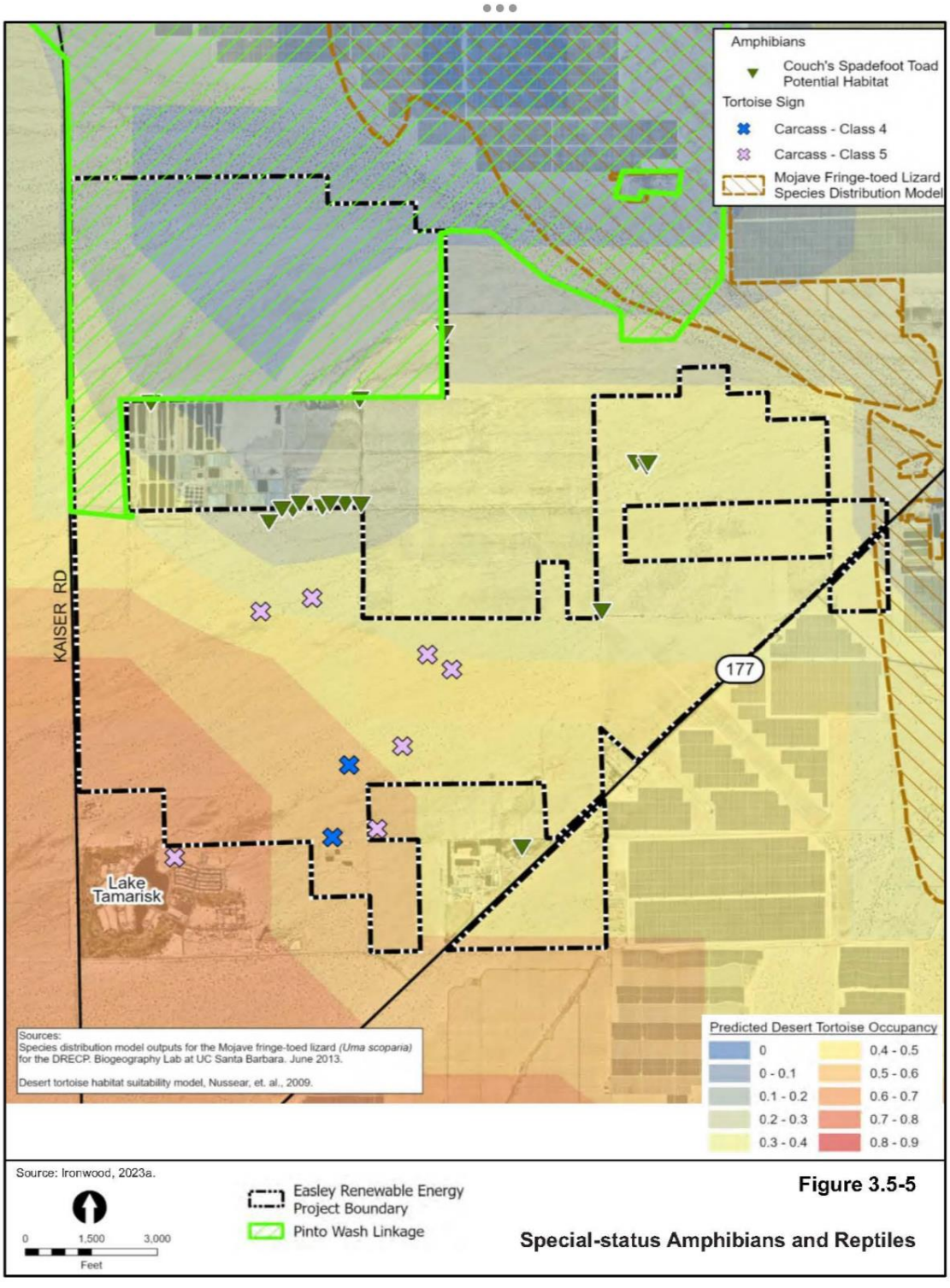
Figure 2-3

Easley Renewable Energy Project

Preliminary Engineering

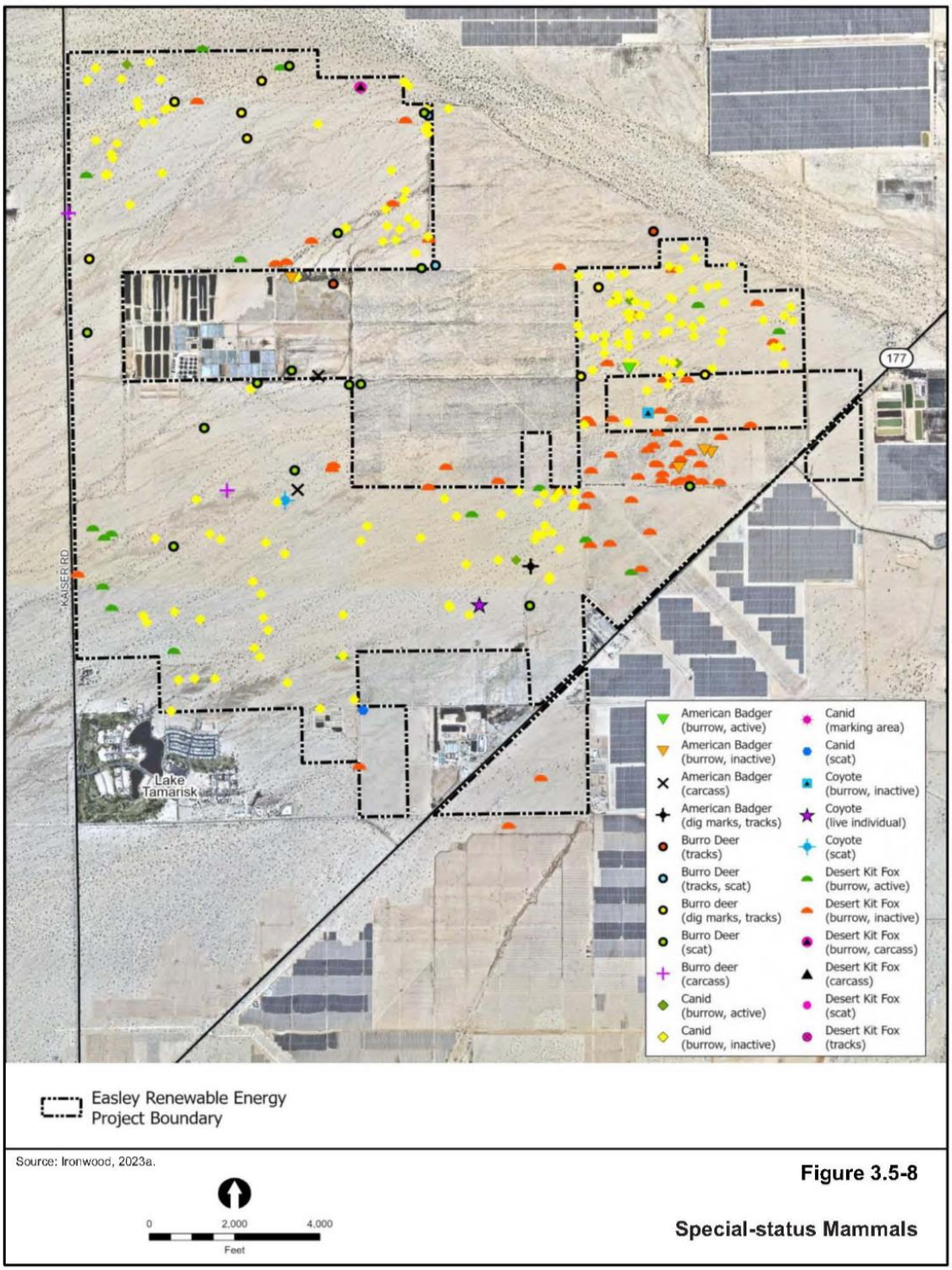
Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-179 (cont'd)



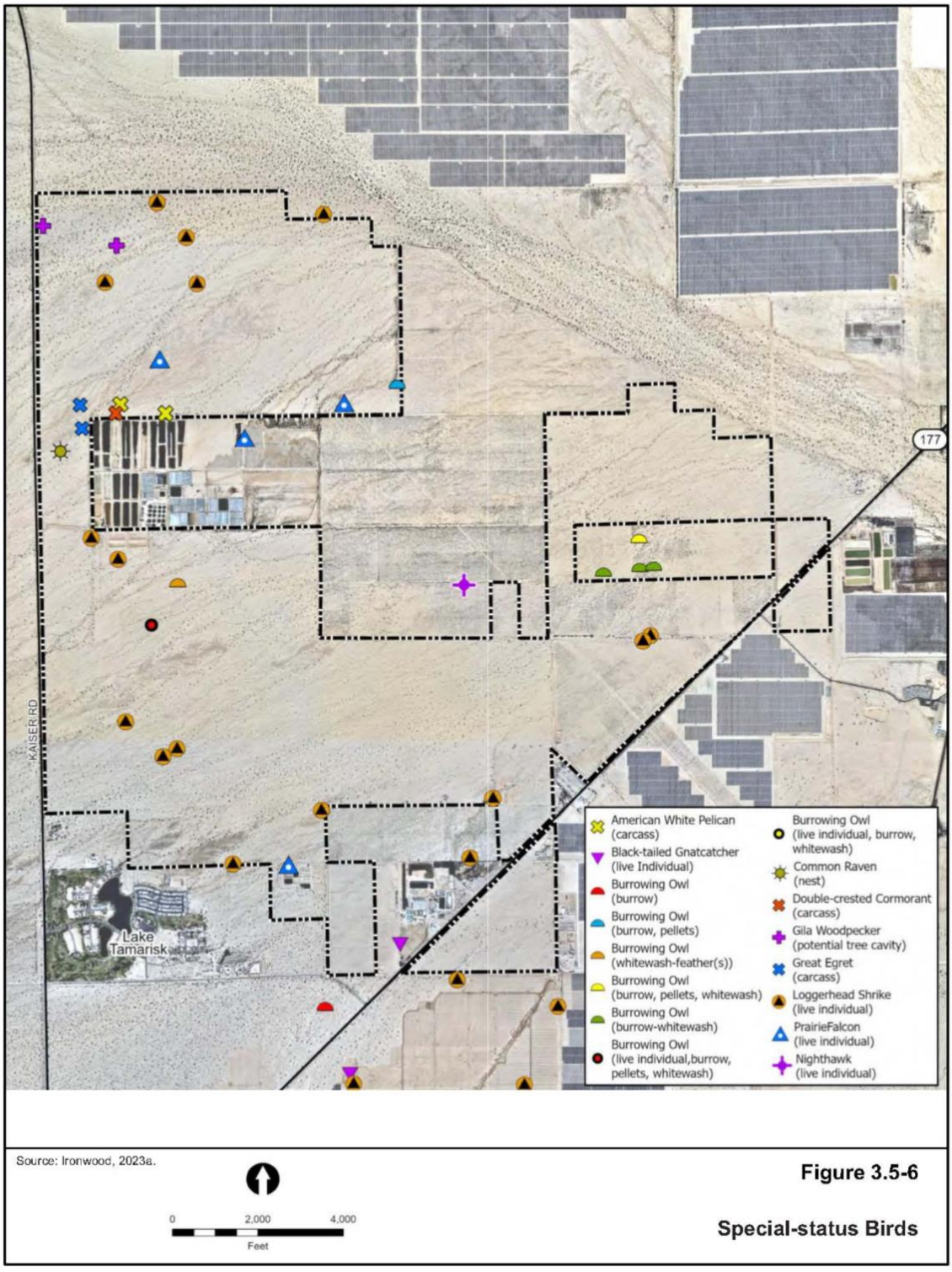
Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-179 (cont'd)



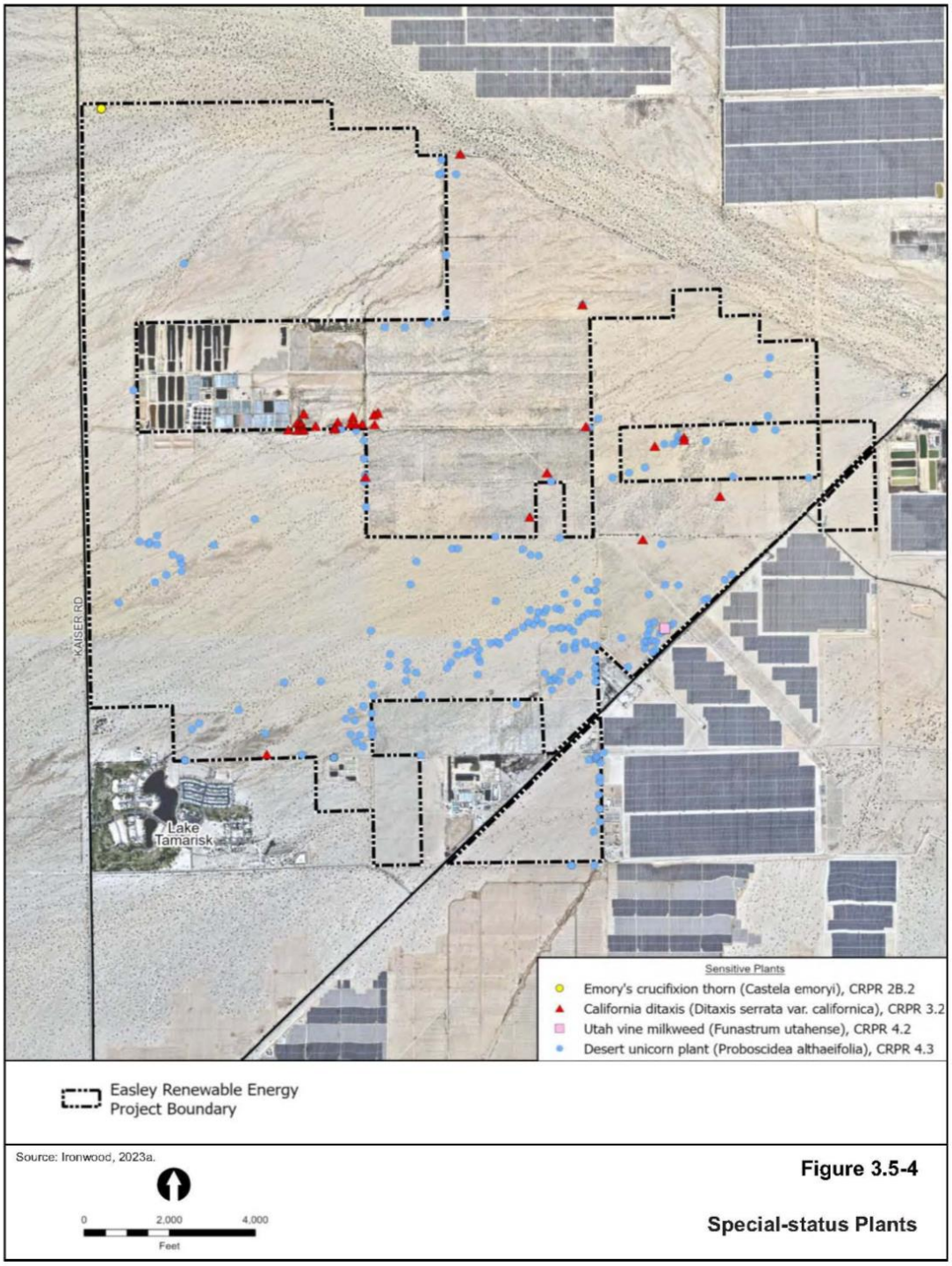
Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-179 (cont'd)



Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-179 (cont'd)



Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-180

We understand the enormous efforts that many Conservation groups made to preserve as much area as possible when the Desert Renewable Energy Conservation Plan (DRECP) was proposed and again in demanding that the California Deserts be exempted from the new Western Solar Plan.

Areas of Critical Environmental Concern (ACEC) designated lands now surround the Development Focus Areas for Renewable Energy (DFA). We thank you for that protection. The designation of the Chuckwalla National Monument will take this protection one step further.

Public lands within the 1-Mile Setback are NOT in the Development Focus Area (DFA) for Renewable Energy Development

Aspen Environmental Group has made a **major error** in all of their documents related to the Easley Solar Project, including the PRDEIR, in describing the public lands within the Project Area to be in the Development Focus Area (DFA).

The Public Lands within the 1-Mile Setback of the **Further Reduced Footprint Alternative C** are **Not** in the DFA of the 2016 DRECP or any LUPA Revision since. Neither was this area in the Riverside East Solar Energy Zone (SEZ) of 2012 or beyond.

The Public Lands within the 1-Mile Setback have never been designated for Renewable Energy Development.

The Public Lands within the 1-Mile Setback were specifically excluded from DFA due to their high value habitats for the, now listed as Endangered Desert Tortoise and several other Listed wildlife and plant species.

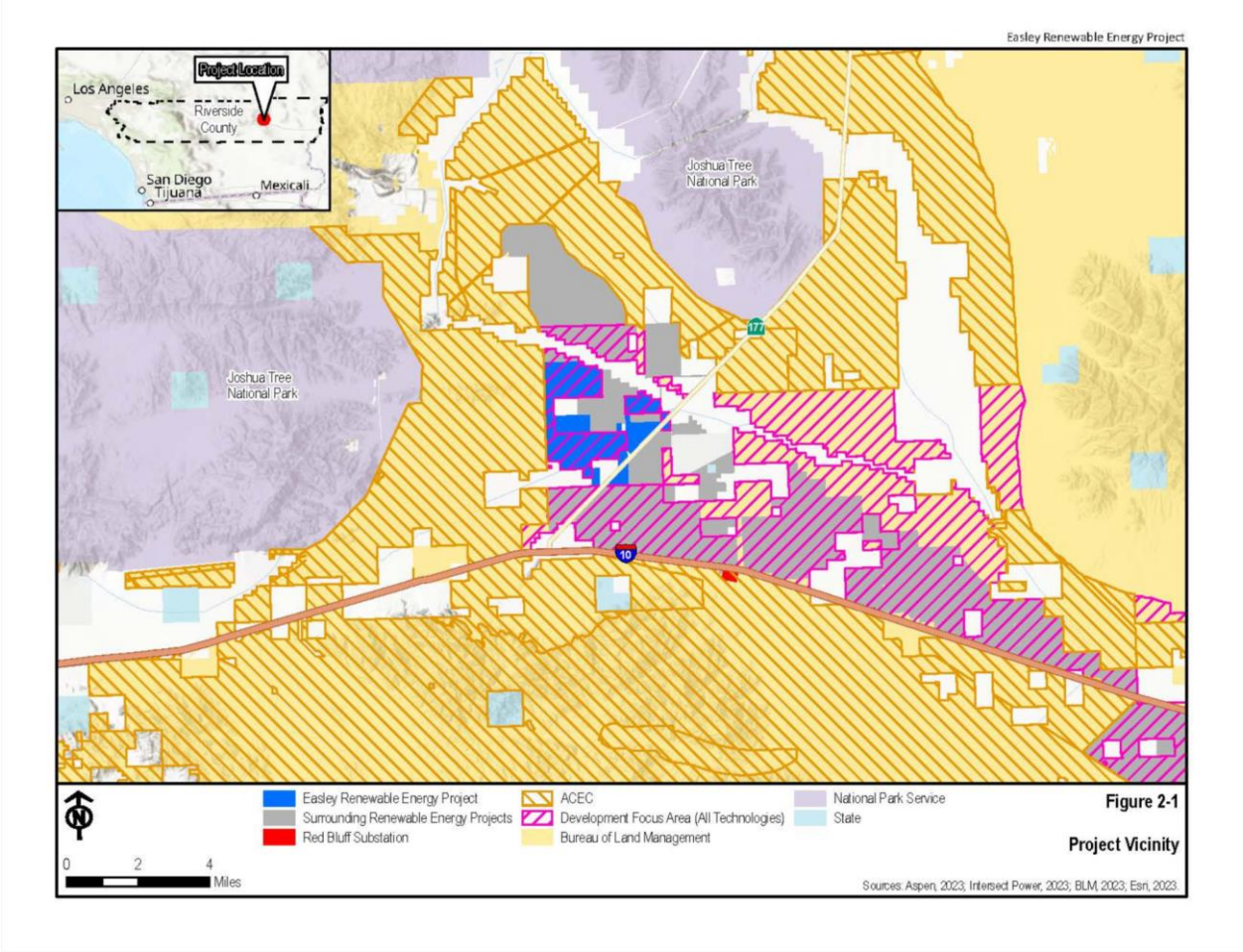
The high value of the habitats in this area is mainly due the extensive fingers of Desert Dry Wash Woodlands (DDWW) throughout the two square miles of Public Lands within the 1-Mile Setback Zone.

These Microphyll Woodlands are known as the Veins of Life in the Sonoran Desert and also provide food and shelter for over 90% of all migratory passerine bird species yet comprise only 5% of the Sonoran Desert.

All of the Maps included within the Partially Recirculated Draft Environmental Impact Report, save one, misrepresent the boundaries of the DFA.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-180 (cont'd)



Maps 2-4, 2-15, 3.2-1, 3.5-1 and 3.5-9 also misrepresent the Development Focus Area.

- Aspen did include the actual DFA boundaries obscured in the following Map included in the PRDEIR.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-180 (cont'd)

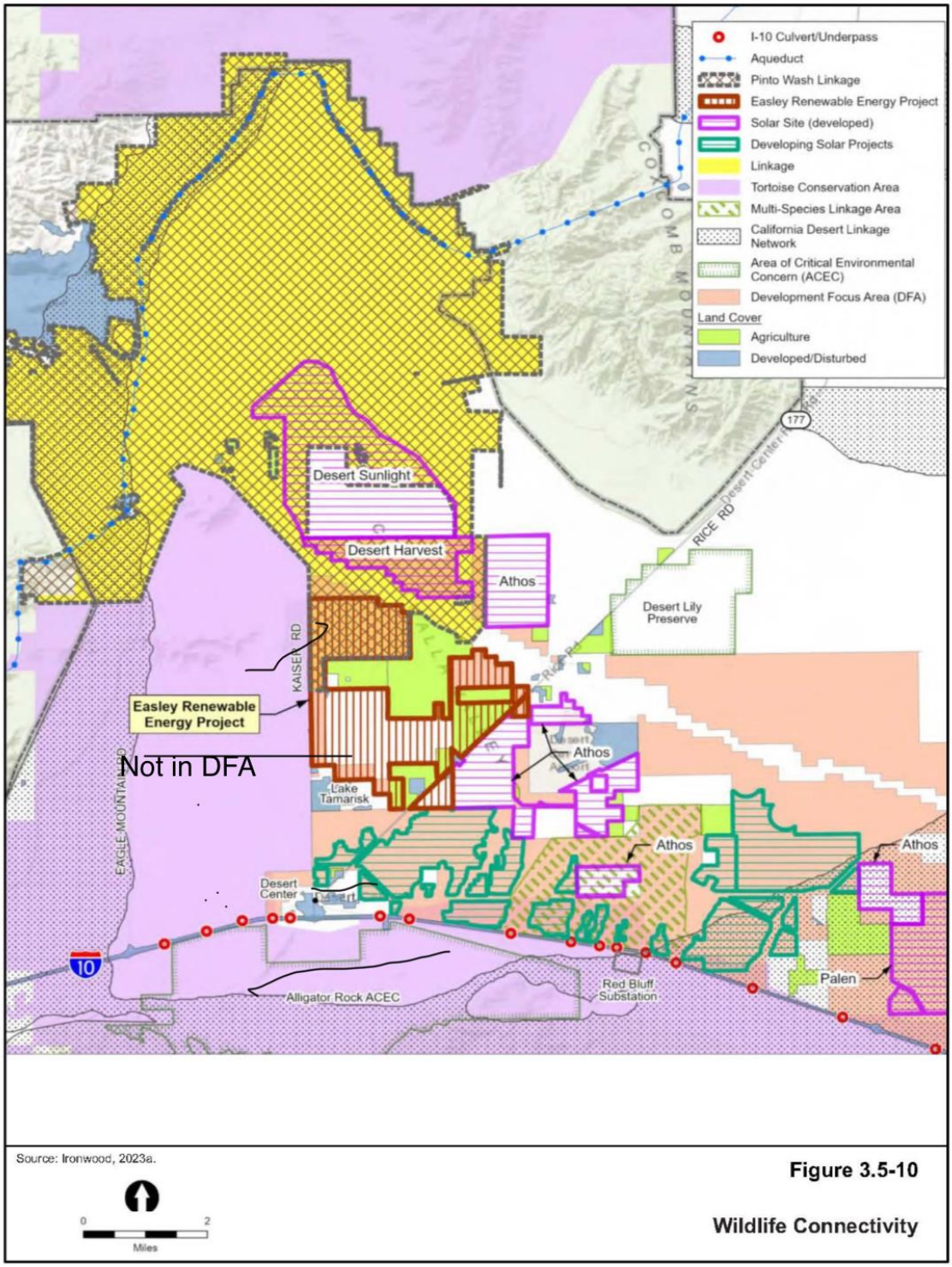


Figure 3.5-10

Wildlife Connectivity

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-180 (cont'd)

The following Maps, directly from the DRECP documentation of 2016 and the LUPA revision of 2022, confirm the actual boundaries of the Development Focus Area.



DRECP Databasin.org

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-180 (cont'd)



DRECP LUPA Record of Decision

The following link has further explanations and documentation of the actual boundaries of the DFA in the Project Area.
https://docs.google.com/document/d/1AvhJlUvz-JZpl3gu4s2t3mEzw0D3W-PHoN0r2VaQQgw/edit

Intersect Power uses their **erroneous description** of the Development Focus Area as the primary reason to build on these valuable habitat lands.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-180 (cont'd)

2.8.4. Alternative C: Further Reduced Footprint Alternative with Berms

As requested in comments submitted by residents of the Lake Tamarisk Desert Resort, the Further Reduced Footprint Alternative with Berms (Alternative C) includes the following components, which are shown in Figure 2-15 (see EIR Appendix A) and described in greater detail below:

- Minimum buffer zone setback of one mile from the Lake Tamarisk Desert Resort borders, including the "Phase II" expansion area.
- Earthen berms at 2 locations.
- Onsite Substation/BESS/O&M Building and Associated Gen-Tie Line Relocation.

Community Setback. Under the Further Reduced Footprint Alternative with Berms, all panels would be removed within 1.5 miles to the east, 2 miles to the northeast, and 1 mile north of the nearest existing Lake Tamarisk Desert Resort. With the requested setback, approximately 530 acres would not be developed with solar panels compared to the proposed Project (up to 400 MW) and 480 acres would not be developed with solar panels compared to the Reduced Footprint Alternative (up to 390 MW). Underground medium voltage 34.5 kV lines may need to cross within the setback area to connect the solar facility development areas to the onsite substation. Additional acreage would also be lost to account for construction of two earthen berms and rerouting the gen-tie line across the solar facility site from the relocated substation site, as described below. Alternative C would therefore result in a reduction of at least 80 to 100 MW compared to the proposed Project and would generate 300 to 320 MW.

Unless BLM amends the California Desert Conservation Area (CDCA) and DRECP Land Use Plan Amendment (LUPA) to designate a portion of the Project area as a solar development exclusion zone, the vacant

area within the buffer would remain designated as a Development Focus Area and may be developed for renewable energy in the future.

Development Focus Area Error in Intersect Power's Easley Solar Project Plan of Development (POD):

1. Project Overview
1.1. Introduction

"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."

———-

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-180 (cont'd)

Intersect Power's misrepresentation of the Public Lands within the 1-Mile Setback Zone as DFA lands blatantly disregards and disrespects those of you who worked so hard on the DRECP. We need your support to ensure that the Easley Solar Project doesn't set a precedent for deceptive DRECP workarounds. These lands should be protected, as intended, for their high valued habitat.

Please support the **Environmentally Superior Alternative**, labeled as the **Further Reduced Footprint Alternative C**, by requiring that Only this Alternative be allowed to receive any Conditional or Public Use Permits or other permissions of any kind for the construction of the Easley Solar Project.

Comment submissions may be sent to Tim Wheeler, Principal Planner, Riverside County Planning Department, at twheeler@rivco.org by July 8th, 2024. Please forward a copy to Supervisor Perez at district4@rivco.org as well as the other four District Supervisors along with a copy to Active Communities/Desert Center at mcarrington81@gmail.com. Additionally, the BLM will be releasing the Draft EA for the Easley Project within the next few weeks. Comments may be submitted to Tamara Faust, BLM Project Manager, tfaust@blm.gov.

Angel Law's representation helped us force the County and Aspen to recirculate the DEIR and officially consider our Respect Lake Tamarisk Alternative, and they continue to guide us through this process. We have set up a **Go Fund Me** account for help with the necessary legal fees. https://www.gofundme.com/f/g3q5r2-save-lake-tamarisk?qid=7c93a1bbc3a7eecf8c4fec9a76fab4d1 Please post this on your website and/or newsletter to help us continue our efforts to protect this very special part of the desert.

Thank you for all your efforts to protect our precious Desert Environments in California and beyond. They are truly spectacular and greatly overlooked by the general public. Your advocacy is essential to the long term appreciation and protection of these lands.

Thank you,

Mark Carrington

Senior Technical Advisor
Active Communities/Desert Center
mcarrington81@gmail.com

Easley PRDEIR:
https://drive.google.com/file/d/19nZ3FhjcHRclbdQXzBwdoe4gilwlk2Dh/view?usp=drivesdk

Comment Set PRB11 – Active Communities/Desert Center (continued)

DRECP Development Focus Area (DFA) - Respect Lake Tamarisk Alternative (Further Reduced Footprint Alternative C)

–Partially Recirculated Draft Environmental Impact Report for the IP Easley Renewable Energy Project–

Conditional Use Permit No. 220021 Public Use Permit No. 230002 Development Permit No. 2200016

PRB11-181

Primary Takeaways:

1. The lands within the **1-Mile Buffer Zone** area are **Not** part of the **Development Focus Area (DFA)** nor were ever designated as Renewable Energy Development Land by any agency.
2. Intersect Power, through Aspen Environmental Group, has mislead decision makers with the following statement: "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."
   Only **part** of the Public Lands within the project area are in the Development Focus Area.
3. Less than 50 acres of the proposed Easley Project PV panels are within the DFA in the 1-Mile Buffer Zone.

It is clear from our virtual meeting with Supervisor Perez today that there is a common misconception on exactly where the DRECP Development Focus Area (DFA) is actually located. Intersect Power's generalized maps show all public land near the Desert Oasis Community of Lake Tamarisk as DFA. This is in error and has misled decision makers at all levels.

The following maps represent the actual Development Focus Areas for the DRECP and the panel placement, as currently proposed, for the Easley Solar Project.

The vast majority of the 1-Mile Buffer Zone area is not part of the DFA nor was ever designated as Renewable Energy Development Land by any agency. This land is filled with Protected Desert Dry Wash Woodlands, an extremely high valued habitat for the Endangered Desert Tortoise, migratory birds and a myriad of plant and animal species dependent on them. They are the key to Biodiversity in the Desert. (See our recent Ch 2 and 3 for more details)

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-181 (cont'd)

Intersect Power, through Aspen Environmental Group, has mislead government officials at all levels, both State and Federal, by stating that the Easley Solar Project is on Development Focus Area public land while omitting the fact that nearly all of the lands managed by the BLM within 1 mile of the Desert Oasis Community of Lake Tamarisk are not DFA designated public lands.

Comparing the Easley Project Site Plan with the Development Focus Area map, only about 50 out of 2000 acres of Easley solar panels are in the DFA, next to Kaiser Road, within the required 1-Mile Buffer Zone.

Text from Intersect Power's Easley Solar Project Plan of Development (POD):

1. Project Overview
1.1. Introduction

"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."

This **error** may have helped mislead Governor Newsom to grant Environmental Leadership Development Certification to the Easley Solar Project.

Comment Set PRB11 – Active Communities/Desert Center (continued)

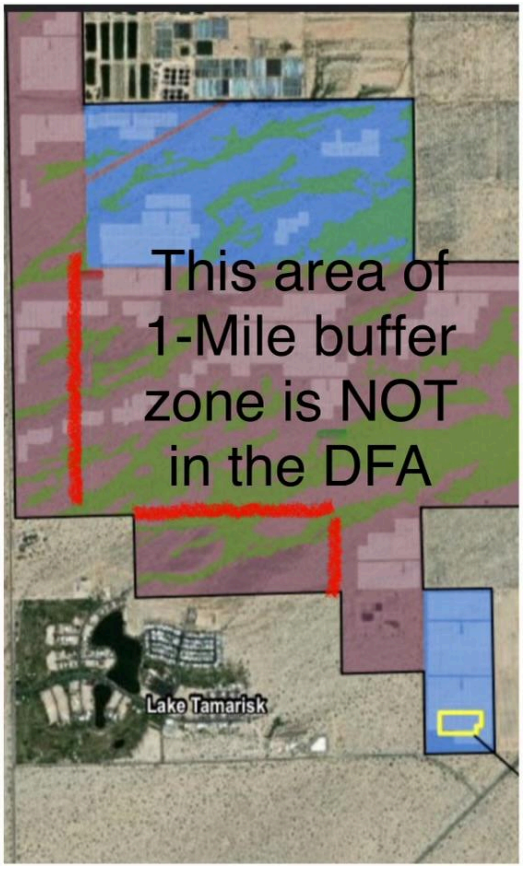
PRB11-181 (cont'd)



Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-181 (cont'd)

Development Focus Area (red stripes) The Desert Oasis Community of Lake Tamarisk is in pink in the lower left corner.

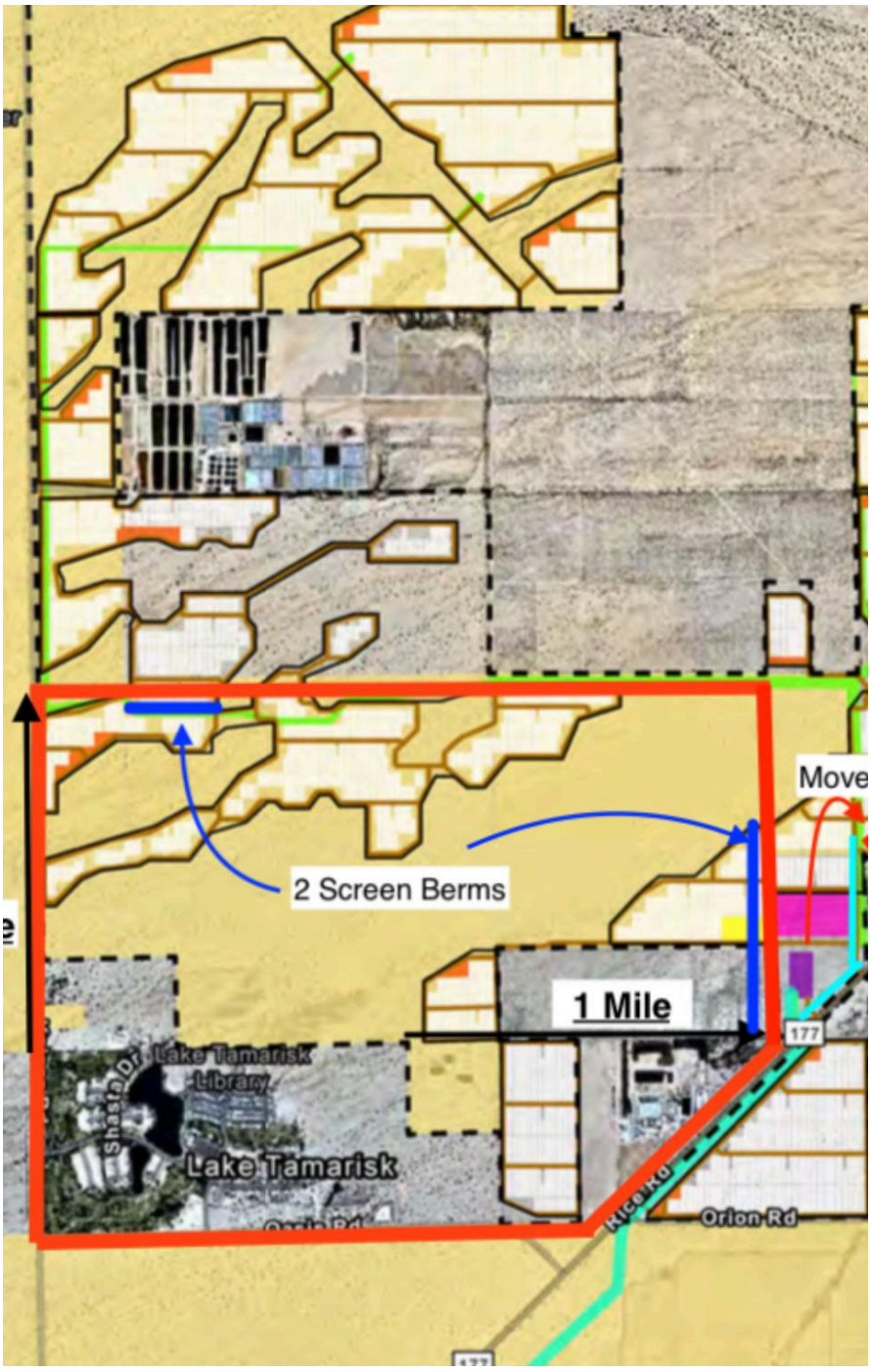


Proposed Easley Project Site Plan (solar panels-light pink)

Only about 50 out of 2000 acres of Easley solar panels are in the DFA, next to Kaiser Road, within the required 1-Mile Buffer Zone.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-181 (cont'd)



Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-181 (cont'd)

1-Mile Buffer Zone (red outline) required by the Respect Lake Tamarisk Alternate. (**Further Reduced Footprint Alternative C** in the PRDEIR)
Panels eliminated within this area may be placed on available lands close by if desired by the proponent.

The Public Lands within the 1-Mile Buffer Zone Setback are designated General Public Lands and are NOT needed to fulfill the DRECP renewable energy strategy.

DRECP 2016 Record of Decision (ROD):

"II.3.2.3 **General Public Lands**

Within the DRECP Plan Area there are BLM-administered lands that do not have a specific land allocation or designation associated with energy development, conservation, or recreation. **These lands are not needed to fulfill the DRECP biological conservation or renewable energy strategy.** While renewable energy applications will be prioritized first in DFAs and second in VPLs, renewable energy applications that conform to certain Conservation and Management Actions will also be considered in General Public Lands (GPL) (see Section II.4.2.10). **Applications within the CDCA, Bishop RMP and Bakersfield RMP will continue to require a Plan Amendment.**"

Since the lands within the 1-Mile Setback are filled with high valued wildlife habitats, including approximately 400 acres of Desert Dry Wash Woodlands as prime Endangered Desert Tortoise habitat, and they are Not needed to fulfill the DRECP renewable energy strategy they must be removed from the Easley Project Area. Conservation takes precedence in this case.

Comment Set PRB11 – Active Communities/Desert Center (continued)

Governor's Certification - Respect Lake Tamarisk Alternative (Further Reduced Footprint Alternative C)(Further Reduced Footprint Alternative C)

–Partially Recirculated Draft Environmental Impact Report for the IP Easley Renewable Energy Project–

Conditional Use Permit No. 220021 Public Use Permit No. 230002 Development Permit No. 2200016

PRB11-182

Primary Takeaways:

1. The Executive Director of State Planning and Policy Development of the Governor's Office of Planning and Research states that:
   "When the Governor certifies a project for judicial streamlining, the certification provides expedited rules of court in the event that the project is sued under the California Environmental Quality Act (CEQA). **The certification does not affect the lead agency's discretion over the project**."
2. As our County Supervisor, you may require substantial modifications to the Easley Solar Project, as will be necessary to balance competing interests and comply with CEQA and all other laws that govern your action.
3. Since the Respect Lake Tamarisk Alternative meets or exceeds all of the Easley Project Objectives, as described in the Draft EIR, while minimizing the adverse environmental impacts, it is the Environmentally Preferred Alternative.
4. Only by requiring the Easley Solar Project to meet the minimum requirements of the Respect Lake Tamarisk Alternative can our Supervisors meet their responsibilities to protect Unincorporated Communities, encourage Responsible Renewable Energy Development, promote economic diversity and support employment opportunities for the residents of Eastern Riverside County.
5. The Easley Solar Project will become a true Environmental Leadership Development Project as they follow the minimum requirements of the Respect Lake Tamarisk Alternative. The Governor's Certification will have actual merit.

PRB11-183

Reviewing the Governor's Environmental Leadership Certification, it is important to keep in mind that it does not tie a local government's hands to a project so certified. It does not infringe on the Board of Supervisors' power to approve, conditionally approve, or deny discretionary entitlements for a solar project, or, for that matter, the power to certify or deny certification of an environmental impact report (EIR) under the California Environmental Quality Act (CEQA). It

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-183 (cont'd)

does not prevent the Board from setting conditions that reduce the scale of a project's footprint (or require a partial relocation of the footprint) to protect human and wildlife habitat. It has nothing to do with any of that.

What it does is offer CEQA streamlining benefits to the applicant. These benefits relate to the timing of judicial resolution of potential litigation over a certified project as well as logistical and financial responsibilities concerning preparation of the evidentiary record for a court if litigation is initiated. Simply put, while the certification may look ominous, it actually has no effect on the discretionary permitting powers of a local government or the remedies a court may grant a plaintiff under CEQA.

Therefore, you, as our County Supervisor, may move to require substantial modifications to the Easley Solar Project, as will be necessary to balance competing interests and comply with CEQA and all other laws that govern your action. The County is to tell Intersect Power what's appropriate and reasonable. Intersect Power may not dictate to the County what it wants or run roughshod over anyone who seeks reasonable concessions with negligible effect, if any, on solar output capacity.

As shown in our submittals, the Respect Lake Tamarisk Alternative meets or exceeds all of the Easley Project Objectives, as described in the Draft EIR, while minimizing the adverse environmental impacts. This makes our grassroots Alternative the Environmentally Preferred Alternative. The Natural Environment surrounding the Desert Oasis Community of Lake Tamarisk, so necessary for our well-being and the well-being of future visitors to the Chuckwalla Valley, will be preserved.

A few days ago we asked the leadership of the Governor's Office of Planning and Research (OPR) to clarify the meaning of Environmental Leadership Development Project Certification:

> From: MARK C <mcarrington81@gmail.com>
> Sent: Friday, April 5, 2024 11:23 AM
> To: Russell Fong <russell.fong@opr.ca.gov>
> Cc: Saharnaz Mirzazad
> <saharnaz.mirzazad@opr.ca.gov>;
>
> Subject: Meaning of Governor's Environmental
> Leadership Development Certification
>
> Hello Russell,
>
> On February 8, 2024, the Easley Solar Project in East Riverside County was awarded the Governor's Environmental Leadership Development Certification. There has been much misunderstanding about what this certification means.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-183 (cont'd)

Would you be kind enough to confirm that the certification in no way infringes upon the discretionary power of the Riverside County Board of Supervisors to approve, conditionally approve, or deny discretionary entitlements for the project, or, for that matter, the power to certify or deny certification of the environmental impact report (EIR) under the California Environmental Quality Act (CEQA)?

This project adjoins our Community's border on two sides. Another Intersect Power project (500 MW Oberon) is to the south of us. We bear the brunt of Intersect Power's industrial expansionism in the desert and its drawing down the Chuckwalla Valley Groundwater Basin, our sole water source.

This latest Intersect Power project has significant negative environmental impacts on our Community that are inappropriately mitigated by the Applicant, and incorrectly dismissed as "unavoidable."

We have developed a grassroots alternative plan that will effectively mitigate the project's significant impacts, protect ecologically valuable desert resources, and still allow ALL of the Applicant's Project Objectives to be fulfilled. This is the Respect Lake Tamarisk Alternative :

https://docs.google.com/document/d/1P8PeYfb9lBEyifLyBMV-deN6e_JJCPPH6qVm-KuqNdc/edit?usp=drivesdk

Thank you

Mark

Active Communities/Desert Center

From: Saharnaz Mirzazad <saharnaz.mirzazad@opr.ca.gov>
Date: Tue, Apr 9, 2024 at 11:51 AM
Subject: RE: Meaning of Governor's Environmental Leadership Development Certification
To: MARK C <mcarrington81@gmail.com>, Russell Fong <Russell.Fong@opr.ca.gov>

Hello Mark,

When the Governor certifies a project for judicial streamlining, the certification provides expedited rules of court in the event that the project is sued under the California Environmental Quality Act (CEQA). **The certification does not affect the lead agency's discretion over the project.**

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-183 (cont'd)

Best,
Saharnaz Mirzazad, AICP
Executive Director of State Planning and Policy Development
Governor's Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814 Phone: 916-717-8826 www.opr.ca.gov

PRB11-184

The Governor does not want This project so much as he wants Utility Scale Solar Power Projects built now.

You can fulfill this desire with the Respect Lake Tamarisk Alternative for the Easley Solar Project and make this a true Environmental Leadership Development Project by protecting the uniquely valuable habitat for the threatened Desert Tortoise, Migratory Birds and a myriad of plant and animal species found in the 1-Mile Buffer Zone around the Desert Oasis Community of Lake Tamarisk. (see Chapters 2 & 3)

With your help, Governor Newsom will have backed a true Environmental Leadership Project by protecting this highly valued habitat, and the Community of Lake Tamarisk would retain its Desert Oasis Identity and Way of Life.

We believe that this is exactly what the Governor wants, a responsible Renewable Energy Development, now.

Groups thank Governor Newsom for signing this important desert conservation investment bill

Governor Signs Desert Conservation Investment Bill

Desert Conservation Groups Cheer Signing of CA Assembly Bill 1183

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-184 (cont'd)

September 29, 2021

Groups thank Governor Newsom for signing this important desert conservation investment bill

SACRAMENTO — Governor Gavin Newsom has signed Assembly Bill (AB) 1183, bringing California's desert region essential funding for conservation, recreation, and environmental education projects. Assembly Member James C. Ramos authored AB 1183, which will establish the Desert Conservation Program under the state's Wildlife Conservation Board. The program will provide new grant funding to local governments, tribes, non-profit organizations and other entities for biodiversity conservation, cultural and historical preservation, recreation projects, restoration of damaged lands, and climate resiliency projects in the California desert.

"We commend Assembly Member Ramos for his leadership on this important legislation that will bring much-needed conservation investments to California's iconic desert region, which is home to the largest still-intact ecosystem in the lower 48 states," said Pamela Flick, California Program Director with Defenders of Wildlife.

California's deserts face many threats. Climate change effects are resulting in increased fire risk due to higher average annual temperatures and longer droughts. Infestations of invasive, nonnative plants make deserts more flammable, crowding out native wildflowers and reducing forage for wildlife. **Increased development is reducing and fragmenting habitat**. Illegal marijuana cultivation is also on the rise. These threats present a critical need for conservation funding.

While the California desert region makes up 28% of the state, it has largely been left behind where conservation funding is concerned. Existing conservancies and conservancy programs elsewhere in the state have secured hundreds of millions of dollars in funding, illustrating the benefit of the proposed program. "Having the Desert Conservation Program will increase access to nature for communities of color and ensure equity in how funds are spent on protection, to assure all communities have safe, accessible public spaces and nature where they can recreate.

"**California deserts are a national treasure for their vast and dramatic landscapes, spectacular geology, dark night skies, and diverse array of plants and animals.** They are places of wonder and discovery where one can find respite from the frenetic pace of modern life," said Geary Hund, Executive Director of the Mojave Desert Land Trust. "But this same region is severely lacking in direct investment to protect and restore our invaluable natural and cultural resources. The enactment of this legislation will give a significant part of our state's natural and cultural heritage the much-deserved support it needs."

Approximately half of the State's population lives in or within an hour's drive of the Desert Region. These vast open space areas are the ancestral territory of several Indigenous peoples and serve many disadvantaged communities who are increasingly utilizing these areas for recreation. One measure of the soaring popularity of the desert is an increase in visitation at Joshua Tree National Park from approximately 1.5 million visitors per year in 2013 to more than three million in 2020. Despite the proximity and popularity of the Desert Region, grant funding from the State is largely not available to achieve conservation needs due to the large geographic size.

Comment Set PRB11 – Active Communities/Desert Center (continued)

"Veterans share a strong connection with the outdoors and believe that protecting our public lands is a patriotic duty," said Janessa Goldbeck, California Director for VetVoice Foundation. "More than 220,000 veterans and military families live in and around the California desert. This unique landscape not only provides a place for veterans to recreate, but also to heal from the mental, physical, and moral wounds of war. AB 1183 helps ensure that such an important resource will be protected for generations to come."

PRB11-184 (cont'd)

Comment Set PRB11 – Active Communities/Desert Center (continued)

Employment Opportunities - Respect Lake Tamarisk Alternative (Further Reduced Footprint Alternative C)(Further Reduced Footprint Alternative C)

–Partially Recirculated Draft Environmental Impact Report for the IP Easley Renewable Energy Project–

Conditional Use Permit No. 220021 Public Use Permit No. 230002 Development Permit No. 2200016

Primary Takeaways:

PRB11-185

1. The Respect Lake Tamarisk Alternative for the Project would make no difference in the number of Megawatts possible or the number of employees required for construction.
2. The Sapphire Solar Project, by EDF Renewables, will begin construction within 6 months after the Easley Project begins in the summer of 2025. This Project will require an additional 300 employees and overlap construction with the Easley Project for at least 12 months.
3. Requiring the Easley Solar Project to meet the minimum requirements of Respect Lake Tamarisk Alternative now will prevent delays in the CEQA and NEPA process and allow construction to begin on schedule next summer.

The Easley Solar Project, as currently designed, would produce up to 400 megawatts of electrical power and would employ up to 500 workers at peak construction.

The Respect Lake Tamarisk Alternative for the Project would make no difference in the number of Megawatts possible or the number of employees required for construction.

The Project would produce over 300 megawatts on the same site with a 1-Mile Natural Buffer Zone around the Desert Oasis Community of Lake Tamarisk.

PRB11-186

An additional 100 Megawatts can be produced on private property currently for sale close by and adjacent to the Athos ll Solar site. This additional site would require a relatively short underground medium voltage line to the main Easley Substation location. The Athos ll Solar site has similar separation requiring an underground line to their Substation and Intersect Power's Oberon Project has Solar Fields requiring underground medium voltage transmission lines as long as 5 miles. Therefore, Economic or Technical Feasibility is not a question.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-187

The labor force required would remain the same. Additionally, the Sapphire Solar Project, by EDF Renewables, will begin construction within 6 months after the Easley Project begins in the summer of 2025. This Project will require an additional 300 employees and overlap construction with the Easley Project for at least 12 months.

In addition to these Projects, EDF Renewables expects to begin construction of the 4000 plus acre Lycan Solar Project soon after their Sapphire Project is completed. Several additional Renewable Energy Projects in the Chuckwalla Valley, currently in the permitting process, will follow.

As the Oberon Project was completed last fall, the construction workforce of up to 500 at its peak was reduced to 3 or 4 full time employees. Many of the laborers followed developers to other projects in the Western United States. Others are left unemployed.

Approval of the Respect Lake Tamarisk Alternative for the Easley Solar Project in a timely manner will ensure full employment opportunities for the workforce of East Riverside County for years to come.

Comment Set PRB11 – Active Communities/Desert Center (continued)

Importance of the 1-Mile Buffer Zone - Respect Lake Tamarisk Alternative (Further Reduced Footprint Alternative C)(Further Reduced Footprint Alternative C)

–Partially Recirculated Draft Environmental Impact Report for the IP Easley Renewable Energy Project–

Conditional Use Permit No. 220021 Public Use Permit No. 230002 Development Permit No. 2200016

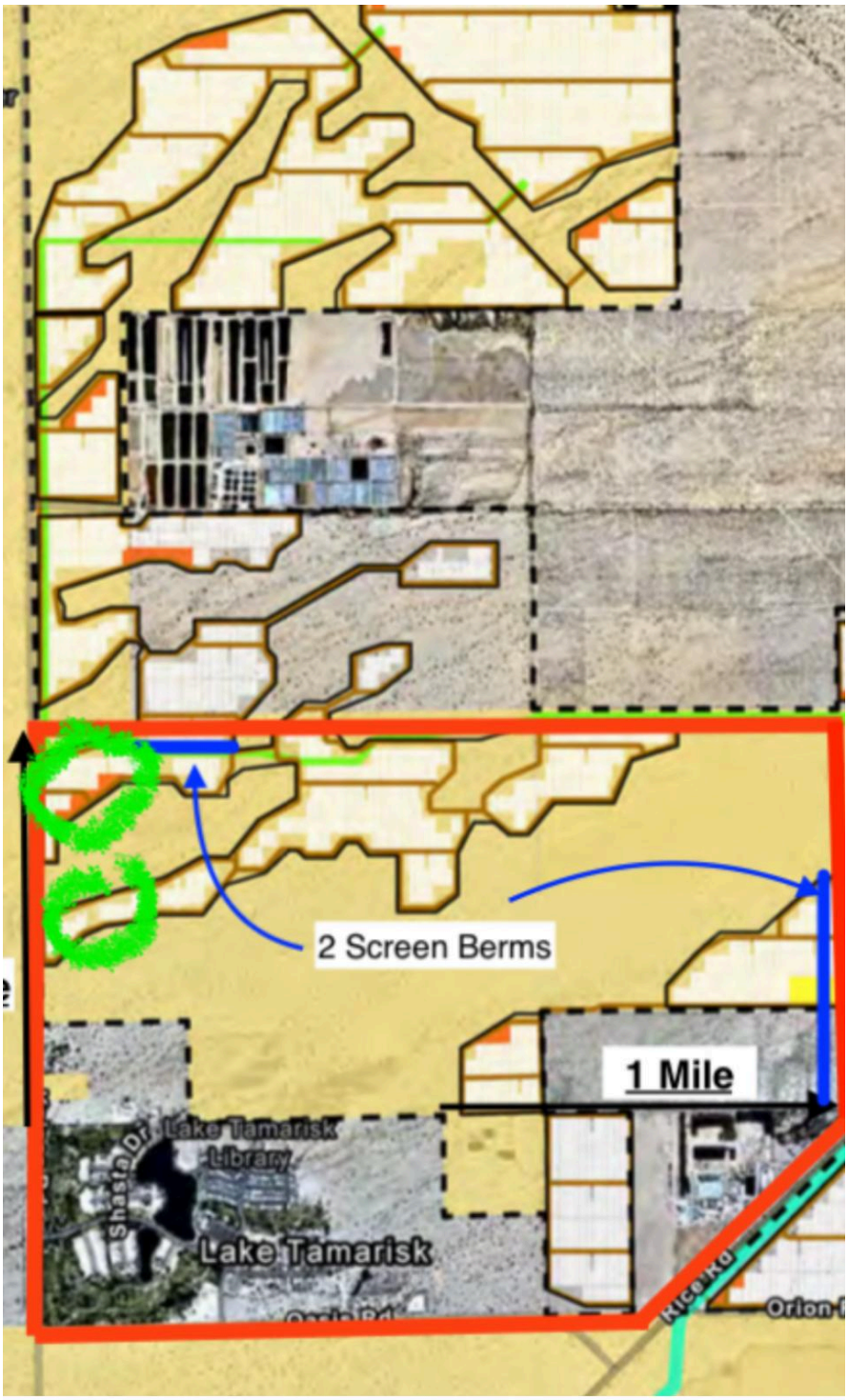
Primary Takeaways:

1. Less than 50 acres of PV panels are in the Development Focus Area within the 1-Mile Buffer Zone. **PRB11-188**
2. The experience of the Natural Desert Environment is an essential reason for residents of a remote Desert Oasis Community. Lake Tamarisk's past, present, and future are tied to this Living Desert experience. **PRB11-189**
3. The 1-Mile Buffer Zone contains many Microphyll Woodland Washes that are critical habit for the Endangered Desert Tortoise and 95% of all migratory birds. PV panels between Washes destroys the value of this habitat.
4. Property values, both present and future, will be severely negatively impacted by the Easley Project if constructed within 1-Mile of the Community. New studies confirm this impact. Aspen's reliance on previous studies has led to misleading conclusions.
5. Lake Tamarisk has been an important Migratory Waterfowl Environment. An incredible variety of Waterfowl stop off at our lakes on their journey north or south. Lake Tamarisk is part of the Colorado River Flyway. The Lake Effect of Large Scale Solar Projects and bird mortality is well documented. A minimum 1-Mile Buffer Zone is necessary for these Waterfowl to safely find the 3 lakes. **PRB11-190**
6. The 1-Mile Buffer Zone with an effective Fugitive Dust Management Plan is essential to protect the health of the residents of Lake Tamarisk. Intersect Power has demonstrated their unwillingness to control toxic dust emissions from their recent Oberon Project. **PRB11-191**
7. The 1-Mile Buffer Zone helps protect the health, welfare, and quality of life for the current and future residents of the Desert Oasis Community of Lake Tamarisk.

   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." **PRB11-192**

Note that less than 50 acres of PV Panels are in the Development Focus Area within the 1-Mile Buffer Zone. (green circled area) **PRB11-193**

Comment Set PRB11 – Active Communities/Desert Center (continued)



PRB11-193 (cont'd)

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-194

1. As a remote Desert Oasis Resort Community a Natural Desert Environment is critically important to its identity and ultimate survival. It is not merely a visual requirement but also an experience of a Living Desert surrounding an Oasis Community.

Kaiser Steel formation of Lake Tamarisk and CSA51:
https://drive.google.com/file/d/1RFvK9Zd0CX775oNoGgEuQR9EOlP-svFE/view?usp=drivesdk

"KAISER STEEL CORPORATION
Oakland, California July 31, 1968
271-2870 (Tom Brown)
RELEASE: Thursday, August 1, 1968

Desert—resort-type garden living was assured for the new community-of Lake Tamarisk this week when the last of more than $2 ,OOO ,OOO in recreational facilities, community utilities and land was donated by Kaiser
Steel Corporation to a special Riverside County Service Area which has been established for the benefit of future residents of Lake Tamarisk.

Last month the Riverside County Board of Supervisors , on a motion from Supervisor Ray Seeley, accepted the-official donation papers from C. F. Borden, Kaiser Steel Executive Vice President.

The new facilities donated to the Lake Tamarisk community include streets and utilities, water system, nine-hole golf course, two man—made lakes, landscaping, a modern high—intensity street lighting system, and a sewage plant
system.

In signing the dedication papers, Borden said, ' 'Kaiser Steel is very pleased to give these recreational and community facilities to the County Service Area and thereby make them available for the creation and maintenance of the attractive **oasis community of Lake Tamarisk.** The company has long recognized the need and desirability of this type of community for employees who desire to purchase their own homes in an area with all the amenities of the most famous desert communities."

Living a minimum of an hour's distance from a grocery store, restaurants, doctors etc. is inconvenient to say the least. Residents of Lake Tamarisk choose to live with these inconveniences in order to experience Desert Oasis Resort living.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-195

That experience includes the abundance of wildlife distributed through the fingers of Ironwood Desert Dry Wash Woodlands unique to this region of the Colorado Desert portion of the Sonoran Desert.
95% of all migratory birds inhabit these Washes and yet these Microphyll Woodlands comprise only 5% of the Sonoran Desert. The Ironwoods are endemic to the Sonoran Desert.

"Songbirds have been in decline for decades and it's well accepted that **habitat loss** is the primary driver
for these declines. Early research by Rappole (1996) started pointing at habitat loss and hundreds of
papers in the scientific literature since then have confirmed this. Habitat loss is not just the removal of
habitat, but includes **edge effects and habitat isolation** which both contribute to habitat fragmentation."
https://drive.google.com/file/d/1j7pz5JDEaJX_fP8lzvFui-cRA-EAn43b/view?usp=drivesdk

PRB11-196

Additionally, these Ironwood Washes are a critical habit for the Endangered Desert Tortoise. The Tortoise depends on these Washes for both food and shelter. The habitat in the 1-Mile Buffer Zone is uniquely suitable since it contains many narrow finger Washes with creosote covered areas stretching between them. This provides an abundant variety of food with shelter always nearby. Many animals here use the same strategy. The subsequent Biological Diversity is particularly high around our Community. We are very grateful to have these surroundings to experience. They are essential to our well-being.

Microphyll woodlands are the single most critical habit in the desert environment.

Microphyll Woodlands and Why They Matter
https://drive.google.com/file/d/1vfiVXdJ7UJlibSWa6j1-frF849oX2XrH/view?usp=drivesdk

To put fencing and Solar Panels between these Washes ashes would eliminate much of the wildlife since they depend on moving from Wash to Wash. These Woodland Washes are known as the "Veins of Life" in the Sonoran Desert.

Whether 25 feet from our Phase II Community Development Land or ½ mile from from the nearest currently constructed home, the current project design of the Easley Solar Project would destroy the Biological Diversity of our surrounding desert environment.

A Desert Oasis Resort Community depends on the Natural Desert experience. Residents not only view the Desert from their homes but regularly walk the surrounding desert to experience the variety of plants and animals abundant here.
Our quality of life is dependent upon that experience.

Comment Set PRB11 – Active Communities/Desert Center (continued)

Not only does our current resident population depend on our unique surrounding desert, but so does any future development. **PRB11-197**

Allen Grant, of Grant Development, is planning to build much needed affordable housing here at Lake Tamarisk. After purchasing Desert Center, Balwinder Wraich and partner formed the Desert Center Development Corporation with the intention of building a Truck Stop/Charging Station, restaurants and other amenities. Employee housing is intended in the Desert Oasis Community of Lake Tamarisk. The Natural Desert experience is necessary for these employees to choose to live remotely versus commuting.

Snowbirds are attracted by the Natural Desert experience and repulsed by Industrial encroachment. They will not choose to live at an Island in a Dead Sea of Solar Panels.

The designation of the Chuckwalla National Monument will also have a significant impact on development in the Desert Center Area. This is an ideal location for the Visitor Center. Expansion at Desert Center to meet tourist demands equals housing needs. **PRB11-198**

With the 1-Mile Buffer Zone the Lake Tamarisk Desert Oasis Community blends well into the surrounding Monument and becomes an attractive place to settle, whether year around or seasonally.

National pressure mounts for Biden to create Chuckwalla monument, protect other lands
Janet Wilson
Palm Springs Desert Sun, April 16, 2024

"Joan Taylor, chair of the Sierra Club's California/Nevada Desert Committee, said, "I think the national monument is going be huge for the Coachella Valley, especially in the eastern Coachella Valley. We're going to see new 'gateway' cities out there, and it should be a great benefit for tourism and will guarantee permanent access for recreation for residents.""
https://www.desertsun.com/story/news/nation/california/2024/04/16/chuckwalla-national-monument-biden-urged-to-take-action-ahead-of-election/72599477007

2. Property values, both present and future, will be harmed if the Easley Solar Project is permitted to be constructed as currently designed. The 1-Mile Buffer Zone requirement in the Respect Lake Tamarisk Alternative will help reduce this detrimental Impact of the Project. **PRB11-199**

This 2023 study by Lawrence Berkeley National Laboratory is often quoted by Aspen Environmental Group on behalf of Intersect Power to mislead decision makers into believing that their Large Scale Solar Project (LSS) will have no significant impact on property values for nearby Communities.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-199 (cont'd)

Shedding light on large-scale solar impacts: An analysis of property values and proximity to photovoltaics across six U.S. states
https://drive.google.com/file/d/1iiR12o2373aCtWBLuC-VqO9Gwe1G7k5K/view?usp=drivesdk

This study concludes that only a 1.5% reduction in property values when LSS fields are within 1 mile of Communities.
Large Scale Solar is defined as any project of 1 Megawatt or more. Very few projects over 50 Megawatts were included in the study.

This conclusion changed for larger projects close to Communities.
"Our results suggest that there are adverse property value impacts of LSPVP (Large Scale Photovoltaic Projects) construction for homes very close to a LSPVP and those predominantly in rural agricultural settings around larger projects (>100MW). But we find that most impacts fade at distances greater than 1 mile from a LSPVP."

This clearly confirms that the 1-MILE Buffer Zone requirement is essential to retaining the current and future property values in Communities.

PRB11-200

Another Lawrence Berkeley National Laboratory study, published this month, puts an even finer point on the detrimental impacts of Very Large Scale Solar Projects (>100MW) on nearby Communities.

New research yields insights into attitudes and perceptions of large-scale solar project neighbors
April 16, 2024
https://docs.google.com/document/d/1BHYfgjhpy05Qa8WBYCJcXcabfG1PXAVZ4cyLq8Mebsk/edit?usp=drivesdk

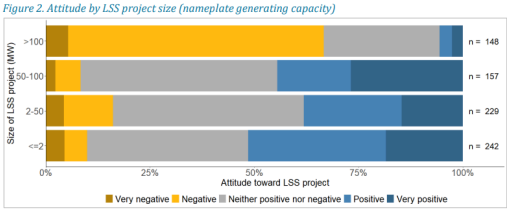
"Very large (>100 MW) projects elicit substantially more negative attitudes compared to smaller and mid-sized projects. Negative attitudes outnumber positive by a 12:1 margin around the largest projects (>100 MW) in our sample. Yet that trend is reversed for projects below 100 MW: Attitudes are 5:1 positive for 50-100 MW projects; 2:1 positive for 2-50 MW projects, and 5:1 positive for 1-2 MW projects."

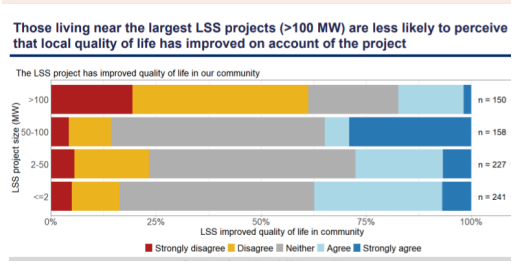
This study shows that Communities within 3 miles of Large Scale Solar Projects over 100 Megawatts are severely impacted by them.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-200 (cont'd)

Figure 2. Attitude by LSS project size (nameplate generating capacity)





When 12 out of 13 current Community residents believe that their quality of life has been harmed by the Very Large Scale Solar Projects (greater than 100 MW) they begin to leave. This has begun in Lake Tamarisk due to the fear that our County Supervisors will abandon us and give in to Intersect Power's greed.

The demand for homes where such negative feelings exist is very low. Hence, property values decline and the future home values, once expected, are lost.

It should be noted that none of the Communities in this study were surrounded on 3 sides by Very Large Scale Solar Projects (VLSS) within 3 miles.

The Desert Oasis Community of Lake Tamarisk would be surrounded on 3 sides with VLSS within ½ mile if the Board of Supervisors approved the Easley Solar Project without meeting the minimum requirements of the Respect Lake Tamarisk Alternative. The financial harm to the Community would be devastating.

PRB11-201

Since 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.",
the Board of Supervisors would be assuming the liability for these harms from Intersect Power if the Project were to be approved without meeting the minimum requirements of the Respect Lake Tamarisk Alternative.

We need commitments now to protect the health, welfare and quality of life in the Desert Oasis Community of Lake Tamarisk in order to reassure our residents that our County Supervisors are standing squarely in the way of corporate greed and big government overreach.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-202

3. Lake Tamarisk has been an important Migratory Waterfowl Environment. An incredible variety of Waterfowl stop off at our lakes on their journey north or south. Lake Tamarisk is part of the Colorado River Flyway.

A minimum 1-Mile Buffer Zone is necessary for these Waterfowl to safely find the 3 lakes here.

Utility Scale Solar Fields create what is known as the Lake Effect that confuses Waterfowl and makes it difficult for them to find bodies of water necessary for their survival. Those that mistakenly land in a Solar field rarely survive.

"Utility-scale PV facilities may attract migrating waterfowl and shorebirds through the "lake effect", whereby migrating birds perceive the reflective surfaces of PV panels as bodies of water and collide with the structures as they attempt to land on the panels."
https://drive.google.com/file/d/1j7pz5JDEaJX_fP8lzvFui-cRA-EAn43b/view?usp=drivesdk

"certain mortality and species trends were evident, such as waterbirds at Desert Sunlight, where open water sources were present."
https://drive.google.com/file/d/1A4ouZVYxKbkiIBSsFf7wiENWA8GC8K4L/view?usp=drivesdk

"The study found that solar panels polarize visible and ultraviolet light in a manner similar to water, and that birds are more attracted to more highly polarized sources of visible light. Many birds approaching solar facilities from the north during daylight hours in the fall migration season were shown to descend toward solar facilities."
https://www.energizeinnovation.fund/projects/investigating-avian-attraction-solar-energy-facilities-through-lake-effect

Protecting this critical Waterfowl habitat should be important to all Californians. To put these Waterfowl at high risk by allowing the encroachment of Solar Fields based only on greed is Not Environmental Leadership and would be irresponsible of all of us.

The Waterfowl are an important part of the Oasis experience at Lake Tamarisk. All residents here enjoy the diversity of Waterfowl in our Lakes.

The saying "and if you believe that, I have this Lakefront property in the Desert for sale" conveys the fact that our Lakes are both a rare and a valuable resource in the Desert.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-203

4. The 1-Mile Buffer is essential to protect the health of residents at Lake Tamarisk. The discussion on Fugitive Dust Management in Chapter 4 describes this in detail. Without this 1-Mile Buffer Zone the residents of Lake Tamarisk would be put directly in harm's way. This would put our high proportion of seniors and children in our resident population at severe health risk.

Again, 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."

As you can see, the 1-Mile Buffer Zone requirement of the Respect Lake Tamarisk Alternative is essential to protect not only the health, safety and general welfare of the Community but also the Desert Oasis way of life for all current and future residents and visitors.

Comment Set PRB11 – Active Communities/Desert Center (continued)



PRB11-203 (cont'd)

Comment Set PRB11 – Active Communities/Desert Center (continued)



PRB11-203 (cont'd)

Comment Set PRB11 – Active Communities/Desert Center (continued)



PRB11-203 (cont'd)

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-203 (cont'd)



Responses to Comment Set PRB11 –Active Communities/ Desert Center

PRB11-1 The commenter states that one of the primary functions of the Planning Department is to make sure that a Project design does not deteriorate the health, safety or general welfare of the communities in Riverside County and quotes Riverside County Code section 17.200.050 and section 17.208.040.

Please see Response to Comment PRB11-6, which addresses the Riverside County Code.

The commenter also summarizes the content of Section 1 of Comment Set PRB11, which details the concerns of the community, including property values, economic development, health and safety issues, water quality and others.

Please see Responses to Comments PRB11-6 through PRB11-27, which address the comments in Section 1 of commenter's submittal .

PRB11-2 The commenter states that Section 2 discusses that the Environmentally Superior Alternative (Alternative C) is required to be the selected onsite build option since there are no specific economic, social, or other conditions that make it infeasible, and no other build alternative avoids any significant effects.

Please see Responses to Comments PRB11-28 through PRB11-33, which address the comments in Section 2 of commenter's submittal .

PRB11-3 The commenter states that the cumulative effects of the Oberon Solar Project and Easley Solar Project would be devastating to the health, safety and general welfare of the residents of Lake Tamarisk and makes reference to Section 1 of Comment Set PRB11.

Please see Responses to Comments PRB11-6 through PRB11-27, which address the comments in Section 1 of the commenter's submittal.

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

The commenter states that the residents of the Lake Tamarisk community did not receive notification of construction of the Oberon Project.

Residents of the Lake Tamarisk Desert Resort and the community of Desert Center have been notified for the proposed Easley Project, as summarized in Section 1.6 (Public Review and Noticing) of the EIR. BLM notification process for the Oberon Renewable Energy Project is outside of the CEQA analysis for the Easley Renewable Energy Project. Please see Response to Comment D5-17 regarding construction notification requirements included in recommended mitigation measures (EIR Appendix L) for the Easley Project.

PRB11-4 The commenter states that the Lake Tamarisk community supports responsible renewable energy development, the most responsible development plan is Alternative E, and of the on-site alternatives, only Alternative C, the Environmentally Superior Alternative, may be recommended to the Board of Supervisors for approval of any Conditional or Public Use Permits by the Riverside County Planning Department.

Please see Response to Comment PRD10-1 for a discussion of distributed generation as an alternative to the Easley Project and Response to Comment PRB11-28 for a discussion of CEQA requirements for approval of the Environmentally Superior Alternative.

PRB11-5 The commenter includes links to the following Sections and Supplemental Comments, which are each addressed in following Responses to Comment Set PRB11.

- **Section 1**. *A Conditional or Public Use Permit May Not Be Granted Unless….* (Responses to Comments PRB11-6 to PRB11-27)
- **Section 2**. *The Environmentally Superior Alternative is Mandated for Selection by CEQA Regulations* (Responses to Comments PRB11-28 to PRB11-33)
- **Section 3**. *The 1-Mile Setback Buffer Zone is NOT in the Development Focus Area (DFA) for Renewable Energy Development* (Responses to Comments PRB11-34 to PRB11-39)
- **Section 4**. *Amended Fugitive Dust Management Plan* (Responses to Comments PRB11-40 to PRB11-57)
- **Section 5.** *Biological Diversity and Valuable Wildlife Habitats* (Responses to Comments PRB11-58 to PRB11-60)
- **Section 6.** *Water Supply Assessment and Drinking Water Availability* (Responses to Comments PRB11-61 to PRB11-84)
- **Section 7.** *Land Use Element* (Responses to Comments PRB11-85 to PRB11-103)
- **Section 8.** *Minimum Requirements - Environmentally Superior Alternative C* (Response to Comment PRB11-104)
- **Section 9**. *We Support Responsible Renewable Energy Development* (Responses to Comments PRB11-105 to PRB11-107)
- **Section 10.** Requiring the *Easley Project to Become an Actual Environmental Leadership Project* (Responses to Comments PRB11-107 to PRB11-110)
- **Section 11**. *Additional Comments* (Responses to Comments PRB11-111 to PRB11-122)
- **Section 12**. *Board of Supervisors Policy B-29* (Responses to Comments PRB11-123 to PRB11-128)
- **Section 13.** *Misleading Statements by Intersect Power* (Responses to Comments PRB11-129 to PRB11-134)
- **Supplemental Comments 1.** *Detrimental Impacts on the Health, Safety and General Welfare of the Community* (Responses to Comments PRB11-135 to PRB11-139)
- **Supplemental Comments 2.** *Protecting Valuable Biological Resources - Respect Lake Tamarisk Alternative* (Responses to Comments PRB11-140 to PRB11-142)
- **Supplemental Comments 3.** *Amended Fugitive Dust Management Plan* (Responses to Comments PRB11-143 to PRB11-162)
- **Supplemental Comments 4.** *Aquifer Conservation and Water Quality* (Responses to Comments PRB11-163 to PRB11-177)
- **Supplemental Comments 5**. *Conservation Organizations* (Responses to Comments PRB11-178 to PRB11-180)
- **Supplemental Comments 6.** *DRECP Development Focus Area* (Response to Comment PRB11-181)
- **Supplemental Comments 7**. *Governor's Certification* (Responses to Comments PRB11-182 to PRB11-184)

- **Supplemental Comments 8**. *Employment Opportunities*
  (Responses to Comments PRB11-178 to PRB11-180)
- **Supplemental Comments 9**. *Importance of the 1-Mile Setback Buffer Zone*
  (Responses to Comments PRB11-188 to PRB11-203)

Section 1. A Conditional or Public Use Permit May Not Be Granted Unless…. (Responses to Comments PRB11-6 to PRB11-27)

PRB11-6 The commenter cites Riverside County Code sections 17.200.050 and 17.208.040, which state the required findings for approval of a conditional use permit and public use permit. The commenter states that the proposed Project and Reduced Footprint Alternative would be seriously detrimental to the health, safety, and general welfare of the Lake Tamarisk community and therefore the Project and Reduced Footprint Alternative cannot meet the required findings for a Conditional Use Permit (CUP) or Public Use Permit (PUP).

The analysis of the cited Riverside County Code requirements was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Response to Comments B3-18, B9-2, B9-20, and PRD2-6 regarding human health impacts related to the Project. In addition to minimizing environmental impacts, several of the Project Objectives listed in EIR Section 1.3 address human populations through meeting local, state, and federal climate change policies and goals, delivering wholesale renewable energy to California rate payers under long-term contracts, and bringing sales tax revenues and living wage jobs to Riverside County.

The County has jurisdiction over a portion of the Project land; most is under BLM administration and not subject to County ordinances. In its review of an application for a discretionary permit on land within its jurisdiction, the County assesses potential effects of the project and ways to mitigate those effects under CEQA. Separately, the County also evaluates general health and planning considerations raised by the project, including the required findings to approve a conditional use permit or public use permit. In issuing a CUP, the County considers the project's environmental effects and mitigation measures to mitigate those effects and also, separately, imposes conditions of approval on the CUP to address the health, safety, and general welfare of the community and other planning considerations.

PRB11-7 The commenter states that Alternative C meets or exceeds all of the Project Objectives and it violates CEQA regulations to require a specific MW output to be considered as a Project objective.

The Project Objectives in EIR Section ES.2 includes an objective to deliver up to 400 MW of affordable, wholesale renewable energy to California ratepayers under long-term contracts with electricity service providers. The analysis of Alternative C in EIR Chapter 5 states that Alternative C would generate and store a significantly smaller amount of renewable energy compared with the proposed Project. Therefore, it would assist Californians to a lesser degree in meeting their renewable energy generation goals.

PRB11-8 The commenter feels that impacts of the Project and Alternative B would be severe and cannot be mitigated to a less than significant level, and that County ordinances do not allow for a Statement of Overriding Considerations.

See Response to Comment PRB11-6 and PRD2-16. In reviewing a project, the County considers the analysis presented in the CEQA EIR and information provided by the applicant, agencies, and the public. If the County identifies an impact that remains significant after the application of mitigation, it may elect to adopt a Statement of Overriding Considerations under CEQA. See Response to Comment PRD2-16 which explains the basis for a Statement of Overriding Considerations. The County may determine that other considerations outweigh the impacts.

PRB11-9 The commenter references a 2023 Lawrence Berkeley National Laboratory (LBNL) study that indicates an average decline of 1.7% in property values when large scale solar projects are constructed within one mile. The commenter then cites an April 2024 LBNL study regarding the attitudes about solar projects and suggests that the study shows a different conclusion about property values. The analysis of property values was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

The 2024 study does not address property values directly. That study found that roughly 1/5 of the respondents believed the project near them reduced property values, while almost 50% believed values were unchanged or increased. The beliefs about property values correlated with whether respondent attitudes about projects were more negative or positive.

Please see Response to Comment D5-26, which addresses similar concerns about property values.

PRB11-10 The commenter feels there are direct and indirect detrimental impacts of the Project on the health, safety, and general welfare of the Tamarisk community and the Desert Center area. Reference is made to a Lawrence Berkeley National Laboratory nationwide study published in April 2024 regarding the attitudes about solar projects of persons living within 3 miles of solar projects of various sizes across. The commenter feels that the County code prohibits approval of a project that would cause a detrimental impact on the general welfare of the community and that perceptions affect the current and future property values. The analysis of property values and the cited Riverside County Code requirements was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

The study cited by the commenter considered 380 large scale solar projects throughout the U.S., with most concentrated on the East Coast. Just under 1,000 respondents participated in the study, with a median age of 63. Retirees made up 43 % of the respondents. Over 85 % of respondents were reported as having positive or neutral attitudes toward the solar projects near them. Positive attitudes outweighed negative attitudes except withing ¼ mile of a project, where positive and negative attitudes were roughly evenly split. The study identified that people living near large scale solar projects (greater than 100 MW) had more negative attitudes about solar projects than those living near small and mid-sized projects. The study found that perceptions relating to aesthetic, economic, and quality of life impacts strongly correlated with attitudes. The study found that roughly 1/5 of the respondents believed the project near them reduced property values, while almost 50% believed values were unchanged or increased. The beliefs about property values correlated with whether attitudes about projects were more negative or positive.

See Responses to Comment PRB11-6 and PRB11-8. The County weighs impacts and benefits locally, regionally, and statewide as part of its deliberations. Please also see Response to Comment D5-26, which addresses concerns about property values.

PRB11-11 The commenter states that Intersect Power recently completed construction of the Oberon Project without any notification to the residents of Lake Tamarisk. Discussion of notification during construction of the Oberon Project was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Response to Comment PRB11-3, which discusses notification of the Oberon Project.

The commenter states that Intersect Power is now applying to build the 400 MW Easley Project within 100 feet on both the east and north borders of the Lake Tamarisk community.

The closest solar panels to residents under the proposed Project would be approximately 656 feet. Please see Responses to Comments D5-2 and D12-1 regarding the Phase II expansion of the Lake Tamarisk community.

PRB11-12 The commenter feels that the previously cited 2024 LBNL study established that the Project would have deleterious impacts on property values and would be devastating to the quality of life and property values. The commenter notes that much of the project is on BLM land. The analysis of property values was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Response to Comment PRB11-10. The cited study does not address property values directly and was not designed to determine effects on property value. It solicited attitudes or beliefs. The study notes that roughly 20% believed a project near them reduced local property values, while almost 50% believe the values were unchanged or increased. The study also notes the those who think property values decreased have more negative attitudes (approx. 4:1 margin). This contrasts with those with largely positive attitudes and think large scale solar had no effect or increased property values.

PRB11-13 The commenter feels that the proposed Project nor the Reduced Footprint Alternative B Plan can be approved by the County. The commenter states that the Further Reduced Footprint Alternative C significantly reduces impacts.

Please see Responses to Comments PRB11-6 and PRB11-10.

PRB11-14 The commenter states that Intersect Power must significantly mitigate the impact of the Oberon Solar Project by constructing screening berms in order for the cumulative impacts of their two projects to be significantly reduced to a level acceptable to the Lake Tamarisk community residents, thereby maintaining their quality of life.

Please see Response to Comment B9-17, which discusses cumulative impacts of nearby solar projects, including Oberon Renewable Energy Project. The EIR's analysis of cumulative impacts considers whether the *Easley Project's* incremental visual impact, in conjunction with past, present, and reasonably foreseeable future projects, including the Oberon Project, would be cumulatively considerable.

PRB11-15 The commenter states that economic development potential and future property values in Desert Center would be lost, and the liability for future value losses would be enormous with construction of the proposed Project or Alternative B. The commenter states that according to Intersect Power that liability would be passed to the approving agency. The analysis of property values was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that

do not pertain to the recirculated text. The following response is provided for informational purposes.

Please refer to Response to Comment PRB11-10 and B3-11 regarding property values and economic development in the area. Responses to Comments D12-1 and B3-9 specifically discuss the Lake Tamarisk Phase II expansion and proposed truck stop/charging station by the Desert Center I-10 exit.

Potential future liability for claims of value loss under a private legal challenge is outside the scope of CEQA.

PRB11-16 The commenter states that Desert Center Development Corporation is currently in the permitting process for constructing a Truck Stop/Travel Center in Desert Center. The analysis of regional development was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Response to Comment B3-9.

PRB11-17 The commenter states that the Chuckwalla National Monument is very likely to be designated this year, further encouraging economic growth through tourism.

Please see Responses to Comments D5-20 and B3-11.

PRB11-18 The commenter states that establishment of affordable housing is in progress for Lake Tamarisk by Grant Development, and between Lake Tamarisk Desert Resort Phase I and II, as many as 300 homes could be constructed, which will result in growth of the future values of the properties in Lake Tamarisk and benefits to the entire County of Riverside. The analysis of property values was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please refer to Response to Comment PRB11-10 regarding property values. Response to Comment D12-1 discusses the Lake Tamarisk Phase II expansion.

PRB11-19 The commenter feels that a 1-mile setback buffer zone around Lake tamarisk is critical and again cites the 2024 LBNL study. The commenter states that perceptions relating to aesthetics, economics, and quality of life in an area correlate with property values, and where residents believe their quality of life has diminished the area will lose its desirability and the demand for real estate, resulting in falling property values. The analysis of property values was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Response to Comment PRB11-10. The LBNL study deals with attitudes and perceptions of residents near solar projects. It does not address actual effects, if any, on property values.

PRB11-20 The commenter is concerned about health consequences of unabated fugitive dust and states that COPD, silicosis, and other cardiopulmonary diseases are exponentially increased without implementing an aggressive Fugitive Dust Management Plan and that Lake Tamarisk has a vulnerable population consisting of nearly 70% seniors and children.

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes. EIR Impact AQ-3 (EIR Section 3.4.5) discusses the potential for increased health risk and hazards and provides mitigation measures to reduce impacts of fugitive dust to human health. Additionally, General Response GR-2 addresses concerns related to fugitive dust, silica dust, and valley fever, 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. See also Response to Comments B3-18, B9-2, B9-20, and PRD2-6 regarding human health impacts related to the Project and fugitive dust.

PRB11-21 The commenter states that Intersect Power has demonstrated their inability and unwillingness to manage Fugitive Dust on most of the Oberon Project.

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Response to Comment PRD2-5 regarding dust control during construction of the Oberon Renewable Energy Project. See also Response to Comment D10-1 regarding a discussion of impacts and mitigation measures related to construction nuisances, such as dust, fumes, and noise.

PRB11-22 The commenter states that the risk of Valley Fever is particularly high due to the recent El Nino weather patterns, and disturbing the biological crusts releases the infectious spores.

The analysis of Air Quality, including Valley Fever, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

See General Response GR-2 and Response to Comment B3-18, PRB11and PRB11-43 for additional details on Valley Fever in Riverside County.

PRB11-23 The commenter states that the "Respect Lake Tamarisk Alternative" alternative Fugitive Dust Management Plan follows the United States Environmental Protection Agency (U.S. EPA) recommended construction practices requires all disturbed land to be treated with approved soil stabilizers and hydroseeded. The commenter states that a 1-mile buffer zone is necessary to protect Lake Tamarisk community residents from temporarily unabated fugitive dust.

The commenter states that the Best Management Practices for construction and dust control requested by the commenter has been updated to include the Construction Plan for the Rough Hat Clark Solar Project. The commenter provided a link to the Rough Hat Clark Solar Project Draft Environmental Impact Statement and Resource Management Plan Amendment (DOI-BLM-NV-S010-2022-0063-EIS).

The analysis of Air Quality, including dust management, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on

the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see General Response GR-2. Specific details on the Amended Fugitive Dust Management Plan are included in Section 4 (Responses to Comments PRB11-40 to PRB11-57) and Supplemental Comments 3 (Responses to Comments PRB11-143 to PRB11-162). See also Responses to Comments D5-54, PRB11-50, and PRB11-51.

PRB11-24 The commenter states that Intersect Power has said that once their Projects methods are approved, they are no longer responsible for any negative impacts since that liability is passed to the authorities granting the permits. The commenter suggests that to protect Riverside County, Intersect Power should be required to secure a substantial bond to meet the liabilities incurred through any failures in managing fugitive dust within the Project boundaries.

The analysis of Air Quality, including dust management, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Potential future liability for claims under a private legal challenge is outside the scope of CEQA. The County imposes a standard condition of approval on the issuance of conditional use permits, which require the permittee to defend and indemnify the County for the cost of any potential future legal challenge related to the approval of the permit.

The commenter states that the Applicant has failed to control dust on the Oberon Project site.

Finally, the commenter states that by following the recommended Fugitive Dust Management Plan, coupled with the 1-mile setback, health risks to the Lake Tamarisk community will be minimized. See General Response GR-2 regarding fugitive dust and health risks.

PRB11-25 The commenter states the Project Water Supply Assessment (WSA) indicates groundwater use for the Project would result in overdraft of the Chuckwalla Valley Groundwater Basin (CVGB). The commenter included a link to a copy of the Project WSA. The commenter states lowering of groundwater levels would cause a degradation of groundwater quality and that the CVGB would not recover if the Project were to use groundwater from the CVGB as the Project water source.

Please refer to General Response GR-3 regarding Project groundwater impacts and General Response GR-4 regarding mitigation measures. Refer to Response to Comment PRB10-24 regarding the Project cumulative impact analysis and the simulated drawdown from cumulative project pumping. See Response to Comment PRB10-25 regarding a discussion of water quality related to the cumulative impact scenario.

PRB11-26 The commenter identifies planned economic development in the Desert Center area. The commenter states that 150 jobs are expected in Desert Center and Eagle Mountain, with additional jobs assumed due to housing construction. The commenter feels the proposed solar project will put economic development at risk by reducing the desirability of residing in Lake tamarisk and by degrading the quality of the water supply.

Please see Responses to Comments PRB11-15 and PRB11-25. Response to Comments PRB11-10 and B3-11 address property values and economic development in the area. Responses to Comments D12-1 and B3-9 discuss the Lake Tamarisk Phase II expansion and proposed truck stop/charging station by the Desert Center I-10 exit. Response to Comment PRB11-15 addresses water supply.

PRB11-27 The County notes the commenter's statement that the Lake Tamarisk community's concerns would be minimized by approving Alternative C (with the 1-mile buffer), along with the Amended Fugitive Dust Management Plan.

The commenter summarizes his concerns detailed in Section 1 of commenter's submittal (Comments PRB11-6 to PRB11-26). Please see Response to Comment PRB11-21 regarding notification by BLM for the Oberon Project; Responses to Comments PRB11-14 and B9-17 regarding cumulative impacts related to the Oberon Project; Response to Comment PRB11-11 regarding the distance of the Easley Project to the community of Lake Tamarisk; and Response to Comment PRB11-28 regarding selection of the Environmentally Superior Alternative.

Section 2. The Environmentally Superior Alternative is Mandated for Selection by CEQA Regulations (Responses to Comments PRB11-28 to PRB11-33)

PRB11-28 The commenter states that the County must adopt the environmentally superior alternative unless it is infeasible.

EIR Section 5.3.5 concluded that Alternative C would be the Environmentally Superior Alternative absent the No Project Alternative (CEQA Guidelines section 15126.6), since it would result in fewer impacts than the proposed Project and other alternatives to aesthetics, fewer construction-related disturbance such as noise, and less ground disturbance than the proposed Project and would reduce the visual impacts of the Project on the Lake Tamarisk Desert Resort, although the visual impacts would remain significant and unavoidable and the impacts to viewers from SR-177 would be more severe.

As explained in EIR Section 5.3.2 (Comparison Methodology), "[a]lthough this EIR identifies an environmentally superior alternative, it is possible that the decisionmakers could balance the importance of each impact area differently and reach different conclusions. In other words, the lead agency is not required to select the environmentally superior alternative. CEQA requires only the evaluation of a reasonable range of alternatives that are feasible, based on a list of statutory factors, and that will avoid one or more significant effects on the environment compared to other alternatives." (CEQA Guidelines, § 15126.6, subd. (c*); Citizens for Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 566 (*Goleta II*) [observing that an agency need only consider alternatives that "(1) offer substantial environmental advantages over the project proposal; and (2) ... [are capable of being] 'feasibly accomplished in a successful manner' considering the economic, environmental, social and technological factors involved"].)

A discussion of the balancing of impacts will be part of the CEQA Findings of Fact for the Easley Project required under CEQA Guidelines section 15091 should the project be approved. (See *Los Angeles Conservancy v. City of West Hollywood* (2017) 18 Cal.App.5th 1031, 1041 ["In the context of project approval, a public agency may find that an alternative is 'infeasible' if it determines, based upon the balancing of the statutory factors, that an alternative cannot meet project objectives or '"is impractical or undesirable from a policy standpoint."'"], quoting *Cal. Native Plant Soc'y v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001 and citing *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899, 948-949 [upholding a decision to reject a reduced project alternative that failed to meet a project objective to "[c]reate an opportunity for synergistic mix of retail and restaurant tenants"] and *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417 [upholding an infeasibility determination where general plan amendment alternatives would conflict with the city's growth management program, which embodied policy objectives and planning goals]; *The Flanders Found. v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 621-622 ["Before a

legislative body may approve a project with a significant environmental impact, it is required to make findings identifying the [s]pecific considerations that make infeasible the environmentally superior alternatives…." (internal quotation marks omitted)]; *Cal. Native Plant Soc'y*, *supra*, 177 Cal.App.4th at pp. 1007-1008 ["CEQA d[oes] not require the [agency] to choose the environmentally superior alternative. It simply required the [agency] to consider environmentally superior alternatives, explain the considerations that led it to conclude that those alternatives were infeasible, weigh those considerations against the environmental harm that the [project] would cause, and make findings that the benefits of those considerations outweighed the harm." (conc. opn. of Mihara, Acting P.J.)]; see also Pub. Resources Code, § 21081, subd. (a)(3) [explaining that an agency can approve a project with significant effects on the environment if "[s]pecific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report"].)

PRB11-29 The commenter states that CEQA requires the selection of one alternative that will avoid one or more significant effects on the environment.

While the commenter's statement that Alternative B does not eliminate any significant and unmitigable impacts of the proposed Project is correct, it would disturb a smaller area within the Project application area and would move solar panel development and associated construction disturbances farther from the community of Lake Tamarisk.

Alternative C would eliminate the significant aesthetics impacts of the proposed Project from the Lake Tamarisk Desert Resort residences. However, Alternative C would substantially increase the severity of aesthetic public views from State Route 177/Rice Road due to the substation location, which would be a significant and unavoidable aesthetic impact.

Please see Response to Comment PRB11-28 regarding CEQA's "substantive mandate" and the Environmentally Superior Alternative.

PRB11-30 The commenter states that since the Further Reduced Footprint Alternative C is designated the Environmentally Superior Alternative and is the only alternative that will "substantially lessen such significant effects" and still meet all the Project Objectives, it is required to be the Selected Alternative if any permitting is allowed.

Please see Responses to Comments PRB11-28 and PRB11-29 regarding selection of the Environmentally Superior Alternative and Response to Comment PRB11-6 regarding consistency with the Riverside County Code. EIR 5.3.3.2 (Ability to Meet Project Objectives) discusses each alternative's ability to meet each of the Applicant's stated objectives. See also Response to Comment PRB10-37.

PRB11-31 The commenter states that Active Communities/Desert Center has identified available alternative sites that Intersect Power may construct their desired additional 80 to 100 MW significantly closer to their Oberon Substation.

Please see General Response GR-8 for a discussion of the suggested alternative sites.

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 output of Alternative C.

PRB11-32 The commenter states that Alternative C is "feasible" and the only onsite Project Development Plan that meets all Project Objectives.

EIR Section 5.3.5 states that the Further Reduced Footprint Alternative with Berms would achieve most of the Project objectives and would be feasible. EIR 5.3.3.2 (Ability to Meet Project Objectives) discusses each alternative's ability to meet each of the Applicant's stated objectives. See also Response to Comment PRB10-37.

The commenter conjectures that the Applicant may say that 300 to 320 MW production would be economically infeasible because of the cost of the 7-mile transmission line. The commenter cites the 116 MW Desert Harvest Solar Project, which has a 12-mile generation-tie transmission line. Please see General Response GR-8.

The commenter also speculates that the Applicant may claim that it needs to produce 400 MW and alternative locations for the additional 80 to 100 MW would require a separate on-site substation and transmission line, it would be economically infeasible.

Please see General Response GR-8 for a discussion of the suggested alternative sites. See Response to Comment PRB10-38 regarding a discussion of the economic feasibility of Alternative C.

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 output of Alternative C.

PRB11-33 The commenter states that the Athos Solar Project has two "satellite solar fields" that have separate substations and transmission lines. The suggested available locations for the Easley satellite Solar Fields would be less than 3 miles from the Oberon substation.

Please see Response to Comment PRB11-32 regarding the feasibility of Alternative C and General Response GR-8 for a discussion of the suggested alternative sites.

Section 3. The 1-Mile Setback Buffer Zone is NOT in the Development Focus Area (DFA) for Renewable Energy Development (Responses to Comments PRB11-34 to PRB11-39)

PRB11-34 The commenter states that public and private lands within the 1-mile setback are not in the Development Focus Area (DFA) or the Riverside East Solar Energy Zone (SEZ) for Renewable Energy Development. The commenter includes EIR Figure 2-1 and 2-15 and cites the DRECP 2016 Record of Decision regarding lands designated as General Public Lands, which require a Plan Amendment for development of renewable energy. The analysis of the development of the DFA was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please General Response GR-5.

PRB11-35 The commenter includes Partially Recirculated Draft EIR Figure 3.5-10 (Wildlife Connectivity) that matches the DRECP DataBasin figure included in Comment PRB11-37, and states that Figure 3.5-10 depicts the correct DFA land allocation near Lake Tamarisk. The analysis of the development of the DFA was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft

EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see General Response GR-5, which addresses the BLM DRECP DFA land designations within the Project area.

Figure 3.5-10 (Wildlife Connectivity), copied from an updated Figure 14 in the Biological Resources Technical Report (EIR Appendix C), has been updated to accurately reflect BLM DFA lands in the Project area and match the DFA boundaries shown in other figures in Appendix A of the Final EIR.

PRB11-36 The commenter references maps from the DRECP LUPA (2016) and LUPA Revision (2021) that do not designate the area north of the community of Lake Tamarisk as DFA. The analysis of the development of the DFA was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please General Response GR-5.

PRB11-37 The commenter provides maps from the DREPC LUPA (2016) and LUPA revision of 2021. The analysis of the development of the DFA was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes. Please see General Response GR-5, which discusses the BLM land designations of the two figures provided from DRECP DataBasin and the DRECP LUPA Record of Decision and Figure 2-1 (DRECP Context) from the Oberon BLM Decision Record.

PRB11-38 The commenter references Oberon Figure 2-1 (see Comment PRB11-37) and provides a link with additional discussion about a meeting with Supervisor Perez regarding the boundaries of the BLM East Riverside DFA, stating that less than 50 acres of 2,000 acres within the 1-mile buffer are on lands designated as DFA, and thus, these lands are not needed to fulfill the DRECP renewable energy strategy. The commenter opines that Governor Newsom may have been misled when granting Environmental Leadership Development Certification to the Easley Solar Project. The analysis of the development of the DFA was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see General Response GR-5, which addresses the BLM DRECP DFA land designations within the Project area and explains that the original Draft EIR and PRDEIR statements are accurate.

See Response to Comment PRB10-6, which also addresses the commenter's highlighted statement from PRDEIR Section 2.8.4 that says that under Alternative C "the vacant area within the buffer would remain designated as a Development Focus Area and may be developed for renewable energy in the future."

PRB11-39 The commenter states that if the lands within the 1-mile setback zone are not designated as DFA, then the County Board of Supervisors may exclude this area from the Easley Project. The analysis of the development of the DFA was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially

Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

A decision on whether to exclude these lands from development will be made by BLM and is a decision that is outside of the scope of the CEQA analysis and the County's jurisdiction. Please see General Response GR-5.

The commenter's support for Alternative C, the Environmentally Superior Alternative, coupled with the commenter's Amended Fugitive Dust Management Plan and Water Conservation Plan, which commenter states would protect the community and protected species of wildlife and flowering plants, are noted.

Section 4. Amended Fugitive Dust Management Plan (Responses to Comments PRB11-40 to PRB11-57)

PRB11-40 The commenter lists requirements of the Amended Fugitive Dust Management Plan. See Responses to Comments PRB11-20 to PRB11-24. The commenter notes the following two additional "primary takeaways":

- All disturbed soil must be hydroseeded with native vegetation.
- Fire breaks will be the area between fence lines and PV panel fields.

The analysis of Air Quality, including dust management, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

See Response to Comment PRB11-51 regarding hydroseeding with native vegetation and General Response GR-2 regarding fugitive dust control of disturbed soils.

The EIR addresses vegetation reduction on the Project site. EIR Section 2.3.13, *Fire Safety During Construction*, states that vegetation would be cleared in all work areas to reduce the risk of ignition from vehicles and equipment. EIR Section 2.5.2, *Site Maintenance*, states that on-site vegetation would be managed via trimming to reduce the risk of fire. Active maintenance and management of on-site vegetation, including all areas between fence lines and PV panels, would create zones of reduced vegetation serving as fire breaks to minimize the risk of the spread of a wildfire.

PRB11-41 The commenter repeats comments provided in Comment PRB11-6 regarding the Riverside County Code and the issuance of conditional and public use permits.

The analysis of the cited Riverside County Code requirements was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Response to Comment PRB11-6.

PRB11-42 The commenter repeats comments and information provided in Comment PRB11-20 regarding fugitive dust, health risks, and the sensitivity of the Lake Tamarisk community, but focuses more on sources of silica airborne particulates, silica inhalation, and potential health issues related to silica inhalation including lung cancer, silicosis, COPD, and kidney disease.

The analysis of Air Quality, including dust management, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on

the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Response to Comment PRB11-20.

PRB11-43 The commenter notes that Valley Fever has become much more prevalent in Southern California and that the California Department of Public Health (CDPH) has warned that Valley Fever may increase after the recent heavy rains and increasingly hot summers. The commenter included a link to an article by the Independent titled "Valley Fever: The deadly and incurable disease terrifying the west coast" dated March 26, 2024; this article describes the rising rates of Valley Fever in California and Arizona and personal experiences of several people who have contracted the disease.

The analysis of Air Quality, including Valley Fever, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

The EIR addresses the causes of Valley Fever, the increasing trend of Valley Fever cases in California and in Riverside County, and human health hazards of Valley Fever in Section 3.10 Hazards and Hazardous Material. Impacts AQ-3 and HAZ-2 (see EIR Sections 3.4.5 and 3.10.5) discuss the potential for Valley Fever to be contracted by workers and the public though inhalation of loosened soil and fugitive dust that may contain the Coccidioides fungus spore and both impact discussions include a mitigation measure (MM AQ-1) that requires implementation of a Fugitive Dust Control Plan. A draft Dust Control Plan is included in the EIR as Appendix U.

Additionally, General Response GR-2 addresses concerns related to fugitive dust and valley fever, lists EIR mitigation measures that reduce fugitive dust and erosion, and discusses 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.

PRB11-44 The commenter repeats that Valley Fever poses an increasing threat to public health as stated in Comments PRB11-43 and included a link to an article from the Grist website titled "Intensifying atmospheric rivers are leading to a surge in Valley fever cases in California", dated February 12, 2024. The article describes the causes and symptoms of Valley Fever and notes that the intensifying winter rainstorms and atmospheric rivers and summer extreme heat are helping the growth and spread of the Coccidioides fungal spores. The article notes that the last few years of heavy rain and widespread flooding seems to correlate with increasing numbers of sitewide cases of Valley Fever, including the highest recorded number of cases in 2023.

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see General Response GR-2 and Response to Comment B3-18, PRB11-22 and PRB11-43 for additional details on Valley Fever in Riverside County.

PRB11-45 The commenter states that the construction methodology for the Oberon Project has led to massive clouds of toxic dust (photo included as well as a link to a video showing a dust event).

The commenter claims that Intersect Power has practiced no dust management on the majority of the Oberon Project with only roadways treated with water or soil binders while the rest of the entire project was left untreated and unmanaged. The commenter provides a December 11, 2022, photograph said to be showing dust to be from the Oberon Project during a windstorm. The commenter states that currently Intersect Power has no definitive Fugitive Dust Management Plan and there is no Dust Management Plan for the disturbed soils in the PV panel fields.

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Response to Comment PRD2-5 and D10-1 regarding dust control at the Oberon site, along with General Response GR-2.

A draft Dust Control Plan is included as EIR Appendix U and discussed in Section 3.4 (Air Quality). See Response to Comment PRB11-50, Response to Comment B3-18, and General Response GR-2.

PRB11-46 The commenter states that the U.S. EPA has defined new Best Management Practices for dust management and construction practices that are designed to contain Fugitive Dust within the Project boundaries as required by air quality regulations, which were described in the U.S. EPA's NEPA scoping comments (dated October 23, 2023; link provided).

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes. The U.S. EPA scoping letter was submitted as Comment Set D5, Attachment 5 (U.S. Environmental Protection Agency Scoping Comments for the Easley Renewable Energy Project, Riverside County, California) on the original Draft EIR.

Please see Responses to Comments D5-56 to D5-82.

PRB11-47 The County notes the commenter's statement that while regulations state that Fugitive Dust must be contained within the Project boundaries, the 1-mile buffer zone provides some protection when accompanied by an appropriate dust management plan with the goal of containing 100% fugitive dust within Project boundaries.

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see General Response GR-2 and Response to Comment PRB11-45.

PRB11-48 The commenter states that an aggressive dust management plan requires soil binders to be used on all disturbed soil crusts in the project area as disturbances occur as well as native vegetation hydroseeding on those areas.

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

The range of measures for complying with SCAQMD Rule 403 allows flexibility in strategies and approaches for dust control, including use of soil binders. Detailed information on dust control measures under consideration for the Project appears in General Response GR-2.

See Response to Comment PRB11-51 regarding hydroseeding with native vegetation.

PRB11-49 The commenter states that strict construction methods are required to minimize soil disturbance. These practices exclude scraping the land bare, leveling or rolling the project area except for the minimum required areas for the substation and BESS yard along with exterior roadways and a minimalized parking area.

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Response to Comment D5-53 regarding types of ground disturbance that would occur for the Project. Please see General Response GR-2 and Response to Comment PRB11-150 regarding fugitive dust control and use of soil binders. Please see Response to Comment PRB11-154 regarding BMPs to minimize site disturbance that were added to the Partially Recirculated Draft EIR in response to comments on the original Draft EIR.

The commenter's support for Alternative C's relocated substation and BESS locations that are farther from the Lake Tamarisk community are noted. The commenter includes a figure of the requested "Respect Lake Tamarisk Alternative" components (buffer, berms, relocated substation).

PRB11-50 The commenter states that their suggested modified construction plan follows recommendations from EPA's scoping letter related to fugitive dust BMPs in order to minimize soil crust disturbance and protect vegetation. The commenter states that all vegetation should be hand trimmed to one foot height, no leveling is allowed, and soil binders should be applied in all disturbed areas.

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Per EIR Section 2.4.4.1, 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 which would facilitate more effective post-construction site revegetation and dust abatement. Refer to Section 3.5.7, MM BIO-3, which requires low-impact site preparation and O&M. As described in MM BIO-3, during O&M, vegetation height and density will be managed as needed for O&M and for fire safety and operation of the solar panels. Onsite vegetation that re-establishes under the solar panels will be periodically trimmed to a height no more than 12 inches, to avoid interference with the panels.

After construction, a Vegetation Resources Management Plan (VRMP) (MM BIO-5) would be implemented to direct revegetation of temporarily disturbed areas. Erosion control shall be implemented as described in the Drainage Erosion and Sedimentation Control Plan (DESCP) (MM HWQ-1), which requires identification of erosion treatments for exposed soil, such as chemical-based dust palliatives, soil bonding, and weighting agents suitable for use around vegetation.

Additional BMPs, as described in Section 2.7.2 and incorporated in the Project Description, require that primary travel routes be designated through panel arrays to minimize disturbance between rows; that grading be limited to specific areas, including roads, substation, O&M facilities, laydown areas, some equipment pads, and in discrete areas within the arrays; that racking material be built in laydown areas to minimize use of roads, that small rubber-wheeled equipment be used to protect vegetation and minimize fugitive dust, and that propagule islands be maintained to support vegetation recovery.

With implementation of Project design measures, BMPs, and mitigation measures, vegetation would be protected, erosive soils would be managed, and fugitive dust would be minimized.

PRB11-51 The commenter states that a maximum of 20% of the project area may be disturbed as required for the Rough Hat Clark Solar Project. The commenter states that all disturbed soils should be hydroseeded with native vegetation. The commenter provides a link to the Rough Hat Clark Draft EIS and Draft Resource Management Plan Amendment (RMPA).

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

The Rough Hat Clark Draft EIS and Draft RMPA analyzes a project in Southern Nevada, which requires that clear and cut site preparation with soil removal be limited to 20 percent of the development area and that overland travel be incorporated such that 60 percent of the vegetation density onsite will be retained. The Easley Project would not implement clear and cut site preparation with soil removal. The Easley Project would implement low-impact site preparation.

Refer to Response to Comment PRB11-50 regarding low-impact site preparation on the Easley site.

The Rough Hat Clark Draft EIS further states that the "effects analysis does not assume similar construction techniques for projects in California as these projects are under different jurisdiction and therefore governed by a different management plan from the Nevada BLM projects."

Refer to EIR Section 3.5.7 in MM BIO-5 and EIR Appendix S for details on the Vegetation Resources Management Plan, which identifies seeding methods for re-vegetation.

Hydroseeding is one method of soil re-seeding and stabilization that could be used to meet the Project's revegetation requirements in MM BIO-5 and dust control requirements in MM AQ-1.

PRB11-52 The commenter provides a link to access Rough Hat Clark Solar Project Draft RMPA/EIS, Appendix F, Best Management Practices, dated January 2024. Specifically, the commenter requests that the following BMPs be implemented for the Easley Project:

- Throughout the solar panel fields, vehicle traffic will use single tracks between every other panel row thus minimizing soil crust disturbance.
- If winds are or expected to exceed 10 mph soil binders must be applied to all disturbed tracks and soils.
- All roadways are to be graveled.

- Air quality monitors are to be provided both up and down wind on all construction areas and accessible to all residents within 5 miles of the project. This allows monitors to establish the source of any toxic dust emissions.

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Response to Comment PRB11-154 regarding BMPs to minimize site disturbance that were added to the Partially Recirculated Draft EIR in response to comments on the original Draft EIR.

The substation area would be graveled around the concrete pads (see EIR Section 2.3.3, Project Substation Yard). Regarding roadways, EIR Section 2.3.9.2 (Internal Roadway System) states that gravel may be used as follows:

> *The perimeter road and main internal access roads and gates would be consistent with the California Building Code and County requirements. These roads would be surfaced with gravel, compacted dirt, or another commercially available surface and would provide a fire buffer, accommodate Project O&M activities, such as cleaning of solar panels, and facilitate on-site circulation for emergency vehicles.*
>
> *Dust control would be implemented as necessary to mitigate dust plumes. If wildlife-friendly fencing is installed during operation and following substantial reestablishment of vegetation, the roadway system would be specially updated to accommodate the safe passage of desert tortoise and other wildlife across the site since desert tortoise exclusion fencing would be removed in those areas. If gravel is used for road surfaces, portions of road lengths would remain free of gravel in strategic locations to facilitate tortoise movement. Culverts may also be placed along internal roads.*

Responses to Comments B3-18, PRD2-6, and PRB11-150, as well as General Response GR-2, discuss fugitive dust control, soil binders, and air quality monitors.

PRB11-53 The commenter states that the community's Fugitive Dust Management Plan is described in more detail at the provided link with U.S. EPA guidelines incorporated as new and feasible Best Management Practices. While the link does not work, it is understood that the commenter submitted the Amended Fugitive Dust Management Plan as Supplemental Comments 3.

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Responses to Comments PRB11-143 to PRB11-162.

PRB11-54 The commenter is concerned about fugitive dust containment within 5 miles of the community, particularly one with a high number of sensitive receptors (seniors and children) and comments about a lack of a 100% guaranteed containment Fugitive Dust Management Plan. The commenter has also expressed the opinion that allowing the Project with 1-mile of Lake Tamarisk puts residents at risk severe health effects.

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

A draft Dust Control Plan is included as EIR Appendix U and discussed in Section 3.4 (Air Quality). See General Response GR-2, Response to Comment PRB11-45, Response to Comments PRB11-143 to PRB-11-162, and Response to Comment B3-18 regarding the fugitive dust and erosion control.

PRB11-55 The commenter repeats comments provided in Comments PRB11-6 to PRB11-41 regarding the Riverside County Code and the issuance of conditional and public use permits.

The analysis of the Riverside County Code requirements was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Response to Comment PRB11-6.

PRB11-56 The commenter's concerns about dust containment with the Oberon Project are addressed in Response to Comment PRD2-5.

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes. See also Response to Comment D10-1.

The commenter's support for a 1-mile buffer and denial of the proposed Project is noted.

The County acknowledges the commenter's statement that the Easley Project's Environmental Leadership Development Project certification does not affect the lead agency's discretion over the Project.

PRB11-57 The commenter requests a bond requirement of at least $100MM be posted by Intersect Power for the contingency of inadequate fugitive dust management, which the commenter states would partially cover the expense of individuals being forced to vacate the community and relocate, pay for medical treatment regardless of the origination of any cardiopulmonary disease, and compensation for future property values losses. The commenter includes a photo that is said to be of dust picked up from the Oberon construction site in September 2022, as well as a video of a dust twister from August 28, 2022. The commenter feels that a bond would make the applicant take fugitive dust management more seriously.

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

The Project would be required to abide by requirements of the South Coast Air Quality Management District as well as mitigation measures adopted by the County during the CEQA process and any imposed under a CUP or PUP or other permits. The SCAQMD, the County, and BLM have mechanisms to enforce requirements. See also Response to Comment PRB11-24.

Section 5. Biological Diversity and Valuable Wildlife Habitats (Responses to Comments PRB11-58 to PRB11-60)

PRB11-58 The commenter describes that in response to the original Draft EIR, members of the community of Lake Tamarisk developed a "Respect Lake Tamarisk Alternative," which was described in Comment Set B3 (link provided) submitted by Active Communities/Desert Center. See Responses to Comment Set B3.

The commenter provided a link to the comments submitted by Angel Law on the original Draft EIR. See Responses to Comment Set B9.

The commenter includes Figure 2-15 (Alternative C) from EIR Appendix A and requests that the only onsite alternative considered for approval should be Alternative C.

The commenter's support for Alternative E (Distributed Commercial and Industrial Rooftop Solar) as the preferred offsite Alternative is noted.

The commenter's support for the No Project (No-Build) Alternative A1 is noted.

PRB11-59 The commenter identifies biological resources detected during biological surveys by Ironwood Consulting within the 1-mile setback in Alternative C (see EIR Appendix C, Biological Resources Technical Report).

PRB11-60 The commenter states that lands within the 1-mile setback have never been designated for renewable energy development due to high-value habitat, including 500 acres of desert dry wash woodland. The commenter includes 6 figures from the Partially Recirculated Draft EIR and a figure of DRECP East Riverside DFA Multi-species Linkages.

The analysis of the development of the DFA was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response, where related to the development of the DFA, is provided for informational purposes.

Please see General Response GR-5 regarding the designation of the lands north of the community of Lake Tamarisk. Note that 530 acres would not be developed within the setback buffer area under Alternative C compared to the proposed Project, and of that disturbance acreage, desert dry wash woodland habitat accounts for 10 acres.

Refer to EIR Section 3.5.5, Impact BIO-2, under Desert Tortoise, Impact BIO-3, and Response to B2-10 for a discussion on impacts to desert tortoise linkages in the vicinity of the Project and the quality of linkage habitat in the Project area. The DRECP FEIS notes that up to 6,000 acres of desert linkage network could be impacted by solar development in the Cadiz Valley and Chocolate Mountains area (BLM, 2015). The DRECP's definition of the DFA in the Desert Center area as a preferred location for large-scale renewable energy was made with consideration of these linkages. The impacted portion of the linkage is categorized by the DRECP as non-habitat or low-quality habitat (Ironwood, 2024 [formerly 2023a]; see EIR Appendix C). The Pinto Wash linkage boundary, as codified in the DRECP, includes approximately 10,000 acres that lack potential for desert tortoise connectivity due to low quality habitat and existing obstacles to movement. Further, the portion of the linkage that overlaps with the DFA and the Easley Project site does not have high predicted occupancy (Nussear et al. 2009) and is not critical to tortoise connectivity. Several sources (USFWS, 2011b; USFWS, 2013; Hagerty and Tracy, 2010; Penrod et. al, 2012; and Averill-Murray et. al, 2021) indicate that the critical linkage areas and least cost pathways are located west of Kaiser Road and northwest of the Desert Sunlight Solar Farm, where higher quality habitat is present (Ironwood, 2024 [formerly 2023a]; see EIR Appendix C).

Compared to the surrounding BLM-administered lands that include the Chuckwalla Area of Critical Environmental Concern, Desert Tortoise Conservation Areas, and desert tortoise designated Critical Habitat, the lands within the proposed Easley solar facility are lower value desert tortoise habitat, as a result of existing development in the area, including residences, agriculture, and energy development. Desert tortoises are less likely to coexist in areas when more than 10% of an area is developed (Ironwood, 2024 [formerly 2023a]). This is the case for existing conditions in the area of the proposed Project. This is further supported by empirical data from Project area surveys in which no active sign of desert tortoise was observed.

The importance of microphyll woodland as wildlife habitat is described in EIR Section 3.5.5.1 (Biological Resources) and EIR Appendix C (Biological Resources Technical Report). Refer to Response to Comment PRB11-195 regarding avoidance of desert dry wash woodland with a 200-foot buffer.

DRECP 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. Per CMA LUPA-BIO-SVF-6, the purpose of the buffer is to maintain the function and value of the identified resource features. Compliance with the DRECP CMAs would restrict development in desert dry wash woodland and its buffer areas (except for minor incursion). Any impacts to dry washes and desert dry wash woodland are subject to authorization and permitting from the CDFW and RWQCB. Avoidance of the desert dry wash woodland within Alternative C's minimum buffer area is shown in Figures 2-3 (Proposed Project) and 2-14 (Alternative B).

The commenter states that since the Easley Project proposes to build solar panels with wildlife exclusion fencing between the narrow fingers of desert dry wash woodlands, thus disrupting any movement between the narrow wash, the Applicant cannot show that their proposed Project will avoid or minimize impact on sensitive resources, such as desert tortoise habitat and other wildlife dependent on free movement from wash to wash.

Impacts to wildlife movement are described in Final EIR Section 3.5.5, Impact BIO-3. Refer to Response to Comment PRB10-12 regarding details on wildlife-friendly fencing, which may be implemented in coordination with USFWS to support use of Project areas for wildlife shelter, foraging, and movement.

Section 6. Water Supply Assessment and Drinking Water Availability (Responses to Comments PRB11-61 to PRB11-84)

PRB11-61 The commenter restates the Chuckwalla Valley Groundwater Basin (CVGB) "normal recharge" scenario groundwater budget balance, that utility-scale solar is the primary cause of the reduced annual groundwater surplus over the past 12 years, additional groundwater use would degrade groundwater quality in the CVGB, and the Oberon Solar Project caused significant lowering of groundwater levels and degradation of groundwater quality in the vicinity of the Oberon Solar Project.

See General Response GR-3 regarding Project groundwater impacts, and General Response GR-4 regarding mitigation measures. Refer to Response to Comment PRB10-24 regarding the Project cumulative impact analysis and the simulated drawdown from cumulative project pumping. See Response to Comment PRB10-25 regarding a discussion of water quality related to the cumulative impact scenario. See Response to Comment PRB10-29 for a discussion of the Oberon Project.

PRB11-62 The commenter states the cumulative impacts on groundwater within the Chuckwalla Valley Groundwater Basin (CVGB) would cause significant negative impacts and that these impacts would be irreparable and prevent the County from provide adequate drinking water to CVGB residents.

See General Response GR-3 regarding Project groundwater impacts, and GR-4 regarding mitigation measures. Refer to Response to Comment PRB10-24 regarding the Project cumulative impact analysis and the simulated drawdown from cumulative project pumping. See Response to Comment PRB10-25 regarding a discussion of water quality related to the cumulative impact scenario. See Response to Comment PRB10-29 for a discussion of the Oberon Project.

PRB11-63 The commenter restates the Project water use for construction and that it is greater than the Chuckwalla Valley Groundwater Basin (CVGB) annual surplus. The commenter states the Project would cause a degradation of groundwater quality due to lowering of groundwater levels.

See General Response GR-3 regarding Project groundwater impacts, and GR-4 regarding mitigation measures. Refer to Response to Comment PRB10-24 regarding the Project cumulative impact analysis and the simulated drawdown from cumulative project pumping. See Response to Comment PRB10-25 regarding a discussion of water quality related to the cumulative impact scenario. See Response to Comment PRB10-29 for a discussion of the Oberon Project.

PRB11-64 The commenter states that Intersect Power completely ignores the water requirements of the true economic developments occurring in Desert Center, Eagle Mountain, and Lake Tamarisk.

Please see Response to Comment PRB11-15.

The commenter states that the Riverside County Land Use Ordinance states that a CUP or 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.

The analysis of the requirements of the cited Riverside County Code provisions was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Response to Comment PRB11-6.

The commenter suggests using Metropolitan Water District's Colorado River Aqueduct for construction water needs.

Please see General Response GR-3, which discusses sustainable yield, overdraft, and the results of the prosed Easley Solar Project Water Supply Assessment (EIR Appendix G). Also, the Applicant stated that it reached out to MWD to discuss water supply and were told that the Project area is not within MWD's service territory.

PRB11-65 The commenter included slides from the 2021 presentation by Noel Ludwig and Peter Godfrey on the Chuckwalla Valley Groundwater Basin (CVGB) at the 2021 Arizona Hydrological Society Annual Symposium.

The included presentation has been noted and reviewed. No comment on the analysis in the Partially Recirculated Draft EIR was included with the presentation in the comment.

PRB11-66 The commenter states that Project construction water will cause an overdraft and a continual decline in water quality. Please see Response to Comments PRB11-61 through PRB11-64. The commenter also included a link to SGMA regulations.

PRB11-67 The commenter describes groundwater recharge and quality in the in the Chuckwalla Valley Groundwater Basin (CVGB), as well as the depositional environment of the CVGB. The comment does not address the analysis of groundwater and water supply in the Partially Recirculated Draft EIR.

PRB11-68 The commenter discusses existing groundwater quality in the Chuckwalla Valley Groundwater Basin and states that the Oberon Solar Project caused a lowering of groundwater levels and degradation of groundwater quality in the vicinity of the Oberon Solar Project.

See General Response GR-3 regarding Project groundwater impacts, and General Response GR-4 regarding mitigation measures. See Response to Comment PRB10-29 for a discussion of the Oberon Project.

PRB11-69 This comment states that water for the Project should be sourced by Colorado River Aqueduct. See Response to Comment PRB11-64.

PRB11-70 The commenter restates a portion of the cumulative impact analysis per LUPA-SW-23 with respect to the groundwater drawdown as a result of the Project. The commenter included a link to the Project Water Supply Assessment.

See General Response GR-3 regarding Project groundwater impacts, and General Response GR-4 regarding mitigation measures. See Response to Comment PRB10-29 for a discussion of the Oberon Project.

Refer to Response to Comment PRB10-24 regarding the Project cumulative impact analysis and the simulated drawdown from cumulative project pumping.

See Response to Comment PRB10-25 regarding a discussion of water quality related to the cumulative impact scenario.

PRB11-71 The commenter restates a portion of the cumulative impact analysis per LUPA-SW-23 with respect to the groundwater drawdown as a result of the Project. The commenter restates that the Oberon Solar Project caused a lowering of groundwater levels and degradation of groundwater quality in the vicinity of the Oberon Solar Project.

See General Response GR-3 regarding Project groundwater impacts, and General Response GR-4 regarding mitigation measures. See Response to Comment PRB10-29 for a discussion of the Oberon Project.

PRB11-72 The commenter states that the water basin is limited to 100 acre-feet for allocation and if more is used, it will become like the Salton Sea. Please see Response to Comments PRB11-61, PRB11-63, and PRB11-71.

PRB11-73 This comment states that cumulative impacts of construction water withdrawal would have devastating impacts on water quality. Please see Responses to Comments PR11-61 through PR11-72.

PRB11-74 The commenter states that all construction water should be obtained elsewhere, specifically from the Colorado River Aqueduct. See Response to Comment PRB11-64.

PRB11-75 The commenter discusses the regulatory control/management of groundwater in the Chuckwalla Valley Groundwater Basin (CVGB). Please see Responses to Comments PR11-61 through PR11-74.

PRB11-76 The commenter discusses the responsibility of the County to direct the Applicant to identify an alternative water source for the Project and that the Applicant must verify the Project will not significantly negatively impact the Chuckwalla Valley Groundwater Basin. Please see Responses to Comments PR11-61 through PR11-75.

PRB11-77 The commenter states that the Riverside County Land Use Ordinance states that a CUP or 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.

The analysis of the requirements of the Riverside County Code was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes. The County notes that the commenter supports Alternative C to preserve available drinking water quality.

Please see Responses to Comments PRB11-6 regarding the Riverside County Codes. See Response to Comment PRB10-25 regarding a discussion of water quality related to the cumulative impact scenario.

PRB11-78 The comment is similar to Comments PRB11-75 and PRB11-76. See Responses to Comments PRB11-75 and PRB11-76.

PRB11-79 This comment is the same as Comment B3-17 (including the linked letter); see Response to Comment B3-17.

PRB11-80 The commenter states that there is a truck stop and hotel developer on I-10 at Desert Center, plus a company that is in the permitting process to build in an expansion area at Lake Tamarisk with affordable housing. The commenter expresses concern that future growth might be impacted if there is not enough drinkable water.

Responses to Comments D12-1 and B3-9 specifically discuss the Lake Tamarisk Phase II expansion and proposed truck stop/charging station by the Desert Center I-10 exit. See Response to Comment PRB10-25 regarding a discussion of water quality related to the cumulative impact scenario, as well as General Response GR-3.

PRB11-81 This comment is the same as Comment B3-17; see Response to Comment B3-17.

PRB11-82 This comment is the same as Comment B3-17 and includes a link the Project Water Supply Assessment; see Response to Comment B3-17.

PRB11-83 This comment is the same as Comment B3-17; see Response to Comment B3-17.

PRB11-84 This comment is the same as Comment B3-17; see Response to Comment B3-17.

Section 7. Land Use Element (Responses to Comments PRB11-85 to PRB11-103)

PRB11-85 The commenter feels that the Further Reduced Footprint Alternative C is the only alternative that meets requirements to receive a CUP or PUP. The analysis of Land Use was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes. The commenter offers the view that very few of the "less than significant impact" conclusions of the Partially Recirculated Draft EIR are valid and mislead the County. The commenter states that Alternative C addresses many of the less-than-significant impacts.

The commenter's opinions are noted. Without specifics, it is unknown to which impact conclusions the comment refers. Regarding issuance of CUPs and PUPs, please see Response to Comment PRB11-6.

PRB11-86 The commenter cites various land use policies in the County General Plan and states that only the Further Reduced Footprint Alternative C meets these requirements.

The analysis of Land Use was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

The County is aware of the policy statements in the General Plan that provide guidance to its planning and approval activities. It should be noted that much of the project land is under BLM jurisdiction and not subject to County planning and decision making. It is also noted that the BLM has designated land in the vicinity for renewable energy development and that several projects have been constructed.

PRB11-87 The commenter states that the future economic diversity and viability is currently in progress in the Desert Center area, but is dependent on the implementation of Alternative C.

The analysis of Land Use was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

The commenter's support for Alternative C is noted. Please see Response to Comment PRB11-15.

PRB11-88 The commenter correctly summarizes the County's position that because the EIR concludes that potential Aesthetics impacts of the proposed Project, Alternative B, and Alternative C would be significant and unmitigable, a Statement of Overriding Considerations would be required for the County Board of Supervisors to approve the Project and those alternatives.

Please see Responses to Comments PRD1-9 PRB11-8 and PRD2-16.

While Alternative C would eliminate significant and unavoidable Aesthetics impacts from the community of Lake Tamarisk, as explained in EIR Section 5.2.6.1, Alternative C would increase the visual impact on close proximity views from SR-177 (both northbound and southbound views) and would not, compared to the Project, reduce significant visual impacts on views from I-10 or Alligator Rock to a level that is less than significant, so visual impacts would remain significant and unavoidable from these viewpoints. Therefore, a Statement of Overriding Considerations would be required for approval of Alternative C as well.

EIR 5.3.3.2 (Ability to Meet Project Objectives) discusses each alternative's ability to meet each of the Applicant's stated objectives. See also Response to Comment PRB10-37.

PRB11-89 The commenter states that the Easley Project claims that its up to 400 MW will provide 650,000 homes their energy needs while the California Independent System Operator estimates the 400 MW would power up to 300,000 homes and EDF Renewables' Maverick Solar Facility's 650 MW, reportedly will provide 217,000 homes with clean energy.

The analysis of the estimated energy provided by the Project was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

The number of homes that can be powered by a MW of solar energy depends on various factors, including the average energy consumption of households due to demographics and home size, and the weather conditions. Due to differences in PV system performance and annual energy consumption per household, the number of homes powered by a MW of solar can vary significantly from state to state.

The commenter does not provide documentation on where this statement by Intersect Power originated. The Applicant has said that the aforementioned household energy needs estimate was not issued by Intersect Power. It is conjectured that the commenter's excerpt is from a press release published independently by the Governor's Office of Planning and Research upon the Easley Project's certification as an Environmental Development Leadership Project (ELDP).[8] The Project's ELDP certification process is outside of the scope of this CEQA document.

PRB11-90 The commenter states that Alternative C would reduce the project by 80 to 100 MW west of State Route 177/Rice Road. The commenter states that there are suitable lands currently available east of State Route 177 that would be closer to the Red Bluff Substation.

The potential for solar development on Sites A and B suggested by the commenter, as well as private land west of State Route 177 and north of the Easley Project, are discussed in General Response GR-8.

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 output of Alternative C.

PRB11-91 The commenter cites Riverside County Policy LU 4.1 regarding the requirement that new developments visually enhance, not degrade, the character of the surrounding area through consideration of several design concepts. The commenter asserts that only the Further Reduced Footprint Alternative C will meet this requirement and that Intersect Power fails to mitigate visual impacts.

The analysis of Land Use was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

As noted in EIR Table 3.2-2, the Project would be consistent with County Policy LU 4.1 given: a) the development context that is already in place in the immediate vicinity of the Project site; b) the general lack of unique natural features or terrain at the site; and c) the established visual quality that is common to the broader Chuckwalla Valley. The EIR also concludes that aesthetic impacts of the Project would be significant and would remain significant in spite of the application of the proposed Mitigation Measures AES-1 (Surface Treatment of Project Structures and Buildings) and AES-2 (Project Design).

While Alternative C would eliminate significant and unavoidable Aesthetics impacts from the community of Lake Tamarisk as explained in EIR Section 5.2.6.1, Alternative C would increase the visual impact on close-proximity views from State Route 177 (both northbound and southbound views) and would not, compared to the Project, reduce significant visual impacts

[8] OPR (California Office of Planning and Research). 2024. *Governor Newsom Streamlines Riverside Energy Project Set to Provide Clean Power for 650,000 Homes*. https://www.gov.ca.gov/2024/02/09/governor-newsom-streamlines-riverside-energy-project-set-to-provide-clean-power-for-650000-homes/. Accessed July 23, 2024.

on views from I-10 or Alligator Rock to a level that is less than significant. Therefore, visual impacts would remain significant and unavoidable from these viewpoints even under Alternative C.

PRB11-92 The commenter cites County Policy LU 7.1 to develop in accordance with the General Plan and area plans to ensure compatibility and minimize impacts. The commenter opines that the Further Reduced Footprint Alternative C meets this requirement.

The analysis of Land Use was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

See Response to Comment PRB11-86

PRB11-93 The commenter cites County Policy LU 9.1 regarding preservation of open space and other features and values and opines that the Further Reduced Footprint Alternative C mitigates scenic and recreational value impacts.

The analysis of Land Use was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

See Response to Comment PRB-11-86. The CEQA review process takes into account the project impacts on open space, natural resources, cultural resources and other resources and concerns and proposes measures to reduce impacts, including avoidance and alteration of project layout.

PRB11-94 The commenter cites County Policy LU 9.2 regarding protection of environmental resources by compliance with plans and regulations.

See Responses to Comment PRB11-92 and PRB11-93. The Project is required to comply with existing laws and regulations.

PRB11-95 The commenter cites County Policy LU 14.1 regarding the preservation of outstanding scenic vistas and visual features for the enjoyment of the traveling public. The commenter asserts that the EIR used the lowest visual resource value that the BLM has, in direct contrast to Riverside County's evaluation.

The analysis of Land Use was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

As noted in EIR Table 3.2-2, the Project would be consistent with County Policy LU 14.1 given that there are no outstanding scenic vistas in the general Project area, and there are no outstanding visual features on the Project site. Regarding the BLM's visual resource value, the EIR references the BLM's Visual Resource Management Class IV because this is the value the BLM has assigned to these specific lands under their jurisdiction. Therefore, projects located on these lands are required to assess consistency with VRM Class IV resource management objectives.

PRB11-96 The commenter cites County Policy LU 14.3 to ensure development does not adversely impact the surrounding scenic setting or environment within views from Designated and Eligible State and County Scenic Highways. The commenter further notes that the DCAP proposes that

I-10 become a scenic highway and is, therefore, eligible, which stresses the overall scenic value of the Desert Center area.

The analysis of Land Use was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

As noted in EIR Table 3.2-2, the Project would be consistent with County Policy LU 14.3 because, although the Project would be visible from I-10, which is a County Eligible Scenic Highway, the visual characteristics of the proposed solar facilities and gen-tie line would be consistent with other solar projects, both existing and under construction, that are located adjacent to, or in the immediate vicinity of, the Project. As a result, the Project would not substantially alter the aesthetic characteristics of the landscape visible from I-10 regardless of whether it is a County Eligible Scenic Highway or later designated as a scenic highway under DCAP.

PRB11-97 The commenter cites County Policy LU 14.5, which requires new or relocated electric or communication distribution lines that would be visible from Designated and Eligible State and County Scenic Highways, to be placed underground. The commenter states that, while feasible, undergrounding such lines is extremely expensive.

The analysis of Land Use was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

As noted in EIR Table 3.2-2, although I-10 is considered a County Eligible Scenic Highway, the Project would be consistent with County Policy LU 14.5 because the Project's overhead 500 kV gen-tie line would be located entirely on federal land, and the visual characteristics of the line would be consistent with the numerous other overhead gen-tie, distribution, and bulk transmission lines in the Desert Center area, some of which follow the same transmission line corridor paralleling I-10.

PRB11-98 The commenter cites County Policy LU 21.1, which requires that grading be designed to blend with undeveloped natural contours of the site and avoid an unvaried, unnatural, or manufactured appearance. The commenter states that, according to the U.S. EPA, grading is unnecessary for the majority of the Project.

The analysis of Land Use was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

As noted in EIR Table 3.2-2, the Project would be consistent with County Policy LU 21.1. Specifically, given the level nature of the Project site, any necessary grading would be consistent with the existing natural contours. Additionally, numerous drainage areas within the site would be preserved in their natural condition, and while the solar facilities would exhibit a manufac-tured appearance when viewed from certain locations, the Project features would be visually consistent with other existing (and under con-struction) solar generation and electric transmission facili-ties in the immediate Project vicinity.

PRB11-99 The commenter cites County Policy LU 21.3 to ensure development does not adversely impact open space and the rural character of the surrounding area. He opines that the Further Reduced Footprint Alternative C mitigates this impact.

The analysis of Land Use was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

As noted previously, the Project and alternatives are primarily on BLM-administered lands over which the County has no jurisdiction. Extensive solar project development has occurred in the area, including in the area designated by BLM for renewable energy projects. The existing development has altered the open space and rural character of the surrounding area as compared to what it was in the past. The proposed Project and alternatives are consistent with the existing character of the area. Substantial areas of protected open space are available within the region, including extensive areas designated as wilderness and for recreation.

While the Project would exhibit an industrial, manufactured appearance and cause potentially adverse visual impacts to some of the existing open space and rural character of the surrounding area when viewed from certain locations, the Project would be located in an area that contains existing solar facilities of similar design and where other, similar energy infra-structure is currently under construction, which is consistent with the renewable energy development and energy infra-structure trends already established in the Chuckwalla Valley. This existing solar development has substantially altered the open space and rural character of the surrounding area as compared to what it was in the past. As a result, the Project would be consistent with the area's current landscape characteristics. Therefore, as noted in EIR Table 3.2-2, the Project would be consistent with County Policy LU 21.3.

While Alternative C would eliminate significant and unavoidable Aesthetics impacts from the community of Lake Tamarisk, as explained in EIR Section 5.2.6.1, Alternative C would increase the visual impact on close proximity views from State Route 177 (both northbound and southbound views) and would not, compared to the Project, reduce significant visual impacts on views from I-10 or Alligator Rock to a level that is less than significant, so visual impacts would remain significant and unavoidable from these viewpoints even under Alternative C.

PRB11-100 The commenter cites County Policy LU 26.1, which requires that development be designed to blend with undeveloped natural contours of the site and avoid an unvaried, unnatural, or manufactured appearance. The commenter asserts that Alternative C would mitigate this impact for the Community of Lake Tamarisk.

The analysis of Land Use was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

As noted in EIR Table 3.2-2, the Project would be consistent with County Policy LU 26.1. Given the level nature of the Project site, any necessary grading would be consistent with the existing natural contours. Additionally, numerous drainage areas within the site would be pre-served in their natural condition, and while the solar facilities would exhibit a manufac-tured appearance when viewed from certain locations, the Project features would be visually consistent with the numerous other existing (and under con-struction) solar generation and electric transmission facili-ties in the immediate Project vicinity.

Additionally, while the EIR acknowledges that Alternative C would mitigate this impact for the Community of Lake Tamarisk as explained in EIR Section 5.2.6.1, Alternative C would increase the visual impact on close-proximity views from State Route 177 (both northbound and southbound views) and would not, compared to the Project, reduce significant visual impacts

on views from I-10 or Alligator Rock to a level that is less than significant. Therefore, aesthetic/ visual impacts would remain significant and unavoidable from these viewpoints even under Alternative C

PRB11-101 The commenter cites County Policy LU 26.3 regarding not adversely impacting open space and the rural character of surrounding areas. He opines that the Further Reduced Footprint Alternative C mitigates this impact.

The analysis of Land Use was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Response to Comment PRB11-99.

PRB11-102 The commenter recounts several of the findings of no significant impact (e.g., night lighting and glare and policy consistency) along with the EIR's basis for those findings. The commenter also notes that one of the factors that the EIR relies on in making the findings of no significance is the Project's consistency with the BLM's VRM Class IV Management Objective, which the commenter opines is the polar opposite of the Riverside County General Plan's high scenic value identification for the Project area.

The analysis of Land Use was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Regarding the EIR's reference to the BLM's VRM Class IV Management Objective, a Class IV consistency determination is required because this is the management objective the BLM has assigned to these federal lands under its jurisdiction. Therefore, proposed projects located on these lands are required to assess consistency with the VRM Class IV resource management objective.

PRB11-103 The commenter claims that very few of the "less than significant impact" statements in the Draft EIR are valid.

The analysis of Land Use was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Without specifics it is not known to what impacts the commenter is referring. Note that many of the potential environmental impacts in EIR Chapter 3 were found to be less than significant *with implementation of mitigation*. See EIR Table ES-2, Summary of Impacts and Mitigation Measures. EIR Appendix L contains the full text of all recommended mitigation measures.

Regarding visual resources (see Comment PRB11-102), the BLM-administered lands within the Project area are designated BLM Visual Resources Management Class IV, which allows for a high level of visual change to the characteristic landscape.

The commenter's statement that the CEQA analysis relies on the BLM VRM objectives to determine significance is incorrect. As described in EIR Section 3.2.3 (Methodology for Analysis), the methodology used to assess the potential Project effects *is derived from* the

BLM's VRM System. [emphasis added] However, as further explained in EIR Section 3.2.3, the CEQA conclusions on private land use the following methodology:

> *…Once the degree of anticipated contrast is determined, a conclusion on the overall level of change is made (ranging from very low to high) and either:*
>
> *(a) compared to the applicable VRM Classification to determine conformance with the established VRM Class Management Objectives for lands administered by the BLM (approximately 2,747 acres), or*
>
> *(b) considered within the context of the existing landscape's overall visual sensitivity (which is a summation of the three contributing and equally weighted factors of visual quality, viewer concern, and overall viewer exposure – see Section 3.2.1.4) to arrive at an impact significance conclusion for the facilities on private lands (approximately 980 acres). These impact significance conclusions for private lands are based on the CEQA impact significance criteria presented in Section 3.2.4.*

As a result, the EIR concludes that the following Aesthetics impacts would be significant and unavoidable with construction and operation of the proposed Project, even with the incorporation of feasible mitigation measures that attempt to reduce impacts to the extent feasible.

- **Impact AES-1:** The proposed Project could substantially degrade the existing visual character or quality of the site and its surroundings. The resulting visual change would be adverse and unavoidable even with implementation of mitigation, when viewed from all KOPs.
- **Impact AES-**3: As with impacts discussed under Impact AES-1, the Project's high visual change would result in a significant aesthetics impact under significance criterion AES-3. Additionally, the O&M impacts would remain significant and unavoidable even with implementation of mitigation and DRECP CMA compliance.

See EIR Chapter 5 for an analysis of Alternative C by issue area and a comparison of the overall environmental impacts to the proposed Project and other alternatives.

Section 8. Minimum Requirements - Environmentally Superior Alternative C (Response to Comment PRB11-104)

PRB11-104 The commenter includes the stated minimum requirements for the commenter-requested "Respect Lake Tamarisk Alternative for the Easley Solar Project."

Similar requirements were requested during the original Draft EIR comment period, with substantive additions discussed below. Please see Responses to Comments D5-2 to D5-18. Many of the comments are also detailed in Section 11 (Additional Comments); see responses to Comments PRB11-111 to PRB11-121.

In Comment D5-4, the commenter requested that the Project's water usage plan be modified to exclude water from the Chuckwalla Aquifer without equal metered potable water replacement. The commenter now requests to entirely exclude water usage from the Chuckwalla Aquifer (Requested Requirement #3).

Please refer to General Response GR-3 for a discussion of groundwater impacts and EIR Section 3.11 (Hydrology and Water Quality) for an analysis of potential groundwater impacts from the Project.

Comment D5-6 requested inclusion of site preparation guidelines implemented for the Crimson Solar Project (see additions to Section 2.7.2 of the Partially Recirculated Draft EIR).

The commenter now also requests implementation of site preparation guidelines proposed for the Rough Hat Clark Solar Project (maximum of 20% of project surfaces may be disturbed) (Requested Requirement #4). See Response to Comment PRB11-51.

Regarding Requested Requirement #9, the Applicant's proposed layout of solar panels and other facilities would largely maintain existing hydrologic patterns with respect to runoff, avoiding washes, stream beds, and stream banks, where feasible. The siting of the Project to avoid most desert dry wash woodland also avoids the major washes across the site. Floods generally follow existing hydrologic patterns, with most flood flow along the major washes and sheet flow between the washes.

As part of the CEQA environmental analysis, the EIR addresses whether the environmental impacts of the proposed Project may alter flooding patterns and whether the proposed Project may be affected by existing flooding patterns. The EIR provides an analysis of these effects to and from project components based on the preliminary project specific hydrology study (GSI, 2024). Appropriate Mitigation Measures to reduce flooding effects to less than significant as related to flooding were developed for the Project, if approved (see Section 3.11, Hydrology and Water Quality):

- Mitigation Measure (MM) HWQ-1 (Drainage Erosion and Sedimentation Control Plan), which would require a drainage plan and erosion and sedimentation plan that would outline site management activities and erosion and sediment-control Best Management Practices (BMPs) to be implemented during site mobilization, excavation, construction, and post-construction (operating) activities.
- MM HWQ-4 (Project Drainage Plan) which requires a detailed site hydraulic study and a plan for site improvements to convey flood and stormwater through and around the site, appropriate flood retention features, and fencing that allows passage of flood debris or breaks away to avoid any increase in downstream flooding rates and avoid flood-related damage to adjacent property.
- MM HWQ-5 (Flood Protection) which requires project buildings and the BESS to be situated outside of 100-year flood hazard zones or sufficiently protected, structures be protected against flood scour, solar panels be situated 1 foot above the highest anticipated flood levels, and compliance with Riverside County ordinances for projects within Special Flood Hazard Area or floodplain.

Under Requested Requirement #11, the commenter adds the specific request that Mellon Street should remain open for public travel. As stated in EIR Section 1.1, roads along the Project perimeter on the solar facility lands would remain dedicated public access. This request is also discussed in Response to Comment PRB11-111.

In Comment D5-13, the commenter requested modification of the noxious weed plan. The commenter now requests allowance for only spot treatment. With regard to Requested Requirement #12, all noxious weed management will occur in compliance with an approved Integrated Weed Management Plan (IWMP), which was included in the Partially Recirculated Draft EIR as EIR Appendix N. Refer to EIR Section 3.5.5, Impact BIO-1, regarding the impacts from use of herbicides on vegetation and wildlife. Refer to MM BIO-4 in Section 3.5.9 of the Draft EIR (Section 3.5.7 in the Partially Recirculated Draft EIR and Final EIR) regarding preparation and implementation of an Integrated Weed Management Plan (IWMP), which outlines requirements for use of herbicides. The IWMP must comply with existing BLM plans and permits including the Vegetation Treatments Using Herbicides Vegetation Treatment Using Aminopyralid, Fluroxypyr, and Rimsulfuron, including requiring a Pesticide Use Permit

approved by the BLM and adhere to the design features included in the Project EIR and BLM Environmental Assessment.

Refer to Response to Comment B9-14 regarding Project herbicide use and impacts on vegetation and animals. The limited use of herbicide to control noxious weeds would not result in sterilization of the area soils and herbicides would not be used in environmentally sensitive areas.

The commenter requested modification to the Noise Plan to specifically address "high density residential" zoning (Requested Requirement #13). The Noise Ordinance (Chapter 9.52.040) specifies identical maximum decibel levels for all residential densities. Changing the residential density would not change the noise level standards that must be met by surrounding properties. Overall, high density residential is usually compatible with higher ambient noise levels. EIR Section 3.13 and Table 3.13-1 show how according to the General Plan, Noise Element Table N-1 (Riverside County, 2015b), multiple-family residential uses are "normally acceptable" in noise environments that are 5 dBA louder than what would be normally acceptable for low-density residential. This is because high-density residential brings a greater level of human and vehicle activity when compared with low-density or rural residential. Because the General Plan allows higher noise levels as "normally acceptable" in areas of higher density residential use, no modification to the Noise Plan would be necessary in response to this comment.

Please see Responses to Comments B9-62, D5-17, D5-42, and D10-1, which address noise concerns, and EIR Appendix T, Health, Safety, and Noise Plan.

Finally, the commenter includes a new Requested Requirement #18 for employee parking at Desert Center and bussing to the construction sites is required to alleviate congestion. The commenter states that fenced lots are available to lease from Desert Center Development Corporation. See Response to Comment PRB11-112.

Section 9. We Support Responsible Renewable Energy Development (Responses to Comments PRB11-105 to PRB11-107)

PRB11-105 The commenter states that the Oberon Project was built near the community of Lake Tamarisk without notifying the residents and it destroyed desert tortoise habitat.

Please see Response to Comment PRB11-3 regarding notification of the Oberon Project and its impacts.

The commenter quotes the CEO of Intersect Power who states that the company is working to address Lake Tamarisk's concerns. The commenter states that reducing the size of the Project by 500 acres of panels (under Alternative C) would address the commenter's concerns about impacts to quality of life and protection of desert tortoise habitat.

Impacts to desert tortoise habitat are addressed in EIR Section 3.5 (Biological Resources). Please see General Response GR-5 regarding BLM's DRECP DFA designations in the Project area and Response to Comment PRB11-6 regarding human health and quality of life impacts.

PRB11-106 The commenter correctly states that the Partially Recirculated Draft EIR concludes that Alternative C would be the Environmentally Superior Alternative. The commenter also states that the public lands within the setback area in Alternative C are excluded from the DFA due to their valuable wildlife habitats.

The analysis of the development of the DFA was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially

Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see General Response GR-5 and Response to Comment PRB11-60.

PRB11-107 The commenter states that there are over 100,000 acres of available lands remaining within the DFA. Please see General Response GR-8, which discusses the challenges with development of the remaining acreage with the East Riverside DFA.

The commenter's support for Alternative C is noted.

Section 10. Requiring the Easley Solar Project to Become an Actual Environmental Leadership Project (Responses to Comments PRB11-107 to PRB11-110)

PRB11-108 The commenter's statement that incorporating the requirements of Alternative C would demonstrate environmental leadership is noted. The commenter also states that BLM granted a variance so that the Oberon Project could be 50 feet from desert dry wash woodlands and remove hundreds of ancient ironwood trees, thus destroying valuable desert tortoise and other wildlife habitat. The commenter includes three photographs of the Oberon Project site during.

Prior to its approval by the by the Colorado River Basin Regional Water Quality Control Board and the U.S. Bureau of Land Management (BLM), the Oberon Project underwent environmental reviews under the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA), respectively. The Oberon environmental review processes and project approvals are separate from and outside the scope of this Easley Project CEQA process, and Riverside County has no jurisdiction over the Oberon Project.

The commenter incorrectly states that the Easley Solar Project is expected to receive the same variance and includes figures showing several iterations of project design.

As stated in EIR Section 2.7, the Easley Project will fully comply with all applicable DRECP CMAs on BLM-administered land, and the Applicant has stated that the Easley Project will also voluntarily comply with all applicable DRECP CMAs on private lands. 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 restrict development in desert dry wash woodland and its buffer areas except for minor incursion. Per CMA LUPA-BIO-SVF-6, the purpose of the buffer is to maintain the function and value of the identified resource features. Any impacts to dry washes within desert dry wash woodland are subject to authorization and permitting from the California Department of Fish and Wildlife (CDFW) and Colorado River Basin Regional Water Quality Control Board (RWQCB).

A detailed BLM Project consistency CMA analysis is provided in EIR Appendix CC.

PRB11-109 The commenter states the ironwood washes would be separated by PV panels and that wildlife exclusion fencing would eliminate wildlife movement from wash to wash. The commenter states that the desert dry wash woodlands support the biodiversity in the area and that fencing between washes would isolate habitats and destroy its functions.

Impacts to wildlife movement are described in EIR Section 3.5.5, Impact BIO-3. Refer to Section 2.5.4 for a description of wildlife-friendly fencing, which may be implemented in coordination with USFWS to support use of successfully re-vegetated Project areas for wildlife

shelter, foraging, and movement. Refer to Response to Comment PRB10-12 regarding details on wildlife-friendly fencing.

The commenter notes that the desert dry wash woodland occupies only 5% of the Sonoran Desert, while accounting for 95% of the habitat for migrating birds. The commenter states that the habitat impacted by the Project is rare and highly valuable to desert tortoise and other special-status species and migratory birds.

Impacts to habitat, desert dry wash woodlands, and special-status wildlife species, including desert tortoise, are described in Section 3.5.5 and would be avoided and minimized with implementation of mitigation measures on private lands (Section 3.5.7) and DRECP CMAs on public lands (EIR Appendix L). Text was added in Section 3.5.1.1 to further detail the rarity of desert dry wash woodlands and its importance for wildlife.

PRB11-110 The commenter states that implementation of the minimum 1-mile buffer under Alternative C would preserve highly valuable habitat on BLM-administered land.

EIR Section 5.2.6.4 analyzes the biological resources impacts of Alternative C. Please see Response to Comment PRB11-195 regarding avoidance of desert dry wash woodland with a 200-foot buffer.

Section 11. Additional Comments (Responses to Comments PRB11-111 to PRB11-122)

PRB11-111 The commenter calls for all public access roads to be left open.

The analysis of Traffic and Transportation was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

No paved public roads will be closed. During construction some unpaved roads within the project area may need to be temporarily closed for safety. Public access roads will remain open to the extent feasible. Where a road may need to be closed, an alternative route will be identified.

PRB11-112 The commenter recommends leasing a lot in Desert Center for employee parking, and busing workers to construction sites.

The analysis of Traffic and Transportation was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

EIR Section 3.18 (Traffic and Transportation) concludes that all impacts would be less than significant with mitigation (MM TRA-1 and MM TRA-2). Most workers would be travelling to the project site from some distance away. The Construction Traffic Control Plan for the project includes development of a plan to encourage or provide ride sharing and carpooling opportunities for workers, thereby reducing the number of vehicles coming to the Desert Center area. Workers tend to rideshare or carpool when feasible to save money and reduce the need to drive individually. A worker may be involved in construction activities at varying sites across the Project during the workday. This would require them to move from location to location. The Project has been designed to accommodate parking near where work will be carried out. Having workers park at Desert Center and wait for buses to transport them a mile or so into the project site adds additional time to the workday. It also would require a circulating bus system and wait times at designated stop locations for workers to go from location to location

within the site. Use of a centralized parking area near the project does not address any identified significant impact.

PRB11-113 The commenter states that dark skies are a valuable resource in the west Chuckwalla Valley and requests that all lighting, including portable work lights and substation lighting, be shielded to eliminate all light leakage outside construction sites, and motion sensors be installed to eliminate unnecessary light. The commenter quotes the PRDEIR, which states that portable lighting may be used occasionally and temporarily during construction and for maintenance activities during operations, such as emergency work that must occur at night.

Impacts related to night lighting are discussed under Impacts AES-1, AES-2, AES-4, and AES-5 in Section 3.2.5 (Aesthetics) of the Draft EIR. The Draft EIR states that it is anticipated that some construction activity could occasionally take place at night, which could result in substantial adverse night lighting visual effects (contrast) given the general lack of any significant night lighting at the Project site. The Draft EIR concludes that the resulting moderate visual contrast would be consistent with the BLM VRM Class IV management objective but would result in a significant aesthetics/visual resources impact if not effectively controlled (Impact AES-1). Therefore, the Draft EIR recommends implementation of Mitigation Measure (MM) AES-3 (Night Lighting Management Plan), which would reduce potential impacts related to night lighting to a less-than-significant level under Impacts AES-1, AES-2, AES-4, and AES-5.

The Night Lighting Management Plan referenced in MM AES-3 would be prepared during pre-construction compliance following final project design and would include consultations with the NPS Night Sky Program Manager. The Draft Night Lighting Management Plan would be submitted to Riverside County, Bureau of Land Management, and Joshua Tree National Park for review.

As described in MM AES-3, in order to reduce off-site lighting impacts, lighting at the facility would be restricted to areas required for safety, security, and operation. Security lights would be motion sensitive, and all lighting would be shielded and directed downward to minimize the potential for glare or spillover onto adjacent properties. Low-pressure sodium lamps and fixtures of a non-glare type would be specified. Switched lighting would be provided for areas where continuous lighting would not be required for normal operation, safety, or security. The implementation of these measures would minimize the amount of night lighting potentially visible to viewers of the site.

The EIR concludes that night lighting impacts (Impact AES-2) would be reduced to levels that would be less than significant with implementation of mitigation when viewed from all Key Observation Points.

PRB11-114 The commenter states the socioeconomic impacts are missing from the Partially Recirculated Draft EIR and that significant negative impacts on property values are not addressed. The analysis of property values was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

See Responses to Comments BO3-9, DO9-2, PBR11-8, PRB11-10, and PRB11-28 regarding economic impacts and property values.

PRB11-115 The commenter states that only health risks for workers are addressed and health risks for nearby residents are not addressed in the Partially Recirculated Draft EIR.

The analysis of Air Quality and Hazards and Hazardous Materials, including public health, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Section 3.04 - Air Quality of the EIR addresses health risks to the public from air pollution, including particulate matter (fugitive dust), toxic air contaminants, and Valley Fever. Section 3.10 - Hazards and Hazardous Materials of the EIR addresses health risks to the public from hazardous materials use and from Valley Fever spores carried in fugitive dust.

PRB11-116 The commenter states that mitigation lands for displaced wildlife are not identified.

Refer to EIR Section 3.5.5.2, which describes the Project's compensatory mitigation requirements. Refer to EIR Section 3.5.7, MM BIO-3, MM BIO-7, and MM BIO-14 for required compensation ratios, consistent with DRECP CMAs. Refer to MM BIO-7 for the requirements of the mitigation site.

PRB11-117 The commenter states that drainage, erosion, and flood control for downstream businesses are not adequately addressed in the Partially Recirculated Draft EIR.

The Recirculated Draft EIR Section 3.11, Hydrology and Water Quality, addresses downstream impacts to drainages (ephemeral streams) due to erosion and sedimentation, or from hazardous materials spills, and requires implementation of Mitigation Measures BIO-3 (Minimization of Vegetation and Habitat Impacts), MM BIO-5 (Vegetation Resources Management Plan), MM BIO-13 (Streambed and Watershed Protection), MM HWQ-1 (Drainage Erosion and Sedimentation Control Plan (DESCP)), and MM HWQ-5 (Project Drainage Plan) to minimize impacts to drainages (ephemeral streams) and associated downstream impacts. This section also includes discussion of potential for the Project to result in increased potential for flooding of other properties and requires Mitigation Measures HWQ-1 (Drainage Erosion and Sedimentation Control Plan [DESCP]) and MM HWQ-5 (Project Drainage Plan) to ensure that the site design includes consideration of flood flows and diversions.

PRB11-118 The commenter states the Project would be required to conduct routine groundwater monitoring during construction and operations and that groundwater pumping for the Oberon Solar Project resulted in lowering of groundwater levels and degradation of groundwater quality in the vicinity of the Oberon Solar Project.

Please see General Response GR-3 regarding Project groundwater impacts, and GR-4 regarding mitigation measures. See Response to Comment PRB10-29 for a discussion of the Oberon Project.

PRB11-119 The commenter requests that trash must be picked up weekly during construction including along all fence lines.

The analysis of trash pickup was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Response to Comment D5-16.

PRB11-120 The commenter requests that fire breaks be established between the fence lines and panel fields.

The analysis of Wildfire was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft

EIR that do not pertain to the recirculated text. The following response is provided for informational purposes. See Response to Comment PRB 11-40.

PRB11-121 The commenter states that noise from inverters and BESS units disturbs the peaceful nature of the desert environment and can only be mitigated by the 1-mile buffer zone setback. The commenter also states that construction work must not begin before 7 a.m. from October through March and end by 7 p.m.

The analysis of Noise was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

To address public concerns, the Applicant has proposed APM NOISE-1 (Construction Timing), which will limit the timing of construction activities and also the types of activities within a 1-mile radius of the Lake Tamarisk community from November 1 to March 31. Applicant Proposed Measures (APMs) are considered part of the Project described in EIR Chapter 2 (see EIR Section 2.7.1).

EIR Section 3.13 (Noise and Vibration) evaluates noise impacts of the Project, including from the inverters and BESS. Please see Responses to Commenters B9-62, D5-17, D5-42, and D10-1 regarding noise concerns.

PRB11-122 The commenter states that a maximum of 20% ground disturbance should be allowed in the project construction areas, equaling approximately 500 acres, which would provide for maximum vegetation preservation and greatly reduce water requirements for dust control.

Refer to Response to Comment PRB11-51 regarding the maximum of 20% ground disturbance.

Section 12. Board of Supervisors Policy B-29 (Responses to Comments PRB11-123 to PRB11-128)

PRB11-123 The commenter includes a link to the County of Riverside Policy B-29 with a quote of the Policy's purpose. The County acknowledges the commenter's opinion that only Alternative C allows the Board of Supervisors to meet the requirement to protect residents.

The analysis of Land Use, including conformity to Policy B-29, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

EIR Section 1.5 explains 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 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. Once the development agreement is enacted, the proposed Project would comply with this policy.

PRB11-124 The commenter states that the residents of Lake Tamarisk Desert Resort were not notified about construction of the Oberon Project and the cumulative effects of the Easley Project would impact their quality of life and general welfare.

The analysis of Land Use was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft

EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Response to Comment PRB11-3 regarding notification of the Oberon Project, Response to Comment B9-17 regarding cumulative impacts of the Oberon and Easley Projects, and Response to Comment PRB11-6 regarding concerns about quality-of-life impacts.

PRB11-125 The commenter cites General Plan pages V-6 and V-7 (from Chapter 2. Vision Statement), noting fundamental values regarding sustainability and the natural environment. He feels the Further Reduced Footprint Alternative C best sustains the viability of the ecosystem around Lake tamarisk.

The analysis of Land Use was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

The commenter's preference is noted. The Vision Statement describes County objectives but does not detail how they will be achieved. The General Plan vision is considered by the County when evaluating individual projects seeking a CUP or PUP.

PRB11-126 The commenter cites General Plan page V-11 (Chapter 2. Vision Statement) and says that the vision expressed in jeopardy and, therefore, Further Reduced Footprint Alternative C would reduce impacts.

The analysis of Land Use, including General Plan consistency, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

See Response to Comment PRB11-125. The Chapter is a vision statement and is not prescriptive of actions or prohibitions.

PRB11-127 The commenter feels that the County needs to implement the vision and General Plan provisions to ensure that the County does not disproportionately bear the burden of solar energy production and to ensure compensation. He feels that 25% of B-29 funds from solar projects should be dedicated to Lake Tamarisk and the ongoing economic development of the area. The commenter notes that a solar power plant should be subject to this requirement as well as the requirements of applicable ordinances, and state and federal laws.

The analysis of Land Use, including conformity to Policy B-29, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

See Responses to Comments PRB11-125 and PRB11-126. The County considers the requirements of the General Plan, zoning, and other ordinances when determining whether to issue a CUP or PUP and what conditions to apply. The use and distribution of Policy B-29 funds is not a CEQA topic. See Response to Comment PRB11-123.

The Policy B-29 funds refer to the Solar for All grant competition, which is part of President Biden's Investing in America agenda. Through this program, the U.S. Environmental Protection Agency will provide $7 billion in grant awards to deliver residential solar projects households nationwide. It is not clear what the commenter intends regarding these funds.

PRB11-128 The commenter is concerned about the health, safety and general welfare of the community of Lake Tamarisk and Desert Center area, citing planned economic development.

The analysis of Land Use, including conformity to Policy B-29, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Response to Comment PRB11-6 regarding concerns about quality-of-life impacts and Response to Comment PRB11-15 about planned future development in the Desert Center area.

The commenter's support for Alternative C is noted.

Section 13. Misleading Statements by Intersect Power (Responses to Comments PRB11-129 to PRB11-134)

PRB11-129 The commenter states that the land in the Alternative C buffer area is not designated as DFA by the DRECP LUPA and includes a figure of the DRECP Context from BLM Decision Record for the Oberon Project.

The analysis of development of the DFA was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see General Response GR-5 regarding BLM's DRECP DFA designations in the Project area. Note that the DRECP DFA designations supersede the Solar Energy Zone (SEZ) designations within the DRECP Planning Area.

PRB11-130 The commenter states that once the groundwater basin goes into overdraft, fresh annual recharge waters will mix with ancient high salinity waters resulting in continuous water quality decline.

See General Response GR-3 regarding Project groundwater impacts and General Response GR-4 regarding mitigation measures. See Response to Comment PRB10-29 for a discussion of the Oberon Project.

Refer to Response to Comment PRB10-24 regarding the Project cumulative impact analysis and the simulated drawdown from cumulative project pumping.

See Response to Comment PRB10-25 regarding a discussion of water quality related to the cumulative impact scenario.

PRB11-131 The commenter states that the Applicant has misrepresented the amount of highly valuable wildlife habitat would be saved by the 1-mile setback in Alternative C Further Reduced Footprint Alternative. The commenter states that the reference to avoiding 10 acres of desert dry wash woodland and 6 acres of desert pavement appears as though the 1-mile setback would make little difference to wildlife habitats.

As the commenter notes, EIR Section 5.2.6.4 identifies that 530 acres of ground disturbance would be avoided in the setback buffer. Text was revised to clarify that Alternative C would have approximately 310 fewer acres of native habitat disturbance to suitable desert tortoise habitat, including reduced impacts to desert dry wash woodland by approximately 10 acres.

PRB11-132 The commenter states that CEQA requires the selection of one alternative that will avoid one or more significant effects of the environment and thus, Alternative C must be selected over Alternative B.

Please see Response to Comment PRB11-28 and PRB11-88 regarding selection of the Environmentally Superior Alternative. The commenter's support for Alternative C is noted.

PRB11-133 The commenter states that dust control on the Oberon Project was a failure and expresses concerns about the health effects of dust on residents. The commenter points to the Amended Fugitive Dust Control Plan submitted as Section 4 (see Responses to Comments PRB11-40 to PRB11-57) and Supplemental Comments 3 (see Responses to Comments PRB11-143 to PRB11-162).

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see General Response GR-2 and Response to Comment PRD2-5, which discusses fugitive dust control and related health concerns.

PRB11-134 The commenter states that groundwater pumping for the Oberon Project resulted in lowering of groundwater levels and degradation of groundwater quality in the vicinity of the Oberon Project.

Please see General Response GR-3 regarding Project groundwater impacts. See Response to Comment PRB10-29 for a discussion of the Oberon Project.

Supplemental Comments 1. Detrimental Impacts on the Health, Safety and General Welfare of the Community (Responses to Comments PRB11-135 to PRB11-139)

PRB11-135 The commenter again cites County Code sections 17.200.050 and 17.208.040 regarding CUP and PUP approvals. The commenter feels that the Further Reduced Footprint Alternative C coupled with a Fugitive Dust Management Plan is the only alternative the County can approve, other than the No Built Alternative A1.

The analysis of the cited Riverside County Code requirements was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

See Response to Comment PRB11-6.

PRB11-136 The comment cites a 2024 LBNL study extensively, quoting and summarizing information for the study. He feels that the County Code prohibits project approval, as it would result in a detrimental impact on the Tamarisk community's general welfare. He feels that it is common knowledge that attitudes about surrounding environment and perceptions have a direct impact on property values. He also feels that with developments "in progress at Desert Center" will increase property values but that future value would be lost if the proposed project or the Reduced Footprint Alternative B were approved. Only the Further Reduced Footprint Alternative C should be recommended for approval.

The analysis of property values was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated

Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Responses to Comments PRB11-9, PRB11-10, and PRB11-12, which discuss the LBNL study and its findings and property values. The study describes attitudes and perceptions around the presence of solar projects, but the study did not evaluate whether there was an effect on property values.

PRB11-137 The commenter states that liability for future value losses would be enormous if either the proposed Project or Alternative B are constructed. The commenter cites economic development in the Desert Center area, including a truck stop and affordable house, as well as the future Chuckwalla National Monument designation.

The discussion of property values was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Response to Comment PRB11-15, which address similar comments regarding the liability claim and future development in the Desert Center area. See Response to Comments D5-20 and P03-11, which discuss the Chuckwalla National Monument.

PRB11-138 The commenter feels that a 1-mile setback buffer as required in the Further Reduced Footprint Alternative C is critical. The commenter cites the 2024 LBNL study and quotes various parts of the study, including the study conclusion the "Perceptions relating to aesthetic, economic, and quality of life impacts are strongly correlated with attitudes." He then extrapolates perceptions to a diminution of property value and the desirability and demand for real estate. The commenter feels this would suppress affordable housing development and, therefore, the general welfare of Riverside County. As a result, only the Further Reduced Footprint Alternative C should be recommended for approval.

The discussion of property values was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Responses to Comments PRB11-9, PRB11-10, PRB11-12, and PRB11-136

PRB11-139 The commenter is concerned about severe health consequences of unabated fugitive dust from the Easley Project and that it would violate County ordinances to approve any project that does not provide 100% dust control.

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see General Response GR-2 and Responses to Comments B3-18, B9-2, B9-20, and PRD2-6 regarding human health impacts related to the Project and fugitive dust.

Supplemental Comments 2. Protecting Valuable Biological Resources - Respect Lake Tamarisk Alternative (Responses to Comments PRB11-140 to PRB11-142)

PRB11-140 The commenter states that the 1-mile buffer in Alternative C, Further Reduced Footprint Alternative with Berms, has many fingers of desert dry wash woodlands that are area and

highly valued habitat for desert tortoise, 95% of migratory birds, and many other plants and wildlife. The commenter states that wildlife require free access between woodland washes for food and shelter and that the proposed Project puts solar panels and exclusion fencing between the washes, destroying habitat value. The commenter states that the 1-mile buffer in Alternative C would protect the desert dry wash woodland for biodiversity.

Please refer to Section 5.2.6.4 in the EIR for a description of impacts to biological resources from Alternative C and how the alternative reduces impacts to habitat and desert dry wash woodland compared to the proposed Project.

PRB11-141 The commenter states that within the 1-mile buffer proposed in Alternative C, two square miles of rare microphyll woodlands are present on BLM-administered lands and that it supports many wildlife that depend on the washes for food and shelter, including desert tortoise.

The commenter states that desert dry wash woodlands include ancient ironwood trees that are endemic to the Sonoran Desert, and that the Lake Tamarisk community is located in a heavy concentration of these washes. The commenter notes that the desert dry wash woodland occupies only 5% of the Sonoran Desert, while accounting for 95% of the habitat for migrating birds. The commenter references CNPS, 2018, which states that desert dry wash woodland provides essential ecosystem services and that the washes transport water, seeds, and nutrients to nearby desert ecosystems. The commenter notes that ironwood trees on the northern edge of the Sonoran Desert in Arizona have been designated the Ironwood Forest National Monument due to its importance to biodiversity.

The commenter provides a figure depicting preliminary engineering design, showing the location of microphyll woodlands and proposed panel configurations. The commenter provides a photo of the ironwood trees and desert dry wash woodland environment.

Refer to Response to Comment PRB11-195 regarding avoidance of desert dry wash woodland in the Project area. Refer to Section 5.2.6.4 for an evaluation of biological resources potential impacts under Alternative C, stating that Alternative C would have approximately 310 fewer acres of native habitat disturbance to suitable desert tortoise habitat, including reduced impacts to desert dry wash woodland by approximately 10 acres.

Text was added in Section 3.5.1.1 in the Final EIR to further detail the rarity of desert dry wash woodlands and its importance for wildlife. Please see also Response to Comment PRB11-60.

PRB11-142 The commenter states that 10 miles east of Lake Tamarisk the desert dry wash woodland washes begin to disappear, so they should be preserved with the 1-mile buffer zone. Also, the commenter states that approximately 100,000 acres of these lands are available in the DRECP DFA for renewable energy.

Refer to Responses to Comments PRB11-108 and PRB11-195 regarding avoidance of desert dry wash woodland in the Project area and General Response GR-8 about the challenges with renewable energy development elsewhere on undeveloped DFA lands.

Supplemental Comments 3. Amended Fugitive Dust Management Plan (Responses to Comments PRB11-143 to PRB11-162)

PRB11-143 The commenter requests that an aggressive fugitive dust management plan be implemented to protect the health of the residents of the nearby Lake Tamarisk community. Specifically, the commenter requests that multiple air quality monitors be mounted just outside the perimeter on all four sides of the Project construction area to allow both up and downwind readings to be recorded during both construction and operations. The commenter also

requests that representatives of the Lake Tamarisk community have remote access to the monitors to determine the origin of fugitive dust.

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

The same request is made in Comment PRB11-52. Please see Response to Comment B3-18 and General Response GR-2. See Responses to Comments B3-18, B9-2, B9-20, and PRD2-6 regarding human health impacts related to the Project and fugitive dust.

PRB11-144 The commenter requests that all roadways be graveled.

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Response to Comment PRB11-52, which addresses the same request.

PRB11-145 The commenter requests that site preparation follow the specific guidelines in the U.S. EPA NEPA scoping letter (dated October 23, 2023) at the weblink provided. The commenter also includes a weblink on BLM's ePlanning website to the Record of Decision for the Crimson Solar Project (BLM Case File No. CACA-51967; DOI-BLM-CA-CA-D60-2017-0029-EIS) (May 2021). The commenter requests that similar site preparation techniques be implemented for the Easley Project.

The U.S. EPA NEPA scoping letter was submitted with comments on the original Draft EIR (Comment Set D5, Attachment 5).

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Responses to Comments D5-56 to D5-82. Likewise, BLM's Record of Decision for the Crimson Solar Project was submitted as Comment Set D5, Attachment 6. Please see Response to Comment D5-83.

PRB11-146 The commenter states that a maximum of 20% of the Project area may be disturbed, including the substation, BESS, laydown and parking areas, roadways and inverter pad areas.

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Refer to Response to Comment PRB11-51.

PRB11-147 The commenter states that scarification and rolling are not necessary for most of the project footprint and are environmentally destructive. The commenter also states that clearing of all vegetation is unnecessary for wildfire control since the access areas between the fence lines and PV fields will remain clear, and soil binders should be applied on these areas and reapplied as necessary for dust control.

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see General Response GR-2 and Response to Comment PRB11-150 regarding fugitive dust control and use of soil binders. Response to Comment PRB11-40 addresses wildfire breaks. Finally, please see Response to Comment PRB11-154 regarding BMPs to minimize site disturbance that were added to the Partially Recirculated Draft EIR in response to comments on the original Draft EIR.

PRB11-148 The commenter states that all disturbed soils should require soil stabilizers approved by the BLM and Riverside County. The BLM currently has approved 4 soil stabilizers, and Riverside County has approved an additional two for previously disturbed private lands. The commenter also says that mulches could be evaluated as a potentially effective option on previously disturbed agricultural lands.

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see General Response GR-2 and Response to Comment PRB11-150 regarding fugitive dust control and use of soil binders. Please see Response to Comment PRB11-154 regarding BMPs to minimize site disturbance that were added to the Partially Recirculated Draft EIR in response to comments on the original Draft EIR.

PRB11-149 The commenter states that berms will require soil stabilization and hydroseeding with native vegetation, all disturbed soils should be stabilized as disturbances occur, and the use of approved soil stabilizers, such as Earth Glue, greatly reduces the water requirements for fugitive dust control.

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see General Response GR-2 and Responses to Comments PRB11-51 and PRB11-150 regarding hydroseeding and use of soil stabilizers. The potential impacts of activities related to water use and obtaining the water supply are included throughout the EIR; for example, GHG emissions for construction water use appears in EIR Table 3.9-1. Potential impacts associated with installation of berms, including due to erosion, are analyzed under Alternative C in EIR Section 5.2.6.

PRB11-150 The commenter states that all disturbed areas are to be hydroseeded with native vegetation and that once disturbed soils are stabilized construction may begin.

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Refer to EIR Section 3.5.7 in MM BIO-5 and EIR Appendix S for details on the Vegetation Resources Management Plan, which identifies seeding methods for re-vegetation. Erosion control shall be implemented as described in the Drainage Erosion and Sedimentation Control

Plan (DESCP) (MM HWQ-1), which requires identification of erosion treatments for exposed soil, such as chemical-based dust palliatives, soil bonding, and weighting agents suitable for use around vegetation.

Hydroseeding is one method of soil re-seeding and stabilization that could be used to meet the Project's revegetation requirements in MM BIO-5 and dust control requirements in MM AQ-1.

PRB11-151 The commenter requests that vehicles use follow-on single-track access between piling rows and perimeter routes, as well as spot reapplication of soil stabilizers where further disturbance occurs.

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see General Response GR-2 and Response to Comment PRB11-150 regarding fugitive dust control and use of soil binders. Please see Response to Comment PRB11-154 regarding BMPs to minimize site disturbance that were added to the Partially Recirculated Draft EIR in response to comments on the original Draft EIR.

PRB11-152 The commenter attaches a link to Appendix F (Best Management Practices) from the Rough Hat Clark Solar Project Draft RMPA/EIS, which includes "access" and general BMPs, and requests that the Easley Project should consider similar BMPs. The commenter goes on to include the 4 "access" BMPs (see also Comments PRB11-153 and PRB11-154).

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Responses to Comments PRB11-153 and PRB11-154.

PRB11-153 The commenter requests consideration of "BMP Access 2: BLM recommends carefully planning access throughout the solar array prior to initiation of construction. Training for all employees on site should clarify desired outcomes of site preparation, to include minimizing travel outside of direct needs for construction."

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

See Response to Comment PRB11-154. As requested on the original Draft EIR, a similar BMP was added in Section 2.7.2 of the Partially Recirculated Draft EIR, which requires the following: "[e]nsure that there are well-trained construction monitors on site focused on ensuring that construction/vehicle trips impacts are minimized." The Project would include a robust Worker (WEAP) training for all personnel prior to beginning work on the Project and throughout construction and operations, as required by Mitigation Measures (MM) BIO-2, MM CUL-2, MM HAZ-2, and MM PR-2 (see EIR Appendix L, Mitigation Monitoring and Reporting Program).

PRB11-154 The commenter requests consideration of "BMP Access 3: Primary access route widths should be minimized to the maximum extent possible. BMP Access 4: BLM recommends avoiding every other panel row to avoid impacts to vegetation. The best way to minimize impacts is to avoid vegetation wherever possible."

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see General Response GR-2 regarding fugitive dust control and Response to Comment PRB11-153. In response to comments raised during the Draft EIR comment period, the Applicant also commits to best management practices (BMPs) during site preparation and construction, as listed in Section 2.7.2 of the Partially Recirculated Draft EIR and which are similar to and achieve the same disturbance minimization objectives as the requested BMPs (BMP Access 3 and BMP Access 4). Additional BMPs identified in the Project's Fugitive Dust Control Plan would also be implemented during all grading and vegetation removal activities.

PRB11-155 The commenter requests that additional BMPs outlined in a weblink provided of Rule 403 (Fugitive Dust) be considered and included as mitigation measures and/or as an Access Management Plan appendix.

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

The range of measures for complying with SCAQMD Rule 403 allows flexibility in strategies and approaches for dust control. Detailed information on dust control measures under consideration for the Project appears in General Response GR-2.

PRB11-156 The commenter notes concern about cumulative fugitive dust health risks to nearby residents, including vulnerable seniors and children. Cumulative fugitive dust impacts are addressed in Section 3.04 (Air Quality) of the EIR. Also, see General Response GR-2 regarding fugitive dust and health risks.

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

The commenter provides a link to a copy of the text of AQMD Rule 403. The Project will comply with the provision of Rule 403 as discussed in Section 3.04 (Air Quality) and General Response GR-2 further discusses how the Project will comply with Rule 403.

A second link in the comment is to a copy of a letter by the Morongo Basin Conservation Association (MBCA), dated October 23, 2023, to the BLM – South Coast Field Office regarding the Easley Solar Project that desert wind and dust storms in the Project area, provides 3 pictures of a November 2017 dust storm near the Palen Mountains, and provides a brief discussion of the importance of soil crusts in reducing erosion, and references AB 1757 – a report titled Nature Based Solutions Desert Sector for CA 30x30 prepared in September 2023 and submitted to CNRA/CARB/CDFA/Expert Advisory Committee.

The AB 1757 report appears to be focused on issues related to carbon sequestration in desert areas and not on fugitive dust. Impacts to carbon sequestration in the desert soils at the Project due to the Project's proposed mowing, grubbing, and limited grading are addressed in EIR Section 3.8 (Geology, Soils, and Mineral Resources). Please see Response to Comment PRB7-2, which includes the same report.

PRB11-157 The commenter provides quotes that discuss the health risks of silica dust, and notes concern that OSHA does not provide standards for non-occupational silica exposure (i.e., exposure to the general public), and that fugitive dust puts resident of Lake Tamarisk at a high level of risk for health effects. The commenter also notes that a 1 Mile Buffer Zone along with an aggressive Fugitive Dust Control Management Plan is necessary to significantly mitigate these severe health risks. This comment is very similar to other comments in Comment Sets B3, D5, PRB11, and PRD5 regarding health risks related to fugitive dust and silica.

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes. See General Response GR-2, and Response to Comment B3-18, Response to Comments B5-32, 35, and 40, Response to Comments PRB11-20 and 42, and Response to Comment PRD5-4 regarding fugitive dust, dust management, and silica.

PRB11-158 This comment is similar to comments in Comment Sets B3, B4, D1, D5, and PRB11 regarding fugitive dust and risk of Valley Fever.

The analysis of Air Quality, including dust control and Valley Fever, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

See General Response GR-2, and Response to Comments B3-18, B3 B3-39, B3-44 and B3–48, Response to Comment B4-8, Response to Comment D1-1, Response to Comments D5-32, D5-35, D5-56, D5-68, and Response to Comments PRB11-22 and PRB11–43)

PRB11-159 The commenter provided a link to an article title "How 'green energy' is threatening biodiversity, human health, and environmental justice: An example from the Mojave Desert, California", from the journal Sustainable Environment, dated March 2023. The article presents information on the habitat/biodiversity and valley fever of the Mojave Desert. Portions of the article relent to Valley fever include a description of Valley Fever in Kern County, correlation of Valley Fever and PM10 pollution, and a discussion of soils, Coccidioides, erosion, fugitive dust, preponderance of poor working contracting Valley Fever, and the need for improved dust mitigation measures.

The analysis of Air Quality, including Valley Fever, and Hazards and Hazardous Materials was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Sections 3.4 (Air Quality) and 3.10 (Hazards and Hazardous Materials) of the EIR address fugitive dust, PM10 particulate matter, and Valley Fever. See General Response GR-2.

PRB11-160 The link provided is the same as the link provided in B3-44; see Response to Comment B3-44.

PRB11-161 The commenter indicates concern related to Valley Fever, health risks of Valley Fever, increasing cases of Valley Fever in California, and notes that there are many vulnerable seniors and children in the Lake Tamarisk community.

The analysis of Air Quality, including Valley Fever, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

The EIR addresses the causes of Valley Fever, the increasing trend of Valley Fever cases in California and in Riverside County, and human health hazards of Valley Fever in Section 3.10 Hazards and Hazardous Material. Impacts AQ-3 and HAZ-2 (see EIR Sections 3.4.5 and 3.10.5) discuss the potential for Valley Fever to be contracted by workers and the public though inhalation of loosened soil and fugitive dust that may contain the Coccidioides fungus spore and both impact discussions include a mitigation measure (MM AQ-1) that requires implementation of a Fugitive Dust Control Plan. A draft Dust Control Plan is included in the EIR as Appendix U.

Additionally, General Response GR-2 addresses concerns related to fugitive dust and Valley Fever, lists EIR mitigation measures that reduce fugitive dust and erosion, and discusses 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.

PRB11-162 The commenter provided a link to the Lake Tamarisk Community Formal Solar Scoping Input Document submitted to BLM during the NEPA scoping period (dated October 23, 2023).

This document was previously provided during the original Draft EIR comment period. 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.

Supplemental Comments 4. Aquifer Conservation and Water Quality (Responses to Comments PRB11-163 to PRB11-177)

PRB11-163 This comment is similar, and in some instances a repeat of comments in Comment Set PRB11, Section 6. Specifically, please refer to Responses to Comments PRB11-61 and PRB11-62.

PRB11-164 The commenter states that the Riverside County Land Use Ordinance states that a CUP or 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.

The analysis the Riverside County Code requirements was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Response to Comment PRB11-6, which responds to a similar comment.

PRB11-165 This comment is similar, and in some instances a repeat of comments in Comment Set PRB11, Section 6. Specifically, please refer to Responses to Comments PRB11-61.

PRB11-166 This comment is similar, and in some instances a repeat of comments in Comment Set PRB11, Section 6. Specifically, please refer to Response to Comment PRB11-66. A link to SGMA regulations was also included in the comment.

PRB11-167 This comment is similar, and in some instances a repeat of comments in Comment Set PRB11, Section 6. Specifically, please refer to Response to Comments PRB11-67 and PRB11-68.

PRB11-168 This comment is similar, and in some instances a repeat of comments in Comment Set PRB11, Section 6. Specifically, please refer to Response to Comment PRB11-68.

PRB11-169 This comment is similar, and in some instances a repeat of comments in Comment Set PRB11, Section 6. Specifically, please refer to Response to Comment PRB11-69.

PRB11-170 This comment is similar, and in some instances a repeat of comments in Comment Set PRB11, Section 6. Specifically, please refer to Response to Comments PRB11-73 through PRB11-75.

PRB11-171 This comment is similar, and in some instances a repeat of comments in Comment Set PRB11, Section 6. Specifically, please refer to Response to Comment PRB11-76.

PRB11-172 The commenter states that the Riverside County Land Use Ordinance states that a CUP or 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.

The analysis of the Riverside County requirements was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes. The commenter's support for the "Respect Lake Tamarisk Alternative" requested requirements is noted.

Please see Response to Comment PRB11-6, which responds to a similar comment. To address the commenter's concerns about preserving drinking water quality, please see also Responses to Comments on Comment Set PRB11, Section 6 (Responses to Comments PRB11-61 to PRB11-84).

PRB11-173 This comment is similar, and in some instances a repeat of comments in Section 6. Specifically, please refer to Response to Comment PRB11-78.

PRB11-174 The commenter restates language from the *Order Dismissing Petition for Reconsideration* (link provided in comment) regarding the Eagle Mountain Pump Storage Project. The comment is noted, and the associated linked document reviewed. The comment does not relate to the analysis in the Partially Recirculated Draft EIR. The Eagle Mountain Pumped Storage Project is considered in the cumulative scenario described in EIR Section 3.1.2.

PRB11-175 This comment is similar, and in some instances a repeat of comments in Section 6 (including the linked letter). Specifically, please refer to Response to Comment PRB11-79.

PRB11-176 This comment is similar, and in some instances a repeat of comments in Section 6. Specifically, please refer to Response to Comments PRB11-82 and PRB11-83. The comment also includes a link to the Project Water Supply Assessment.

PRB11-177 This comment is similar, and in some instances a repeat of comments in Section 6. Specifically, please refer to Response to Comment PRB11-84. The comment includes a link to the *Notice of Availability of the* Partially Recirculated Draft EIR.

Supplemental Comments 5. Conservation Organizations (Responses to Comments PRB11-178 to PRB11-180)

PRB11-178 The commenter includes a request soliciting support to conservation organizations that explains the Easley Project and the community's concerns and provides information on the community's requested "Respect Lake Tamarisk Alternative." Specifically, the commenter states that the Easley Project is proposed on lands that are not designated as DFA by the DRECP LUPA. The commenter includes a weblink to comments submitted on the original Draft EIR, which includes a description and figures of the "Respect Lake Tamarisk Alternative" and discusses that the alternative would meet project objectives, that Lake Tamarisk is overburdened by renewable energy development (Policy B-29), expresses concerns about visual resources and groundwater impacts, details the "Phase II" expansion, and includes previously submitted links and articles.

The analysis of the development of the DFA was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

See Responses to Comment Sets B3 (Active Communities/Desert Center) and D5 (Mark Carrington). General Response GR-5 discusses the DRECP DFA designation of lands within the Project area.

PRB11-179 The commenter includes a request soliciting support to conservation organizations that explains the Easley Project and the community's concerns and provides information on the community's requested "Respect Lake Tamarisk Alternative." Specifically, the commenter includes a link to comments submitted by Angel Law on the original Draft EIR.

Please see Responses to Comments BR09-1 to BR09-68, which address comments on the original Draft EIR by Angel Law.

The figures and stated biological resources concerns are a duplicate of Comment PRB11, Section 5. Please see Responses to Comments PRB11-58 to PRB11-60.

PRB11-180 The commenter includes a request soliciting support to conservation organizations that explains the Easley Project and the community's concerns and provides information on the community's requested "Respect Lake Tamarisk Alternative." Specifically, the commenter states that public lands within the 1-mile setback are not in the DFA for renewable energy development and includes duplicate comments to Comment PRB11, Section 3.

The analysis of the development of the DFA was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see General Response GR-5 and Responses to Comment PRB11-34 to PRB11-39. The commenter's request for written and financial support for Alternative C is noted.

Supplemental Comments 6. DRECP Development Focus Area (Response to Comment PRB11-181)

PRB11-181 The commenter submits comments and figures similar to Comment PRB11, Section 3, regarding DFA land designations in the Project area.

The analysis of the development of the DFA was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Responses to Comments PRB11-34 to PRB11-39 and General Response GR-5.

Supplemental Comments 7. Governor's Certification (Responses to Comments PRB11-182 to PRB11-184)

PRB11-182 The commenter is correct in stating that the Environmental Leadership Development Project (ELDP) certification does not affect the lead Agency's discretion over the Project. The commenter also states that Alternative C meets project objectives and is environmentally preferred. The commenter's support for Alternative C is noted.

PRB11-183 The commenter describes the ELDP certification, includes email correspondences between Active Communities/Desert Center (Mark Carrington) and Office and Planning and Research (Russell Fong and Saharnaz Mirzazad), and states that the County may require substantial modifications to the Easley Project to balance competing interests and comply with CEQA and all other laws.

Please see Responses to Comments PRB11-182, PRD2-14, and PRD3-1.

PRB11-184 The commenter opines that Governor Newsom supports development of utility scale solar project more than the Easley Project specifically, so Alternative C would make the Easley Project a true environmental leadership project.

The commenter includes an article about the signing of Assembly Bill (AB) 1183 titled *Groups thank Governor Newsom for signing this important desert conservation investment bill* (Dated September 29, 2021). AB 1183 provides grant funding to local governments, tribes, non-profit organizations and other entities for biodiversity conservation, cultural and historical preservation, recreation projects, restoration of damaged lands, and climate resiliency projects in the California desert.

AB 1183 is outside of the scope of CEQA for the Easley Project.

Supplemental Comments 8. Employment Opportunities (Responses to Comments PRB11-178 to PRB11-180)

PRB11-185 The commenter states that the Respect Lake Tamarisk Alternative would make no difference in the number of MW possible or the number of employees required for construction, and it will prevent delays in the CEQA and NEPA processes and the start of construction. Additionally, the Sapphire Solar Project, by EDF Renewables, will begin construction within 6 months after the Easley Project begins in the summer of 2025.

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 to reflect the updated output of Alternative C. While the MW output of Alternative C would be reduced compared to the proposed Project and Alternative B, it is anticipated that the size of the construction workforce would be similar.

See Response to Comment PRB11-187 regarding the proposed Sapphire Solar Project.

PRB11-186 The commenter states that an additional 100 MW can be produced on private property currently for sale close by and adjacent to the Athos II site. The commenter states that this additional site would require a relatively short underground medium voltage line to the main Easley Substation location, which is economically and technically feasible.

As shown in a new Figure 2-15, BLM-administered DFA lands directly east of the northern Athos parcel group were considered for the Easley Project.

In general, lands to the north have high flood depths that require elevated equipment and deeper foundations, all of which impair project economics (see EIR Figure 3.11-2, which shows 100-Max Flow Depth in the Project area). Given the number of private parcels in the area, it is also unknown if the Applicant would be able to obtain site control to connect the medium voltage collector lines to the northeastern area of the project site.

In addition, a right-of-way (ROW) owned by Metropolitan Water District (MWD) runs adjacent to the north-northeastern boundary of the Easley Project. Any solar development north of the MWD ROW would be required to cross the ROW. As described in its scoping letter (see EIR Appendix B), MWD stated that it must be allowed to maintain its ROWs and requires unobstructed access to its facilities in order to maintain and repair its system. In order to avoid potential conflicts with MWD's facilities and ROWs, any design plans for any activity in the area of MWD's ROW or facilities must be submitted for MWD's review and written approval. Applicant has stated that parcels north of the MWD ROW were initially considered for inclusion in Easley, but were ultimately removed due to feasibility considerations of connecting to the balance of the Easley site/substation, while also meeting MWD's access requirements.

See also General Response GR-8 regarding project alternatives.

PRB11-187 The commenter states that the labor force required would remain the same under the proposed Project and Alternative C. Additionally, the Sapphire Solar Project, by EDF Renewables, will begin construction within 6 months after the Easley Project begins in the summer of 2025 and the EDF Lycan Project will follow. This Project will require an additional 300 employees and overlap construction with the Easley Project for at least 12 months. Many of the laborers followed developers to other projects in the western United States, while others are unemployed. The commenter states that approval of the "Respect Lake Tamarisk Alternative" in a timely manner will ensure full employment opportunities for the workforce of eastern Riverside County for years to come.

The proposed Sapphire and Lycan solar projects are included as cumulative projects in the cumulative scenario in EIR Section 3.1.2 and analyzed in combination with the proposed Project and other past, present, and reasonably foreseeable projects under every issue area in EIR Chapter 3.

Note that two of the stated Project Objectives (see EIR Section 1.3) are:

- Bring living-wage jobs to Riverside County;
- 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.

As described in EIR Section 1.1 (Overview), in March 2024, the Easley Project was certified by Governor Newsom as an Environmental Leadership Development Project (ELDP) under Senate Bill (SB) 7. Among other requirements, ELDPs must make substantial financial investments within California, create high-wage and highly skilled jobs, and not result in any net additional greenhouse gas emissions. See Comment Set PRB1, which includes letters submitted by the LiUNA Local Laborers No. 1184.

Supplemental Comments 9. Importance of the 1-Mile Setback Buffer Zone (Responses to Comments PRB11-188 to PRB11-203)

PRB11-188 The commenter states that less than 50 acres of PV panels are in the Development Focus Area within the commenter-requested buffer zone.

Please see Responses to Comments PRB11-34 to PRB11-39 and General Response GR-5.

PRB11-189 The commenter says that the desert environment is a reason residents of Lake tamarisk moved here, that the minimum 1-mile buffer contains Microphyll Woodland Washes critical to desert tortoise and migratory birds, and PV panels between washes would destroy the habitat value. He again comments on property values being negatively impacted by

construction within 1-mile of the community. He feels that new studies confirm this impact on property values.

The discussion of property values was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Responses to Comments PRA1-3, PRB11-141, and PRB11-195 regarding microphyll woodland washes. Avoidance of desert dry wash woodland with a 200-foot buffer is required by BLM per DRECP LUPA CMAs. See also Responses to Comments PRB11-9, PRB11-10, and PRB11-12, which discuss the LBNL study, its findings, and property values.

PRB11-190 The commenter states that Lake Tamarisk is an important environment for migratory waterfowl and that Lake Tamarisk is part of the Colorado River Flyway. The commenter states that the "lake effect" and its impact on bird mortality is well documented and that the 1-mile buffer proposed in Alternative C is necessary for waterfowl to find the lakes.

Refer to General Response GR-7 and Section 3.5.5, Impact BIO-1 under *Bird Collision*, for a description of the lake effect and the impact to birds from collision with solar panels. Please refer to Section 5.2.6.4 in the EIR for a description of impacts to biological resources from Alternative C and how the alternative reduces impacts to biological resources compared to the proposed Project.

PRB11-191 The commenter notes that a 1-mile buffer zone and an effective Fugitive Dust Management Plan is essential to protect the Lake Tamarisk residents.

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

A draft Dust Control Plan is included as EIR Appendix U and discussed in Section 3.4 (Air Quality). See Response to Comment PRB11-50, Response to Comment B3-18, and General Response GR-2.

The commenter also notes that they feel that Intersect Power demonstrated unwillingness to control dust at the Oberon Project. This comment is similar to PRB11-45; see the associated Response to Comment.

PRB11-192 The commenter states that a CUP or PUP may not be granted by the County unless the Applicant demonstrates that the Project will not be detrimental to the health, safety, or general welfare of the community.

The analysis of the Riverside County Code was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

See Response to Comment PRB11-6.

PRB11-193 The commenter states that less than 50 acres of PV panels are in the DFA within the 1-mile buffer zone and includes a figure that circles those areas in green.

The analysis of the development of the DFA was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially

Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Responses to Comments PRB11-34 to PRB11-39 and General Response GR-5 regarding DRECP DFA land designations in the Project area.

PRB11-194 The commenter states that a natural desert environment is critically important to the community's identity and survival, and provides a history of the donation of recreational facilities, land, and utilities from Kaiser Steel to a special Riverside County Service Area. The commenter notes that living hours from stores, restaurants, doctors, etc., is an inconvenience residents chose to live with in order to experience desert resort living.

Information on Kaiser Steel was also included in Comment D5-86. The comment is noted. No response is required.

PRB11-195 The commenter notes that the experience of Desert Oasis Resort living includes the abundance of wildlife that inhabit the desert dry wash woodlands unique to the Sonoran Desert. The commenter notes that the desert dry wash woodland occupies only 5% of the Sonoran Desert, while accounting for 95% of the habitat for migrating birds. The commenter notes that ironwood trees are endemic to the Sonoran Desert.

The Project has been proposed in a BLM DRECP DFA targeted for renewable energy development and has been strategically designed to avoid and buffer all microphyll woodland with a 200-foot buffer except for minor incursion or where there is existing intervening infrastructure, in compliance with DRECP Conservation Management Actions (CMA) LUPA-BIO-RIPWET-1, to maximize opportunities for preservation of habitat, hydrology, and wildlife movement. Per CMA LUPA-BIO-SVF-6, the purpose of the buffer is to maintain the function and value of the identified resource features. Any impacts to dry washes and desert dry wash woodland are subject to authorization and permitting from the CDFW and RWQCB.

Effects to vegetation and habitat would be reduced by the proposed site treatment that uses mowing and rolling of vegetation (as opposed to major grading) and the proposed layout of solar panels that avoid major existing hydrologic patterns with respect to runoff, avoiding washes, stream beds, stream banks, where feasible.

Text was added in Section 3.5.1.1 to further detail the rarity of desert dry wash woodlands and its importance for wildlife.

The commenter provides an article (Hathcock, 2018) that states that the primary driver for declines in songbirds is habitat loss along with edge effects and habitat fragmentation. The article provides a summary of impacts to birds from solar energy (habitat loss, collision, lake effect, electrocution), and suggests measures to reduce impacts such as avian mortality surveys, fencing of facilities, avian studies, and use of brownfields or parking lots as a priority for site selection.

Impacts to native birds including habitat loss, collision, lake effect, and electrocution are discussed in Section 3.5.5, Impact BIO-1. Mitigation measures to avoid and minimize impacts to habitat and native birds are provided in Section 3.5.7, MM BIO-1 to MM BIO-6 and MM BIO-8 to MM BIO-10. See also Responses to Comment Set PRB2.

PRB11-196 The commenter states that ironwood washes are critical habitat for desert tortoise, which depends on the washes for food and shelter. The commenter states that the habitat in the 1-mile buffer in Alternative C is uniquely suitable for desert tortoise because it contains desert dry wash woodlands and creosote bush scrub, which provides abundant food and shelter. The

commenter notes that biological diversity is high near the community of Lake Tamarisk and is essential for well-being.

The commenter provides an article (CNPS, 2018) that notes that the desert dry wash woodland occupies only 5% of the Sonoran Desert, while accounting for 95% of the habitat for migrating birds. The article also states that desert dry wash woodland provides essential ecosystem services and that the washes transport water, seeds, and nutrients to nearby desert ecosystems. The article refers to desert dry wash woodland as the "veins of the desert" that support plant and wildlife for miles.

Refer to Response to Comment PRB11-195 regarding avoidance of desert dry wash woodland in the Project area. Refer to Section 5.2.6.4 for an evaluation of biological resources in Alternative C, including discussion of the avoidance of 530 acres of potential desert tortoise habitat. Text was added in Section 3.5.1.1 to further detail the rarity of desert dry wash woodlands and its importance for wildlife.

The commenter states that fencing between washes would eliminate wildlife that depend on moving between them. The commenter states that the washes are known as "Veins of Life" and that the Project would destroy biological diversity. The commenter states that the quality of life of the community depends on the natural desert experience and interactions with plants and wildlife.

Impacts to wildlife movement are described in EIR Section 3.5.5, Impact BIO-3. Refer to Response to Comment PRB10-12 regarding details on wildlife-friendly fencing, which may be implemented in coordination with USFWS to support use of Project areas for shelter, foraging, and movement. Impacts to habitat and wildlife are described in Section 3.5.5 and would be avoided and minimized with implementation of mitigation measures on private lands (Section 3.5.7) and DRECP CMAs on public lands (EIR Appendix L).

See Response to Comment PRB11-6 regarding human health and quality of life impacts.

PRB11-197 The commenter states that future development, such as affordable housing by Grant Development, a truck Stop/charging station, restaurants and other amenities by Desert Center Development Corporation, as well as employee housing, and snowbirds depend on a natural desert environment.

The analysis of property values was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Response to Comment PRB11-15 regarding future development in the Desert Center area.

PRB11-198 The commenter states that the designation of the Chuckwalla National Monument will have a significant impact on development in the Desert Center Area, and it could include a visitors' center and additional housing needs. The commenter includes a quote from and link to an article in the Desert Sun newspaper by Janet Wilson (dated April 16, 2024) titled *National pressure mounts for Biden to create Chuckwalla monument, protect other lands*. The quote by Joan Taylor (Sierra Club; see Comment Set PRB3) states that there could be new 'gateway' cities in eastern Coachella Valley, and it should be a great benefit for tourism.

The discussion of property values was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated

Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Response to Comments D5-20 and B3-11, which address the Chuckwalla National Monument. The commenter's support for the 1-mile buffer under Alternative C is noted.

PRB11-199 The commenter cites a 2023 study *(Shedding light on large-scale solar impacts: An analysis of property values and proximity to photovoltaics across six U.S. states)* and quotes from the study "Our results suggest that there are adverse property value impacts of LSPVP (Large Scale Photovoltaic Projects) construction for homes very close to a LSPVP and those predominantly in rural agricultural settings around larger projects (>100MW). But we find that most impacts fade at distances greater than 1 mile from a LSPVP." The commenter uses this to confirm that a 1-mile buffer zone is essential to retaining property values at the Tamarisk community.

The analysis of property values was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

The study analyzed over 1,500 LSPVPs and over 1.8 million home transactions and found that with 0.5 miles of a LSPVP home price reductions were 1.5% compared to homes 2-4 miles away. The same study authors write that "[a]lthough we find adverse impacts of LSPVP construction on property values overall, we notably find no evidence of impacts in three states in our study area – including in CA, which alone accounts for over half of the transactions in our dataset." The study authors also conclude: "By combining a novel dataset of LSPVP footprints with home transaction data, our analysis provides comprehensive evidence that LSPVPs have an average adverse effect on home prices, but notably shows that these impacts are not uniform across geographies, land uses, or LSPVP size."

Over the last decade or more, a number of large solar projects have been installed and are operating near Desert Center and Lake Tamarisk Desert Resort. From available studies, it is not clear if they have affected property values as determined by sales information. As noted in the 2024 LBNL study cited in other comments, respondents in that study hold a belief that nearby large solar projects affect property values, but that study did not analyze whether data supported such a belief.

PRB11-200 The commenter again cites the 2024 LBNL study of neighbor attitudes and perceptions of large-scale solar projects. The commenter points to the study's findings that very large projects elicit substantially more negative attitudes compared to smaller and mid-sized project. Based on this, the commenter concludes that the study shows that communities within 3 miles of solar projects over 100 MW severely impact the communities. The commenter offers that residents have begun to leave Lake Tamarisk. No documentation of this is offered.

The discussion of property values was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

See Responses to Comments PRB11-9, PRB11-10, and PRB11-12. The cited study identified attitudes and perceptions of respondents based on their distance from projects of varying sizes but did not reach conclusions on the significance or severity of impacts.

PRB11-201 The commenter quotes County Ordinances regarding the issuance of a CUP or a PUP if issuance would be detrimental to the health, safety, or general welfare of the community.

The analysis of the requirements of the cited provisions of the Riverside County Code was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Responses to Comments PRB11-6 and PRB11-7.

PRB11-202 The commenter states that Lake Tamarisk is an important migratory waterfowl environment and is part of the Colorado River Flyway. The commenter states that the 1-mile buffer proposed in Alternative C is necessary for waterfowl to safely find the lakes. The commenter describes that utility scale solar fields create a "lake effect" that results in mortality of waterfowl.

Refer to General Response GR-7 and Section 3.5.5, Impact BIO-1 under Bird Collision, for a description of the lake effect and the impact to water obligate birds from collision with solar panels. Please refer to Section 5.2.6.4 in the EIR for a description of impacts to biological resources from Alternative C and how the alternative reduces impacts to biological resources compared to the proposed Project.

The commenter provides three articles related to the lake effect and bird collision. The previously described Hathcock, 2018 (See Response to Comment PRB11-195) provides a summary of impacts to birds from solar energy (habitat loss, collision, lake effect, electrocution), and suggests measures to reduce impacts. The commenter referenced article Avian Mortality at Solar Energy Facilities in Southern California: A Preliminary Analysis (Kagan, 2014) was discussed in the Partially Recirculated Draft EIR in Section 3.5.5, Impact BIO-1 under Bird Collision. The commenter provides a link to a California Energy Commission (CEC) website that describes a study that was submitted to the CEC to determine whether there was evidence to support the lake effect hypothesis. This study (CEC, 2024) was added to the Final EIR in Section 3.5.5, Impact BIO-1 under Bird Collision.

Impacts to native birds including habitat loss, collision, lake effect, and electrocution are discussed in Section 3.5.5, Impact BIO-1. Mitigation measures to avoid and minimize impacts to habitat and native birds are provided in Section 3.5.7, MM BIO-1 to MM BIO-6 and MM BIO-8 to MM BIO-10.

PRB11-203 The commenter states that 1-Mile Buffer is essential to protect the health, safety, and general welfare of residents at Lake Tamarisk, and references fugitive dust management.

The commenter again includes the statement 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."

The analysis of the requirements of the Riverside County Code was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

See Response to Comment PRB11-6 regarding human health and quality of life impacts related to the Riverside County Ordinance.

4.3 Native American Tribes

Comment Set PRC1 – Agua Caliente Band of Cahuilla Indians

AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL HISTORIC PRESERVATION

03-006-2018-015

July 03, 2024

[VIA EMAIL TO:Twheeler@rivco.org]
Riverside County
Tim Wheeler
4080 Lemon Street, 12th Floor
Riverside, CA 92502

Re: Easley Renewable Re-circulated 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:

*Please see the attachment with THPO comments.

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

Comment Set PRC1 – Agua Caliente Band of Cahuilla Indians (continued)

3.6. Cultural and Tribal Cultural Resources

This section provides information on known existing cultural resources and tribal cultural resources in and surrounding the IP Easley Renewable Energy Project (Easley or Project) area ~~and alternatives~~. The California Environmental Quality Act (CEQA) requires that the effects of discretionary projects on cultural and tribal cultural resources be considered in the planning process. This section evaluates the proposed Project's potential impacts to these resources. An impact analysis and comparison of project alternatives is included in Section 5.

Cultural resources reflect the history, diversity, and culture of a region, as well as the people who created them. Cultural resources are unique in that they are often the only remaining evidence of past human activity. Cultural resources can have a variety of forms, only a subsection of which are actively built or modified by humans. Cultural resources can also be natural features or connected landscapes with understood importance to people in the past and/or the present. They include archaeological, traditional, and built environment resources, including but not necessarily limited to buildings, structures, objects, districts, and sites. Cultural resources include locations of important events, traditional cultural places, sacred sites, and places associated with important people. Many 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.

Tribal cultural resources (TCR) include sites, features, places, cultural landscapes, and sacred places or objects that have cultural value or significance to a Tribe. To qualify as a TCR, the resource must either: (1) be listed on, or be eligible for listing on, the California Register of Historical Resources or other local historic register; or (2) constitute a resource that the lead agency, at its discretion and supported by substantial evidence, determines should be treated as a TCR (PRC Section 21074(a)(2)). Native American tribes that are traditionally and culturally affiliated with a geographic area can provide lead agencies with expert knowledge of TCRs.

The Project area encompasses approximately 3,888 acres, which includes 988 acres of privately owned land under the jurisdiction of the County of Riverside (County) and 2,900 acres of land managed by the Bureau of Land Management (BLM). For purposes of the analysis of Cultural Resources and TCRs under CEQA, the Project area ~~under County jurisdiction~~ is identified herein as the CEQA Area of Direct Impacts. The 1-mile area surrounding the ~~CEQA Area of Direct Impacts~~Project is identified herein as the CEQA Area of Indirect Impacts.

The following discussion is based on the confidential cultural resources technical reports prepared for this Project: *Phase I Cultural Resource Inventory for the Easley Renewable Energy Project, Riverside County, California* (Clark et al. 2023) and *Class III Cultural Resources Inventory for the Easley Renewable Energy Project, Riverside County, California* (Hinojosa et al. 2024). PRC1-1

3.6.1. Environmental Setting

3.6.1.1. Natural Setting

Number: 1 Author: xmadrigal Subject: Sticky Note Date: 7/3/2024 9:02:49 PM
Can you please provide a copy of this updated report to our office.

Physiography and Geography

The Project is in the Chuckwalla Valley of eastern Riverside County, situated in the intervening valley forming the boundary between the Mojave Desert and eastern Transverse Range geomorphic provinces (CGS 2002; Hall 2007).

The Project area is situated on a series of fans emanating from the southeastern front of the Eagle Mountains. The surface of this area is highly alleviated with braided drainages incised into younger sandy

Comment Set PRC1 – Agua Caliente Band of Cahuilla Indians (continued)

disturbance activities, unanticipated cultural resources* are discovered, the following procedures shall be followed:

All ground disturbance activities within 100 feet of the discovered cultural resource shall be halted and the Project archaeologist shall call the County Archaeologist immediately upon discovery of the cultural resource. A meeting shall be convened between the developer, the project archaeologist,** the Native American tribal representative, and the County Archaeologist to discuss the significance of the find. At the meeting with the aforementioned parties, a decision is to be made, with the concurrence of the County Archaeologist, as to the appropriate treatment (documentation, recovery, avoidance, etc.) for the cultural resource. Resource evaluations shall be limited to nondestructive analysis.

Further ground disturbance shall not resume within the area of the discovery until the appropriate treatment has been accomplished.

* A cultural resource site is defined, for this condition, as being a feature and/or three or more artifacts in close association with each other. ~~Tribal Cultural Resources are also considered cultural resources.~~

** If not already employed by the project developer, a County-approved archaeologist ~~and a Native American Monitor from the consulting tribe(s)~~, shall be employed by the project developer to assess the significance of the cultural resource, attend the meeting described above, and continue monitoring of all future site grading activities as necessary.

1

Number: 1 Author: Lacy Padilla Subject: Sticky Note Date: 7/3/2024 4:52:21 PM
Why was this removed?

PRC1-2

MM CUL-5 **Treatment of Human Remains**. If human remains are found on this site, the developer/ permit holder or any successor in interest shall comply with State Health and Safety Code Section 7050.5. ~~Pursuant to State Health and Safety Code Section 7050.5, if human remains are encountered, no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to Public Resources Code Section 5097.98 (b), remains shall be left in place and free from disturbance until a final decision as to the treatment and their disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted by the Coroner within the period specified by law (24 hours). Subsequently, the Native American Heritage Commission shall identify the "Most Likely Descendant". The Most Likely Descendant shall then make recommendations and engage in consultation with the property owner concerning the treatment of the remains as provided in Public Resources Code Section 5097.98.~~

MM CUL-6 **Phase IV Monitoring Report.** Prior to Grading Permit Final Inspection, a Phase IV Cultural Resources Monitoring Report shall be submitted that complies with the Riverside County Planning Department's requirements for such reports for all ground disturbing activities associated with this grading permit. The report shall follow the County of Riverside Planning Department Cultural Resources (Archaeological) Investigations Standard Scopes of Work posted on the TLMA website. The report shall include results of any feature relocation or residue analysis required as well as evidence of the required cultural sensitivity training for the construction staff held during the required pre-grade meeting and evidence that any artifacts have been treated in accordance to procedures stipulated in the Cultural Resources Monitoring Plan.

MM TCR-1 **Native American Monitor**. Prior to the issuance of grading permits, the developer/permit applicant shall enter into an agreement with the consulting tribe(s) for ~~at least one~~

2

PRC1-3

Number: 2 Author: Lacy Padilla Subject: Sticky Note Date: 7/3/2024 4:53:17 PM
There should be one Native Monitor per every arch monitor. Or at least every monitoring Tribe represented on site full time.

Responses to Comment Set PRC1 – Agua Caliente Band of Cahuilla Indians

PRC1-1 The commenter requested that the County please provide a copy of the Class III Cultural Resources Inventory for the Easley Renewable Energy Project, Riverside County, California (Hinojosa et al. 2024) report to the Tribe.

The Easley Project is located largely on BLM-administered public land, with portions on private land under jurisdiction of the County of Riverside. The requested Class III report is property of the BLM. Archaeological resources information contained within the Class III report is confidential and may not be released to any party without the express written permission of the BLM. To receive the report, the Tribe, assuming the execution of a data sharing agreement between the Tribe and the BLM for the Project, can make the request to the BLM Palm Springs-South Coast Field Office to authorize the report's release to the Tribe.

PRC1-2 The commenter asked why Mitigation Measure CUL-4 (Unanticipated Resources) was modified in the Partially Recirculated Draft EIR (PRDEIR) to remove the requirement that the Project Developer shall employ a Native American Monitor from the consulting tribe(s) to assess the significance of the cultural resource, attend the meeting described above, and continue monitoring of all future site grading activities as necessary.

MM CUL-4 was revised in Section 3.6 of the Partially Recirculated Draft EIR (PRDEIR) to align the measure text with the exact wording of the County's Condition of Approval (COA) concerning processes for Unanticipated Resources discoveries, as required by Riverside County and as formulated during the AB 52 consultation process. The edits also avoid duplication with MM TCR-1, which requires Native American Monitors.

The Applicant is committed to Native American Monitors, and a new Applicant-Proposed Measure (APM) CULT-1 has been added in Sections 2.7.1 and 3.6 of the Final EIR to address the Tribe's concerns regarding the removed language and to clarify participation of the Native American Monitor.

PRC1-3 In response to edits made to Mitigation Measure (MM) TCR-1 (Native American Monitor) in the PRDEIR, the commenter states that there should be one Native Monitor per every archaeological monitor, or at least every monitoring Tribe represented on site full time.

MM TCR-1 had been revised in Section 3.6.7 of the PRDEIR to align the mitigation measure text with the exact wording of the County's Condition of Approval (COA) concerning participation of Native American Monitor(s), which had been developed and reviewed through the County's Assembly Bill 52 tribal consultation.

A new APM CULT-1 has been added in the Final EIR to address the Tribe's concerns regarding the removed language from MM TCR-1. The Applicant has committed to employ one Native American Monitor per archaeological monitor during Project construction on lands subject to County jurisdiction.

Any decisions about monitoring levels and requirements for portions of the Project located on BLM-administered lands will ultimately be made by BLM.

Comment Set PRC2 – 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

July 8, 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 Partially Recirculated Draft Environment Impact Report for the IP Easley Solar Plant Project (CUP220021)

Dear Mr. Wheeler:

PRC2-1

On behalf of the Colorado River Indian Tribes (CRIT or the Tribes), I write to provide comments on the partially Recirculated Draft Environmental Impact Report (RDEIR) for the IP Easley Solar Plant Project (Project). After carefully reviewing the partially RDEIR, the Tribes have concluded that it still fails to meet the requirements of the California Environmental Quality Act (CEQA) and other federal, state, and local laws.

As a reminder, the Colorado River Indian Tribes are a federally recognized Indian tribe comprised of over 4,600 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 and current Tribe members maintain a strong spiritual connection to these areas. These landscapes remain imbued with substantial spiritual, cultural, 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

Comment Set PRC2 – Colorado River Indian Tribes (continued)

environmental impacts associated with the Project are adequately considered and mitigated.

PRC2-1 (cont'd)

CRIT previously submitted comments on the DEIR for the Project. After reviewing the recirculated draft, the Tribes have the following additional comments:

- The Tribes note that most of the revisions to the Cultural Resource and Tribal Cultural Resource discussion come from the results of a Class III survey dated from April 2023. The comment period for the initial Draft Environmental Impact Report ended in early March 2024, nearly a year after the Class III survey was completed. Yet, the RDEIR gives no explanation as to why the information from that Class III survey was not included in the initial draft environmental document. CRIT strongly opposes the public issuance of an environmental analysis before the requisite cultural and tribal cultural resource surveying can be fully completed, analyzed, and consulted upon. The County should provide an explanation for this oversight. The Class III survey report was also never provided to CRIT, depriving the Tribes of an opportunity to review and provide input. The Tribes request that the County provide them with a copy of this report at its earliest convenience.

PRC2-1 (cont'd)

- CRIT appreciates the need to consider a full range of alternatives under the National Environmental Policy Act (NEPA), but cautions against any alternatives that would place even more culturally sensitive areas at risk. Impacts to tribal cultural and environmental resources should be avoided to the greatest extent possible. This goal should be paramount in any alternatives analysis.

PRC2-2

- The Tribes also have concerns about many of the newly listed prehistoric resources and isolates. According to the County's analysis, most of these resources fall on the BLM-controlled portion of the Project site and all were found not-eligible for the National Register of Historic Places (NRHP). Yet, many of the descriptions of these resources and their treatment are deeply troubling. For instance:

  - P-33-015089 is initially described as a multicomponent site with five prehistoric ceramic sherds from a single brownware vessel (likely a pot drop). Yet, the RDEIR notes that this site has been significantly disturbed by the access road for the Oberon Solar Project, concluding that "the site no longer contains any association with the PTNCL, as its prehistoric components have disappeared." (RDEIR 3.6-26). The RDEIR analysis gives no explanation as to *why* or *how* these sherds disappeared, so it is not clear if they have been destroyed during Oberon construction, stolen by a third party, collected by an agency, or buried/disturbed through natural flooding or other weather events. If these resources were subject to theft or destruction, this serves to heighten the Tribes' long-held belief that large-

PRC2-3

Comment Set PRC2 – Colorado River Indian Tribes (continued)

scale solar developments are harmful to cultural resources and impacts from solar projects can only be mitigated through avoidance.

PRC2-3 (cont'd)

- A number of prehistoric sites (P-22-018268, 19-387-KH-016) appear to have been collected by BLM since the April 2023 cultural resource survey. It is not clear from the RDEIR if these non-NRHP resources were collected to facilitate their reburial at a different location that would remain undisturbed by construction of Oberon or this Project, or if these resources were collected as part of data recovery for curation in a museum. It is CRIT's understanding that BLM generally does not pursue data recovery for resources it does not consider eligible for the NRHP. If these resources were collected for curation, the Tribes reiterate our opposition to data recovery as a practice and strongly encourage the agencies to focus on avoidance and Tribally-supported reburial.

PRC2-4

- CRIT also has serious objections to the RDEIR's methodology in considering impacts to the Prehistoric Trails Network Cultural Landscape (PTNCL). The RDEIR notes that many of the newly listed resources have been destroyed through construction of Oberon or other neighboring projects and, therefore, "cannot clearly convey significance as a PTNCL-associated resource" (e.g., P-33-015089, P-33-018268, P-33-018269, 19-387-KH-016). Yet, the RDEIR acknowledges that some of these resources and sites were previously found to be contributors to the PTNCL's eligibility under the California Register of Historic Resources (CRHR) for other nearby sites like Oberon (e.g., P-33-018268, 19-387-KH-016). If agencies are allowed to collect and/or destroy cultural resources with each solar project, the record to establish the breadth of the Tribes' cultural resources, landscape, and footprint on this ancestral area will be eroded with each subsequent project. In other words, most of these sites and resources would still be in place to help convey the significance of the PTNCL *but for construction of other solar projects*. Yet, the RDEIR fails to take this into account when it considers the Project's impacts to the PTNCL. At the very least, this cumulative erosion of CRIT's ancestral footprint and its traditional cultural landscapes should be considered a significant cumulative impact. Yet, the RDEIR blithely concludes that the Project's mitigation measures will be sufficient to ensure that most of its cumulative impacts are less than significant. RDEIR at 3.6-50. There is no evidence to support this conclusion. On the contrary, the record shows that even with mitigation, solar projects like Oberon and the project under consideration here significantly contribute to the cumulative erasure of cultural resources and landscapes. The RDEIR's analysis should be revised to acknowledge this significant impact.

PRC2-5

Comment Set PRC2 – Colorado River Indian Tribes (continued)

- The RDEIR fails to recognize the fully scale and scope of the sacred landscape in and surrounding the proposed Project site. This mountains near this proposed Project, as well as numerous others within the Chuckwalla Valley, are all connected to Mule Mountain. Mule Mountain is an extremely sacred location to the Mohave people, the place from which Creator would bless their warriors before battle. All the surrounding mountains have relationships to this sacred place as a sacred tribal landscape. To better understand this connection, it is instructive to consider the ceramic pottery sherds collected at many of the nearby project sites. CRIT has never received a final resource inventory for most of these projects, but based on the Tribes' internal records from our tribal monitoring, we provide the following numbers:

  - Lycan Project: 129 ceramic pottery sherds and counting (survey work has just started at this site)
  - Desert Quartzite: 489 ceramic pottery sherds
  - Oberon: 219 ceramic pottery sherds
  - Arica/Victory Pass: 124 ceramic pottery sherds

  Given the proximity of these projects to one another within the Chuckwalla Valley, these sherds must be viewed not as "isolates," but as evidence of the Mohave village sites that were located throughout this landscape. Mohave people were the original people to make ceramic pottery, evidencing the connection of the Tribes' members' ancestors to this sacred landscape. Yet, the RDEIR fails to acknowledge these global impacts, let alone provide mitigation for harms to these sacred landscapes and village sites. Indeed, the fragmented approach to cultural resource inventorying and study—taken by both state and federal agencies—has all but obscured this bigger picture impact. The RDEIR's analysis should be revised accordingly.

PRC2-6

- CRIT also notes that the number of known prehistoric isolates on the Project site has been updated from four to 10. This furthers the Tribes concerns that approval and construction of the Project will unearth additional, previously unrecorded cultural and tribal cultural resources. As noted above, this has been the case for many of the nearby solar projects, resulting in greater cultural resource harms than anticipated during their environmental review. CRIT has every reason to believe that a significant number of previously unknown cultural resources will be unearthed with this Project as well.

PRC2-7

Comment Set PRC2 – Colorado River Indian Tribes (continued)

- The Tribes also take issue with the RDEIR's response to the extent of CRIT's members' ancestral territories. The RDEIR appears to refute this, insisting that "temporal association [of the Chuckwalla Mountains has been] difficult to establish beyond Holocene occupations." RDEIR at 3.6-43. The Tribes are all too aware of the limitations of Western science when it comes to understanding the ancestral history of this area, which the Tribes' ancestors have visited and occupied since time immemorial. As descendants, CRIT's members have invaluable knowledge of our history that extends well beyond what is taught in a university classroom. The County should give proper weight and respect to this Tribal input. *See, e.g.,* "Technical Advisory: AB 52 and Tribal Cultural Resources in CEQA," Governor's Office of Planning and Research at 5 (encouraging agencies to consider "elder testimony, oral history, tribal government archival information, testimony of a qualified archaeologist certified by the relevant tribe, testimony of an expert certified by the tribal government, official tribal government declarations or resolutions, formal statements from a certified Tribal Historic Preservation Officer, or historical/anthropological records."). **PRC2-8**

- A number of the RDEIR's significance conclusions are unsupported. For instance: **PRC2-9**

  - The RDEIR incorrectly concludes that the removal of sites and isolates would not alter the PTNCL's ability to convey its historical significance and would not constitute an adverse impact to the PTNCL. RDEIR at 3.6-47. But, as described above, the constant destruction of isolates and sites—even those not individually eligible for the NRHP—causes a significant cumulative impact on the PTNCL and the recognition it receives for the next project that comes along. Yet, the only cumulative cultural resource impact the RDEIR discusses is visual. RDEIR at 3.6-51. The analysis must be revised to correct this error.

  - Similarly, the RDEIR incorrectly concludes that the Project's cumulative cultural resource impacts will be less than significant with mitigation. RDEIR at 3.6-51. For the reasons discussed above, avoidance offers the only true mitigation. CRIT's experiences with past solar projects have highlighted the fact even where a project includes mitigation, it will still disturb, alter, and often harm sacred cultural resources. The RDEIR frequent reference to sites that have been damaged or destroyed during the Oberon construction underscores this point. **PRC2-10**

  - The RDEIR concludes that the Project will have no impacts to a tribal cultural resource. RDEIR at 3.6-49. Because the Class III survey report was not provided to CRIT, the Tribes had no opportunity to review and provide input as to whether the resources included in the report should also be considered Tribal Cultural Resources under CEQA. The County should provide this document for CRIT's review and revise the RDEIR **PRC2-11**

Comment Set PRC2 – Colorado River Indian Tribes (continued)

accordingly if the Tribes inform the County of any Tribal Cultural Resources on the Project Site or area of indirect impacts. **PRC2-11 (cont'd)**

- The RDEIR should be revised to define a "Native American Monitor" as an individual who acts as a representative of a tribal government for one of the *culturally-affiliated* Tribes for the Easley Project and who has received specialized training approved by that tribal government to serve as a monitor." RDEIR at 3.6-50. **PRC2-12**

- CRIT appreciates that some of its suggestions regarding mitigation measures have been incorporated into the County's proposed mitigation, but has a number of outstanding concerns about the adequacy of these mitigation measures, some of which are repeated from CRIT's DEIR comments. In addition to the need for mitigation emphasizing avoidance and project redesign, CRIT urges the County to make the following revisions to its mitigation measures: **PRC2-13**

  - 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. (*See* MM CUL-1)

  - 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. (*See* MM CUL-1) **PRC2-14**

  - Revise MM CUL-1, MM CUL-3, and MM TCR-1 to state that *no* ground disturbing activities will take place without the physical presence of a tribal monitor at the location of the ground disturbing work throughout the entirety of the Project, not just initial activities. 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 **PRC2-15**

Comment Set PRC2 – Colorado River Indian Tribes (continued)

Tribe providing tribal monitors of any changes to the scheduling of the construction phases. **PRC2-15 (cont'd)**

- 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. MM CUL-4 should also be revised to require the developer to immediately alert culturally affiliated tribes in the event of an unanticipated discovery. **PRC2-16**
- Revise MM CUL-4 to prohibit the CRS from decreasing the tribal monitoring effort. **PRC2-17**
- Revise MM CUL-4 to better define "Native American tribal representative." **PRC2-18**
- 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. **PRC2-19**
- Revise MM CUL-6 to state that any reports prepared shall also be provided to CRIT and other culturally affiliated tribes. **PRC2-20**
- 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. **PRC2-21**
- Revise MM TCR-1 to clearly define the term "Native American Monitor." **PRC2-22**
- 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. These conditions, along with the other parameters governing reburial, shall be chosen in consultation between the culturally affiliated tribe, the County, and the developer. **PRC2-23**
- Revise the biological resources mitigation measures to provide that a copy of all biological resource mitigation monitoring reports shall be provided to CRIT. The Tribes are concerned that a number of the mitigation measures that agencies permitting solar development have been proposing for sensitive desert flora and fauna are not actually effective in mitigating harms. **PRC2-24**

Thank you for your consideration. To understand how these comments were taken into account in your decisionmaking, we ask for a written response prior to a final **PRC2-25**

Comment Set PRC2 – Colorado River Indian Tribes (continued)

PRC2-25 (cont'd)

decision. Please copy the Tribes' Attorney General Rebecca A. Loudbear, at rebecca.loudbear@crit-nsn.gov, and THPO Director Bryan Etsitty, at betsitty@crit-nsn.gov, on all correspondence to the Tribes.

Respectfully,

COLORADO RIVER INDIAN TRIBES

Amelia Flores
Chairwoman

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

1800659.4

Responses to Comment Set PRC2 – Colorado River Indian Tribes

PRC2-1 The commenter questions why the County in its previous Draft Environmental Impact Report (EIR) did not include results of the Class III survey report for the Project in its analysis, as it does in the Partially Recirculated Draft Environmental Impact Report (EIR). Additionally, the commenter requests that the Tribe be provided a copy of the Project Class III survey report.

The Easley Project is located largely on BLM-administered public land, with portions on private land under jurisdiction of the County of Riverside. The initial analysis conducted for Cultural and Tribal Cultural Resources in the DEIR considered impacts to resources located on privately owned land under the jurisdiction of the County. The cultural and tribal cultural resources section was recirculated in part to ensure the section appropriately considers potential impacts to resources located on BLM lands. As a result, Class III survey results for portions of the Project located on BLM-administered land were included in the Partially Recirculated Draft EIR.

As for the commenter's request to be provided a copy of the Class III report, the requested Class III report is property of the BLM. Archaeological resources information contained within the Class III report is confidential and may not be released to any party without the express written permission of the BLM. To receive the report, the Tribe, assuming the execution of a data sharing agreement between the Tribe and the BLM for the Project, can make the request to the BLM Palm Springs-South Coast Field Office to authorize the report's release to the Tribe.

PRC2-2 The commenter states that impacts to tribal cultural and environmental resources should be analyzed in the analysis of project alternatives and avoided to the greatest extent possible.

In accordance with Section 15126.6(a) of the California Environmental Quality Act (CEQA) Guidelines, the analysis of project alternatives in Chapter 5 considered impacts to cultural and tribal cultural resources for each alternative, including the ability of each alternative to reduce cumulative impacts to tribal cultural resources. EIR Table 5-1 (Comparison of Alternatives to the Proposed Project) compares impacts of the proposed Project to alternatives with an emphasis on reduction of significant and unavoidable impacts. Cumulative impacts to Tribal Cultural Resources would be similar to the proposed Project for EIR Alternatives A3, B, C, and D, but would be less than significant for EIR Alternatives A1, A2, and E.

PRC2-3 The commenter expresses Tribal concerns regarding some of the prehistoric resources identified on the Project lands administered by the BLM. In the instance of previously identified site P-33-015089, the commenter requests further explanation for the absence of the prehistoric components of the site during a revisit to the site during Class III surveys for Easley.

Management of resources found on BLM-administered land falls under the purview of the BLM, subject to agency specific policies. As such, the County does not speculate as to why and how certain resources located on land outside its jurisdiction may have become displaced. However, the prehistoric constituents were absent during Class III surveys for the current Easley Project, and the site was determined by BLM, with SHPO concurrence, to be not eligible for listing in the NRHP.

PRC2-4 The commenter expresses Tribal concerns regarding some of prehistoric resources identified on the Project on lands administered by the BLM, specifically P-33-018268 and 19-387-KH-016, having been collected. The commenter further states the Tribe's opposition to collection of prehistoric resources for the purpose of curation.

Management of resources found on BLM-administered land falls under the purview of the BLM, subject to agency specific policies. As such, the County does not have insight into collection policies and their purpose in the instance of the two resources in question. The BLM is responsible for carrying out government-to-government consultation regarding resources on BLM land. The County understands that BLM assessed various resources under the Archaeological Resources Protection Act (ARPA) and has temporarily collected them.

PRC2-5 The commenter states the Tribes' objection to the Partially Recirculated Draft EIR's analysis of impacts to the Prehistoric Trails Network Cultural Landscape (PTNCL), as a result of previous contributors to the PTNCL having been collected during the development of a neighboring project and, thus, removed from the landscape.

The impacts discussion concerning cultural and tribal cultural resources for the current Project represents the analysis of existing conditions of cultural and tribal cultural resources within the Project area. As noted above, the County understands that BLM assessed various resources under the ARPA to address collection of resources on the Oberon Project site, and that these resources were collected in accordance with that assessment rather than destroyed as a result of construction of the Oberon Project. Because these resources have been collected and are no longer present on the Easley Project site, the Project will not have a direct or indirect impact on the resources. Additionally, no PTNCL trail segments have been documented or are known to exist within the Easley Project area of direct impacts, and no other character defining features of the PTNCL have been documented or known to exist with the Project area of direct impacts. Accordingly, the Project would not demolish or materially alter in an adverse manner any characteristics of the PTNCL that convey its historical significance and justify its eligibility for inclusion in the CRHR.

Although no direct impacts to the PTNCL-contributing resources are expected to precipitate from the development of the Project, the County does recognize the Project's incremental contribution to adverse cumulative visual impacts to the PTNCL as discussed in Section 3.6.6. More specifically, while the visual changes resulting from the Project would be in kind with the current nature and scale of existing visible developments, the addition of more industrial components to the Chuckwalla Valley, as a result of the Project in combination with past projects, other current projects, and probable future projects, would contribute to adverse visual impacts to the PTNCL, particularly from character defining features within the PTNCL. The Project would implement Mitigation Measures CUL-1 through MM CUL-6, MM TCR-1, MM TCR-2, AES-1 and AES-2, which would avoid and minimize impacts to archaeological resources and employ design elements that reduce the Project's visual contrast to characteristics of the landscape, reducing project-level impacts to less than significant. However, the cumulative visual impacts to the PTNCL would remain significant and unavoidable, and the Project's incremental contribution would be cumulatively considerable. All other cumulative cultural and tribal cultural resource impacts would be less than significant, and the Project's incremental contribution would not be cumulatively considerable.

PRC2-6 The commenter asserts that the Partially Recirculated Draft EIR fails to fully recognize the "scope of the sacred landscape in and surrounding the proposed Project site," noting that importance of mountains throughout the Chuckwalla Valleys, and more specifically, Mule Mountain, in its analysis. The commenter further discusses isolated ceramic finds at other solar projects as indicating the presence of "village sites" located throughout Chuckwalla Valley, further claiming that ceramic finds should not be categorized as isolates.

The nearest Project element is more than 30 miles away and is not visible from Mule Mountain. The PRDEIR also addresses tribal concerns about development within Chuckwalla Valley.

(See PRDEIR sections 3.6.3.5 and 3.6.6.) As such, the County's treatment of Mule Mountain and Chuckwalla Valley in the PRDEIR is reasonable and adequate. In preparing the analysis regarding cultural and tribal cultural resources for the EIR, the County reviewed cultural resources technical studies for the Project that discuss the efforts, overseen by qualified cultural resources professionals, to identify historical and cultural resources that have the potential to be impacted by implementation of the Project, either directly and/or indirectly. These technical studies defined the parameters for recording of resources as "sites" or "isolates." Meeting requirements of the County, as well as BLM as lead federal agency on the Project, these technical studies have been deemed by the County to be adequate for the purposes of CEQA.

Assigning a resource to the category of "site" or "isolate" does not change how it is evaluated for listing on the CRHR. The presence of prehistoric ceramics does not necessarily indicate the presence of a village site and other indicators of such a resource have not been identified in the Project area. Reviewing the cultural resources technical studies conducted for the Easley Project, the County did not find any resources identified during survey that met any criteria required for listing in the CRHR. None of the resources could be directly associated with any events making a significant contribution to broad patterns of history or linked with any particular person, thus, not eligible for listing under Criteria 1 and 2. None of the resources were found to embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction; therefore, none are significant under Criterion 3. Additional study of any of the resources identified is unlikely to contribute important information valuable to our understanding of the past, therefore, none are considered eligible under Criterion 4.

The assessment of impacts includes an analysis of cumulative impacts resulting from the Project, which incorporates an examination of "the Project's impact and those likely to occur as a result of other existing, proposed, and reasonably foreseeable projects," (Section 3.6.6). In this analysis, the Project is presented in the context of surrounding developments within the same geographic area. Based on the examination of the Project in relation to other projects in the area, it was determined that, as presented in Section 3.6.6, the Project's incremental contribution to visual impacts to the PTNCL would be cumulatively considerable. All other cumulative cultural and tribal cultural resource impacts would be less than significant, and the Project's incremental contribution would not be cumulatively considerable. See also Response to Comment PRC2-5.

PRC2-7 The commenter notes the number of known prehistoric isolates within the Project area increased between the Draft EIR and PRDEIR, expressing concerns of the Project disturbing previously unidentified cultural and tribal cultural resources.

Concerning the increase in the number of known isolates within the Project area, please refer to Response to Comments PRC2-01. The number has increased in the PRDEIR because of inclusion of data from BLM lands, which was not included in the Original EIR.

To address concerns about potential impacts to other, previously unidentified cultural and tribal resource discoveries as a result of construction and operation of the Project, ten mitigation measures have been developed to address potential adverse impacts to such resources, including WEAP training, archaeological and tribal monitors, unanticipated resource procedures, and procedures for reburial or permanent curation.

PRC2-8 The commenter disagrees with the PRDEIR's presentation of the timeline of human occupation in the Chuckwalla Valley. The commenter also calls for the County to seek Tribal input to gain a better understanding of the history of the area and its use.

The commenter's contention that the Tribes' presence in the area pre-dates our current understanding, archaeologically, of the timeline of human occupation, is noted. The County understands that the Project is located within the ancestral territory of CRIT and other Tribes. The reference to "temporal association" was for purposes of determining whether, in the County's discretion, the Chuckwalla Valley could qualify as a TCR. Please see EIR Section 3.6.3.5.

Concerning the County seeking Tribal input, please refer to Response to Comments PRC2-06.

PRC2-9 The commenter disagrees with the PRDEIR's conclusion that the removal of prehistoric resources would not adversely impact the PTNCL, and contends that the resources will be destroyed. Additionally, the commenter disagrees with the PRDEIR conclusion that cumulative impacts to the PTNCL would only be visual.

As stated in Section 3.6.5, of the prehistoric resources identified, none that can be clearly associated with the PTNCL are present on the Project. Due to their widespread occurrences, removal of these sites and isolates would not alter the PTNCL's ability to convey its historical significance. As non-contributors to the PTNCL, therefore, their removal does not constitute an adverse direct impact.

Addressing the Tribes' concerns about the potential destruction of prehistoric resources identified on the Project site, MM TCR-2 (Artifact Disposition) was developed to address these concerns. The mitigation measure specifically requires the reburial of artifacts associated with prehistoric resources as near as possible to the original location and be protected from future impacts as allowed by the County and by BLM for resources identified on federal land. Please also see Response to Comment PRC2-5.

PRC2-10 The commenter states that the only real mitigation for impacts to cultural resources is avoidance.

As discussed in Section 3.6, impacts to tribal cultural resources are not anticipated because no tribal cultural resources have been found in the Project area or identified through tribal consultation that are listed in the CRHR or have been determined to be eligible for such listing, nor is there evidence on which the County could, in its discretion, determine that there are tribal cultural resources impacted by the Project. Should buried archaeological deposits be uncovered during project implementation, and should such resources qualify as tribal cultural resources under CEQA, MM CUL-1 through MM CUL-6, MM TCR-1, and MM TCR-2, which would reduce potential impacts to less-than-significant levels by requiring cultural resources training for construction workers, archaeological and Native American monitoring during construction, and appropriate treatment of unearthed archaeological resources during construction.

PRC2-11 The commenter requests that the County provide the Class III survey report for review.

See Response to Comment PRC2-1. Management of resources found on BLM-administered land falls under the purview of the BLM, subject to agency specific policies. The BLM, as lead federal agency, is responsible for carrying out government-to-government consultation regarding Tribal input for the Class III report.

The requested Class III report is property of the BLM. Archaeological resources information contained within the Class III report is confidential and may not be released to any party

without the express written permission of the BLM. To receive the report, the Tribe, assuming the execution of a data sharing agreement between the Tribe and the BLM for the Project, can make the request to the BLM Palm Springs-South Coast Field Office to authorize the report's release to the Tribe.

PRC2-12 The commenter requests revisions to PRDEIR to define the term "Native American Monitor."

See APM CULT-1 for the definition of Native American Monitor, which is consistent with the commenter's request.

PRC2-13 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 County conducted government-to-government consultation in accordance with AB 52. Pursuant to MM CUL-1, MM CUL-2, and MM TCR-1, development of the CRMP and WEAP will include tribal review, and the Applicant will enter into an agreement with interested tribes for Native American Monitor(s), which will have the authority to be on-site during all initial ground disturbing activities and excavation of each portion of the Project site including clearing, grubbing, tree removals, grading and trenching and, in conjunction with the Archaeological Monitor(s), the Native American Monitor(s) shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow identification, evaluation, and potential recovery of cultural resources. Please refer to a new APM CULT-1 (Native American Monitoring) in Section 2.7.1 (Applicant Proposed Measures) and Section 3.6 (Cultural Resources) of the Final EIR, which addresses "culturally-affiliated" tribes.

PRC2-14 The commenter requests revisions to the MM CUL-1 to require consultation with affiliated tribes during the development of the Cultural Resource Monitoring Program, with culturally affiliated tribal groups being given the opportunity to review on a draft Plan.

Concerning the requests for revisions to MM CUL-1 to require consultation with affiliated tribes during development of monitoring plans, please see Response to Comment PRC2-13.

PRC2-15 The commenter requests revisions to 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.

The requested language revising the three mitigation measures dealing with monitoring of ground disturbing activities is already included in MM TCR-1 which requires that: "[t]he Native American Monitor(s) shall be on-site during all initial ground disturbing activities and excavation of each portion of the Project site including clearing, grubbing, tree removals, grading and trenching." Following initial ground disturbing activities during project construction, there would be limited additional ground disturbing activities which would occur in areas previously impacted by construction. Thus, additional monitoring during operations is not required.

PRC2-16 The commenter requests revisions to MM CUL-4 to state that a tribal monitor shall be called "immediately upon discovery of a cultural resources if a tribal monitor is not already present." Additionally, the commenter requests that language be added requiring the developer to notify culturally affiliated tribes of all unanticipated discoveries.

MM CUL-4 already requires that a meeting shall be convened between the developer, the project archaeologist, the Native American tribal representative, and the County Archaeologist to discuss the significance of any discoveries. MM TCR-1 also requires that the Native American Monitor(s) shall be on-site during all initial ground disturbing activities and excavation of each portion of the Project site including clearing, grubbing, tree removals,

grading and trenching. Please refer to a new APM CULT-1 (Native American Monitoring) in Section 2.7.1 (Applicant Proposed Measures) and Section 3.6 (Cultural Resources) of the Final EIR, which includes the commenter's requested language.

PRC2-17 The commenter requests revisions to MM CUL-4 to prohibit the CRS from decreasing the monitoring effort.

The archaeological monitoring levels will be determined by construction activity and location. This process will be defined in the CRMP required by MM CUL-1. These plans will be distributed and consulted on prior to implementation. Any adjustments in monitoring levels will be made in consultation with reviewing agencies. Further, MM TCR-1 requires Native American Monitor(s) to be on-site during all initial ground disturbing activities and excavation of each portion of the Project site including clearing, grubbing, tree removals, grading and trenching. No revisions to MM CUL-4 are necessary.

PRC2-18 The commenter requests revisions to MM CUL-4 to better define the term "Native American tribal representative."

See APM CULT-1 for the definition of Native American Monitor, which is consistent with the commenter's request.

PRC2-19 The commenter requests revisions to MM CUL-4 to state that CRIT, specifically, should be consulted upon the halting of work to assess and evaluate any newly identified cultural resource.

The County will conduct government-to-government consultation with any tribe that consulted with the County during the AB 52 consultation process during CEQA review. This consultation will include tribal review of unanticipated finds as outlined in CRMP to be developed for the Project. Please refer to a new APM CULT-1 (Native American Monitoring) in Section 2.7.1 (Applicant Proposed Measures) and Section 3.6 (Cultural Resources) of the Final EIR.

PRC2-20 The commenter requests revisions to MM CUL-6 to state that any reports shall be provided to CRIT, specifically, as well as other cultural affiliated tribes.

The Easley Project is located largely on BLM-administered public land, with portions on private land under jurisdiction of the County of Riverside. Cultural resources reports contain confidential information about resources that are managed by BLM on BLM-administered public land and by the County for private lands. As such, all cultural resource reports for the Easley Project would be disseminated by either the BLM or the County at their sole discretion.

PRC2-21 The commenter requests 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, however, the County, as part of developing the CRMP as required by MM CUL-1, will provide the draft monitoring plan to AB 52 consulting tribes for review and comment.

PRC2-22 The commenter requests revisions to MM TCR-1 (Native American Monitor) to clearly define the term "Native American Monitor." Please see Response to Comment PRC2-12.

Please refer to a new APM CULT-1 (Native American Monitoring) in Section 2.7.1 (Applicant Proposed Measures) and Section 3.6 (Cultural Resources) of the Final EIR.

PRC2-23 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."

MM TCR-2 is aligned with the wording for the Condition of Approval (COA) concerning Artifact Disposition at the Project's conclusion as determined during AB 52 consultation for the Project. The mitigation measure as written clarifies that information/details about the location and contents of resources to be reburied at the end of the Project, which will be protected from future impacts and will be kept confidential and not subject to a Public Records Request.

PRC2-24 The commenter has requested that the biological resources mitigation measures be revised to provide that a copy of all biological resource mitigation monitoring reports shall be provided to CRIT.

Potential impacts to sensitive desert flora and fauna and recommended mitigation measures are discussed in EIR Section 3.5 (Biological Resources). The Applicant has prepared technical reports and management plans, including draft biological resources management plans that are required by the biological resources mitigation measures listed in EIR Section 3.5.7. These plans were added to the Partially Recirculated Draft EIR as EIR Appendices M through CC and are currently available for review.

Any daily monitoring logs or reports will be submitted to Riverside County and are public records that may be requested from the County pursuant to a Public Resources Act request. Additionally, any sensitive species occurrences are submitted to the California Natural Diversity Database (CNDDB), which is a publicly available inventory of the status and locations of rare plants and animals in California. No revisions to the biological resources mitigation measures are necessary.

PRC2-25 The commenter's request for a written response to understand how Comments PRC2-1 through PRC2-24 were considered by the County prior to a final decision on the Project is acknowledged through publication of this Final EIR, including responses to comments herein (EIR Appendix DD).

The requested CRIT contacts have been added to the Project mailing list for Final EIR notification.

4.4 Individuals

Comment Set PRD1 – Vicki Bucklin

Email: Easley Renewable Energy Project

From: Vicki Bucklin <vickibucklin@pugetisland.com>
Sent: Friday, July 5, 2024 3:01:14 PM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Cc: mark carrington <mcarrington81@gmail.com>; Teresa Pierce <teresapierce52@gmail.com>; Vicki Bucklin <vickibucklin@pugetisland.com>; allen@grantdevelopment.com <allen@grantdevelopment.com>; Frank Angel <fangel@angellaw.com>
Subject: Easley Solar July 8 Comment Deadline

Tim,

We need a minimum of two more weeks for comments. Three would be more appropriate. **PRD1-1**

I have spent this entire week and last getting vacation responses for all those experts I am trying to reach to prepare our comments.

It appears that this Public Comment window was planned intentionally to limit public input. It started with a holiday weekend and ended with a holiday in the middle of the week.

Many of the senior members and experts in Conservation Groups and Government Agencies have taken the entire first week of July off.

This makes it impossible to reach the people we need to talk with.

Once they return they'll have a backlog, and we won't be able to bring our topic forward in time to meet the deadline.

Please change the input deadline to July 22nd or later.

Vicki Bucklin
Active Communities/Desert Center

Comment Set PRD1 – Vicki Bucklin (continued)

Email: Easley Renewable Energy Project

From: Vicki Bucklin <vickibucklin@pugetisland.com>
Sent: Monday, July 8, 2024 1:41 PM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>; mcarrington81@gmail.com; teresapierce52@gmail.com; allen@grantdevelopment.com
Cc: Vicki Bucklin <vickibucklin@pugetisland.com>
Subject: Input for Easley Solar PRDEIR Support for Alternative E, and Second Choice Support Alternative C

Tim,

My first preference in response to this document is support for Alternative E. Put the solar where the users are and avoid all the water degradation and environmental thrashing of the Natural Desert. **PRD1-2**

Alternative C, if followed to the letter, is an acceptable option to receive permission to build. Please note this as my second choice. We realize this Alternative will still cause us harm especially during installation, but we are NOT against solar. We expect, as per regulations, there will be substantial mitigation as the facts develop.

Due to erroneous maps presented by Oberon, Riverside County may still not realize that the great majority of **Alternative C's 1-Mile Buffer Area is NOT in the DFA.** **PRD1-3**
It's my understanding that the **1-Mile Buffer Zone, which has never been within the DFA, will require an official EIS prior to any development.**

There is NO other "build" option that preserves our Desert Dry Wash Woodland. Alternative B is not an option due to a multiple of known harms it will cause. **PRD1-4**

- Alternative B does not address dust management adequately, and this project is positioned at the point of prevailing winds for our Community. Alternative B is positioned too close for the developer to protect the Community from dust even with the strictest policies during the winter months when northern winds prevail.
- Alternative B does not adequately address the results from an expected draw-down of our water level to 900 feet below the Sustainable Annual Yield during the development stage of the project. **PRD1-5**
- Alternative B will reduce property values in our community severely. Our community will be surrounded on 3 sides by industrial fencing and panels. No other Community has yet faced such a dilemma. Developers will not build here, and it will not be a desirable place to visit. It will become a depressed Community, lost among a sea of Solar Panels. **PRD1-6**
- Alternative B will not only destroy at least 10 acres of highly valued Desert Dry Wash Woodland, it will also disturb hundreds of acres of the micropyle in the soil between the washes where they intend to add fencing and solar panels. This disrupts wildlife traffic patterns throughout, destroying the natural habitat. **PRD1-7**

Comment Set PRD1 – Vicki Bucklin (continued)

- **CEQA requires the selection of one Alternative that will avoid one or more significant effects on the environment. Alternative B has already been shown to have no significant difference in effects from their original POD under the original DEIR.**

PRD1-8

Riverside County Code section 17.200.050 states: "A **conditional use permit shall not be granted** unless the applicant demonstrates that the proposed use will not be detrimental to the health, safety of general welfare of the community. Any permit that is granted shall be subject to such conditions as shall be necessary to protect the health, safety or general welfare of the community."

Riverside County Code section 17.208.040 states: : "A **public use permit shall not be granted** unless the applicant demonstrates that the proposed use will not be detrimental to the health, safety of general welfare of the community. Any permit that is granted shall be subject to such conditions as shall be necessary to protect the health, safety or general welfare of the community."

PRD1-9

In the PRDEIR, Intersect Power referred to "10 acres" of DDWW they plan to destroy. They simply failed to mention how many hundreds of acres of desert crust and micropyle will be thrashed between the washes as they put their solar panels in between.

PRD1-10

Intersect Power's record of intentional minimization of damages to be caused by their plans, and their failure to be forthright about actual destructive practices, cannot be overlooked. This behavior shows complete disregard for an endangered species. The company has already destroyed acres and acres of Tortoise habitat, while bragging about "relocating" them with monitors and treating them like pets.

If Intersect Power had any sense of decency they'd embrace and protect the Desert Tortoise's existence by sacrificing a mere 80 MW to build Alternative C.

The fact is, Riverside County has received official documentation in environmental reports that an endangered animal uses our 1-Mile Buffer Zone. If you're a Desert Tortoise, solar panels and fencing are death traps.

PRD1-11

As stated earlier, due to erroneous maps presented by Oberon, Riverside County may still not realize that the great majority of our 1-Mile Buffer Area is **NOT in the DFA.**
It's my understanding that the **1-Mile Buffer Zone, which has never been within the DFA, will require an official EIS prior to any development.**

I look forward to seeing an early approval of Alternative E.

PRD1-12

Regards,
Vicki Bucklin
AC/DC

Responses to Comment Set PRD1 – Vicki Bucklin

PRD1-1 The commenter has requested a minimum of two more weeks (July 22nd) for comments due to summer vacation schedules.

The County responded to the commenter on July 7, 2024, stating that the County will receive all "new information" regarding the Partially Recirculated Draft Environmental Impact Report (EIR) up until Friday July 12, 2024.

The County of Riverside also stated in its email response that it will always receive any communication regarding a project in the County; but whether it would be included in the Final EIR for the Easley Solar project (CUP220021) would only be from the dates mentioned in the 45-day notice and this week (up to July 12, 2024) that would pertain to 'new information', not previously mentioned in other public comments, regarding the Partially Recirculated Draft EIR.

PRD1-2 The commenter's primary support for Alternative E, followed by Alternative C as an acceptable second place option, if followed to the letter, are noted.

PRD1-3 The commenter states that the entire area within the 1-mile setback is not in the BLM Development Focus Area (DFA) for Renewable Energy Development under the Desert Renewable Energy Conservation Plan (DRECP) and would require an Environmental Impact Statement (EIS) by BLM prior to any development.

The analysis of the development of the DFA was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see General Response GR-5.

PRD1-4 The commenter's opposition to Alternative B (Reduced Footprint Alternative) is noted. The commenter's concerns about impacts to desert dry wash woodland are addressed in Final EIR Section 3.5 (Biological Resources) and for Alternative B in Final EIR Section 5.2.5.4.

Impacts related to fugitive dust are addressed in EIR Section 3.4 (Air Quality), EIR Appendix U (Dust Control Plan), and for Alternative B in EIR Section 5.2.5.3. Please also see General Response GR-2 regarding fugitive dust.

PRD1-5 The commenter states that Alternative B does not adequately address the results from an expected draw-down of our water level to 900 feet below the Sustainable Annual Yield during the development stage of the project.

Please refer to General Response GR-3 for a discussion of groundwater impacts. EIR Section 5.2.5.10 analyzes groundwater impacts from Alternative B (Reduced Footprint Alternative).

PRD1-6 The commenter states that Alternative B will severely reduce property values in the Lake Tamarisk community.

The discussion of property values was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes. Please see Response to Comment D5-26, which addresses concerns about property values.

PRD1-7 The commenter states that Alternative B will not only destroy at least 10 acres of highly valued desert dry wash woodland, it will also disturb hundreds of acres of the micropyle in the soil

between the washes, which would disrupt wildlife traffic patterns throughout and destroy natural habitat.

Impacts to biological resources from Alternative B are described in EIR Section 5.2.5.4. The section describes the reduction in impact acres to desert scrub habitat including Sonoran creosote bush scrub, desert pavement, and desert dry wash woodland. Impacts to vegetation and habitat are described in detail in Section 3.5.5, Impact BIO-1, including a description of impacts to Sonoran creosote bush scrub, desert pavement, desert dry wash woodlands, and biotic crusts. Impacts to wildlife movement are discussed in Section 3.5.5, Impact BIO-3.

PRD1-8 The commenter states that CEQA requires the selection of one Alternative that will avoid one or more significant effects on the environment and Alternative B has already been shown to have no significant difference in effects compared to the proposed Project.

EIR Section 5.3.2 (Comparison Methodology) explains that determining an environmentally superior alternative requires balancing many environmental factors. In order to identify the environmentally superior alternative, the most important impacts in each issue area were identified and compared in EIR Table 51. Although the EIR identifies an environmentally superior alternative, it is possible that the decision-makers could balance the importance of each impact area differently and reach different conclusions. In other words, the lead agency is not required to select the environmentally superior alternative. Please refer to Response to Comment PRB11-28.

The commenter is correct that the original Draft EIR and Partially Recirculated Draft EIR conclude that Alternative B would not reduce any of the Project's significant and unavoidable impacts to a less-then-significant level or result in a change to overall impact classifications or significance conclusions. As described in EIR Chapter 5, Alternative B would have similar types of impacts to the proposed Project, but would disturb a slightly smaller area within the Project application area and would move solar panel development and associated construction disturbances farther from the community of Lake Tamarisk. Due to removal of 50 acres of the closest solar panel development north and northeast of the Lake Tamarisk community, Alternative B would generate approximately up to 10 MW less of renewable energy than the proposed Project.

PRD1-9 The commenter states that Riverside County Code section 17.200.050 states that "[a] conditional use permit 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. Any permit that is granted shall be subject to such conditions as shall be necessary to protect the health, safety or general welfare of the community." Riverside County Code section 17.208.040 states similar requirements regarding issuance of a public use permit.

The analysis of the requirements of the cited Riverside County Code provisions was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

In issuing a conditional use permit (CUP), the County imposes conditions on the Applicant that address the health, safety, and general welfare of the community and the Project's effects on the environment. Please also see Response to Comment PRB11-6.

PRD1-10 The commenter states that the Partially Recirculated Draft EIR assumes that 10 acres of desert dry wash woodland would be impacted by the Project, but it does not mention how many hundreds of acres of desert crust and micropyle would be impacted between the washes by solar panels.

Refer to Response to Comment PRD1-7.

PRD1-11 The commenter states that the Applicant has not been forthright about destructive practices that disregard endangered species. The commenter states that the Applicant has destroyed many acres of desert tortoise habitat, and that Alternative C would protect desert tortoise by further reducing impacts in the requested setback buffer zone.

Refer to General Response GR-8 regarding the siting of the Project within a BLM Development Focus Area (DFA) designated by the DRECP LUPA (2016) and the buffer zone. Impacts to vegetation and habitat are presented in detail in Section 3.5.5 of the EIR in Impact BIO-1, including acres of impact to each habitat type; impacts to desert tortoise are presented in detail in Impact BIO-2. Implementation of mitigation measures would avoid and minimize impacts to habitat (MM BIO-1 through MM BIO-5) and desert tortoise (MM BIO-7), as described in detail in Section 3.5.5. Impacts due to implementation of Alternative C are presented in Section 5.2.5.4.

PRD1-12 The commenter reiterates that due to erroneous mapping, it appears that the great majority of the commenter-requested buffer area is not within a designated DRECP DFA and would require an EIS prior to development.

The analysis of the development of the DFA was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see General Response GR-5.

The commenter's support for Alternative E is noted.

Comment Set PRD2 – Mark Goddard

Email: Easley Renewable Energy Project

From: Mark Goddard <beatingdrums@msn.com>
Sent: Thursday, July 11, 2024 1:56 PM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Subject: Precautionary Re-Send / Fw: Tamarisk Community Resident Comment Submission, Addressing the "Partially Recirculated Draft EIR for the IP Easley Renewable Energy Project" / Mark Goddard / July 05, 2024

Please note: Submission date, July 11, 2024

Mr Wheeler,

Please see the "Partially Recirculated Draft EIR for the IP Easley Renewable Energy Project" comment submission document/.docx file attachment.

While a closely related comment submission email (see below) had been sent-out/confirmed by your Office earlier this month (and can be referenced), on July 5th, please note that ** The attached file document content is my final comment submission, superceding my previous, related email comment submission as my preferred, intended formal submission.**

Thank you,
Mark Goddard

From: Mark Goddard <beatingdrums@msn.com>
Sent: Friday, July 5, 2024 6:49 PM
To: TWheeler@rivco.org <TWheeler@rivco.org>
Subject: Tamarisk Community Resident Comment Submission, Addressing the "Partially Recirculated Draft EIR for the IP Easley Renewable Energy Project" / Mark Goddard / July 05, 2024

This Comment, Addressing the "Partially Recirculated Draft EIR for the IP Easley Renewable Energy Project", Submitted By:

Name: Mark Goddard
Address: 44001 Shadow Way, Desert Center, CA 92239
email Address: beatingdrums@msn.com
email Submission Date: July 05, 2024

* Please Notify Me Regarding Future, Related Solar Development Project EIR Hearings.

PRD2-1

To the Attention of the Riverside County TLMA Planning Department:

Attn: Mr. Tim Wheeler, Project Planner
4080 Lemon Street, 12th Floor
P.O. Box 1409, Riverside CA 92502
(951)955-0606
email: TWheeler@rivco.org

Comment Set PRD2 – Mark Goddard (continued)

Project: Intersect Power, LLC / IP Subsidiary: Easley, LLC Solar Plant Project

Conditional Use Permit No. CUP220021
Public Use Permit No. PUP230002
Variance No. VAR230003
Development Agreement No. DA2200016

Project Location: "2 miles north of Desert Center, Riverside County, CA; moreover northeast of Highway 177/Orion Road and north of Oasis Road, east of Kaiser Road, south of Investor Avenue."

Topic:

This Comment Submission, Proposing Aternative Mitigation Measures, Requiring Scientific Research Studies which have Never, Previously been Performed, as well as Proposing Alternative Project Development Policy and Proceedural Improvements Which are Beyond Those Included in the "Partially Recirculated Draft EIR for the IP Easley Renewable Energy Project". **PRD2-2**

Dear Mr Wheeler,

The Riverside County Land Use Ordinance standard 'requires' 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."

The sobering facts presented in the "Partially Recirculated Draft EIR for the IP Easley Renewable Energy Project", make it 'crystal-clear' that the "Further Reduced Footprint Alternative C" is the 'ONLY' acceptable alternative and 'I fully support Alternative C'.

The "Partially Recirculated Draft EIR for the IP Easley Renewable Energy Project" Plan is vague and lacking in targeted specifics; sighting multiple, 'potential' options, many of which have failed previously, without adhering to/declaring a clear direction which identifys and outlines the assurances of a comprehensive plan which targets procedural and oversight/enforcement. **PRD2-3**

Conveniently . . . 'All' "Partially Recirculated Draft EIR for the IP Easley Renewable Energy Project" Plan proposals stand without being subject to the, presumably common-sense, offsetting disuasion of resulting consequences, in the event of failure to effectively implement currently deficient dust management protocols. **PRD2-4**
We have extremaly high winds, here. Exactly, how is a 'lack of risk' to human health and safety quantified and established, without *****100%***** dust management control in place?

Intersect Power has conspicuously and alarmingly demonstrated its averse disinclination, if not incompetence, in managing fugitive dust emissions, while undertaking their Oberon Project. **PRD2-5**

Intersect Power's reckless approach to development Project construction has, unquestionably, directly cultivated/resulted in 'absolutely colossal', toxic dust clouds, which proliferate, driven by aggressive prevailing winds, laying-siege to our consequently beleaguered Community.

Comment Set PRD2 – Mark Goddard (continued)

Intersect Power 'Did Not' undertake dust management protocols for the vast-majority of the Oberon Project. Main thouroufares/roadways, alone, were treated with soil, or water binders, leaving the remaining project grounds, egregiously unaddressed/neglected. **PRD2-5 (cont'd)**

The human health and safety effects of soil and water binder product(s) airborne chemicals remains unaddressed in the "Partially Recirculated Draft EIR for the IP Easley Renewable Energy Project" . . . **PRD2-6**

The chemical composition of soil and water binder products, like those in 'limited' use during the Oberon Project, while 'somewhat' helpful on one level, are of questionable value, given that, none-the-less, 'assuming application', the binder products do not completely secure all grounds consistently. **PRD2-7**

Additionally, because some ground surfaces remain loose, or are eventually loosened, along with other airborne contaminants previously addressed, binder particulates can be and are, certainly, inhaled by anyone, including Community Members and Solar Facility Crews who find themselves within the many, wind-blown miles of proximity to Solar related Developments and consequently exposed. **PRD2-8**

Irresponsibly, these binders have not been subject to formal, comprehensive scientific studies/research, in an effort to determine the human health and safety impact.
Intersect Power's grosse mishandling of the Oberon Development Project has demonstrated a consistant pattern of 'profoundly abusive and destructive', toxic dust containment recklessness.

** Additionally, re: the hazard of solar panel toxicity, another minimally explored threat to human health and safety has been entirely overlooked in Intersect Power's original, related Draft EIR, as well as their more recent, "Partially Recirculated Draft EIR for the IP Easley Renewable Energy Project": **PRD2-9**

• sciencedirect.com

Referencing this solar panel toxicity . . .

ScienceDirect: "Considering the limited toxicity data related to solar cell devices, this review makes a significant contribution to the fields of solar energy and environmental science."

ScienceDirect scientist's and researcher's findings/research conclusion:

"**Risks of contamination by leachates containing harmful chemicals are linked to environmental disasters (hurricanes, hail, and landslides).** However, research into the health and environmental safety of solar cells is rare, despite the fact that solar cell devices contain harmful chemicals such as Cd, Pb, Sn, Cu, and Al. These chemicals or components can leach out and be discharged to the environment as waste or due to device breakage, where they can adversely affect ecosystems. Therefore, we review data on the toxicity of solar cell panels or devices (and their components) as well as research trends related to leaching and recycling, then identify ****further research**** required to fill the gaps in our knowledge and data."

Comment Set PRD2 – Mark Goddard (continued)

Note: Though, somewhat counter-intuitively, the 'particular/specific' natural disaster, which remains a perpetual threat to Southern California and a large portion of the United States, is not included in the preceeding content, certainly, even a minor earthquake could, easily expose our Community to dangerous solar panel toxins, in similar fashion.

PRD2-10

Sourcing**:**

https://www.sciencedirect.com/science/article/abs/pii/S0304389420302855

• itkenergy.com**:**

PRD2-11

"**Chemical Hazard: Leaking Substances**

Most solar panels are made with materials like silicon and glass, which are generally safe. However, certain types of solar panels, known as thin-film or **CIGS** (**Copper Indium Gallium Selenide**) panels, can contain potentially harmful substances. If these panels break, they can release these chemicals into the environment, posing an environmental risk. So, it's not just about your safety but the planet's as well."

Sourcing**:**

https://www.itekenergy.com/solar-panels/are-broken-solar-panels-dangerous/

• yankeeinstitute.org

PRD2-12

Another, potential drinking water solar panel contaminants related, potential, compelled study:

Sourcing**:**

https://yankeeinstitute.org/2020/12/03/department-of-public-health-concerned-about-pfas-in-solar-panels-near-drinking-water/

Non-specifically/generically . . . Any solar development project, dust management plan proposed by a blatantly irresponsible, if not entirely rapacious, solar corporation, which displays

PRD2-13

Comment Set PRD2 – Mark Goddard (continued)

an unmistakably glaring lack of business-ethics, must be viewed with the commensurate, due skepticism. **PRD2-13**

Under similar circumstances, any such solar corporation, seeking permit approvals which grant development 'within' 1-Mile of a nearby Community, would greatly jeopardize the health and safety of that Community.

The Governor's Office of Planning and Research has confirmed that the Environmental "Leadership" Development Certification, disingenuously and strategically awarded to the Easley Solar Project, ". . . does not affect the lead Agency's discretion over the Project." **PRD2-14**

You are our County Supervisors and are in the discretionary position to require and enforce the absolutely crucial modifications, essential in the greatly needed protection of extremely vulnerable, nearby Communities, which can include the blanket denial of all Project permits.

The predictably errosive effects which, both, Intersect Power's Original Proposed Development Plan, as well as their Reduced Footprint Alternative Development Plan, would have on the Lake Tamarisk Community, as well as the Town of Desert Center, would be, without question, 'extremely' destructive and it is ethically and substantively irrefutable that those Development Project Proposals neither possess, nor demonstrate the practical integrity required in order that the Applicant meet, by-any-stretch-of-the-imagination, the stipulated, "less than significant" mitigation standard. **PRD2-15**

Additionally, the previously referenced, related County Ordinances afford 'No Allowance' for a 'Statement of Overriding Considerations', in this instance and other, similar occasions. **PRD2-16**

If either of the two noted, Intersect Power, site plan proposals were to be implemented, the deleterious, grave effect on the local quality-of-life, not to overlook the importance of the inevitable, adversely effected local property values, would be 'absolutely decimating'. **PRD2-17**

Project Development Plan, as well as the Reduced Footprint Alternative Development Plan are 'Not Qualified' for Approval, Under Any Genuinely Valid Interpretation, for Any Conditional or Public Use Permits, According to the Directives which are Clearly Set-Forth by the Associated Riverside County Ordinances.

Thank you,
Mark Goddard

Comment Set PRD2 – Mark Goddard (continued)

PRD2-18

ScienceDirect

Journal of Hazardous Materials
Volume 392, 15 June 2020, 122297

Review

Potential environmental risk of solar cells: Current knowledge and future challenges

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Received 26 December 2019, Revised 12 February 2020, Accepted 13 February 2020, Available online 14 February 2020, Version of Record 21 February 2020.

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Highlights

- Toxicity of perovskite, silicon, CdTe, and CIGS based solar cells were investigated.
- Potential leaching compounds from solar cells were reviewed.
- The environmental impacts of leaching compounds/ingredients should be determined.

Abstract

Photovoltaic (PV) technology such as solar cells and devices convert solar energy directly into electricity. Compared to fossil fuels, solar energy is considered a key form of renewable energy in terms of reducing energy-related greenhouse gas emissions and mitigating climate change. To date, the development and improvement of PV technologies has received substantial attention; however, their potential environmental risks remain unknown. Therefore, this review focuses on the potential risks of leachates derived from solar cell devices. We collect scientific literature on toxicity and leaching potential, tabulate the existing data, and discuss related challenges. Insufficient toxicity and environmental risk information currently exists. However, it is known that lead (PbI_2), tin (SnI_2), cadmium, silicon, and copper, which are major ingredients in solar cells, are harmful to the ecosystem and human health if discharged from broken products in landfills or after environmental disasters. Several research directions and policy initiatives for minimizing the environmental risks of PV technology are suggested. This review contributes to both solar energy and environmental science research.

Comment Set PRD2 – Mark Goddard (continued)

PRD2-18 (cont'd)

Graphical abstract



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Introduction

Solar energy describes “the conversion of sunlight into usable energy forms” and solar photovoltaic (PV) technology “directly converts solar energy into electricity” (IEA, 2019). Solar energy is a key renewable energy in terms of reducing energy-related greenhouse gas emissions and mitigating climate change. Therefore, technologies for solar energy have received substantial attention and solar industries have experienced significant growth. The IEA (International Energy Agency) reported that the cumulative solar PV capacity reached 2% of the global power output in 2017 and forecasted that PV would lead renewable electricity capacity growth over the next five years (IEA, 2019)

PV technology can be classified as first-generation, second-generation, or third-generation technology (Jayawardena et al., 2013; Paiano, 2015). First-generation PV technologies are predominantly based on bulk silicon such as monocrystalline, polycrystalline, and ribbon sheets. Second-generation PV technologies are based on thin films such as amorphous silicon, cadmium-telluride (CdTe), multi-junction cells, copper indium gallium diselenide (CIGS), and copper indium diselenide (CIS). Third-generation technologies are emerging technologies that use perovskite, passivated emitter and rear cells (PERC), and nanocrystalline films. Market share of polycrystalline (56 %) and monocrystalline(36 %) based solar cell was predominant, and it was followed by CdTe (5%), CIGS (2%), and amorphous-Si (<1%) in 2014 (Ramanujam et al., 2016).

PV panels and modules were widely installed in the early 1990s, leading to the generation of PV module waste after their usable lifespan (25–30 years). Therefore, regulations such as the WEEE (Waste Electrical and Electronic Equipment) Directive 2012/19/EU were established and revised for PV panel waste management in Europe (EU et al., 2012). Under the recast WEEE, “The WEEE Directive requires the producers of PV panels to ensure the take-back and recycling – including the related administration, reporting and financing - of their products within the countries of the EU”(EU, 2019). The US Solar Energy Industries Association (SEIA) has launched a national PV recycling program since 2016 (IEA, 2018).

Risks of contamination by leachates containing harmful chemicals are linked to environmental disasters (hurricanes, hail, and landslides). However, research into the health and environmental safety of solar cells is rare, despite the fact that solar cell devices contain harmful chemicals such as Cd, Pb, Sn, Cu, and Al. These chemicals or components can leach out and be discharged to the environment as waste or due to device breakage, where they can adversely affect ecosystems.

Therefore, we review data on the toxicity of solar cell panels or devices (and their components) as well as research trends related to leaching and recycling, then identify further research required to fill the gaps in our knowledge and data. Considering the limited toxicity data related to solar cell devices, this review makes a significant contribution to the fields of solar energy and environmental science.

Comment Set PRD2 – Mark Goddard (continued)

PRD2-18 (cont'd)

Section snippets

Data collection and analysis

Peer-reviewed literature was collected using keyword searches of various databases including the Web of Science, ACS publications, Google Scholar, ScienceDirect, RSC, and Springer. In order to compile data from previous research, keywords related to solar cells or toxicity were used (e.g. solar cell, PV, module, toxicity, hazard, safety, risk, leaching, life cycle assessment).

The following sections are organized by the dominant types of solar cell according to the number of collected studies.…

Perovskite-based solar cells

Perovskite-based solar PV cells are a type of PV cell containing the perovskite structure. Recently, perovskite-based solar cells have become a promising emergent technology in PV manufacture due to their low cost and simple techniques (Nature et al., 2013; Science, 2013). Therefore, many scientists have studied perovskite-based solar cells in order to improve PV efficiency and commercialization. For example, both Science and Nature reported that perovskite was one of the most significant…

CdTe-based solar cells

CdTe is a dominant and common material in thin-film PV solar cells (Poortmans and Arkhipov, 2006). Substantial CdTe production (1.8 % of the gross world product in 2012) has made it the second most common PV solar cell on the market (Kranz et al., 2013). Prior literature has reported metal leaching from CdTe solar cells (Steinberger, 1998; Fthenakis et al., 2005; Zeng et al., 2015; Tammaro et al., 2016; Nover et al., 2017; Ramos-Ruiz et al., 2017) (Table 2), most of which used leachates after…

Silicon-based solar cells

Currently, various PV technologies rely on silicon as the main ingredient such as monocrystalline silicon, polycrystalline silicon, multicrystalline silicon, amorphous silicon thin film, and multi-junction cell thin film (Koroneos et al., 2006; Paiano, 2015). This section covers previous research on the toxicity of silicon-based solar cells; specifically, two types of silicon-based solar cell: crystalline silicon solar cells and silicon-based thin films. Crystalline silicon solar cells are the…

CIGS-based solar cells

CIGS is used in thin-film PV modules and is a semiconductor compound that modifies CIS by replacing 15 % of indium with gallium to improve solar cell efficiency (Finke et al., 1996). CIGS mainly consists of Cu, Si, In, and Ga, which are potentially toxic. The advantages of CIGS PV modules include their lightweight nature, high flexibility, and low energy demand for power consumption. Bang et al. (Bang et al., 2018) reported that CIGS PV modules account for 2% of the global PV market.

We found…

Concluding remarks and remaining challenges

Photovoltaic technology has the potential to provide large amounts of sustainable energy in a range of locations, even residential or natural areas. However, it involves some potential risks, which have yet to be identified. We collected previous studies focusing on the leachability, toxicity, and recycling potential of different types of solar cell and found that limited research has involved leaching tests or toxicity assay. For example, 118,362 studies were found using the keyword 'solar…

Declaration of Competing Interest

The authors declare no conflicts of interest.…

Acknowledgments

This work was supported by the Global Frontier R&D Program on Center for Multiscale Energy System funded by the National Research Foundation under the Ministry of Science and ICT, Korea (2016M3A6A7945504).…

Comment Set PRD2 – Mark Goddard (continued)

PRD2-18 (cont'd)

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Ecotoxicological assessment of solar cell leachates: Copper indium gallium selenide (CIGS) cells show higher activity than organic photovoltaic (OPV) cells
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PRD2-18 (cont'd)

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PRD2-19

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SOLAR PANELS

Are Broken Solar Panels Dangerous? Any Risk Involved?

By KATHRYN HELTSLEY • November 8, 2023

Solar panels, those sleek and shiny marvels of modern technology, have become a common sight atop roofs and in solar farms worldwide. They promise clean, renewable energy that can help combat climate change. But what happens when these panels, designed to harness the sun's power, become damaged or broken? And will be they dangerous?

Well, in short, **yes, they can be dangerous**!

In this article, we'll try to uncover the potential risks and hazards of broken solar panels. We'll also provide practical advice on what to do if you find yourself with a damaged panel. So, if you're curious about the safety of your solar setup or wondering what to do in case of a mishap, keep reading. Let's shed some light on the subject!



Potential Risks and Hazards of Broken Solar Panels

Besides the potential risks and hazards, broken solar panels can also be a nuisance. They can be unsightly, and they can also reduce the efficiency of your solar panel system. Let's learn about the dark sides of broken solar panels.

Comment Set PRD2 – Mark Goddard (continued)

PRD2-19 (cont'd)

1. Electrical Dangers

One of the key concerns when it comes to broken solar panels is the electrical hazard they can pose. Solar panels, when exposed to sunlight, generate electricity. While solar panels are designed to be safe under normal operating conditions, damage can create a precarious situation. If there are exposed wires or damaged connectors, the risk of electrical shock increases. So, if your solar panel has seen better days and is sporting cracks or exposed wires, be cautious – it's not just your energy bill that could shock you!



2. Fire and Burn Risks

Solar panels may be built to withstand a lot, but they're not invincible. Extreme weather events like hailstorms, windstorms, or even a simple installation error can lead to physical damage, such as cracks or shattered glass. This damage can also create another danger – the risk of fire. Damaged panels can overheat, sparking a fire that endangers your property and the people around it. It's like turning your green energy into a backyard bonfire – not the eco-friendly party you had in mind!

3. Chemical Hazard: Leaking Substances

Most solar panels are made with materials like silicon and glass, which are generally safe. However, certain types of solar panels, known as thin-film or **CIGS** (**Copper Indium Gallium Selenide**) panels, can contain potentially harmful substances. If these panels break, they can release these chemicals into the environment, posing an environmental risk. So, it's not just about your safety but the planet's as well.

4. Decreased Efficiency and Loss of Investment

Broken solar panels may not always pose immediate physical dangers, but they can still impact your pocketbook. When a panel is damaged, it becomes less efficient in harnessing sunlight, which means you're not getting the full return on your investment. It's like buying a high-performance sports car and then driving it with a flat tire – it might still move, but you're not getting the performance you paid for.

What to Do if You Have a Broken Solar Panel?

Now that we've looked at the potential risks, let's explore what to do if you discover a damaged solar panel.

Safety First: Disconnect and Assess

If you suspect a panel is damaged, your first step should be to disconnect it from the system and turn off the electricity supply to that part of your solar setup. Then, carefully assess the damage. If you see exposed wires, shattered glass, or other significant issues, do not attempt to repair it yourself. Call a professional solar technician for assistance.

Contact Your Solar Provider

Get in touch with the company that installed your solar panels or the manufacturer to report the damage. They can guide you on the next steps, including possible warranties and replacement options. It's always best to rely on experts for these matters.

Insurance Claims

If you have insurance covering your solar installation, contact your insurer to file a claim for the damaged panel. Document the damage and provide all necessary information to expedite the process. Insurance can often cover the cost of replacement or repair.

Comment Set PRD2 – Mark Goddard (continued)

PRD2-19 (cont'd)

Regular Maintenance

To avoid future problems, consider scheduling regular maintenance for your solar panels. This can help catch issues before they become severe and costly. Prevention is always better than dealing with a crisis.

Environmental Considerations

If your damaged solar panels contain potentially hazardous materials, contact an environmental specialist to ensure proper disposal and cleanup. It's essential to minimize the environmental impact.

Final Thoughts

Broken solar panels can indeed be dangerous, but with the right precautions and actions, you can minimize the risks and protect your investment. Safety should always be the top priority. So, if you're wondering whether broken solar panels are dangerous, remember that taking swift and appropriate action is key. Keep shining bright, harnessing the sun's power, and together, we can continue our journey toward a cleaner, greener world.

Frequently Asked Questions and Answers

Q. Can I repair a broken solar panel on my own?

It's not advisable to repair a broken solar panel on your own, especially if it involves exposed wires or significant damage. Handling electricity and broken glass requires expertise. Contact a professional solar technician for repairs.

Q. Do insurance policies cover damage to solar panels?

Many insurance policies do cover damage to solar panels, but the extent of coverage varies. Contact your insurance provider to understand your policy and file a claim if necessary.

Q. Are all solar panels potentially hazardous if they break?

No, not all solar panels are hazardous when broken. Most traditional solar panels are made from safe materials like silicon and glass. However, certain types, such as thin-film panels, may contain hazardous substances when damaged.

Q. How often should I schedule maintenance for my solar panels?

It's a good practice to schedule annual or bi-annual maintenance for your solar panels. Regular check-ups can help identify and address issues before they become serious problems.

Q. Can damaged solar panels be recycled?

Yes, many components of damaged solar panels can be recycled. However, it's essential to contact a professional for proper disposal and recycling to minimize environmental impact.



KATHRYN HELTSLEY

- Solar Expert and Engineer

With a background in engineering and a passion for sustainability, ABC is your go-to source for all things solar. Having worked on solar projects big and small, he brings a practical approach to solar panel installation and troubleshooting. From harnessing solar energy to navigating technical hurdles, count on him to shed light on your solar journey.

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PRD2-20

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Department of Public Health concerned about PFAS in solar panels near drinking water

By Marc E. Fitch | December 3 , 2020

Government

The Department of Public Health has concerns over the presence of the chemical PFAS in solar panels that will be installed near a watershed area that supplies drinking water, but the unnamed solar company has not answered the department's questions.

During a Nov. 3 meeting of the Connecticut Water Planning Council, Lori Mathieu, chief of the CWPC Drinking Water Section of the DPH, said they were receiving "push back" on their questions related to PFAS and solar panels.

"PFAS, solar panels – We've asked the question, we've received some information, we have also received some push-back when we ask those questions about whether these panels contain PFAS and different PFAS chemicals," Mathieu said.

Comment Set PRD2 – Mark Goddard (continued)

PRD2-20 (cont'd)

"You place this kind of technology in a public water-supply area, that is a concern for us," Mathieu said. "This is an important issue. Where should these go? Who is saving the money? Where is this funding going? Who is benefiting from all of this? Does the private citizen benefit from all of these installations?"

PFAS, or Polyfluoroalkyl substances, refers to a large group of manmade chemicals used for manufacturing industrial and consumer products and can accumulate in both the environment and human body over time.

The use of PFAS in firefighting foam came to light following a spill at **Bradley International Airport** that leaked thousands of gallons into the Farmington River.

In July of 2019, Gov. Ned Lamont created an **interagency task force** "to protect human health and the environment from the harmful effects" of PFAS by minimizing environmental exposures for Connecticut residents, minimize future releases of PFAS into the environment and "identify, assess and clean up historic releases of PFAS to the environment."

The legislature also approved $2 million in funds for water testing and cleanup but the COVID-19 pandemic delayed much of that work, according to an article posted by **CT Mirror**.

Reached for comment, DPH Communications Director Av Harris said he could not reveal the location of the proposed solar panel site or the name of the company because it "concerns critical infrastructure and is exempt from FOIA."

However, he did confirm that the solar company has not yet been cooperative with DPH in disclosing the chemical contents of its panels.

"In conjunction with a recent application from a water company, the DPH requested information on the PFAS content in all the components associated solar power generation and whether that PFAS can leach from the components to impact drinking water supplies," Harris wrote in an email.

"The solar company proposing to install the system did not verify that the system was PFAS free, nor did it confirm that PFAS potentially in the system could not adversely affect the public drinking water source of supply," Harris said.

Although the location of the solar panel development is unknown, according to the Connecticut Siting Council, there is an application posted for a solar generating facility in South Windsor and petitions for construction of solar panel electricity generating facilities in Hampton, Ansonia, Stonington, Watertown, East Windsor, Southington, Hamden, Bristol, Bethlehem and Burlington.

Basically, there could be more solar panel facilities popping up all over Connecticut, part of the state government's push for the state to generate all of its electricity from renewable resources by 2050.

Comment Set PRD2 – Mark Goddard (continued)

PRD2-20 (cont'd)

According to the **Carolina Journal**, the Environmental Protection Agency confirmed that a PFAS chemical treatment known as GenX is used in the production of solar panel components and that they're not really sure what the potential effects of those chemicals could be.

The concern over PFAS chemicals made its way to the U.S. House of Representatives, where a bill requiring the labeling of certain PFAS chemicals as hazardous and investigation into other chemicals by the EPA passed in January of 2020 but hasn't been taken up in the Senate.

However, some solar advocates dismiss the concern over PFAS in solar panels.

According to **Dr. Annick Anctil** of Michigan State University, "PFAS is not customarily used in solar panels because safer, effective alternatives have already been developed and commercialized. Moreover, no studies have shown the presence of leaching of PFAS from PV panels – either while they are in active use or at the end of their life (e.g., in a landfill)."

In a **2018 presentation** by the New Hampshire Department of Environmental Services, the department said it had not found PFAS contamination near solar sites but had not specifically studied run-off near solar installations and hadn't reviewed solar panel designs to determine if PFAS was used.

Meghan Portfolio contributed to this article

Tagged under Av Harris, Connecticut Water Planning Council, Department of Public Health, drinking water, Gov. Ned Lamont, PFAS, regulation, solar panels



MARC E. FITCH

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PRD2-20 (cont'd)

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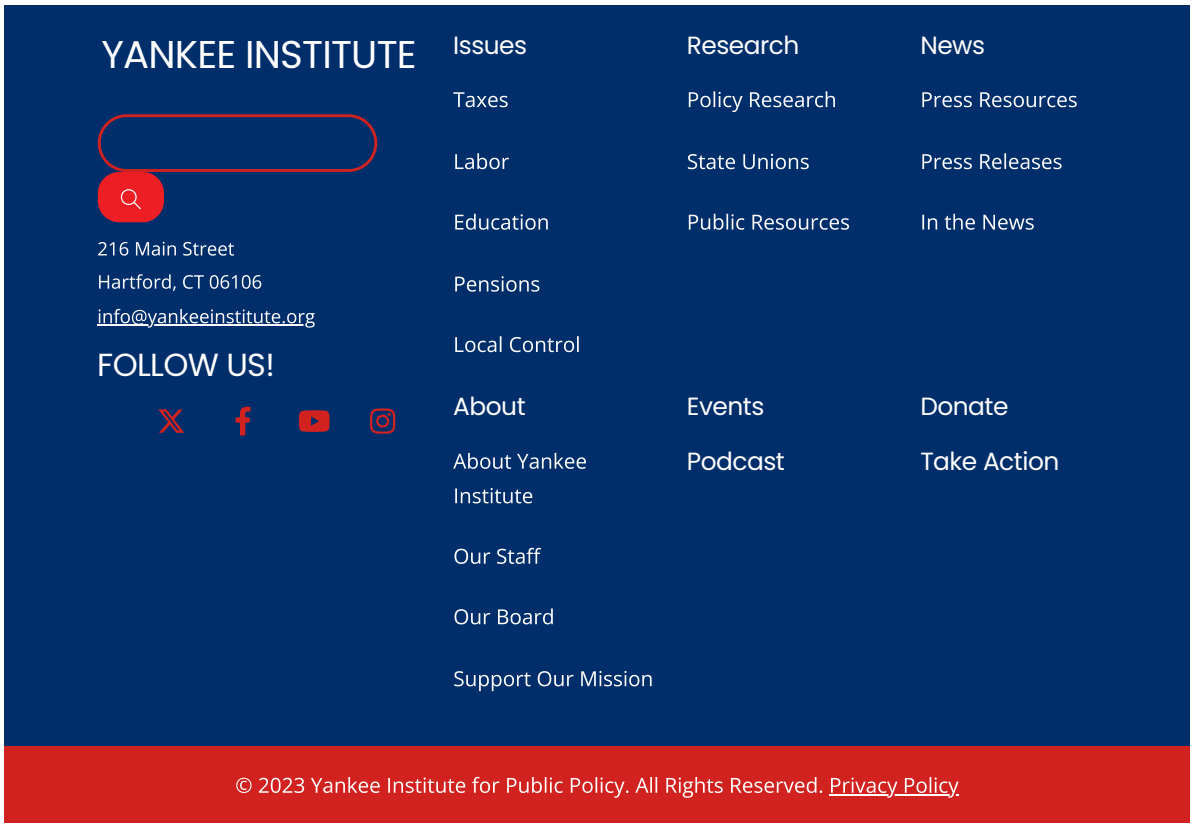
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PRD2-20 (cont'd)



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Responses to Comment Set PRD2 – Mark Goddard

PRD2-1 The commenter's request to be notified of future, related solar development project EIR hearings is noted.

See also Comment Set D1 for responses to comments submitted by the same commenter on the original Draft EIR.

PRD2-2 The commenter states that the Riverside County Land Use Ordinance standard 'requires' 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."

The analysis of the requirements of the Riverside County Code was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Response to Comment PRD1-9, which discusses the Riverside County Land Use Ordinance. The commenter's support for Alternative C is noted.

PRD2-3 The commenter states that the Partially Recirculated Draft EIR (EIR) for the IP Easley Renewable Energy Project is vague and lacking in targeted specifics; sighting multiple, 'potential' options, many of which have failed previously, without adhering to/declaring a clear direction which identifies and outlines the assurances of a comprehensive plan which targets procedural and oversight/enforcement.

Without specifics, it is not clear to what part of the Partially Recirculated Draft EIR the commenter is referring; however, based on the paragraph that follows, it is assumed that the commenter is referencing dust control measures. Therefore, please see Response to Comment PRD2-4. Please see also Responses to Comments PRD2-4 through PRD2-20, which respond to commenter's specific comments.

PRD2-4 The commenter expresses concern in the event of failure to effectively implement currently deficient dust management protocols due to high winds in the area.

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see General Response GR-2 regarding fugitive dust control, as well as EIR Appendix U for the Project's draft Dust Control Plan and EIR Section 3.4 (Air Quality), which address impacts related to fugitive dust.

Further, the commenter asks how is a 'lack of risk' to human health and safety quantified and established, without *100%* dust management control in place?

Please see General Response GR-2, as well as Responses to Comments B3-18, B9-2, and B9-20 regarding human health impacts related to the Project and fugitive dust.

PRD2-5 The commenter states that Intersect Power has not managed fugitive dust emissions well during construction of the Oberon Project. The commenter states that Intersect Power did not undertake dust management protocols for the vast majority of the Oberon Project and that main thoroughfares/roadways, alone, were treated with soil, or water binders, leaving the remaining project grounds, egregiously unaddressed/neglected.

The commenter references the Oberon Renewable Energy Project, which completed construction in fall 2023. Prior to its approval by the Colorado River Basin Regional Water Quality Control Board and the U.S. Bureau of Land Management (BLM), the Oberon Project underwent environmental reviews under the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA), respectively. The Oberon environmental review processes, project approvals, and mitigation monitoring (such as of implementation of dust control protocols) are separate from this Easley Project CEQA process, and Riverside County has no jurisdiction over the Oberon Project.

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see General Response GR-2 regarding fugitive dust control, as well as EIR Appendix U for the Project's draft Dust Control Plan.

PRD2-6 The commenter states that the human health and safety of soil and water binder product(s) airborne chemicals remains unaddressed in the Partially Recirculated Draft EIR.

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Soil binder (dust suppressant) would be used to assist in controlling fugitive dust during project construction. Please see General Response GR-2 regarding fugitive dust control, as well as EIR Appendix U for the Project's draft Dust Control Plan and EIR Section 3.4 (Air Quality), which address impacts related to fugitive dust. Additionally, any chemical dust suppressants or soil stabilizers used during Project construction and operation would be non-toxic. Additionally, please see Responses to Comments B3-18, B9-2, and B9-20 regarding human health impacts related to the Project and fugitive dust.

PRD2-7 The commenter expresses concern that soil and water binder products are of questionable value.

The analysis of Air Quality, including dust control, and Hazards and Hazardous Materials was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see General Response GR-2.

PRD2-8 The commenter expresses concern that loosened ground surfaces and other airborne contaminants can be inhaled by construction crews and community members.

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see General Comment GR-2 regarding fugitive dust control and Response to Comments B3-18, B9-2, B9-20, and PRD2-6 regarding human health impacts related to the Project and fugitive dust.

PRD2-9 The commenter expresses concern that solar panel toxicity is a threat to human health and safety and was not adequately addressed in Section 3.10, Hazards and Hazardous Materials, of the Draft EIR. The commenter references and includes an article from the Journal of Hazardous Materials titled "Potential environmental risk of solar cells: Current knowledge and future challenges" dated June 15, 2020. The referenced article discusses the potential toxicity of various types of solar cell panels or devices as waste or due to device breakage.

The analysis of Hazards and Hazardous Materials was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

EIR Section 3.10, Hazards and Hazardous Materials, discusses the chemicals used in the PV panels, clean up and disposal of any broken PV panels, and recycling of the PV panels at the end of their life cycle. None of the panels being considered for use by the Project contain materials that are classified as hazardous waste.

The Applicant anticipates installation of solar PV modules manufactured by First Solar for the Easley Project. First Solar modules contain a very little amount of cadmium telluride (CdTe) as the semiconductor. CdTe differs from elemental Cd due to strong bonding that leads to extremely high stability. CdTe is a stable compound that is insoluble in water and has an extremely high chemical and thermal stability, which limit its bioavailability and potential for exposure. The CDTe semiconductor layer in First Solar modules is a few microns thick. Additionally, the thin film semiconductor is encapsulated between two sheets of glass and sealed with an industrial laminate, further limiting the potential for release into the environment in the event of fire or breakage. [9].

According to a First Solar 2023 Sustainability Report, module breakage is rare and occurs only in approximately 1% of modules over 25 years or 0.04% per year. More than one-third of breakages occur during shipping and installation, therefore, broken modules would be removed prior to Project operation. During operation, most breakages consist of impact fractures in which the module is still bound together by the industrial laminate. Even in a worst-case leaching scenario, which assumes all the CdTe from broken modules were to leach as cadmium into the rainfall, Cd concentrations in soil, air, and groundwater are still below conservative human health screening levels in California. Independent analysis indicates potential Cd emissions from CdTe PV modules involved in a fire would be negligible as the majority of CdTe would remain encapsulated in glass.[10]

Broken or end of life PV panels would not be disposed of on the Project site; they would be recycled by appropriate facilities in compliance with current local, State, and federal regulations.

See also Response to Comment D5-80 regarding First Solar's solar module recycling program.

PRD2-10 The commenter continues discussion of the article from the Journal of Hazardous Materials referenced in Comment PRD2-10, specifically stating that even a minor earthquake could expose the community to dangerous solar panel toxins. Please refer to Response to Comment PRD2-9.

The analysis of Hazards and Hazardous Materials was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the

[9] First Solar, Inc. 2020. Thin Film Photovoltaic Technology FAQ. https://www.firstsolar.com/-/media/First-Solar/Project-Documents/First-Solar-Thin-Film-Photovoltaic-FAQ.ashx. Accessed July 23, 2024.

[10] First Solar, Inc. 2023. Sustainability Report 2023. https://www.firstsolar.com/Resources/Sustainability-Documents. Accessed July 23, 2024.

Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

PRD2-11 The commenter references an article by itekenergy titled "Are Broken Solar Panels Dangerous? Any Risk Involved?" and dated November 8, 2023. The article discusses the risks associated with broken or damaged solar panels including electrical hazards, risk of fire or overheating, release of chemical from certain types of panels such as Copper Indium Gallium Selenide panels, and decreased efficiency. The article also includes a discussion of what to do in the event of a damaged or broken solar panel, which includes contacting the solar provider and insurance company, and appears to be directed at small-scale users such aa a business or homeowner.

The analysis of Hazards and Hazardous Materials was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

As discussed in the Draft EIR, broken PV panels would be cleaned up completely and returned to the manufacturer or other, qualified recycler for recycling. PV panels identified as damaged prior to installation would be returned to the manufacturer, and PV panels identified as damaged during project operation would be removed and recycled. Please refer also to Response to Comment PRD2-9.

PRD2-12 The commenter references an article by Yankee Institute titled "Department of Public Health concerned about PFAS in solar panels near drinking water" dated December 3, 2020. The referenced article includes a discussion of the State of Connecticut's Department of Public Health's concerns about PFAS in drinking water in Connecticut and their interest in obtaining information on PFAS content in all components associated with solar power generation. PFAS, polyfluoroalkyl substances, are a group of manmade chemicals used in a vast number of consumer and industrial products. The article indicates that the U.S. Environmental Protection Agency (U.S. EPA) has confirmed that PFAS chemicals are used in the production of some solar panels. However, the article also quotes experts that indicate that PFAS is not customarily used in solar panels because safer, effective alternatives have been developed and commercialized and that no studies have found PFAS leaching from solar panels of PFAS contamination at solar sites.

The analysis of Hazards and Hazardous Materials was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

The U.S. EPA has issued reporting and recordkeeping requirements for PFAS under the Toxic Substance Control Act, has issued national, legally enforceable PFAS drinking water standards, and has identified two PFAS chemicals as hazardous materials under CERCLA (Superfund).

Additionally, the State of California has several regulations that prohibit the manufacturing, distribution, or sale of certain products (including textiles, food packaging, juvenile products, and cosmetics), containing PFAS chemicals, require consumer notification of PFAS above notification levels, and California Senate Bill SB-903 currently being reviewed, seeks to ban distribution, sale, or offering for sale in California products that contains intentionally added PFAS beginning January 1, 2032.

The Applicant anticipates installation of solar PV modules manufactured by First Solar for the Easley Project. There are no PFAS chemicals in any materials used in First Solar modules.

PRD2-13 The commenter expresses concerns about the Applicant's implementation of dust control protocols and states that development 'within' 1-mile of a nearby community would greatly jeopardize the health and safety of that Community.

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Response to Comment PRD2-4.

PRD2-14 The commenter is correct in stating that the Governor's Office of Planning and Research has confirmed that the Environmental Leadership Development Project (ELDP) certification does not affect the lead Agency's discretion over the Project. The commenter's request for denial of all Project permits by the Riverside County Board of Supervisors is noted.

PRD2-15 The commenter's opposition to the proposed Project and Reduced Footprint Alternative (Alternative B) is noted. The commenter states that the proposed Project and Alternative B do not meet the "'less than significant' mitigation standard."

EIR Appendix L (Mitigation Monitoring and Reporting Program [MMRP]) in the Final EIR lists all of the EIR mitigation measures, Applicant-proposed measures, Best Management Practices, and applicable Desert Renewable Energy Conservation Plan (DRECP) Conservation and Management Actions (CMAs) that are recommended for implementation should the Easley Project or an alternative be approved. In addition to the text of the measures, the MMRP lists the responsible party for implementation of the measure, the responsible monitoring party, monitoring phase/timing, and the verification approval party to ensure that the measures are properly implemented.

PRD2-16 The commenter states that a 'Statement of Overriding Considerations' would not be allowed under County ordinances.

The analysis of the Riverside County Code findings requirements for permits was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Under CEQA, Statement of Overriding Considerations may be adopted when the Lead Agency finds there would be significant project impacts, but the Lead Agency determines that other considerations outweigh the impacts. "CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable." (CEQA Guidelines Section 15093(a).)

Please also see Responses to Comments PRD1-9, PRB11-6 and PRB11-8.

PRD2-17 The commenter is concerned about the Project's effect on local quality-of-life and property values.

The discussion of property values was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated

Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Responses to Comments B4-7 and D5-26, which addresses similar concerns about property values and quality of life. Please see Responses to Comments PRD1-9 and PRB11-6, which discuss the Riverside County Land Use Ordinance.

The commenter's opposition to the proposed Project and Reduced Footprint Alternative (Alternative B) is noted.

PRD2-18 The commenter included the link to an article from ScienceDirect that has been addressed in Response to Comments PRD2-9 and PRD2-10.

PRD2-19 The commenter included the link to an article from Itekenergy.com that has been addressed in Response to Comment PRD2-11.

PRD2-20 The commenter included the link to an article from Yankee Institute that has been addressed in Response to Comment PRD2-12.

Comment Set PRD3 – Dennis Morrison

Email: Easley Renewable Energy Project

From: Dennis Morrison <dwm92307@yahoo.com>
Sent: Saturday, July 6, 2024 9:12 AM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Subject: IP Easley Solar Plant Project (CUP220021)

I'm really glad to see you have distributed rooftop solar as an alternative option under consideration for the Easley project. **PRD3-1**
I highly recommend this (alternative E) over wasting massive acreage and then having to live with the blight. Another benefit is you can hire a smaller contractor from inside the county to do the work. Win Win.

Dennis Morrison.
Sent from my iPad

Responses to Comment Set PRD3 – Dennis Morrison

PRD3-1 The commenter's support for Alternative E, Distributed Commercial and Industrial Rooftop Solar Alternative, is noted, as well as the benefit of hiring a smaller contractor from inside the County to do the work.

Note that two of the stated Project Objectives (see EIR Section 1.3) are:

- Bring living-wage jobs to Riverside County;
- 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.

As described in EIR Section 1.1 (Overview), in March 2024, the Easley Project was certified by Governor Newsom as an Environmental Leadership Development Project (ELDP) under Senate Bill (SB) 7. The Jobs and Economic Improvement Through Environmental Leadership Act of 2021 provides a streamlined CEQA review process for construction projects that qualify as ELDPs. Among other requirements, ELDPs must make substantial financial investments within California, create high-wage and highly skilled jobs, and not result in any net additional greenhouse gas emissions. See Comment Set PRB1, which includes letters submitted by the LiUNA Local Laborers No. 1184.

Comment Set PRD4 – Julie and Lars Anderson

Easley Renewable Energy Project

From: larsjulie@comcast.net <larsjulie@comcast.net>
Sent: Saturday, July 6, 2024 3:19:05 PM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Subject: Arguments for Alternative C to protect Lake Tamarisk

Dear Tim,

As a resident of Lake Tamarisk Desert Resort, I am writing to you to encourage the selection of Alternative C in the new Draft EIR which includes a 1 mile buffer zone setback from our neighborhood, berms in 2 locations to screen project from ruining our view, and a substation moved north to be completely hidden from our view. **PRD4-1**

We love our desert community and our air and water and views are being put at risk by the development of these solar farms so close to our community. We are for responsible renewable energy but not at the expense of our quality of life.

Dust and water and blinding reflections are my biggest concerns with the solar farms that have already been put in place.

Thanks for your consideration,
Julie and Lars Anderson
Lot 21 and 22, Lake Tamarisk Desert Resort

Comment Set PRD4 – Julie and Lars Anderson (continued)

Easley Renewable Energy Project

From: larsjulie@comcast.net <larsjulie@comcast.net>
Sent: Sunday, July 7, 2024 8:47:28 AM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Subject: Re: Automatic reply: Arguments for Alternative C to protect Lake Tamarisk

To clarify:

Alternative E would be our absolute first choice. Distributed solar placement on homes, businesses, parking lots, etc.

PRD4-1 (cont'd)

Julie and Lars Anderson

> On 07/06/2024 3:19 PM PDT Wheeler, Timothy <twheeler@rivco.org> wrote:
>
> I will be out of the office Friday June 28, 2024 thru the Fourth of July Holiday. I will return to the office on Monday July 8, 2024 at 8 am. I will return phone calls and emails, to the best of my ability, when I return. Thank you in advance for your patience.

Responses to Comment Set PRD4 – Julie and Lars Anderson

PRD4-1 The commenters' support for Alternative C (Further Reduced Footprint Alternative with Berms) is noted.

See EIR Section 3.4 (Air Quality), EIR Section 3.11 (Hydrology and Water Resources), and EIR Section 3.2 (Aesthetics), which address direct, indirect, and cumulative impacts of the proposed Easley Project to air quality, water, and views, respectively. Please also see General Response GR-2, which addresses fugitive dust control, and General Response GR-3, which addresses groundwater.

Regulation of the existing solar projects is outside of the scope of this Project, however, potential impacts of the Easley Project and alternatives in combination of other past, present, and reasonably foreseeable projects, including existing solar farms, are addressed under cumulative impacts in every issue area section in EIR Chapter 3 and EIR Chapter 5. Solar projects considered in the cumulative analysis are listed in Tables 3.1-1 and 3.1-2 in EIR Section 3.1.2 (Cumulative Impact Scenario).

PRD4-2 The commenters' clarifying supplemental email that states that Alternative E (distributed solar on homes, businesses, parking lots, etc.) would be the commenters' absolute first choice is noted. See also Comment Set D2 for responses to comments submitted by the same commenters on the original Draft EIR.

Comment Set PRD5 – Kent Madison

Email: Easley Renewable Energy Project

From: kmadison@eoni.com <kmadison@eoni.com>
Sent: Saturday, July 6, 2024 5:02:37 PM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Cc: 'MARK C' <mcarrington81@gmail.com>; kmadison@eoni.com <kmadison@eoni.com>
Subject: Desert Center area solar development

Tim

Please include the attached letter of concern to the record for development of solar in the Desert Center area.

Thanks

3RValve LLC
Kent Madison
29299 Madison RD
Echo,OR 97826
541-571-0581

Comment Set PRD5 – Kent Madison (continued)

Tim Wheeler
Principal Planner
RIVCO Planning Department
twheeler@rivco.org

Partially Recirculated Draft Environmental Impact Report (PRDEIR) for the Easley Solar Project.

Tim

I am a landowner at Lake Tamarisk Desert Resort and an owner of wind and solar projects in Oregon. **PRD5-1**

The owners surrounding the solar projects near Desert Center are very concerned about the way in which these large-scale solar projects have been developed. These large-scale projects have millions of acres that they could develop in, yet they continue to insist that they develop right next to the Desert Center and lake Tamarisk resort.

As a solar developer myself, I understand the economics of development as close to the distribution infrastructure as they can get. Yet if Riverside County would just set aside a 1 mile or larger "no build" buffer around our community then all the developers would be bidding and building on the cost of such a setback. The result would be that the consumer might pay a slightly higher energy rate, but all the bidders would have the same set of standards to build from.

As it currently is, there is no reason to build at any greater distance from the substation than they possibly have to. The owners of these developments live in Oregon, and you can bet that they don't give a damn about the Desert Center area other than return on investment.

The only on-site construction plan that has any protection for the Community is the "Further Reduced Footprint Alternative C". This is also identified as the Environmentally Superior Alternative C in the new Draft EIR. **PRD5-2**

This alternative includes a 1-Mile Buffer Zone Setback; Berms in 2 locations at that distance to screen the project from view; substation moved north to be completely hidden from view.

Yes, these will increase the cost of development. That cost will be passed onto the end consumer who will never see the development and the destruction of the Desert Center area. Yet, wants what they believe to be clean renewable energy. Just not in their back yard.

Comment Set PRD5 – Kent Madison (continued)

Other concerns that I have are the construction dust and continued operational dust. The depletion of the Chuckwalla Aquifer due to over pumping above the sustainable annual yield of the aquifer. There is only 100-acre feet of water left above the sustainable annual yield. This yield was around 12,000-acre feet before the development of all the agriculture and renewable energy development in the valley. **PRD5-3**

As you know fine Silica dust causes severe heath issues (our Fugitive Dust Management Plan, developed with the aid of the EPA, calls for 100% control) **PRD5-4**

Water quality degradation due to over pumping of the aquifer will be expected once the last of the annual yield is developed. If you allow the continued development and pumping of the Chuckwalla aquifer for industrial uses, there will be no future water for residential or retail commercial uses. Let's not make the Chuckwalla valley another central valley as we now know better to not over allocate the resource. **PRD5-5**

We ask that a 1-mile buffer zone be set aside for our Quality of Life and Oasis Identity= future property values. **PRD5-6**

(new study by Berkeley National Laboratory states that 12 out of 13 residents say their quality of life has diminished with solar developments over 100 MW are within 1 mile) (Oberon is 500 MW at 1/3 mile and Easley would be 400 MW at 100 feet by their plan A and B) Please don't let these out of state developers destroy our quality of life at Desert Center. **PRD5-7**

Your own Riverside County Ordinance states that a project plan may not be approved if the developer cannot show that it will not be detrimental to the Health, Safety and General Welfare of the Community. We are asking you to stand your ground and not allow these development to move forward so close to our community.

The entire area within the 1-Mile Setback is NOT in the Development Focus Area (DFA) for Renewable Energy Development so we all purchased our properties based on that protection. **PRD5-8**

This area was left out of the DFA due to its high valued habitat for the Endangered Desert Tortoise and other Special Status species of wildlife. We expect that Riverside County will honor this special area for generations to come.

We have and will continue to share our community backyard with the special wildlife communities that surround us on all sides.

Please don't get me wrong as I encourage Responsible Renewable Energy Development.

Thanks

Kent Madison Lot 147 and 148 at Lake Tamarisk Resort

Responses to Comment Set PRD5 – Kent Madison

PRD5-1 The commenter requests a 1-mile or larger "no build" buffer around the Lake Tamarisk community, which is noted.

PRD5-2 The County acknowledges the commenter's preference for Alternative C, which is identified as the Environmentally Superior Alternative in the Partially Recirculated Draft EIR. The commenter indicates that Alternative C would increase the costs of development. The comment does not address the analysis of environmental impacts in the EIR.

PRD5-3 The commenter's stated concerns include construction dust, continued operational dust, and the groundwater pumping.

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response with respect to dust management is provided for informational purposes.

Please see Response to Comment PRD5-4 and PRD5-5, which address the commenter's dust and groundwater concerns.

PRD5-4 The commenter states that fine silica dust causes severe heath issues and refers to the Fugitive Dust Management Plan submitted by the Lake Tamarisk community that calls for 100% dust control.

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Responses to Comments D5-51 to D5-55 address the Lake Tamarisk community's proposed Fugitive Dust Management Plan, which was submitted by Mark Carrington (Comment Set D5, Attachment 4). See also General Response GR-2 and Response to Comment B3-18 regarding fugitive dust and silica.

PRD5-5 The commenter states that water quality degradation due to over pumping of the aquifer will be expected once the last of the annual yield is developed.

Please refer to General Response GR-3 for a discussion of groundwater impacts and EIR Section 3.11 (Hydrology and Water Quality) for an analysis of potential groundwater impacts from the Project.

PRD5-6 The commenter asks that a 1-mile buffer zone be set aside for the Lake Tamarisk community.

As described in EIR Section 2.8.2.3, under No Project Alternative A3, the Project site is located on BLM-administered land within a Development Focus Area (DFA) and on private lands adjacent to the DFA. The Project area is near an existing substation with available capacity for additional energy transmission. If the Project were not constructed, the DFA designation makes it highly likely that a different solar developer would apply to the BLM to construct a similar solar project at this location. 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.

For BLM to amend the DRECP LUPA and designate a portion of the Project area as a solar development exclusion zone (community setback) would require a separate DRECP and CDCA land use plan amendment process outside the scope of the Easley NEPA analysis. To consider and implement a long-term buffer around the Lake Tamarisk community, the BLM must follow the

land use plan amendment process, as detailed in 43 CFR 1610.5-5. The BLM amendment process is outside of the scope of CEQA.

Please see Responses to Comments B4-7 and D5-26, which addresses similar concerns about property values and quality of life. The commenter's request for a setback buffer, which has been incorporated into Alternative C is noted.

PRD5-7 The commenter says a new study by Berkeley National Laboratory states that 12 out of 13 residents say their quality of life has diminished with solar developments over 100 MW are within 1 mile. The commenter says that a project plan may not be approved if the developer cannot show that it will not be detrimental to the Health, Safety and General Welfare of the Community and asks that the project not all move forward so close to the community.

The analysis of socioeconomic issues was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

The commenter does not provide a citation for the study referenced to confirm the source of the comment or the interpretation of the information. However, an April 2024 LBNL report on a nationwide survey states the people within ¼ mile of projects over 100 MW have a 12:1 negative feeling about the projects and that people near smaller projects have more positive than negative feelings about solar projects. (New research yields insights into attitudes and perceptions of large-scale solar project neighbors | Energy Markets & Policy (lbl.gov)). This comment does not address the analysis of environmental impacts in the EIR.

The County's review of a project requires an applicant to identify the potential effects of their project and ways to address adverse effects. In issuing a conditional use permit the County imposes conditions on the applicant that address the health, safety, and general welfare of the community and the project's effects on the environment.

Please see Response to Comment PRB11-10.

PRD5-8 The commenter states that the entire area within the setback is not in the BLM Development Focus Area (DFA) for renewable energy development, and that this area was left out of the DFA due to its high-value habitat for the endangered desert tortoise and other special-status species of wildlife.

The analysis of the development of the DFA was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Compared to the surrounding BLM-administered lands that include the Chuckwalla Area of Critical Environmental Concern, Desert Tortoise Conservation Areas, and desert tortoise designated Critical Habitat, the lands within the proposed Easley solar facility are lower value desert tortoise habitat and wildlife connectivity, as a result of existing development in the area, including residences, agriculture, and energy development. Desert tortoises are less likely to coexist in areas when more than 10% of an area is developed (Ironwood, 2024 [formerly 2023a]). This is the case for existing conditions in the area of the proposed Project. This is further supported by empirical data from Project area surveys in which no active sign of desert tortoise was observed.

Please refer to General Response GR-5 for a discussion of the BLM DFA land designations in the Project area.

The County notes that the commenter encourages responsible renewable energy development.

Comment Set PRD6 – Ann Godsey

Email: Easley Renewable Energy Project

From: Ann Godsey <anniohmy@gmail.com>
Sent: Saturday, July 6, 2024 3:54:51 PM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Subject:

Please give some consideration to the solar petition in favor of the community... It's for the betterment of all, as all the documentation proves. Thank you for your time. **PRD6-1**

Sincerely, Ann Godsey
Box 94.
Desert center, California 92239

Email: Easley Renewable Energy Project

From: Ann Godsey <anniohmy@gmail.com>
Sent: Tuesday, July 9, 2024 6:59 AM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Subject: Easley solar

Alternative B is not acceptable. The danger to wildlife and humans is not acceptable. **PRD6-2**

Sincerely,
Ann Godsey.
Po box 94
Desert center, California 92239

Email: Easley Renewable Energy Project

From: Ann Godsey <anniohmy@gmail.com>
Sent: Tuesday, July 9, 2024 8:00 AM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Subject: Input on Easley solar PRDEIR

Definitely in favor of alternative E! **PRD6-3**
And our alternative C

Thank you for your attention to this
Sincerely
Ann Godsey
Po box 94
Desert center, California 92239

Responses to Comment Set PRD6 – Ann Godsey

PRD6-1 The commenter's request for consideration to the solar petition in favor of the Lake Tamarisk community is noted. Please see Response to Comment D5-49, which includes the petition.

PRD6-2 The commenter's statement that Alternative B is not acceptable due to danger to wildlife and humans is noted. Potential impacts of Alternative B are analyzed in EIR Section 5.2.5.

PRD6-3 The commenter's support for Alternative E and Alternative C is noted.

Comment Set PRD7 – Kevin Kingma

Email: Easley Renewable Energy Project

From: Kevin K <kkman2020@gmail.com>
Sent: Saturday, July 6, 2024 3:34:31 PM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Subject: comments on Draft EIR IP Easley Solar Plant Project (CUP220021)

Dear Mr. Wheeler,

It is good to see Alternative E: Distributed Commercial and Industrial Rooftop Solar Alternative included in this DEIR. Climate change is a global problem, so solutions should be global and consider all alternatives. Considering all alternatives allows us to choose the best ones, and to rank solutions and prioritize those that cause the least harm to ecosystems. (This is well demonstrated in table 5-1.) I support maximizing distributed alternative energy - alternative E first, then pursuing other options if/when needed. **PRD7-1**

ES.2 Project Objectives **PRD7-2**

It is unclear to me if these are the applicant's - electricity service provider's objectives, or the BLM's objectives.

If these are the BLM's and the earth's environmental objectives/criteria, then I think objective 4 is written too narrowly. It should simply state "Affordably supply or reduce the need for up to 400 MW of alternative energy in California. This change allows alternative E to meet the project's objectives.

Objective 6 is important. But it should not be a disqualifier for alternative E. Similar to other alternatives, alternative E could include installing up to 650 MW of battery storage on distributed sites or BLM land (which could easily be bermed to have no visual impact). **PRD7-3**

Lastly, given alternative E's ability to meet all project objectives, I think it should be the most environmentally superior choice. **PRD7-4**

Regards,
Kevin Kingma
2367 Alva Ave.
El Cerrito, CA 94530

Responses to Comment Set PRD7 – Kevin Kingma

PRD7-1 The commenter's support for the Alternative E, Distributed Commercial and Industrial Rooftop Solar Alternative and maximizing distributed solar to combat climate change is noted.

PRD7-2 The commenter asks whether the Project Objectives are the Applicant's - electricity service provider's objectives, or the BLM's objectives. The commenter states that Project Objective #4 is written too narrowly.

Under CEQA, a lead agency has broad discretion to formulate project objectives. CEQA does not restrict an agency's discretion to identify and pursue a particular project designed to meet a particular set of objectives. CEQA simply requires the agency to thereafter prepare and certify a legally adequate EIR that provides the agency and the public alike with detailed information regarding the proposed project's significant environmental impacts, as well as reasonable alternatives that 'would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen [those impacts.] (*California Oak Found. v. Regents of Univ. of Cal.* (2010) 188 Cal.App.4th 227, 276 quoting CEQA Guidelines, § 15126.6(a).)

Furthermore, CEQA Guidelines Section 15126.6(a) states that an EIR "shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain *most* of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives" [emphasis added]. CEQA does not require an alternative fully analyzed in the EIR or approved by the decisionmakers to meet all project objectives. This is evidenced by full analysis of Alternative E in the Partially Recirculated Draft EIR. A discussion of each alternative's ability to meet Project objectives is included in Section 5.3.1 (Ability to Meet Project Objectives) of the Draft EIR.

PRD7-3 The commenter states that Project Objective #6 is important, but it should not be a disqualifier for Alternative E. The commenter states that Alternative E could include installing up to 650 MW of battery storage on distributed sites or BLM land.

Please see Response to Comment PRD7-2 regarding the Easley Project Objectives and CEQA requirements for consideration of alternatives. The commenter's support for Alternative E and suggestion to add battery storage are noted.

PRD7-4 The commenter's support for the Alternative E, Distributed Commercial and Industrial Rooftop Solar Alternative is noted.

Comment Set PRD8 – Cal Roden

Email: Easley Renewable Energy Project

From: Teresa Pierce <teresapierce52@gmail.com>
Sent: Sunday, July 7, 2024 5:32:04 PM
To: Sharon Dilley <swdilley@gmail.com>
Cc: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Subject: Re: Opposition to Easley Solar Project

Great! Thank you!

On Sun, Jul 7, 2024, 4:29 PM Sharon Dilley <swdilley@gmail.com> wrote:

> July 7, 2024
>
> TO: Tim Wheeler, Principal Planner RIVCO Planning Department
>
> FROM: Cal Roden, Lake Tamarisk Desert Resort resident
>
> RE: Opposition to Easley and response to the PRDEIR for Easley Solar Project
>
> I strongly oppose the development of The Easley Solar Project. I bought here to enjoy the peace and solitude of the Desert. I enjoy the quiet, the views and the wildlife. The wildlife has been negatively impacted and their habitat has been destroyed. The dust is an ongoing issue and affects my breathing.
>
> I support the 1-mile Buffer Zone Setback, berms in 2 locations at that distance to screen the project from view and the substation moved north to be completely hidden from view.
>
> Please protect our homes and the Desert we love and enjoy and protect the wildlife habitat and view we love.
>
> We encourage Responsible Renewable Energy Development.
>
> Thank you.

PRD8-1

Responses to Comment Set PRD8 – Cal Roden

PRD8-1 The commenter's opposition to the development of the Easley Solar Project, support for responsible renewable energy development, and support for Alternative C (Further Reduced Footprint Alternative with Berms) are noted.

The analysis of Noise and Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Section 3.13 (Noise and Vibration), Section 3.2 (Aesthetics), and Section 3.5 (Biological Resources), which evaluate potential impacts of the proposed Project related to noise, visual resources, and wildlife/habitat, respectively. Please also refer to General Response GR-2 regarding dust control.

Comment Set PRD9 – Sharon Dilley

Email: Easley Renewable Energy Project

From: Sharon Dilley <swdilley@gmail.com>
Sent: Sunday, July 7, 2024 4:26 PM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Subject: Re: Opposition to Easley Solar Project affecting Lake Tamarisk Desert Resort

July 7, 2024

TO: Tim Wheeler, Principal Planner RIVCO Planning Department

FROM: Sharon Dilley, Lake Tamarisk Desert Resort resident

RE: Opposition to the Easley Solar Project and in response to the Partially Recirculated Draft Environmental Impact Report for the Easley Solar Project.

I moved to Lake Tamarisk Desert Resort because of its location and remoteness. I love the Desert and the wildlife and peace it affords. The total disruption of the solar installations have blatantly disrupted our environment and that of the wildlife. Our air quality is definitely affected with the increased dust. We used to see the wildlife when walking in the desert but now, not only is our walking restricted by the solar but the wildlife is not seen. I haven't seen a tortoise in a long time. Where did they go? Where did the Iron Trees go? Where did the beautiful, uninterrupted views go? **PRD9-1**

The only on site construction plan that has any protection for the Lake Tamarisk Community is the Further Reduced Footprint Alternative C. This is also identified as the Environmentally Superior Alternative C in the new Draft EIR. This Alternative includes a 1-mile Buffer Zone Setback; berms in 2 locations at that distance to screen the project from view; substation moved north to be completely hidden from view. **PRD9-2**

In addition, a huge concern is the water quality and availability due to over pumping the aquifer. I understand that the entire area within the 1-mile setback is NOT in the Development Focus Area for Renewable Energy Development. I thought we were protected from the Solar encroachment. We share our Community outlying area with special wildlife that is endangered. Their habitat is being destroyed. **PRD9-3**

We encourage Responsible Renewable Energy Development. Please SAVE our Community. We live there and Love it.

Responses to Comment Set PRD9 – Sharon Dilley

PRD9-1 The commenter states that solar installations have disrupted the environment and the wildlife, and expresses concerns about impacts related to dust, wildlife, and uninterrupted views.

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Section 3.4 (Air Quality), Section 3.5 (Biological Resources), and Section 3.2 (Aesthetics), which evaluate potential impacts of the proposed Project related to dust, wildlife (desert tortoise) and ironwood trees, and visual resources (views), respectively.

Please also see General Response GR-2 related to fugitive dust control.

PRD9-2 The commenter's support for Alternative C (Further Reduced Footprint Alternative with Berms) is noted.

PRD9-3 The commenter expressed concerns about water quality and availability due to groundwater pumping. Please see General Response GR-3 and EIR Section 3.11 (Hydrology and Water Quality).

The commenter states that the entire area within the 1-mile setback is not in the BLM Development Focus Area (DFA) for Renewable Energy Development under the Desert Renewable Energy Conservation Plan (DRECP). Please see General Response GR-5 regarding the designation of DRECP DFA lands in the Project area.

Section B.5 (Biological Resources) addresses impacts to special-status wildlife species and their habitats and includes comprehensive mitigation measures to reduce impacts to a less than significant level (see EIR Section 3.5.7).

The commenter's support for responsible renewable energy development is noted.

Comment Set PRD10 – Ron Simmons

Email: Easley Renewable Energy Project

From: Ron Simmons <slushymeadows@gmail.com>
Sent: Monday, July 8, 2024 10:25 AM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>; MARK C <mcarrington81@gmail.com>
Subject: Easley Solar Project Alternatives near Desert Center CA

Tim Wheeler, Principal Planner RIVCO Planning Department:

I have been a resident of Lake Tamarisk Desert Resort for 2 1/2 years. I moved to the mobile park--my only home--because of the pristine desert surroundings, with extensive hundred-year-old mature PaloVerde and Desert Acacia trees which provide ideal habitat for the desert wildlife which abounds here. I find this environment beautiful. **PRD10-1**

I am also an off-the-charts advocate for getting the world to zero carbon emissions as soon as possible. This effort should be THE top priority for our society. I drive a Chevy Bolt and have had an electric vehicle since 2015. I have also installed my own off-grid and grid-tie solar electric systems in past years.

There are however many avenues to obtain zero-carbon electric energy in this effort. Efficient appliances and high R-value housing are important. Clean electricity is essential.

I recommend reducing the footprint and impact of the Easley Project surrounding the Lake Tamarisk community--with the following trade-
offs that will still allow the County of Riverside, the U.S. Dept. of Energy and SCAQMD to meet clean energy and clean-air goals:

1. Choose Alternative E for the areas of solar-electric around LTDR, that maintain viability for the Lake Tamarisk community and for the surrounding desert flora and fauna. This alternative advocates the key concept of Distributed Generation--which places solar panels on warehouse, business and home rooftops: exactly where the electricity is consumed. In tandem, these buildings must be offered incentives for becoming more energy efficient--such as rebates for efficient appliances, heating-cooling and lighting.

If Easley is not in the business of distributed electric installations, I suggest Riverside County explore incentives for Easley to become part of the distributed electricity expansion.
The Distributed Generation Alternative will save valuable open space as the resource it is--not just for wildlife and its habitat, but as irreplaceable watershed.

2. Implementing Distributed Generation electricity sourcing will also reduce or eliminate the need for additional high voltage transmission lines across our landscape.

3. The Distributed Generation Alternative is also the most energy efficient means of supplying our necessary electricity.

Attached is a letter on Distributed Generation in Santa Fe, NM.

Thank you,
Ron Simmons
PO Box 715 Desert Center CA 92239 26250 Parkview Dr. space 70
505-470-3014 slushymeadows@gmail.com

Comment Set PRD10 – Ron Simmons (continued)

PRD10-1 (cont'd)

Nick Schiavo, Santa Fe City Energy Specialist, is providing our community with energy consumption policies that are environmentally and economically sound. However, Schiavo's proposal to generate renewable electricity at city buildings is being opposed by PNM because PNM will lose revenue. Never mind that greenhouse gas emissions will be reduced by the City's project; never mind that this project is a start on distributed electric generation, reducung the need to build power generation plants (of any variety) in distant wild landscapes and transport that power through the landscape with unsightly transmission towers.

I urge the NM Public Utility Commission to create guidelines for this standoff that will allow Santa Fe and other NM cities to develop distributed renewable electricity while allowing PNM to add this renewable electricty to its renewable energy portfolio thresholds required by the state. If the PUC and PNM cannot come up with a win-win-win ruling (PNM, the City of Santa Fe and the environment all win), I urge the NM Legislature to enact the appropriate guidelines so that communities, not corporations, drive our energy policies.

Where possible, let's build renewable facilities in proximity to existing power plants, re-using the disturbed landscape and using existing transmission lines, as renewable generation phases out coal and nuclear plants. However, some new and some enhanced electric transmission lines will need to be developed to create the two-way "smart" grid envisioned for the future. I urge the NM Legislature to manage the development of renewable energy and new transmission lines to protect the environment and the landscape.

I urge the Legislature to direct the NM Renewable Energy Transmission Authority to make all new power transmission lines underground. Presently undergound lines are twice the cost of overhead lines. However, if the Legislature and PUC start now to encourage distributed generation (ie. the SF City plan, above) and create energy conservation legislation (require energy budgets for new and remodel construction), time can be gained for cost-reducing R & D on underground superconductor transmission lines. Underground superconductors are safer, transmit 10% more power because there is no loss through resistance and could in many instances be run in the median of the interstate highway system, minimizing the impact on environment and landscape. I urge support of Nick Schiavo's efforts in renewable, sustainable energy production and use for our city, efforts that can be a model for the state if supported by the NM Legislature, NM RETA, NM PUC and PNM.

Ron Simmons

2210 Miguel Chavez Rd. #212 Santa Fe, NM 87505 505 470-3014

Responses to Comment Set PRD10 – Ron Simmons

PRD10-1 The commenter states that he is an advocate for the goal of zero carbon emissions, through energy efficiency and clean electricity. The commenter recommends approval of Alternative E for the areas around the Lake Tamarisk community to protect the open space, wildlife, habitat, and watershed. The commenter states that distributed generation reduces/eliminates the need for high voltage transmission lines and is the most energy efficient means of supplying electricity. If the Applicant does not install distributed solar, then the commenter suggests that the County should explore incentives for the Applicant to do so. An attached letter from the commenter to New Mexico Public Utility Commission in support of distributed generation in Santa Fe, NM is noted.

The description of Alternative E in EIR Section 2.8.6 and the impact analysis in EIR Section 5.2.8 (see EIR Table 5-1, Comparison of Alternatives to the Proposed Project) discuss the environmental benefits of distributed solar.

Achieving federal climate change goals and the State's mandated Renewable Portfolio Standard (RPS) program goals require incentive programs and energy generation from a mix of renewable sources and not merely one to the exclusion of others. Various agency publications identify the need to increase renewable generating capacity from distributed generation (e.g., rooftop solar) and utility-scale sources. While distributed generation could be an alternative for any individual project, it would not, by itself achieve the RPS goals set by the California Legislature.

Although there is potential to achieve up to 400 MW of distributed solar energy, there are challenges associated with the implementation of a distributed solar technology, including site control; varying code requirements, standards, and fees; environmental and permitting requirements; interconnection and integration of distributed generation; and inefficiencies.

While distributed solar with paired energy storage is becoming more common, installation of battery storage is still limited. A Wood Mackenzie report (2023) states that in the first quarter (Q1) 2023, 11.1% of residential and 5.3% of non-residential solar systems installed in the United States were paired with energy storage. The United States total residential solar-plus-storage attachment rate (the share of solar projects installed with batteries) has more than doubled since 2019, but as of the Q1 2023 had seen three quarters of consecutive declines due to battery supply chain constraints, high interest rates, and the California Net Billing Tariff decision. The non-residential rate has been slower to grow, increasing two percentage points since 2019.[11]

While paired solar-plus-storage is beneficial in reducing greenhouse gas emissions, combatting the "duck curve," maximizing the value of solar systems, and is growing, most distributed solar installations do not include a battery component. Therefore, the County's decision not to include battery storage in Alternative E is consistent with market conditions. No revisions to the description of Alternative E in the Final EIR are necessary.

Even with installation of battery storage under Alternative E, distributed generation is not dispatchable since it is not controlled by the electric utility, and therefore, it would not wholesale renewable energy to support California's ratepayers. A discussion of Alternative E's ability to meet the Project Objectives is included in EIR Section 5.3.3.2.

The distributed solar has been fully analyzed in the EIR as Alternative E, and the County decision-makers will consider community concerns, as well as the benefits and challenges of distributed solar generation as an alternative to the proposed Project. The commenter's support for Alternative E is noted.

[11] Wood Mackenzie. 2023. The state of US distributed solar plus-storage. https://go.woodmac.com/l/131501/2023-08-08/2zmvzg/131501/1691530764uw1fVBZJ/The_state_of_US_distributed_solar_plus_storage___Extract.pdf. August.

Comment Set PRD11 – Darby DeKay

Email: Easley Renewable Energy Project

From: Chuck and Darby <chuckndarb@gmail.com>
Sent: Monday, July 8, 2024 3:17 PM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Subject: Input on Easley Solar PRDEIR

Dear Mr. Wheeler,

As a member of the Lake Tamarisk Desert Resort community I would like to express my preference in response to the Easley Solar PRDEIR being considered near our community. My 1st preference in response to this document is support for Alternative E. I am not opposed to solar, however this project encroaches on our vibrant community. I believe the best option is to put the solar where the users are and avoid the water degradation and environmental impact of the Natural Desert. **PRD11-1**

Alternative C is an acceptable option also. However, this would be my 2nd choice.

As far as I am concerned, Alternative B is not an option due to the following.: **PRD11-2**

1. It does not address dust management adequately.

2. It does not adequately address the draw-down of our water level to the Sustainable Annual Yield during the development. **PRD11-3**

3. It will destroy at least 10 acres of highly valued Desert Dry Wash Woodland, This should not be an option as it disrupts wildlife traffic patterns throughout, destroying the natural habitat. The company has already destroyed acres of Tortoise habitat. They also failed to mention how many hundreds of acres of desert crust and micropyle will be destroyed between the washes as they put in their solar panels. Riverside County has received official documentation in environmental reports that an endangered animal uses our 1-Mile Buffer Zone. **PRD11-4**

Comment Set PRD11 – Darby DeKay (continued)

4. It will severely reduce property values in our community. Our community will be surrounded on 3 sides by fencing and panels. No other Community has been forced to endure this type of invasion. Lake Tamarisk will cease to become a desirable place to live or to visit. It will destroy the little piece of Paradise that Lake Tamarisk has come to be known as.

PRD11-5

5. CEQA requires the selection of one Alternative that will avoid one or more significant effects on the environment. Alternative B has already been shown to have no significant difference in effects from their original POD under the original DEIR.

PRD11-6

Riverside County Code section 17.200.050 states: "A **conditional use permit 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. Any permit that is granted shall be subject to such conditions as shall be necessary to protect the health, safety or general welfare of the community."

If Riverside County were to approve Alternative B, they would be greatly violating the above code by not protecting the health, safety and general welfare of the community of Lake Tamarisk.

I respectfully request that the county strongly consider the approval of Alternative E.

PRD11-7

Respectfully,

Darby DeKay

Community Member and Owner

Lake Tamarisk Desert Resort

Responses to Comment Set PRD11 – Darby DeKay

PRD11-1 The County notes that the commenter's first preference is for Alternative E.

Potential impacts that would result from development of Alternative E, including to water resources and biological resources, are evaluated in EIR Section 5.2.8.

The commenter's acceptance of Alternative C as a second-choice option is noted.

PRD11-2 The commenter states the opinion that Alternative B is not an option, because it does not address dust management adequately.

The analysis of Air Quality, including dust control, was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Potential impacts related to fugitive dust are addressed in EIR Section 3.4 (Air Quality), EIR Appendix U (Dust Control Plan), and for Alternative B in EIR Section 5.2.5.3. Please also see General Response GR-2 regarding fugitive dust.

PRD11-3 The commenter states that Alternative B does not adequately address the draw-down of water level to the Sustainable Annual Yield during its development.

Please refer to General Response GR-3 and EIR Section 3.11 (Hydrology and Water Quality) for a discussion of groundwater impacts and EIR Section 5.2.5.10 for an analysis of groundwater impacts from Alternative B (Reduced Footprint Alternative).

PRD11-4 The commenter states that Alternative B would destroy at least 10 acres of highly valued desert dry wash woodland, which would disrupt wildlife traffic patterns throughout and destroy natural habitat. The commenter states that the Applicant has already destroyed acres of desert tortoise habitat, and hundreds of acres of desert crust and micropyle would be destroyed between the washes by solar panels. The commenter states that Riverside County has received official documentation in environmental reports that an endangered animal uses the 1-mile buffer zone.

Please see Responses to Comments PRD1-7, PRD1-10, and PRD1-11, which address similar biological resources concerns.

PRD11-5 The commenter states that the proposed Project and Alternative B would reduce property values in the Lake Tamarisk community.

The analysis of property values was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Response to Comment D5-26, which addresses similar concerns about property values.

PRD11-6 The commenter states that CEQA requires the selection of one Alternative that will avoid one or more significant effects on the environment and Alternative B has already been shown to have no significant difference in effects compared to the proposed Project.

Please see Response to Comment PRD1-8, which addresses a similar comment.

PRD11-7 The commenter quotes Riverside County Code section 17.200.050 regarding County approval of conditional use permits.

The analysis of the Riverside County Code findings requirements for conditional use permits was not revised and recirculated in the Partially Recirculated Draft EIR. This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Response to Comment PRD1-9 and PRDB11-6, which address a similar comment. The commenter's support for Alternative E is noted.

Comment Set PRD12 – Tim LeForge

Email: Easley Renewable Energy Project

From: Tim LeForge <tleforge@gmail.com>
Sent: Monday, July 8, 2024 4:57 PM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Subject: Easley Solar Project

PRD12-1

Hi Tim,
This missive is to "lobby" for a bigger setback for the solar project due to economic concerns.

As you may know, until recently, Desert Center properties have been owned by one family for the past several decades. This monopoly has hindered or restricted any and all development. Since that bankruptcy sale a few years ago, plans have been formulated for commercial enterprises along the I-10 exit ramp, as well as new housing projects near Lake Tamarisk.
With California housing prices skyrocketing upwards, it would give the state some relief to have more affordable housing for those unable to afford residence elsewhere.

If these solar projects are permitted to usurp lands that could be used for other purposes, it could not only prevent development, it could ruin the livability of the current residents.

California doesn't need another ghost town.

Thanks for your consideration in this matter.

Tim LeForge
Lake Tamarisk, CA.

Responses to Comment Set PRD12 – Tim LeForge

PRD12-1 The commenter requests a bigger setback for the solar project due to economic concerns and states that plans have been formulated for commercial enterprises along the Interstate 10 (I-10) exit ramp, as well as new affordable housing projects near Lake Tamarisk, which would be prevented by solar development.

This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Response to Comment D5-26, which addresses similar concerns about property values, and Responses to Comments D12-1 and B3-9, which discuss the Lake Tamarisk "Phase 2" expansion and proposed truck stop/charging station by the Desert Center I-10 exit. The commenter's opposition to solar development surrounding the Lake Tamarisk community is noted.

Comment Set PRD13 – Vickie and Steve H. Jones

RIVERSIDE COUNTY PLANNING DEPARTMENT

ATTN: TIM WHEELER, PROJECT PLANNER

4080 LEMON STREET, 12 FLOOR

PO BOX 1409

RIVERSIDE CA 92502

RE: RECIRCULATED DRAFT EIR EASLEY PROJECT

June 24, 2024

Mr. Tim Wheller,

It is hard to say where to start for comments on the project proposed. The reason it is difficult to find good plans that are presented in this Environmental Impact Statement. **PRD13-1**

We could start with the placement of the project so close to the community of Lake Tamarisk. This has already been done in other locations in the Desert Center Area causing harm to the residents of the sometimes-forgotten Desert Area. BLM has erroneously given permission to use the people's land for a project that none of those that have made this decision would have anywhere near their home.

We are pro-solar as we have solar panels on our roof to help with the green deal. It was not the Green New Deal when we had them installed. Every resident in the State should have solar panels to overcome the shortage of electricity that is sure to come in the very near future. But placing a large-scale solar plant so close to housing at a community like Lake Tamarisk is just wrong. The heat, glare and visual impact is too much to consider for the Easley Project. This project should be East of Highway 177 far enough away to not cause injury to the residents in that area. Super tall structures to extract the power from the field to the grid need to have very careful consideration.

The Desert Center Area Plan written by Riverside County says exactly that projects will not have visual impacts to the area. This project certainly does that with a flare. Best Management Practices have not been applied to this project or it would not have even been considered by BLM or Riverside County Planning Department. **PRD13-2**

The plan by BLM and the Department of Energy to determine Solar Energy Development sites in this area was considered in a meeting held here in Desert Center in 2011. The map of placement of development sites did not include the area next to the community of Lake Tamarisk. Other meetings held by BLM and DOE were held in Palm Desert who is not even part of the Solar Energy Development plan. I asked them to have them here in Desert Center where the projects of the area are of concern to the residents. They refused the offer to hold the meeting saying the residents are opposed to projects. It looks like they added areas to the DRECP in 2014 that includes this community without representation.

Comment Set PRD13 – Vickie and Steve H. Jones (continued)

Recently we have noticed we do not have many if any Bats that used to be so prevalent in the area scouring the sky for insects each evening. They are not here anymore probably burned to death by the heat coming from the solar panels that are abundant in Desert Center. The environmentalists watch for the birds and other animals and when asked how about the humans they say that they are not considered by them. Who is to consider humans? We humans are endangered also. **PRD13-3**

Please consider the Humans that live close to this project considered by Easly and that we will be Impacted by this project so close to us who pay the taxes to support our way of life. Move the project to another location away from the area or eliminate the project on the grounds that it is not compatible with Humans at this site. Don't let Easley destroy the beautiful Desert ripping out Ironwood trees, smashing the Desert Fauna and tearing up the Desert pavement all for the use of solar panels to heat the Desert and probably cause flooding of the entire area. **PRD13-4**

Thank You for your consideration to our plight,

Steve H. Jones and Vickie Jones

PO BOX 246

43971 Shasta Drive

Desert Center CA 92239

RECEIVED
JUL 03 REC'D
ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

Responses to Comment Set PRD13 – Vickie and Steve H. Jones

PRD13-1 The commenter expresses concerns about the proximity of the proposed Project to the Lake Tamarisk community and its potential harm to residents, such as from heat, glare and visual impacts.

Please see EIR Section 3.5 (Biological Resources), as well as General Response GR-6, for a discussion of the "heat island" effect. Glare and visual impacts of the proposed Project are addressed in EIR Section 3.2 (Aesthetics), as well as in EIR Appendix I (Visual Analysis Report and Glare Assessment).

The commenter states that the Project should be located east of State Route 177/Rice Road and away from residences, and that super tall structures to extract the power from the field to the grid need to have very careful consideration.

Consideration of an alternative east of State Route 177 was fully evaluated in Section 5.2.7 of the Partially Recirculated Draft Environmental Impact Report (EIR) as Alternative D (Offsite Alternative). Please see General Response GR-8 regarding the Federal Land Alternative (Section 2.9.1 of the EIR) and availability of other lands suitable for solar development east of State Route 177.

To minimize visual impacts, the proposed 500 kV gen-tie line has been sited to parallel existing linear features, such as roadways and gen-tie lines, and the proposed Easley gen-tie line would interconnect at the existing Oberon Substation rather than SCE's Red Bluff Substation, which would eliminate approximately 0.5 mile of 500 kV transmission line including an overhead transmission line crossing of I-10.

PRD13-2 The commenter states that the Desert Center Area Plan written by Riverside County says exactly that projects will not have visual impacts to the area.

Please see EIR Section 3.2.5 (Aesthetics), which includes a policy consistency analysis of the Project's visual impacts related to the policies of the Desert Center Area Plan.

The commenter also states that Best Management Practices have not been applied to this project or it would not have even been considered by BLM or Riverside County Planning Department.

Please see EIR Appendix L (Mitigation Monitoring and Reporting Program), which is a compilation of the EIR mitigation measures, Applicant-proposed measures, and applicable Desert Renewable Energy Conservation Plan (DRECP) Conservation and Management Actions that would be implemented should the Easley Project or an alternative be approved.

The commenter states that BLM and the Department of Energy did not hold meetings in the Desert Center area and added Solar Energy Development sites in this area without community representation.

Comments regarding the BLM designation of Solar Energy Zones and Development Focus Areas and their related community engagement are outside of the scope of CEQA.

PRD13-3 The commenters state that they have observed fewer bats recently and speculates that bats are not in the area anymore because they have been burned to death by the heat coming from the solar panels that are abundant in Desert Center.

Please refer to General Response GR-6, which discusses the "heat island" effect and its analysis in Section 3.5.5 (Biological Resources). Refer to Section 3.5.5, Impact BIO-1, under *Special-status Wildlife*, which discusses species-specific impacts to special-status bats that occur at the Project site. As described, ongoing studies have shown that bats are susceptible to collisions with

moving structures such as wind turbines, but infrequently collide with stationary structures (WEST, 2020). Bat carcasses were rarely detected at utility-scale PV solar energy facilities that have been monitored thus far (WEST, 2020).

The commenters also state that environmentalists do not consider human impacts of the projects and humans are endangered also.

This Final EIR is not required to respond to comments on the Partially Recirculated Draft EIR that do not pertain to the recirculated text. The following response is provided for informational purposes.

Please see Responses to Comments B9-2, B9-20, B9-62 for a discussion of Project impacts to humans. In addition to minimizing environmental impacts, several of the Project Objectives listed in EIR Section 1.3 address human populations through meeting local, state, and federal climate change policies and goals, delivering wholesale renewable energy to California rate payers under long-term contracts, and bringing sales tax revenues and living wage jobs to Riverside County.

PRD13-4 The commenter's opposition to the Project is noted, as well as the commenter's request to move the Project to another location away from the Desert Center area or eliminate the Project.

Comment Set PRD14 – David and Arlene Gallegos

Email: Easley Renewable Energy Project

From: bunny gallegos <bunny1gal@yahoo.com>
Sent: Wednesday, July 10, 2024 11:17 AM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Subject: PRDEIR

July 10, 2024

Mr. Tim Wheeler
Principal Planner
RIVCO Planning Department
twheeler@rivco.org

RE: Easley Solar Energy Project (PRDEIR)

Dear Mr. Wheeler:

This letter is in regard to the above project and Alternative C. **PRD14-1**

Rather than reiterate what my fellow homeowners have so capably articulated for the reasons to support and recommend Alternative C, we urge that you make a strong recommendation for its approval to the County Board of Supervisors when it is on the Agenda.

We appreciate your interest in preserving our community.

David and Arlene Gallegos
26250 Parkview Drive #31
P.O. Box 61
Desert Center CA 92239
650-430-2843
bunny1gal@yahoo,com

Responses to Comment Set PRD14 – David and Arlene Gallegos

PRD14-1 The commenters' support and recommendation for Alternative C (Further Reduced Footprint Alternative with Berms) are noted.

Comment Set PRD15 – Jerry and Veronica Grey

Tim Wheeler
Principle Planner,
RIVCO Planning Department
twheeler@rivco.org

July 12, 2024

Mr. Wheeler

The following comments are in regard to the IP Easley Solar Energy Project Partially Re-circulated Draft Environmental Impact Report (PRDEIR) **PRD15-1**

We are not against solar or other renewable energy projects, but we request that our community be respected. Alternative C, an environmentally superior alternative, lessens the negative impact of the Easley Solar Energy Project on our Lake Tamarisk community and the highly valued habitats for the endangered Desert Tortoise and several listed Special Status Species of both plants and animals.

We support the one (1) mile buffer zone from our over five decade established community. The area in the one-mile buffer zone is not in the Development Focus Area and has never been in the Riverside County East Solar Energy Zone designated for renewable energy development. **PRD15-2**

The Public Lands within the one-mile setback were specifically excluded from the Development Focus Area for Renewable Energy Development due to their high value habitats for the now listed as endangered Desert Tortoise and several other special-status wildlife and plant species. The high value of the habitats in this area is mainly due the 500 acres of extensive fingers of Desert Dry Wash Woodlands (DDWW) throughout the two square miles of Public Lands within the one-mile setback zone. These Microphyll Woodlands also provide food and shelter for over 90% of all migratory passerine bird species yet comprise only 5% of the Sonoran Desert. **PRD15-3**

Therefore, in order for the Planning Department to protect the health, safety and general welfare of the Community and the endangered and special-status wildlife and plant species, only Alternative C, the environmentally superior alternative, should be recommended to the Board of Supervisors for approval of any Conditional or Public Use Permits by the Riverside County Planning Department. **PRD15-4**

Although we do not want to get into a deep discussion about current Riverside County codes, we reference the two following code sections regarding conditional use permits and public use permits: **PRD15-5**

Riverside County Code section 17.200.050 states: “A conditional use permit 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. Any permit that is granted shall be subject to such conditions as shall be necessary to protect the health, safety or general welfare of the community.”

Comment Set PRD15 – Jerry and Veronica Grey (continued)

RCC section 17.208.040 similarly states: "A public use permit 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. Any permit that is granted shall be subject to such conditions as shall be necessary to protect the health, safety or general welfare of the community."

PRD15-1 (cont'd)

It appears to us, that since the Easley solar energy project cannot demonstrate that their proposed use will not be detrimental to the health, safety or general welfare of the community, the recommendation for Alternative C should be presented to the Riverside County Board of Supervisors

Thank you for your time and your interest in preserving our Community.

Jerry and Veronica Grey
26250Parkview Drive #145
Desert Center, CA 92239

Responses to Comment Set PRD15 – Jerry and Veronica Grey

PRD15-1 The commenter's support for Alternative C is noted.

Please see Responses to Comments PRD15-2 to PRD15-5, which address the commenter's specific Project concerns.

PRD15-2 The commenter states that the area in the one-mile buffer zone is not in a Development Focus Area (DFA) and has never been in the Riverside County East Solar Energy Zone (SEZ) designated for renewable energy development due to high value habitats.

Please see General Response GR-5 regarding BLM's DRECP DFA designations in the Project area. Note that the DRECP DFA designations supersede the SEZ designations within the DRECP Planning Area.

PRD15-3 The commenter states that the high value of the habitats in this area is mainly due the 500 acres of extensive fingers of desert dry wash woodlands (DDWW) throughout the setback zone and that these microphyll woodlands also provide food and shelter for over 90% of all migratory passerine bird species yet comprise only 5% of the Sonoran Desert.

Note that 530 acres would not be developed within the setback buffer area under Alternative C compared to the proposed Project's development footprint. Compared to the proposed Project, approximately 10 additional acres of desert dry wash woodland habitat would be avoided.

Please see Response to Comment PRB11-196.

PRD15-4 The commenter states that for the County to protect the health, safety and general welfare of the Lake Tamarisk community and biological resources, only Alternative C, the environmentally superior alternative, should be recommended for approval.

Please see Responses to Comments B3-18, B9-2, B9-20, PRD2-6, and PRD2-9 regarding human health concerns related to the Project. See Response to Comment PRB11-196 regarding the commenter's biological resources concerns.

The commenter's support for Alternative C is noted.

PRD15-5 The commenter states that the proposed Project would be detrimental to the health, safety or general welfare of the communities in Riverside County so should not be recommended for approval and quotes Riverside County Code section 17.200.050 and section 17.208.040.

Please see Response to Comment PRB11-6, which addresses the Riverside County Codes.

Comment Set PRD16 – Margit F Chiriaco Rusche

Email: Easley Renewable Energy Project

From: MARGIT F CHIRIACO RUSCHE <mchiriacor@aol.com>
Sent: Saturday, July 13, 2024 2:04:05 AM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Cc: Jerry Grey <jgreysffd@gmail.com>
Subject: Solar. Easley project

Sent from my iPhone

Dear Sirs

I cannot support the Easley project a s it is today, unless it recognizes and provides the needed recommendations for safe perimeters around the communities in the desert center area. We do not know the long term health consequences to living so close to the solar panels. The health and welfare of the community must be first . Once these concerns are stipulated and the affected communities are in agreement then I would, as a good neighbor, accept this project.
Thank you for listening.
Margit F Chiriaco Rusche
62450 chiriaco rd
Chiriaco Summit ca. 92201
760 485 1576

PRD16-1

Responses to Comment Set PRD16 – Margit F. Chiriaco Rusche

PRD16-1 The commenter's support for the buffer included in Alternative C is noted.

The commenter also expresses concerns about long-term health consequences of living close to the solar panels.

Please see Responses to Comments B3-18, B9-2, B9-20, PRD2-6, and PRD2-9 regarding human health concerns related to the Project.