APPENDIX T

Responses to Comments

Comments and Response to Comments

1. INTRODUCTION TO COMMENTS AND RESPONSES APPENDIX

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

1.1 Organization of this Appendix

The Appendix is organized as follows:

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

1.2 Summary of Comments Received

The section presents responses to the comments received during the public review period for the Sapphire Solar Project Draft EIR (August 12 to September 26, 2024). Riverside County received public comments from various State agencies, organizations, tribes, and the public.

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

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

Table 1-1. Comments Received on the Sapphire Solar Project Draft EIR

COMMENTER	DATE	COMMENT SET
Agencies		
Metropolitan Water District of Southern California	9/25/24	A-1
South Coast Air Quality Management District	9/24/24	A-2
Businesses and Organizations		
Defenders of Wildlife	9/25/24	O-1
Active Communities/Desert Center	9/26/24	O-2

Table 1-1. Comments Received on the Sapphire Solar Project Draft EIR

COMMENTER	DATE	COMMENT SET
Native American Tribes		
Cahuilla Band of Indians	8/16/24	C-1
Colorado River Indian Tribes	9/30/24	C-2

FYI...

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Comment Letter A1

From: Marks,Alexander S <AMarks@mwdh2o.com>
Sent: Wednesday, September 25, 2024 6:53:24 PM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Cc: Carlson,Sean A <SCarlson@mwdh2o.com>; Doesserich,Diane M <DDoesserich@mwdh2o.com>; Florence,Liz <EFlorence@mwdh2o.com>
Subject: NOP/EIR - Sapphire Renewable Energy Project - Metropolitan Water District Comments

CAUTION: This email originated externally from the **Riverside County** email system. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Wheeler -

The Metropolitan Water District of Southern California reviewed the Draft Environmental Impact Report for the Sapphire Solar Project proposed by Sapphire Solar, LLC. At this time, we have no specific comments on the DEIR.

The DEIR acknowledged Metropolitan's prior comments on the Notice of Preparation for the DEIR (attached), including the project's potential impacts on the Colorado River and local water supplies, and that permission to use Metropolitan land is required, which Sapphire Solar, LLC has already begun negotiating with Metropolitan about.

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

Electronic notices can be sent to our Environmental Planning inbox: ep@mwdh2o.com or mail hard copies to:

A1-1

Metropolitan Water District of Southern California
Environmental Planning Section
PO Box 54153
Los Angeles, CA 90054-0153

We look forward to further coordination from Sapphire Solar, LLC, the project applicant.

Please contact me if you have any questions.

Sincerely,
Alex Marks

1

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

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County of Riverside California

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THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

June 12, 2023 VIA E-MAIL

Mr. 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 Sapphire Solar 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 Sapphire Solar Energy Project (Project) to be constructed near Desert Center in Riverside County. Metropolitan is pleased to submit comments for consideration to Riverside County. Metropolitan provides these comments as a potentially affected responsible agency and 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 along the CRA, which consume approximately 2,400 gigawatt-hours of energy when the CRA operates at full capacity.

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

A1-2

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Page 3 of 6 in Comment Letter A1

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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

EDF Renewables Development Inc. (EDFR), on behalf of Sapphire Solar, LLC proposes to entitle, construct, operate, maintain, and decommission a 117 megawatt (MW) solar photovoltaic (PV) electricity generating station, battery energy storage system, electrical substation, generation intertie (gen-tie) lines, and associated access roads near Desert Center in Riverside County, California. The proposed Project covers approximately 110 acres of BLM administered land and 1,082 acres of private land.

The Project would construct the PV solar panel array, battery storage system, and appurtenant structures on the private land and up to three linear facilities routes including two options for a 230- kV generation tie (gen-tie) line alignment (only one of which would be constructed), two access roads, and a collector line on the BLM land. The Project would interconnect to the electrical grid by running its gen-tie west of the Project solar site along one of the linear facility routes to intertie via line tap into an existing solar project gen-tie line that connects into the larger electrical grid at the SCE 230-kV Red Bluff Substation. The Project is anticipated to be online in late 2025.

During the Project's proposed 12 to 18-month construction, water would be needed primarily for dust control and soil compaction, with small amounts used for sanitary and other purposes. Most of the construction water use is anticipated during site grading. Water for construction-related dust control and operations could be obtained from several potential sources, including an on-site groundwater well, trucked from an off-site water purveyor, or a combination of both. The temporary construction wells, if required, would be decommissioned upon the completion of construction unless required for an on-site operations and maintenance building and capped per applicable regulations.

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

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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 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, 2, and 3 provided in the NOP, the Project will be constructed adjacent to Metropolitan rights-of-way, including an 80-foot wide powerline easement that crosses the privately owned land on which the Project would be located. The easement will need

A1-2
Cont.

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to be vacated as a component of the Project. Please contact Metropolitan's Real Property Group regarding the process for vacating the easement at RealEstateServices@mwdh2o.com. Metropolitan recommends that the EIR include reference to Metropolitan's property and vacating of the easement and also acknowledge Metropolitan as a potential responsible agency "expected to use the EIR in their decision-making" per CEQA Guidelines Section 15124(d)(A).

Metropolitan also owns the parcels located to the northeast of the Project. These parcels are intended for emergency spillway discharge of approximately 1,800 cubic feet per second from Metropolitan's Eagle Mountain Pumping Plant located approximately 4.50 miles northwest of the Project site, not including any natural stormwater runoff from surrounding areas. Metropolitan will not be responsible should any scouring occur that may expose the Project.

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.

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 Mr. Alex Marks at (213) 217-7629 or amarks@mwdh2o.com.

A1-2
Cont.

Very truly yours,

DocuSigned by:
Jennifer Harriger
1C5AACFD98D9493...

Jennifer Harriger
Manager, Environmental Planning Section

AM:ds
s:\external reviews\external reviews\pending review\06062023\riverside county_sapphire solar

Response to Comment Letter A1

The Metropolitan Water District
Alexander Marks, AICP
Senior Environmental Specialist
September 25, 2024

A1-1 This comment states that MWD has no comments on the Draft EIR and that its comments on the NOP have been acknowledged by the Draft EIR.

This comment is informational only and does not raise specific questions, issues, or concerns regarding the adequacy of the environmental analysis in the Draft EIR.

A1-2 This comment is informational only and does not raise any specific questions, issues, or concerns regarding the adequacy of the environmental analysis in the Draft EIR.

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Comment Letter A2

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

SENT VIA E-MAIL:
TWheeler@rivco.org
Tim Wheeler, Project Planner
County of Riverside, Planning Department
4080 Lemon Street, 12th Floor
PO Box 1409
Riverside, CA 92502

September 24, 2024

Draft Environmental Impact Report (EIR) for the Proposed Sapphire Solar Project (Proposed Project) (SCH No.: 2023050303)

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The County of Riverside is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. To provide context, South Coast AQMD staff (Staff) has provided a brief summary of the project information and prepared the following comments organized by topic of concern. A2-1

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

Based on the Draft EIR, the Proposed Project consists of constructing, operating, maintaining, and decommissioning a utility-scale solar photovoltaic (PV) electrical generating and storage facility to generate and deliver electricity to the statewide electricity transmission grid.[1] The Proposed Project is approximately 1,123 acres, with approximately 1,082 acres on private lands and approximately 41 acres on land administered by the U.S. Department of Interior, Bureau of Land Management (BLM), Palm Springs-South Coast Field Office.[2] The Proposed Project would include up to 117 megawatts (MW) of PV solar generation and up to 117 MW of battery storage.[3] In addition, the Proposed Project would include two Linear Facility Routes (LFRs) that would be located on lands administered by the BLM.[4] The Proposed Project would also interconnect with the Southern California Edison 230-kV Red Buff substation via line tap on the existing Desert Harvest Solar Project (DHSP) gen-tie line located on lands administered by BLM.[5] The Proposed Project is anticipated to occur after 39 years or more of operation for the future decommissioning.[6] The construction would take approximately 12 to 18 months.[7] A2-2

[1] Draft EIR. Page 2-2.
[2] *Ibid.*
[3] *Ibid.*
[4] *Ibid.*
[5] *Ibid.*
[6] *Ibid.*
[7] *Ibid.* Page 2-14.

Tim Wheeler September 24, 2024

South Coast AQMD Staff's Comments on the Draft EIR

South Coast AQMD Air Permits and Role as a Responsible Agency

Based on the Draft EIR, the Proposed Project would include the use of up to three emergency backup generators for Generac SG250 with 250-kW capacity.[8] Thus, air permits from South Coast AQMD will be required, and the role of South Coast AQMD would change from a Commenting Agency to a Responsible Agency under CEQA. In addition, if South Coast AQMD is identified as a Responsible Agency, per CEQA Guidelines Sections15086, the Lead Agency is required to consult with South Coast AQMD. CEQA Guidelines Section 15096 sets forth specific procedures for a Responsible Agency, including making a decision on the adequacy of the CEQA document for use as part of evaluating the applications for air permits. For these reasons, the Final EIR should include a discussion about any new stationary and portable equipment requiring South Coast AQMD air permits and identify South Coast AQMD as a Responsible Agency for the Proposed Project. A2-3

The Final EIR should also include calculations and analyses for construction and operation emissions for the new stationary and portable sources, as this information will also be relied upon as the basis for the permit conditions and emission limits for the air permit(s). Please contact South Coast AQMD's Engineering and Permitting staff at (909) 396-3385 for questions regarding what types of equipment would require air permits. For more general information on permits, please visit South Coast AQMD's webpage at http://www.aqmd.gov/home/permits. A2-4

Conclusion

As set forth in California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(a-b), the Lead Agency shall evaluate comments from public agencies on the environmental issues and prepare a written response at least 10 days prior to certifying the Final EIR. As such, please provide South Coast AQMD written responses to all comments contained herein at least 10 days prior to the certification of the Final EIR. In addition, as provided by CEQA Guidelines Section 15088(c), if the Lead Agency's position is at variance with recommendations provided in this comment letter, detailed reasons supported by substantial evidence in the record to explain why specific comments and suggestions are not accepted must be provided. A2-5

Thank you for the opportunity to provide comments. South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Danica Nguyen, Air Quality Specialist, at dnguyen1@aqmd.gov should you have any questions. A2-6

Sincerely,

Sam Wang

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

SW:DN
RVC240814-05
Control Number

[8] *Ibid.* **Page 3.4-21.**

Response to Comment Letter A2

South Coast Air Quality Management District
Sam Wang
Program Supervisor, CEQA IGR
September 24, 2024

A2-1 This comment provides introductory information about the South Coast Air Quality Management District (South Coast AQMD) and does not specifically raise an issue pertinent to the content or adequacy of the Draft EIR.

A2-2 This comment provides general information regarding the project description and does not specifically raise an issue pertinent to the content or adequacy of the Draft EIR.

A2-3 This comment identifies the need for air permits for emergency backup generators and states that the Final EIR should include a discussion of any new stationary and portable equipment requiring South Coast AQMD permits. The comment also states that South Coast AQMD should be identified as a Responsible Agency under CEQA, which requires the Lead Agency to consult with South Coast AQMD. The Notice of Completion for the Notice of Preparation and Notice of Announcement for the Draft EIR submitted to State Clearinghouse each identified South Coast AQMD as a responsible agency. As indicated in the Draft EIR, South Coast AQMD received and commented in response to the Notice of Preparation as a responsible agency. A discussion of new stationary and portable equipment is provided in Chapter 2, Description of the Project. South Coast AQMD is identified as a Responsible Agency for the Proposed Project, in Table 2-5, Permits and Approvals for the Project. Table 2-5 outlines the necessary permits for Project construction and operations, including Authority to Construct and Permit to Operate for the emergency backup generators.

South Coast AQMD Rules have been added to Chapter 3.4, *Air Quality*, and include the following.

- **Rule 201 – Permit to Construct.** This rule establishes an orderly procedure for the review of new and modified sources of air pollution through the issuance of permits. Rule 201 specifies that any facility installing nonexempt equipment that causes or controls the emissions of air pollutants must first obtain a permit to construct from SCAQMD.
- **Rule 202 – Temporary Permit to Operate.** This rule requires a person to obtain a permit to construct prior to operating new equipment, altered equipment, or existing equipment that is being put into service.
- **Rule 203 – Permit to Operate.** This rule states that a person shall not operate or use any equipment permit unit, the use of which may cause the issuance of air contaminants, or the use of which may reduce or control the issuance of air contaminants, without first obtaining a written permit to operate from the Executive Officer.
- **Rule 212 – Standards for Approving Permits and Issuing Public Notice.** This rule outlines the standards for approving permits, including permits to construct and permits to operate, and the process for public notification and comment.
- **Rule 219 – Equipment Not Requiring a Written Permit Pursuant to Regulation II.** This rule identifies equipment, processes, or operations that emit small amounts of air contaminant that shall not require written permits.
- **Rule 1401 – New Source Review of Toxic Air Contaminants.** This rule specifies limits for maximum individual cancer risk, cancer burden, and non-cancer acute and chronic hazard index

from new permit units, relocations, or modifications to existing permit units, which emit toxic air contaminants listed in Table I of Rule 1401. The rule establishes allowable risks for permit units requiring new permits pursuant to Rules 201 or 203.

- **Rule 1470 –** Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines. This rule sets the requirements for ownership and operation of stationary compression ignition engines within SCAQMD with a rated brake horsepower greater than 50. Rule 1470 limits the particulate matter, hydrocarbons, NOx, non-methane hydrocarbons plus NOx, and CO from stationary compression ignition engines and implements the Airborne Toxics Control Measure for Stationary Compression Ignition Engines that was approved by CARB in February 2004.
- **Regulation XIII – New Source Review.** This regulation sets preconstruction review requirements for new, modified, or relocated facilities to ensure that the operation of such facilities does not interfere with progress in attainment of the NAAQS and that future economic growth within SCAQMD is not unnecessarily restricted. The specific air quality goal of this regulation is to achieve no net increases from new or modified permitted sources of nonattainment air contaminants or their precursors. In addition to nonattainment air contaminants, this regulation will also limit emissions increases of ammonia and O3-depleting compounds from new, modified, or relocated facilities by requiring the use of best available control technology.
- **Regulation XIV – Toxics and Other Non-Criteria Pollutants.** This regulation includes rules that regulate toxics and other non-criteria pollutants. It provides specifications for maximum individual cancer risk, cancer burden, and non-cancer acute and chronic hazard index from new permit units, relocations, or modifications to existing permit units that emit TACs. The rules establish allowable risks for permit units requiring new permits pursuant to Rules 201 or 203. Under this regulation, Rule 1401 (New Source Review of Toxic Air Contaminants) specifies limits for maximum individual cancer risk, cancer burden, and non-cancer acute and chronic hazard indices from new permit units, relocations, or modifications to existing permit units that emit TACs listed in the rule.

A2-4 This comment details the need for emissions calculations and analyses for new equipment in the Final EIR, which will inform permit conditions and limits, and includes contact information for South Coast AQMD for further inquiries. Air quality emissions calculations and analyses for new equipment are provided in Chapter 3.4, *Air Quality*, of the EIR, as well as Appendix F (Air Quality, Greenhouse Gas Emissions, and Energy Technical Report. A summary of methods and results of the emissions calculations from construction and operation of the Proposed Project, including new equipment, is provided in section 3.4.3, *Impact Analysis*.

A2-5 This comment requests written responses to South Coast AQMD's comments at least 10 days prior to certification of the Final EIR per CEQA Guidelines 15088 (a-b). The response to comments will be provided to public agency commentors and responsible agencies per CEQA Guidelines.

A2-6 This comment expresses gratitude for the opportunity to provide feedback and offers South Coast AQMD staff's assistance with any air quality questions. The comment does not specifically raise an issue pertinent to the content or adequacy of the Draft EIR.

Comment Letter C1

Good morning Timothy,

Thank you for reaching out to the Cahuilla concerning the draft environmental impact report. We want to continue our interest and would appreciate to continue to receive updates on the project, along with providing Tribal monitoring once ground disturbance activities commence. Thank you again for the report, have a great rest of your weekend. C1-1

Respectfully,

Lorrie Gregory
Cultural Resource Coordinator
Cahuilla Band of Indians
Phone: 1 (951) 782-0481
Email: lgregory@cahuilla-nsn.gov

1

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County of Riverside California

2

Page 2 of 2 in Comment Letter C1

Response to Comment Letter C1

Cahuilla Band of Indians
Lorrie Gregory
Cultural Resource Coordinator
August 16, 2024

C1-1 The Cahuilla Band of Indians asks to receive Project updates and wishes to provide Tribal monitors once ground disturbing activities commence. As a Consulting Tribe, the Cahuilla Band of Indians will continue to receive Project updates from the County. Furthermore, MM TCR-1 Native American Monitor requires that, "Prior to the issuance of grading permits, the developer/permit applicant shall enter into an agreement with the consulting tribe(s) for a Native American Monitors(s)….". The comment does not specifically raise an issue pertinent to the content or adequacy of the Draft EIR.

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Comment Letter C2

COLORADO RIVER INDIAN TRIBES
Colorado River Indian Reservation
26600 MOHAVE ROAD
PARKER, ARIZONA 85344
TELEPHONE (928) 669-9211
FAX (928) 669-1216

September 30, 2024

Via E-Mail and U.S. Mail

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

Re: Comments of the Colorado River Indian Tribes re the Draft Environment Impact Report for the Sapphire Solar Project (CUP 220035) (PUP 220002)

Dear Mr. Wheeler:

On behalf of the Colorado River Indian Tribes (CRIT or the Tribes), I write to provide comments on the Draft Environmental Impact Report (DEIR) for the Sapphire Solar Project (Project). After carefully reviewing the DEIR, the Tribes have concluded that it fails in many respects to meet the requirements of the California Environmental Quality Act (CEQA) and other federal, state, and local laws.

As a preliminary matter, 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

C2-1

strong spiritual connection to these areas. Indeed, the 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 environmental impacts associated with the Project are adequately considered and mitigated.

In particular, the Tribes are concerned about the potential removal of cultural belongings from this area and the corresponding destruction of the Tribes' footprint on this landscape. For this reason, the Tribes request that all prehistoric cultural resources, including both known and yet-to-be-discovered sites and isolates, be avoided if feasible. Tribes are likewise concerned about the visual impact to the landscape, including degraded vistas from sites with cultural significance. The Tribes urge Riverside County (County) to complete ethnographic studies and archaeological surveys of roads proposed for travel and transportation in order to best understand if some roads require closure or limit access to protect prehistoric resources. CRIT tribal monitors should be used to complete this work.

C2-1 Cont.

The DEIR Is Inadequate under CEQA.

The EIR is "the heart of CEQA." *Laurel Heights Improvement Ass'n v. Regents of University of California*, 47 Cal.3d 376, 392 (1988) (citations omitted). It is "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return. The EIR is also intended 'to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.' Because the EIR must be certified or rejected by public officials, it is a document of accountability." *Id.* (citations omitted).

Beyond merely disclosing potential environmental impacts, the environmental review statutes require agencies to develop tactics to address them. Specifically, CEQA not only requires the County to identify a project's significant effects, but also requires the agency to adopt measures to avoid or minimize them. Pub. Res. Code § 21002.1. An EIR may not defer evaluation of mitigation to a later date. CEQA Guidelines[1] § 15126.4(a)(1)(B). Where, as here, the environmental review document fails to fully and accurately inform decisionmakers and the public of the environmental consequences of proposed actions, or identify ways to mitigate or avoid those impacts, it does not satisfy CEQA's basic goals. *See* Pub. Res. Code § 21061 ("The purpose of an environmental impact report is to provide public agencies and the public in general with detailed

C2-2

[1] The CEQA Guidelines can be found at Cal. Code Regs., tit. 14, § 15000 et seq.

information about the effect that a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project."). As a result of the DEIR's numerous and serious inadequacies, there can be no meaningful review of the Project by either the public or the agencies' decisionmakers.

C2-2 Cont.

I. The DEIR Fails to Adequately Analyze or Mitigate the Project's Impacts on Cultural Resources.

The proposed Project analyzed in the DEIR is a 117 megawatts (MW) solar photovoltaic (PV) project with up to 117 MW of battery energy storage, linear facility routes, and appurtenant facilities. The linear facility routes include a 230 kilovolt (kV) generation-tie line (gen-tie line), two access roads, and one collector line route that would mainly traverse across federal land managed by the Bureau of Land Management (BLM). The Project connects to an existing Southern California Edison substation via line tap on the existing Desert Harvest gen-tie line. (Sapphire Solar Project Draft Environmental Impact Report (DEIR) at ES-1, ES-3-4.) CRIT is traditionally and culturally affiliated with the Project area and the ancestors of CRIT's Mohave and Chemehuevi members have lived and traveled in the Project area since time immemorial.

The DEIR identifies prehistoric resources within the Project Area and within one mile of the Project Area. DEIR at 3.6-16 to -22. The DEIR also identifies two Key Observation Points with prehistoric petroglyphs. *Id.* at 3.2-7; 3.2-10. The identified Prehistoric Trails Network Cultural Landscape, Dragon Wash rock art site, North Chuckwalla Mountains Petroglyph District, and prehistoric isolates in and around the site—both those known and those not yet unearthed—all play an integral role in CRIT's Mohave members' cultural and spiritual connection to the landscape, as do the plants and animals of the region. The surrounding Chuckwalla Mountains and Palen Mountains are identified in Mohave songs and stories. *See id.* at 3.6-5. Yet, despite this, the DEIR fails to acknowledge the Project's potentially significant impacts on tribal cultural resources. *See, e.g., id.* at 3.20-6 to -8.

C2-3

CRIT must voice its opposition to the development of the Project in any form on this sensitive landscape. As this letter describes further below, the Tribes are seriously troubled by the Project's potential to remove, damage, or destroy cultural resources and artifacts—especially those that have not previously been unearthed. These resources are sacred and finite, and together make up the cultural footprint of the Tribes' ancestors. According to the belief system of CRIT's Mohave members, the disturbance of any cultural resources affiliated with their ancestors is taboo, and thus considered a severe

cultural harm. CRIT therefore cannot support any project that will likely result in the disturbance or destruction of cultural resources and artifacts.

Despite the DEIR's attempt to downplay the possibility of unanticipated cultural resource discoveries, CRIT has every reason to fear that cultural resource impacts will be worse than the analysis predicts. As the DEIR acknowledges, the Project is located in a region of significant prehistoric human activity. *See, e.g.*, DEIR at 3.6-6 to -9; *see also id.* at 3.20-5. This is a high stakes location for cultural resource discoveries. Significant cultural harm will occur if resources are indeed discovered and disturbed. CRIT has seen that pattern play out all too often with projects like the nearby Genesis Solar Project, in which almost 3,000 cultural belongings are now permanently stored in a museum hundreds of miles away, where CRIT's members are not allowed to view them.

C2-3 Cont.

Moreover, much of the traditional value of these cultural resources to the Tribes comes from maintaining the connectivity between cultural resource sites stretching south from Spirit Mountain in Nevada. The Chuckwalla Valley plays a key role in maintaining this connectivity within Tribal members' ancestral landscape. Landscapes reflect human activity and are imbued with cultural values. They combine elements of space and time, and represent political, as well as social and cultural, constructs. These traditional cultural properties and landscapes can include viewsheds, features, plants and animals used in and/or central to cultural and religious practices and creations stories, and religious and customary practices (e.g., hunting and gathering, religious ceremonies and trails, which were used by Mohave Runners to deliver messages to the numerous Mohave villages scattered in the area about deaths within the community or upcoming battles with other tribes).

A. The DEIR Incorrectly Asserts the Project Site Has No Archaeological Resources Qualifying as Tribal Cultural Resources

The DEIR not only fails to adequately analyze the Project's impacts on tribal cultural resources, but flatly denies their existence (DEIR 3.20-5) despite significant evidence to the contrary. Indeed, the DEIR identifies three prehistoric isolates in the Project Area (*id.* at 3.6-22) and five prehistoric isolates within one mile of the Project Area (*id.* at 3.6-18 to -20). The DEIR also identifies two Key Observation Points with Dragon Wash rock art site and North Chuckwalla Mountains Petroglyph District. *Id.* at 3.2-7; 3.2-9. Given the Mohave beliefs about maintaining their ancestral footprint and the interconnectivity between tribal cultural landscapes and resources, CRIT considers all these resources to be culturally and spiritually significant. And yet the DEIR concludes that there are "no specific physical archaeological resources qualifying as tribal cultural resources." *Id.* at 3.20-7.

C2-4

The DEIR then erroneously identifies the PTNCL as the sole tribal cultural resource. Such an error in the County's analysis of tribal cultural resources can be traced directly back to a failure to incorporate tribal input. Regardless of whether CRIT or other tribes requested consultation within 30 days of notice, the County—at its discretion—should have incorporated known tribal perspectives into its analysis of tribal cultural resources. Just as the County relied on consultation for nearby Projects to identify the PTNCL (DEIR at 3.20-5), the County should have relied on insight gained from previous communication with tribes, including with CRIT, to analyze identified cultural resources. For example, CRIT has repeatedly informed the County of its position that isolates are a part of the cultural footprint of tribes, and as such, deeply value keeping isolates in place. The County should have discussed this perspective in its analysis of isolates.

Instead, the DEIR turns a blind eye to any evidence of cultural value besides that provided during consultation for *this* particular project. DEIR at 3.20-5 ("[n]one of these resources…are considered, due to lack of support by substantial evidence provided during consultation, to be significant and categorized as Tribal Cultural Resources"). This disingenuous characterization ignores the information the Tribes have provided in the past and glosses over the County's unwillingness to engage in good faith tribal consultation. Such an approach undermines the purpose of AB 52, which is to "promote the involvement of California Native American tribes in the decision-making process, especially to identify resources significant to tribes." *Id.* at 3.20-2.

C2-4 Cont.

The County must revise the DEIR analysis to incorporate tribal input, including by considering information the Tribes have previously provided about cultural resources and landscapes. This information will allow the County to make a determination regarding the presence of tribal cultural resources based on "the significance of the resource to a California Native American tribe." Pub. Res. Code § 21074(a)(2). The DEIR's failure to classify all of the documented prehistoric isolates, as well as the Dragon Wash rock art site and North Chuckwalla Mountains Petroglyph District as tribal cultural resources and analyze them accordingly violates CEQA, which acknowledges that tribal cultural resources are an independent category of resources that must be thoroughly studied, analyzed, and mitigated. Pub. Resources Code, § 21083.09; *see also* CEQA, Appendix G, Section XVII (Tribal Cultural Resources).

B. The DEIR incorrectly considers cultural resource value only from a Western, scientific perspective.

C2-5

The DEIR's methodology for its impact analysis fails to adequately incorporate tribal perspectives and input. Here, the focus on Western scientific "value" artificially constrains its consideration of "cultural resources," and thereby undermines the accuracy

and quality of any subsequent analysis and the DEIR's compliance with AB 52 and CEQA. In focusing solely on the eligibility of cultural resources for the California Register of Historical Resources (CRHR)[2], the DEIR ignores the tremendous cultural and spiritual significance that these cultural resources have for Tribal members—and their appropriate classification as tribal cultural resources under CEQA. (*See* Pub. Res. Code § 21074(a)(2).)

The Mohave People believe that their ancestors—who lived, traveled, prayed, fought, and died on this landscape since time immemorial—left their possessions and belongings in the land to forever memorialize their connection to it. These possessions and belongings—which may include tools, pottery, habitation sites, intaglios, petroglyphs, rock circles, sleeping circles, and trails—form a "footprint" that serves as tangible proof of the Mohave People's ongoing connection to their ancestral territory. The disturbance of these belongings is strictly taboo in the Mohave belief system. The DEIR's sole focus on archaeological and data-driven characterizations of cultural resources ignores the fact that removal and/or destruction of any cultural resources—including those characterized as "isolates" both within the Project Area and within one mile of the Project area—has a significant and devastating impact on the Tribes.

C2-5 Cont.

1. The Project will significantly impact cultural landscapes.

Both state and federal law recognize that cultural resources include cultural landscapes. *See* National Register Bulletin, "Guidelines for Evaluating and Documenting Traditional Cultural Properties" ("A culturally significant natural landscape may be classified as a site" eligible for the National Register); Pub. Res. Code § 21074(a) (tribal cultural resources include "cultural landscapes"). Indeed, evaluation and protection of such landscapes is necessary to ensure adequate protection of both individual resources and their historic context. The California Office of Historic Preservation has explicitly recognized the need for cultural resource professionals working on renewable energy projects to shift focus from a site level to the landscape level of assessment.[3]

C2-6

The DEIR recognizes that cultural landscapes may be protected under state law. *See*, *e.g.*, DEIR at 3.20-2. The DEIR concedes that the Project will have a significant cumulative effect on the Prehistoric Trails Network Cultural Landscape (PTNCL). *Id.* at

[2] *See*, *e.g.,* DEIR at 3.20-5 (three prehistoric isolates in the Project Area are insignificant because they are ineligible for listing pm CRHR).
[3] See Sustainable Preservation: California's Statewide Historic Preservation Plan, 2013-2017 (at page 16), available at: http://ohp.parks.ca.gov/pages/1069/files/SustainablePreservation_CaliforniaStatePlan_2013to2017.pdf.

5-2 to -3 ("cumulative visual impacts to the PTNCL would remain significant, and the Project's incremental contribution would be cumulatively considerable."). But the DEIR fails to adequately consider the Project's independent impact on cultural landscapes, including but not limited to the PTNCL.

The DEIR acknowledges that the Prehistoric Trails Network Cultural Landscape "encompasses the entirety of the Project area." DEIR at 3.20-5. The PTNCL consists of "prehistoric resources and landforms associated with the Halchidoma (or Coco-Maricopa) Trail," extending "near Blythe at the Colorado River, continuing to the west through the Chuckwalla Valley toward modern Los Angeles." *Id.* at 3.20-6. The DEIR then states that the PTNCL "was previously determined eligible for listing on the CRHR under Criteria 1 and 4," but asserts that "[n]o cultural remains associated with the PTNCL have been documented in the Project's Cultural Resources Study Area." *Id.*

This rigid focus on the "cultural remains" of the PTNCL ignores the overarching connectivity and the interrelated nature of a landscape-level trail system. Even without identifying a specific PTNCL "site type" in the Project area, the identification of the cultural landscape itself—which the DEIR admits encompasses the entire Project area—signifies that building within that landscape will have a significant, disruptive impact. In other projects, agency "[s]taff identifie[d] the Chuckwalla Valley portion of the [Pacific to Rio Grande Trails Landscape] as a cultural landscape and historical resource under CEQA that has both archaeological and ethnographic contributing elements…The Chuckwalla Valley portion of PRGTL is ultimately the result of the dynamic interaction between the natural elements of the landscape and the movement of different Native American cultures that lived and passed through the region." *See, e.g.,* Palen Solar Electric Generating System Revised Presiding Member's Proposed Decision at 6.3-34 to -43. The cultural landscape is the Tribes' way of life. The trails, which pass through the site, link the petroglyphs and rock shelters found on each surrounding mountain. The ancestors who created the petroglyphs in the boulders each had ties to the area and reasons for doing so and the entire landscape remains important to each tribal member individually and the Tribes collectively.

Project by project, the Tribes' cultural footprint is being erased and this Project is no exception. The DEIR's failure to acknowledge the Project's significant impact on cultural landscapes, including on the PTNCL, violates CEQA. The analysis must be revised to properly account for and mitigate these impacts.

2. As the prehistoric resources destroyed by the project contribute cultural landscapes, their removal constitutes a significant impact.

C2-6 Cont.

C2-7

The California Environmental Quality Act ("CEQA") requires lead agencies to identify significant impacts to "historic resources" and mitigate these impacts. *See, e.g.*, CEQA Guidelines § 15064.5. Moreover, CEQA requires lead agencies to use preservation in place for archaeological resources if feasible, unless other mitigation would be more protective. CEQA Guidelines § 15126.4(b); *Madera Oversight Coal. v. County of Madera*, 199 Cal.App.4th 48, 82-87 (2011).

The DEIR explains that there are three prehistoric isolates in the Project Area (DEIR at 3.6-22) and five prehistoric isolates within one mile of the Project Area (*id.* at 3.6-17to -20). All of the prehistoric isolates are not considered eligible for the CRHR, thus the DEIR did not consider them any further. *Id.* at 3.6-17 to-22.

The DEIR's focus only on "eligible" resources misconstrues state law. The DEIR must avoid conflating eligibility for the CRHR with significant impacts analysis under CEQA. Impacts to archaeological resources considered non-eligible for listing on the CRHR—perhaps because of their lack of integrity—may nevertheless be significant for CEQA purposes.

The DEIR's focus on Western scientific "value" artificially constrains its consideration of "cultural resources," and thereby undermines the accuracy and quality of any subsequent analysis. In doing so, the EIR ignores the tremendous cultural and spiritual significance that these cultural resources have for Tribal members, regardless of CRHR eligibility. Additionally, the DEIR's analysis inappropriately silos these archaeological resources. Under its logic, if an individual resource is not *independently* significant, it does not merit protection. *See, e.g.*, DEIR at 3.6-27 to -28.

In ignoring the connective and cumulative value of these resources, the DEIR fails to evaluate whether any of these non-eligible prehistoric archaeological sites or isolates contribute to the cultural landscapes, including the PTNCL. Even if these resources are not significant on their own—a characterization that the Tribes do not support—the DEIR must be revised to evaluate whether these resources are significant because of their contribution to a broader cultural landscape.

Instead, the DEIR downplays the significance of the identified isolates' connection to the PTNCL: "[d]ue to their widespread occurrences, removal of these resources would not alter the PTNCL's ability to convey its historical significance and would not constitute an adverse impact to the PTNCL." DEIR at 3.20-7. But the presence of such isolates is precisely how the PTNCL conveys its historical significance. Removal of any of these isolates adversely impacts the PTNCL. Moreover, such isolates will not remain ubiquitous if solar projects continue to remove them. As each new solar project removes

C2-7
Cont.

more so-called "independently insignificant isolates," solar development in the area is having a compounding domino effect that threatens the PTNCL.

Each time a solar project, like this one, removes an isolate it erases a piece of the PTNCL. The DEIR's failure to acknowledge how removal of prehistoric isolates significantly impacts cultural landscapes, including the PTNCL, violates CEQA. The analysis must be revised to properly account for and mitigate these impacts.

C2-7 Cont.

C. The DEIR's analysis fails to consider the Project's potentially significant impact on buried cultural and tribal cultural resources.

The DEIR pays scant attention to the very real possibility that construction and maintenance of this proposed Project will unearth archaeological and tribal cultural resources. Though the DEIR acknowledges the possibility of unearthing archaeological and tribal cultural resources, it claims that the potential impacts would be mitigated to a less than significant level through the DEIR's proposed mitigation measures. DEIR at 3.6-27, *see also id.* at 3.20-5. This analysis fails to recognize the tremendous cultural harm that the Tribes experience whenever tribal cultural resources are unearthed, damaged, or removed from the Tribal members' ancestral footprint.

The only true mitigation for cultural resource harms is avoidance—something that none of the DEIR's mitigation measures fully embrace. Moreover, the DEIR's emphasis on protecting only CRHR-eligible resources ensures that even avoidance may do nothing to prevent the wholesale destruction and/or removal of countless cultural resources on the Project site. These isolates and non-eligible resources make up the cultural footprint of many Tribal members' ancestors. Unless the definition of protected resources extends to these cultural resources as well, it is very likely that destruction of cultural resources will continue.

C2-8

For this reason, CRIT strongly urges the County to adopt a mitigation measure emphasizing avoidance and preservation in place for *all* cultural and tribal cultural resources, not just those eligible for a register. Where that is not feasible, the County should allow the Tribes to rebury unearthed tribal cultural resources in another location where they will be out of harm's way from Project activities. BLM California has recently revised its policies to allow this type of reburial when requested by tribes: https://www.blm.gov/policy/ca-2023-002.

D. The DEIR's analysis of cumulative adverse effects on cultural resources is inadequate.

Cultural resources represent a direct linkage between present-day tribal members and their ancestors. Once such resources are gone, it will be difficult, if not impossible, for the Tribes to prove that these lands are part of their ancestral homeland, and that their ancestors lived and worked on these lands since time immemorial. This issue is especially pressing given the past practice of allowing isolates and noneligible resources to be destroyed on site during construction. Despite the DEIR's acknowledgment that the Project will have a significant cumulative impact (DEIR at 5-2), the DEIR's methodology fails to acknowledge the full extent of the devastating impact and provides the public with an inaccurate cumulative picture.

The DEIR lists 21 past and present projects or programs and 9 probable future projects in the vicinity of the Project. DEIR at 3.1-7 to 3.1-11. These projects include large-scale renewable energy projects, electrical substations, and transmission line projects *Id.* The DEIR acknowledges that the Project will have significant cumulative effects on cultural resources and tribal culture resources. *Id.* at 5-2 to 5-3 ("The addition of more industrial components to the Chuckwalla Valley as a result of the Project contributes in a small but measurable way to create a visual intrusion upon the setting of the Prehistoric Trails Network Cultural Landscape (PTNCL), particularly from character defining features within the landscape."). The DEIR also acknowledges that Project's cumulative impact would remain significant even after implementing mitigation measures. *Id.* ("However, while the implementation of these mitigation measures helps to reduce the Project's contribution to adverse visual impacts upon the PTNCL as a resource, seen in combination with past projects, other current projects, and probable future projects, cumulative visual impacts to the PTNCL would remain significant, and the Project's incremental contribution would be cumulatively considerable."). Characterizing these cumulative impacts as unavoidable, the County makes no effort to mitigate them. The DEIR's finding of significant but unavoidable cumulative impact demonstrates just how devastating these solar projects have been and continue to be.

While the DEIR acknowledges the significant cumulative visual impact to the PTNCL, it fails to acknowledge other cumulative impacts. As such, the DEIR's analysis of cumulative impact does not fully capture the Project's full range of adverse effects. In particular, the DEIR fails to accurately describe the cumulative impacts of the listed projects in the vicinity. The DEIR should provide information as to how many cultural resources were actually discovered and/or disturbed when those projects were constructed. As the County is aware, it is impossible to predict the location of buried cultural resources and, therefore, actual cultural resource impacts can only be known

C2-9

once project construction has concluded. For the vast majority of the projects the DEIR lists in its cumulative analysis, those final impact numbers are readily available. Yet, the DEIR fails to provide the cultural resource information from each respective project, effectively guaranteeing that cumulative impacts are understated.

The DEIR's analysis focuses solely on NRHP- and/or CRHR-eligible resources and ignores non-eligible and isolate discoveries. The DEIR's discussion of only eligible resources ignores the broader cumulative impact of these projects for CRIT's members. The disturbance, destruction, and/or removal of any cultural resource—including isolates and non-eligible artifacts—contributes to the steady erosion of Tribal members' cultural footprint from their ancestral landscape. This issue is especially pressing given the past practice of allowing isolates and noneligible resources to be destroyed on site during construction. The DEIR's methodology fails to acknowledge this devastating impact and provides the public with an inaccurate cumulative picture.

C2-9 Cont.

Further, the Tribes firmly disagree with the County's characterization of this landscape. This ancestral land is still imbued with significance and meaning to Tribal members and any additional harm or infringement on that fragile, invaluable landscape has a significant impact for the Tribes. A more thorough cumulative impacts analysis is necessary because "environmental damage often occurs incrementally from a variety of small sources [that] appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact." *Communities for a Better Env't v. Cal. Res. Agency* (2002) 103 Cal.App.4th 98, 114; CEQA Guidelines § 15355(b) ("Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.").

E. The DEIR fails to provide adequate mitigation for the Project's cultural and tribal cultural resource impacts.

The DEIR relies on numerous mitigation measures to purportedly reduce the Project's significant cultural resource impacts (DEIR at 3.20-8 to -13), yet the proposed mitigation is inadequate and needs a number of revisions to more appropriately incorporate tribal input and respond to the Project's harms. The DEIR's recognition of significant cumulative impact on cultural and tribal cultural resources, as well as significant and unavoidable aesthetic impact to the North Chuckwalla Mountains Petroglyph District reveals that the Project requires more robust mitigation measures. In addition to the need for mitigation emphasizing avoidance and, where that is not possible, reburial, CRIT urges the County to make the following revisions:

C2-10

- Revise MM TCR-1 (Native American Monitor) to define the term "Native American Monitor" as an individual who is presented as a representative of a tribal government for one of the culturally affiliated tribes for the Sapphire Solar Project and who has received specialized training approved by that tribal government to serve as a monitor. C2-11

- Revise MM TCR-2 (Artifact Disposition) to provide for a fully executed reburial agreement with the appropriate culturally affiliated Native American tribe(s) or band(s); to provide that any fully executed reburial agreement will also provide conditions for the protection and confidentiality of the reburial site, which shall be chosen in consultation between the culturally affiliated tribe, the County, and the developer; to provide that any fully executed reburial agreement shall be confidential. C2-12

- Revise MM CUL-1 (Project Archaeologist) to state that the Project Archaeologist will consult with culturally affiliated tribes 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. C2-13

- Revise MM CUL-2 (Develop and Implement Cultural Resources Environmental Awareness Training) to state that the Project owner shall seek tribal input from culturally affiliated tribes and participation in compiling its Worker Environmental Awareness Program training to better incorporate tribal knowledge and perspectives. C2-14

- Revise MM CUL-3 (Cultural Resources Monitoring and Treatment Plan) to state that treatment plan shall describe a program for avoiding and monitoring all undiscovered cultural resources, not just those eligible for the NRHP and CRHR; to state that treatment plan must be in place before ground disturbance; to state that treatment plan must be developed in negotiation with culturally affiliated tribes and shall be subject to approval by culturally affiliated tribes; to state that reburial as described in TCR-2 shall be the preferred method of mitigation when preservation in place is infeasible. C2-15

- Revise MM CUL-4 (Archaeological Monitoring) to provide that any additional archaeological monitors will meet the qualifications of a bachelor's degree in anthropology/archaeology or completion of an archaeological field school and two or more years of archaeological project experience. C2-16

- Revise MM TCR-1, MM CUL-1, and MM CUL-4 to state that *no* ground disturbing activities will take place without the presence of a tribal monitor at the location of the ground disturbing work. Written notice identifying the proposed schedule of each project phase shall be provided to the Tribe supplying the tribal monitors at least one week in advance. Weekly, until ground disturbance is completed, the project construction manager shall provide to the tribal monitors' manager a schedule of project activities for the following week, including the identification of area(s) where ground disturbance will occur during that week. The Project Owner shall notify the Tribe providing tribal monitors of any changes to the scheduling of the construction phases. C2-17

- Revise MM CUL-5 (Unanticipated Resources) 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; to prohibit the CRS from decreasing the tribal monitoring effort; to better define "Native American tribal representative"; 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. C2-18

- Revise MM CUL-6 to state that 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. C2-19

- Revise MM CUL-7 (Phase IV Monitoring Program) to state that any reports prepared shall also be provided to CRIT and other culturally affiliated tribes; to state that any reports prepared shall also be provided to CRIT and other culturally affiliated tribes. C2-20

- Revies MM BIO-1 (Biological Monitoring) to state that the biological monitor shall provide a copy of any report involving impacts to biological resources to the Native American Monitor and culturally affiliated tribes. C2-21

- MM BIO-11 (Desert Tortoise Protection) to state that the Biological Monitor or desert tortoise biologist(s) will provide a copy of any report or survey involving C2-22

desert tortoise protective measures to the Native American Monitor and culturally affiliated tribes.

C2-22 Cont.

F. The DEIR analysis fails to take a comprehensive view of cultural and tribal cultural resources.

1. The DEIR fails to adequately identify and analyze visual cultural resource impacts.

The Aesthetics section of the DEIR does not adequately address the cultural implications of the Project's disruption of the visual landscape. Chuckwalla Valley and the surrounding slopes and ridgelines are more than a recreational resource for the Tribes; they have longstanding cultural and spiritual significance as ancestral lands. Any large-scale visual alteration to this space disturbs the sanctity of the outdoor environment, degrades cultural values, and constitutes a significant impact. Despite this special significance, the DEIR does not mention the visual impact on CRIT members in the Aesthetics section. The County must consult with the Tribes to determine the full significance of the visual landscape of the Chuckwalla Valley and surrounding slopes and ridgelines as cultural resources, and to explore possible additional or alternative mitigation that would best minimize visual impacts as a whole.

C2-23

The Aesthetics section likewise fails to address the cultural implications of the Project's visual impact to two Key Observation Points (KOP) with significance to CRIT members: (1) Dragon Wash rock art site (KOP 1) and (2) North Chuckwalla Mountains Petroglyph District (KOP 10). The DEIR states that "[t]he clearest views to the Project site would be from elevated/slightly elevated vantage points in the surrounding area including KOPs 1…and 10." DEIR 3.2-16. Accordingly, some of the Project's most adverse visual impacts affect tribal cultural resources.

Despite acknowledging that Dragon Wash rock art site is significant to tribes in the region (DEIR 3.2-7), the DEIR does not identify the site as a cultural or tribal cultural resource. The DEIR concludes that expanding the sight of existing solar facilities on the valley floor "would result in less-than-significant view effects" and not require mitigation (*id.* at 3.2-14). This claim conflicts with the fact that Dragon Wash rock art site has one of the most prominent views of the Project.

The DEIR repeatedly downplays the Project's visual impact to Dragon Wash rock art site by stating the Project will be viewed alongside existing nearby solar development. *See, e.g., id.* at 3.2-17. Even if the "visible Project components would occupy a small portion of the seen landscape," the impact is significant because *any* visible Project

component disturbs the sanctity of the site. Similarly, *any* interruption in the view has a significant impact because it interrupts the continuity of the landscape, and thus the connectivity between cultural resources. That existing solar projects already degrade the scenic character of this site does not justify further degradation. Moreover, the DEIR's conclusion that the visual impact on Dragon Wash rock art site is not significant is inconsistent with the conclusion that the Project combined with other solar projects would result in a significant cumulative impact on visual resources (discussed further below).

The DEIR neither acknowledges the significance of the North Chuckwalla Mountains Petroglyph District to tribes in the region nor identifies the site as a cultural or tribal cultural resource. 3.2-10. Because the DEIR evaluates the North Chuckwalla Mountains Petroglyph District as solely an aesthetic resource, it fails to capture the Project's true harm to tribal cultural resources. The DEIR's failure to identify the North Chuckwalla Mountains Petroglyph District as a tribal cultural resource is particularly detrimental because the site will suffer significant and unavoidable impacts. DEIR at 3.2-19; *see also id.* at 5-1. The DEIR claims "[t]here is no known mitigation that if implemented would soften the color contrasts associated with solar panels at KOP 10 due to the lack of screening elements between the KOP and Project site." *Id.* But screening elements are not the only known mitigation. CRIT asks the County and Applicant to consider redesigning or relocating the Project to mitigate the adverse harm on this significant tribal cultural resource, including reconsidering the Distributed Solar Technology alternative (*id.* at 4-14).

In addition to violating CEQA, the DEIR's failure to analyze the cultural impacts of the Project's aesthetic impacts violates applicable local regulations. The Riverside County General Plan's Land Use element includes Policy LU 9.1, which "[p]rovide[s] for permanent preservation of open space lands that contain important…cultural resources." DEIR at 3.2-3. The Project will span 1,123 acres. *Id.* at ES-1. Located in the Tribes' ancestral homelands, the Project will directly impact the land and any cultural resources it is sited on. "The Project is in the Chuckwalla Valley. Mountains that surround the valley include the Palen and Coxcomb ranges to the north and northeast, the Eagle Mountains to the west, and the Chuckwalla Mountains to the south." *Id.* at 3.6-4. The Project is also three miles from Joshua Tree National Park. *Id.* at 3.12-7. The DEIR claims that the Project is nonetheless consistent with Policy LU 9.1 because it is "not within an area with important natural resources." *Id.* at 3.12-10. By focusing on natural resources of the landscape the DEIR artificially constrains its analysis so as to ignore Policy LU 9.1's goal of preserving of cultural resources and scenic value. Thus, the DEIR wrongly claims that the Project is consistent with Policy LU 9.1. In fact, the Project is inconsistent with

C2-23
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Policy LU 9.1 because it is developing open space land that contains cultural resources and scenic value. Failure to preserve this open space land disrupts both physical and visual access to the Tribes' ancestral lands.

Because the aesthetics analysis does not consider the cultural significance of the Project's aesthetic impacts, the proposed mitigation measures are inadequate. None of the measures address concerns tied to the landscape's or Key Observation Points' cultural significance. The DEIR must be revised to consider and analyze the cultural significance of the area's landscape, including Dragon Wash rock art site and the North Chuckwalla Mountains Petroglyph District.

C2-23 Cont.

a. The Project's cumulative impacts on visual resources are significant.

As the DEIR acknowledges, the Project, in combination with other local energy projects, would contribute to significant cumulative visual impacts. The DEIR nonetheless disregards lower footprint alternatives and continues to recommend the proposed project. DEIR at 5-2. The DEIR justifies this decision by punting the blame for such adverse cumulative visual impacts to policy makers who made "deliberate policy decisions to concentrate utility scale solar development in the Chuckwalla Valley." *Id.*

C2-24

2. The DEIR ignores the cultural significance of impacted desert species.

The DEIR also fails to acknowledge the cultural significance of impacted desert species to local tribes—either in the cultural resources analysis or the biological impacts discussion. A number of the animals at greatest risk from the proposed project, including the Mojave desert tortoise, golden eagles, Western burrowing owls, American badgers, desert kit foxes, and various other birds, (DEIR at 3.5-13 to -16) are important to tribal culture because they hold power and spiritual value in Native American belief systems and oral traditions.

A number of the plants at the project site also hold cultural value for CRIT. For example, the DEIR states that the Project area would cover 32.9 acres of Creosote Bush Scrub. DEIR at 3.5-9. Creosote has topical and internal medicinal purposes for tribal members, and was traditionally used by Mohave and Chemehuevi craftspeople for a number of utilitarian purposes, including waterproofing of baskets, cordage objects, and pottery. Once these and other desert sensitive plants have been destroyed through surface disturbing activities, this loss of traditional cultural lifeways cannot be readily mitigated.

C2-25

The DEIR should have considered these plant and animal species historic resources given their deep cultural significance to local tribes. The CEQA Guidelines explain that a historic resource need not be eligible for the CRHR to be a "historic resource" under Public Resources Code sections 5020.1(j) or 5024.1; "historic resources" thus require a more expansive analysis than the one required under the CRHR criteria. CEQA Guidelines § 15064.5(a)(4). Such resources necessarily include viewsheds and landscapes, plants and animals used in and/or central to cultural and religious practices and creation stories, and religious and customary practices (e.g., hunting and gathering, religious ceremonies, and trail walking). The DEIR must be revised to apply the correct definition of cultural resources and properly analyze the impact on desert species.

C2-25 Cont.

a. The cumulative impacts on biological resources is not adequately analyzed.

Moreover, CRIT has serious concerns about whether the piecemeal mitigation measures proposed in the DEIR will adequately alleviate the tremendous stress that these large-scale renewable energy projects place on sensitive desert species. Much of the DEIR's analysis of potential biological impacts relies on surveys to determine what species are present in the Project area (DEIR at 3.5-13). But this methodology does not necessarily capture the extent to which other solar projects in the vicinity have already destroyed habitat and impacted the future viability of these desert species. The County must revise the mitigation analysis to consider the devastating cumulative and compounding impacts of habitat loss and other impacts.

Under CEQA, an agency must assure that its mitigation is "effective" and will "present a viable solution" to reducing impacts. *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1116. CEQA also requires an agency to "quantitatively or qualitatively ascertain or estimate the effect of the Project's mitigation measures." *Friends of Oroville v. City of Oroville* (2013) 219 Cal.App.4th 832, 842. The County's vague mitigation for minimizing impacts to biological resources falls short of these requirements.

C2-26

The DEIR repeatedly proposes relocation as a mitigation measure to alleviate impacts to wildlife. *See, e.g.*, DEIR at 3.5-22 (MM BIO-8 implements passive relocation of burrowing owls and MM BIO-9, Desert Kit Fox and American Badger Relocation, implements passive relocation of the desert kit fox and American badger). But Tribes are concerned that the development of so many solar projects in this region has left little habitat available for these relocation efforts. *Id.* at 3.5-39. The DEIR lacks analysis of how relocation solves the problem of habitat loss caused by the Project. The DEIR also lacks analysis of the potential adverse effects of relocation on these species. And while

the DEIR claims that MM BIO-1 through MM BIO-7 would minimize impacts to these species, including by offsetting the permanent habitat loss through off-site habitat compensation (*id.* at 2.5-21 to -22), it lacks sufficient detail about the off-site habitat compensation for Tribes and the public to assess this claim. Thus, the mitigation measures in no way ensure that harm to burrowing owls, desert kit foxes, or American badgers will be reduced.

MM BIO-11, Desert Tortoise Protection, is also insufficient. What the mitigation measure terms "avoidance" seems to be passive relocation: "[i]f a live tortoise or an occupied tortoise burrow is identified in the work area, all Projects activities that may result in take shall cease. The tortoise shall be allowed to leave on its own accord without handling or harassment." DEIR at 3.5-42. If the end game of MM BIO-11 is relocation, the DEIR must be clear on that and discuss the effectiveness of relocating tortoises as mitigation. The DEIR is also unclear on what happens when a tortoise returns or attempts to return to its burrow "on its own accord."

Moreover, the DEIR inappropriately defers development of much mitigation. CEQA does not allow agencies to defer mitigation to a later date without adequate performance standards, which are not provided here. CEQA Guidelines § 15126.4(a)(1)(B). For instance, without more detail as to how and where desert tortoise exclusion fencing will be used, it is difficult for CRIT and the public to understand whether this tool will adequately mitigate the Project's impacts. *See Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467, 520-21 (deferral of mitigation without "objective and measurable standard" or "reasonable assurance" impacts will be reduced is legal error); *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 281 (invalidating mitigation that failed to "specify performance standards or provide other guidelines").

The County also defers mitigation of impacts to burrowing owls by stating that the Applicant will prepare a plan. *See* DEIR at 3.5-3 ("The Applicant shall prepare and implement a plan to avoid, minimize, and mitigate potential impacts to burrowing owl…Burrowing owl protection shall be described further in a Burrowing Owl Avoidance and Relocation Plan…"). Vague references to future planning is not enough. In *San Joaquin Raptor*, the court overturned a deferred vernal pool habitat plan because "[t]he success or failure of mitigation efforts … 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 645, 670. Similarly, here, the mitigation of harm to burrowing owls largely depends upon plans that have not yet been formulated.

C2-26
Cont.

3. The DEIR fails to adequately analyze cultural resource impacts from increased erosion.

The DEIR acknowledges that "indirect impacts to cultural resources are those that may result from increased erosion due to site clearance and preparation". DEIR at 3.6-26. Erosion can exacerbate exposure of cultural resources. For example, at the Genesis Solar Energy Project, annual monsoon rains overwhelmed the project's stormwater drainage plans, resulting in significant erosion and exposure of cultural resources. BLM brought in tribes for consultation, asking what should be done to the resources that were exposed. Overwhelmingly, the response was that BLM should have better reviewed the designs of the project in the first place, to ensure that the project did not exacerbate runoff and erosion.

C2-27

However, the DEIR does not analyze the impact of erosion on cultural resources. The analysis must be revised to specifically address whether the Project will result in increased erosion and deposition, including in a manner that would adversely impact cultural resources.

II. The DEIR Fails to Recognize or Analyze the Environmental Justice Impacts of the Project.

California law requires that local agencies consider issues of fairness and environmental justice in the planning context. *See* Cal. Gov. Code, § 11135. "Environmental justice" is defined in the Government Code as "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies." Cal. Gov. Code, § 65040.12(e). Likewise, CEQA and its implementing Guidelines require lead agencies to consider the public health burdens of a project as they relate to environmental justice for certain communities. A 2012 report from the California Attorney General discussing environmental justice concerns under CEQA explained that, "where a local agency has determined that a project may cause significant impacts to a particular community or sensitive subgroup, the alternative and mitigation analyses should address ways to reduce or eliminate the project's impacts to that community or subgroup." "Environmental Justice at the Local and Regional Level: Legal Background," State of CA DOJ, at 4. There is a similar requirement for BLM under NEPA. *See, e.g.*, EPA's 1998 Environmental Justice Guidance; Executive Order 12898. These analyses are required for an adequate consideration of environmental justice impacts.

C2-28

The DEIR fails to include any analysis or mitigation related to the Project's environmental justice impacts. One of the most substantial environmental costs of the

proposed Project is the destruction of tangible cultural resources and the wholesale transformation of the ancestral homelands of Indian tribes, including CRIT. This cost is borne exclusively by tribal members. The power produced at the proposed Project, however, is unlikely to serve residents of the Colorado River Indian Reservation, and the climate change benefits will be spread across the globe. The massive profits, moreover, will benefit a small number of private companies. This imbalanced allocation of costs and benefits, which disproportionately disadvantages a minority population while providing them little or no benefit from the program, satisfies any recognized definition of environmental justice.

To begin to right this imbalance, CRIT urges the County to consider and analyze the Project's environmental justice impacts. Furthermore, CRIT urges the County to adopt a mitigation measure to give employment preferences to Tribal members, as well as access to any necessary job training programs to ensure performance and experience requirements can be met. The agencies should also adopt mitigation measures that ensure that the project developer sources construction materials from tribal enterprises. CRIT has serious questions as to whether the proposed Project will bring much needed construction and permanent jobs to an area close to the Reservation. At a minimum, please provide additional information about the nature of the jobs related to the Project to ensure that Tribal members may be available for hire. Tribal members must have access to these jobs to ensure that at least some of the benefits of the proposed Project flow back to the disadvantaged minority community on the Reservation.

C2-28 Cont.

III. The Alternatives Section Is Inadequate.

A. The Project's narrow purpose impedes an adequate alternatives analysis.

CEQA requires an EIR to include analysis of alternative locations. CEQA Guidelines, § 15126.6(f)(2). The EIR must ask if "any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location." CEQA Guidelines, § 15126.6(f)(2). Only if the lead agency concludes that there are no feasible alternatives, may the agency avoid reviewing at least one alternative site. CEQA Guidelines, § 15126.6(f)(2); *see Laurel Heights Improvement Ass'n v. The Regents of the University of California*, 47 Cal. 3d 376, 399-407 (1988) (finding that the EIR should have explored the potential to locate the project somewhere other than the Laurel Heights property; fact that the University owned the Laurel Heights property did not exempt it from analyzing use of other sites). And, if the agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion in the EIR. CEQA Guidelines, § 15126.6(f)(2).

C2-29

The DEIR does not disclose that no feasible alternative locations exist, nor does it give any reasons for its failure to consider a feasible off-site alternative. This flatly contradicts the CEQA Guidelines and case law. Moreover, analysis of the impacts of Alternative 3, the Private Linear Facility Route Alternative, on aesthetics, cultural resources, and tribal cultural resources is inadequate.

In its analysis of Alternative 3's impacts to cultural resources, the DEIR considers only the impact that increasing the length of the gen-tie route has on buried cultural resources. DEIR at 4-8. The DEIR must also consider the impact of the location of the alternative route on both buried and documented cultural resources, as well as on cultural landscapes. Accordingly, the DEIR must include a survey of the documented cultural resources within the alternative route. Without a survey it is impossible to understand whether Alternative 3 would disturb more or less cultural resources. A survey would also help substantiate the conclusion that "this Private Linear Facility Route Alternative would increase the potential for inadvertent discovery during construction and increase the extent and duration of cultural resources monitoring."

C2-29 Cont.

Additionally, the DEIR fails to discuss whether and how an increased impact to cultural resources affects tribal cultural resources . The conclusion that tribal cultural resources "are unlikely to appreciably differ from those of the Project" is inconsistent with the conclusion that Alternative 3 is likely to uncover more buried resources than the Project. The DEIR must address this inconsistency.

Finally, as discussed in Section I of this Comment Letter, the Project's impacts on cultural resources and tribal cultural resources is significant, even with the mitigation measures. As such, any increase of those impacts is likewise significant. Thus, the DEIR's conclusion that Alternative 3's impact to cultural resources is less than significant (DEIR at 4-9) is incorrect.

IV. The DEIR Improperly Narrows the Analysis of Growth-Inducing Impacts from the Project.

A draft EIR must discuss the ways in which the proposed project could foster growth-inducing impacts. Pub. Resources Code § 21100(b)(5); CEQA Guidelines §§ 15126(d), 15126.2(d). The DEIR limits its analysis of growth-inducing impacts to four criteria: (1) removal of an obstacle to growth ; (2) economic expansion or growth; (3) establishment of a precedent-setting action; (4) encouraging development or encroachment into an isolated area or open space. DEIR at 5-4. However, CEQA requires an agency to also "discuss the characteristic of some projects which may encourage and

C2-30

facilitate other activities that could significantly affect the environment, either individually or cumulatively." CEQA Guidelines § 15126.2(d).

The DEIR fails to analyze the characteristics of this project that induce further solar development. Specifically, the construction of the gen-tie line will "encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively." *See* CEQA Guidelines § 15126.2(d). In contrast to the claim that the Project "would not provide new access to a previously inaccessible area," (DEIR at 5-5), construction of the gen-tie line would provide new access because it provides the infrastructure to facilitate additional solar projects. Indeed, this DEIR cites to its utilization of the existing the Desert Harvest gen-tie line and Southern California Edison Red Bluff substation. *Id.* at ES-1.

The viability of the proposed project could also serve to attract new project applicants and ease the way for approval of other nearby projects. Similar to how this DEIR cites to surrounding solar facilities to artificially minimize this Project's impacts, so too will future environmental review documents cite this Project and its DEIR to do the same. By putting facts on the ground and drafting a DEIR that give credence to the idea that the "damage is already done," the Project creates a growth-inducing impact. The analysis must consider future solar projects, which are constructed due to the growth-inducing effect of this Project, and their impacts to the environment.

C2-30 Cont.

Conclusion

Thank you for considering these comments. As required by state, federal, and tribal law, we look forward to receiving your response to these comments. Please copy the Tribes' Attorney General, Rebecca A. Loudbear, at rebecca.loudbear@crit-nsn.gov, and THPO Director Bryan Etsitty, at betsitty@crit-nsn.gov, on all correspondence to the Tribes.

C2-31

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

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Response to Comment Letter C2

Colorado River Indian Tribes
Amelia Flores
Chairwoman
September 30, 2024

C2-1/2 The commenter describes the Colorado River Indian Tribes (CRIT) and, after summarizing background principles of law under the California Environmental Quality Act (CEQA), states that the Draft Environmental Impact Report (EIR) is inadequate for reasons stated in the commenter's letter. The commenter requests that all prehistoric resources be avoided if feasible, states that it is concerned about degraded vistas from sites with cultural significance and requests completion of ethnographic studies and archaeological surveys of roads proposed for travel and transportation.

Access roads to the Project have been subject to cultural resources study and will be subject to the mitigation measures of this EIR, as are the access roads of the projects that surround the Project with respect to their own CEQA studies, specifically Oberon Solar Project (in operations), Desert Harvest Solar Project (in operations), and the Easley Solar Project (approved). The commenter's concerns regarding potential removal of cultural belongings and degraded vistas from culturally significant sites are addressed below.

C2-3 The commenter states that the Draft EIR fails to adequately analyze or mitigate the Project's impacts on cultural resources.

The expressed importance of analyzing and mitigating the Project's impacts on cultural resources, particularly those affiliated with the Colorado River Indian Tribes (CRIT), is understood. As such, the Draft EIR evaluates the potential impacts on cultural resources, taking into account both direct and indirect effects associated with the construction, operation, maintenance, and decommissioning of the Project, including potential effects upon the cultural landscape. This analysis includes an examination of impacts within the Cultural Resource Study Area, which encompasses the Project site and its immediate surroundings in accordance with CEQA and the County's Environmental Assessment Checklist for impacts to cultural resources, as presented in Draft EIR Section 3.6.4.

Furthermore, the Draft EIR incorporates recommendations from the Native American Heritage Commission (NAHC) and other stakeholders to ensure proper consultation with California Native American tribes affiliated with the Project area. This includes steps such as archaeological records searches, consultation with NAHC for Sacred Lands File searches, and the consultation with culturally affiliated Native Americans to identify potentially significant tribal cultural resources that may be impacted by the Project. The analysis takes into consideration the concerns that culturally affiliated Native American Tribes, through the AB 52 consultation process, have about the Project's potential impact to tribal cultural resources during all phases. Including construction, operation, maintenance, and decommissioning, of the Project.

Additionally, concerning the possibility of effect resulting from unanticipated cultural resource discoveries, mitigation measures have been developed to address potential adverse impacts to such resources.

The comprehensiveness of the EIR's analysis is illustrated by the comment's extensive references to where the EIR actually discusses the issues of importance to the commenter. Commenter states that the DEIR "fails to acknowledge the Project's potentially significant impacts on tribal cultural resources." This is incorrect. Page 3.20-7 and 3.30-8 of the EIR explain that impacts to tribal cultural resources are potentially significant but mitigable at the Project level but remain cumulatively considerable at the cumulative level.

Commenter states the Draft EIR includes an "attempt to downplay the possibility of unanticipated cultural resource discoveries." The Draft EIR includes 4.5 pages of tribal and cultural mitigation measures proposed specifically designed to address and mitigate for the possibility of unanticipated cultural resource discoveries, notwithstanding the discovery of just three isolated prehistoric flakes at the 1,123-acre Project site during cultural resource field surveys accompanied by a tribal monitor.

C2-4 The commenter states that the three prehistoric isolates at the Project site and five prehistoric isolates within one mile of the Project site are all culturally and spiritually significant to the commenter and therefore disagrees with the Draft EIR's conclusion that the isolates do not qualify as Tribal Cultural Resources. Page 3.20-7 of the Draft EIR explains that while the isolates identified on the Project site broadly relate to PTNCL themes surrounding resource procurement and manufacture, they are ubiquitous throughout the Chuckwalla Valley and, due to their widespread occurrences, removal of these resources would not alter the PTNCL's ability to convey its historical significance and would not materially adversely alter the PTNCL. The same holds for the resources identified within one mile of the Project site. After taking into consideration the significance of the isolates to the commenter, the lead agency confirms, pursuant to the criteria of Public Resources Code Section 5024.1(c), that the isolates still do not qualify as tribal cultural resources under CEQA because neither the administrative record nor commenter's comments include substantial evidence showing that the isolates are significant because they are associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage, are associated with the lives of important persons, embody distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possesses high artistic values, or have yielded, or are likely to yield, information important in prehistory or history.

The commenter also states that the Dragon Wash rock art site and North Chuckwalla Mountains Petroglyph District are tribal cultural resources ignored by the Draft EIR. This is incorrect. Both sites lie within 5 miles of the I-10 corridor and are part of the PTNCL, a Tribal Cultural Resource that includes many subsidiary Tribal Cultural Resources, including most of the Chuckwalla Valley, and is discussed at length in the Draft EIR. Page 3.2-7 of the Draft EIR identifies the Dragon Wash site as "significant to Native American communities in the region." Page 3.2-14 of the Draft EIR concludes that the Project would not have a significant effect on views from the Dragon Wash rock art site. Page 3.2-19 concludes that the Project would have a significant and unavoidable impact on views from the North Chuckwalla Mountains Petroglyph district. Page 3.20-8 of the

Draft EIR concludes that the Project's incremental contribution to significant cumulative visual impacts to the PTNCL would be considerable.

Commenter asks that the lead agency address commenter's strong preference for keeping isolates in place. Mitigation Measure CUL-3 of the Draft EIR requires preservation in place to be the preferred method of mitigation and, where data recovery is the only feasible mitigation, to develop treatment measures through consultation with traditionally culturally affiliated tribes with reburial specifically identified as a potential treatment measure.

The lead agency notes that commenter did not elect to participate in AB 52 consultation in response to the lead agency's AB 52 notice.

C2-5 The commenter states that the Draft EIR incorrectly considers cultural resource value only from a Western, scientific perspective, inadequately incorporating Tribal perspectives and input into such considerations. The commenter expresses concerns about the Project's potential impacts on cultural resources and the importance of incorporating tribal perspectives into the analysis.

The lead agency has considered the significance of identified resources to California Native American tribes as well as commenter's comments and, other than the PTNCL, has not identified substantial evidence supporting a determination that any of the identified prehistoric resources on or within one mile of the Project site are significant pursuant to criteria set forth in Government Code Section 5024.1(c).

The commenter's expressed concerns about the Project's potential impacts on cultural resources and the importance of incorporating tribal perspectives into the analysis. In preparing the analysis regarding cultural and tribal cultural resources for the Draft EIR, the requirements of AB 52 in notifying and consulting with California Native American tribes regarding the Project were followed to ensure tribal perspectives were considered. Notices regarding the project were sent to all regionally culturally affiliated tribes on December 16, 2022, in accordance with the law.

While responses were not received from several tribes contacted, meaningful consultation among those culturally affiliated tribes who responded did occur. These consultations involved discussions about the project and the potential impacts to cultural and tribal resources as a result of Project implementation. Out of consultation, tribes generally expressed concerns about the potential for unidentified subsurface tribal cultural resources. To address these concerns, mitigation measures, including MM CUL-3 requiring a Cultural Resources Monitoring and Treatment Plan prior to the start of construction, MM CUL-4 requiring archaeological monitoring of activities in undisturbed soils, MM CUL-5 outlining notification and consultation protocols for when unanticipated discoveries are encountered during construction, and MM TCR-1 requiring a Native American monitor present during ground-disturbing activities, to ensure any unanticipated finds are handled in a timely and culturally appropriate manner. Additionally, the Draft EIR talks about the need to adhere to standard conditions of approval regarding the treatment and disposition of human remains (MM CUL-6) as required by state law.

C2-6 The commenter expresses concern that the Project will significantly impact cultural landscapes, and that these cultural landscapes (and impacts to them) have been not considered or are too narrowly considered.

Draft EIR Section 3.20 (Tribal Cultural Resources) discusses the prehistoric landscape described by the commenter, and states that the Prehistoric Trails Network Cultural Landscape/Historic District (PTNCL), which is part of the PRGTL, is a CRHR-eligible district that encompasses the entirety of the Project Area. The Draft EIR concludes that no cultural remains associated with the PTNCL have been documented in the Project's Cultural Resources Study Area. The closest documented constituents of the PTNCL lie approximately 3.5 miles southeast of the Project area. The analysis conducted for the Draft EIR concerning cultural and tribal cultural resources identified the Project's visual impact on the PTNCL after mitigation as a cumulatively considerable and unavoidable contribution to an existing significant cumulative impact on the PTNCL.

C2-7 The commenter states that the Draft EIR does not adequately mitigate for significant impacts to cultural resources through the preferred method of avoidance, including isolated artifacts and other resources that are not eligible for the CRHR.

MM CUL-5 (Unanticipated Resources) discusses avoidance as a possible treatment option for unanticipated prehistoric discoveries encountered on the Project, as determined during discussions between the developer, the Project Archaeologist, the Native American tribal representative, and the County Archaeologist. While the Draft EIR does not require the avoidance of isolated artifacts, impacts to those resources are addressed by MM TCR-2 (Artifact Disposition).

The commenter also notes that CRIT's Mohave members consider isolated artifacts to be important resources, while data-driven analyses tend to deemphasize the importance of these resources. MM TCR-2 (Artifact Disposition) was developed to address this concern. This measure requires that all prehistoric isolated artifacts and all artifacts associated with prehistoric resources that will be directly impacted by construction will be collected by archaeological and Native American monitors and reburied to the extent allowed by BLM.

C2-8 The commenter states that the Draft EIR analysis fails to consider the Project's potentially significant impact on buried cultural and tribal cultural resources, emphasizing avoidance. Additionally, the commenter states that any identified tribal cultural resources that could not be avoided should be reburied out of harm's way from Project activities.

Please see Response to Comment C2-7.

C2-9 The commenter states that the Draft EIR's analysis of cumulative adverse effects on cultural resources is inadequate and that the EIR should include information detailing how many cultural resources were discovered and/or disturbed at the 21 past and present projects and programs included in the cumulative impacts baseline of the Draft EIR. Such analysis is not necessary for an adequate impact assessment. CEQA does not require a lead agency to conduct every recommended test and perform all recommended research in evaluating a project's environmental impacts. Even if it were feasible to do so, detailing every cultural resource discovered on the site of the 21 projects located within the more than 400-square mile area of the PTNCL that includes all such resources would not change the conclusion of the Draft EIR that the Project site lacks known prehistoric and tribal cultural resources the loss of which would result in a cumulatively considerable impact to the PTNCL.

The Draft EIR thoroughly evaluates the Project's potential impacts on cultural resources at the project and cumulative level, taking into account both eligible and non-eligible resources. It

employs established methodologies and criteria to assess the Project's effects on archaeological and tribal cultural resources, including potential discoveries during construction activities. As a result, mitigation measures have been developed to address any potential unforeseen impacts based on an examination of the current cultural resource study.

C2-10 The commenter states the Draft EIR fails to provide adequate mitigation for the Project's cultural and tribal cultural resource impacts.

See Response to Comments C2-11 through C2-22.

C2-11 The commenter requests revision to the MM TCR-1 "to define the term "Native American Monitor" as an individual who is presented as a representative of a tribal government for one of the culturally affiliated tribes for the Sapphire Solar Project and who has received specialized training approved by that tribal government to serve as a monitor."

The requested revision was applied to MM TCR-1.

C2-12 The commenter requests revisions to the MM TCR-2 to "provide for a fully executed reburial agreement with the appropriate culturally affiliated Native American tribe(s) or band(s); to provide that any fully executed reburial agreement will also provide conditions for the protection and confidentiality of the reburial site, which shall be chosen in consultation between the culturally affiliated tribe, the County, and the developer, to provide that any fully executed reburial agreement shall be confidential."

MM TCR-2 as written contains language in both sub sections 'a' and 'b' which provide for the reburial location to be confidential and not subject to a Public Records Request and that Consulting Tribes shall agree on reburial.

C2-13 The commenter requests revision to the MM CUL-1 to state that "the Project Archaeologist will consult with culturally affiliated tribes 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."

The County conducted government-to-government consultation in accordance with AB 52. Pursuant to MM CUL-1, MM CUL-2, MM CUL-3, and MM TCR-1, development of the CRMTP 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.

C2-14 The commenter requests revision to the MM CUL-2 to state that " the Project owner shall seek tribal input from culturally affiliated tribes and participation in compiling its Worker Environmental Awareness Program training to better incorporate tribal knowledge and perspectives."

The following language has been added to MM CULT-2: "The training shall be prepared in consultation with culturally affiliated Native Americans to incorporate the tribal knowledge and perspectives from these Native American groups into the presentation."

C2-15 The commenter requests revision to the MM CUL-3 to state that "treatment plan shall describe a program for avoiding and monitoring all undiscovered cultural resources, not just those eligible for the NRHP and CRHR; to state that treatment plan must be in place before ground disturbance; to state that treatment plan must be developed in negotiation with culturally affiliated tribes and shall be subject to approval by culturally affiliated tribes; to state that reburial as described in TCR-2 shall be the preferred method of mitigation when preservation m place is infeasible."

The County conducted government-to-government consultation in accordance with AB 52. MM CUL-3 already requires that a CRMTP be developed prior to construction. Further, MM CUL-3 and MM TCR-2 jointly require that reburial is the preferred method of mitigation when preservation in place is not feasible. MM CUL-3 requires treatment measures to be developed through consultation among traditionally culturally affiliated tribes and the County.

C2-16 The commenter requests revision to the MM CUL-4 "to provide that any additional archaeological monitors will meet the qualifications of a bachelor's degree in anthropology/archaeology or completion of an archaeological field school and two or more years of archaeological project experience."

The following language has been added to MM CUL-4: "to provide that any additional archaeological monitors will meet the qualifications of a bachelor's degree in anthropology/archaeology or completion of an archaeological field school and two or more years of archaeological project experience."

C2-17 The commenter requests revision to MM TCR-1, MM CUL-1, and MM CUL-4 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.

C2-18 The commenter requests revision to the MM-CUL-5 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; to prohibit the CRS from decreasing the tribal monitoring effort; to better define "Native American tribal representative"; 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."

MM CUL-5 already requires that a meeting shall be convened between the Applicant, 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. The archaeological monitoring levels will be determined by construction activity and location. This process will be defined in the CRMTP required by MM CUL-1 and MM CUL-3. These plans will be distributed and consulted on prior to implementation. Any adjustments in monitoring levels will be made in consultation with reviewing agencies. See response C2-11 regarding the definition of Native American Monitor.

C2-19 The commenter requests revision to the MM CUL-6 to state "that 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 already requires that the Applicant/permit holder or any successor in interest comply with State Health and Safety Code Section 7050.5. This compliance would trigger compliance with Public Resources Code Section 5097.98, which requires immediate notification to the most likely descendant and subsequent consultation.

C2-20 The commenter requests revision to the MM CUL-7 to state "that any reports prepared shall also be provided to CRIT and other culturally affiliated tribes; to state that any reports prepared shall also be provided to CRIT and other culturally affiliated tribes."

The Sapphire Solar Project is located largely on private land under the jurisdiction of the County of Riverside with portions on BLM-administered public land. Cultural resources reports contain confidential information about resources that are managed by the County for private lands and BLM on BLM-administered public. As such, all cultural resource reports for the Sapphire Solar Project would be disseminated by either the County or the BLM at their sole discretion.

C2-21 The commenter requests revision to the MM-BIO-1 to state "that the biological monitor shall provide a copy of any report involving impacts to biological resources to the Native American Monitor and cultural affiliated tribes."

Potential impacts to sensitive desert flora and fauna and mitigation measures are discussed in Draft EIR Section 3.5 (Biological Resources). The Applicant has prepared a Biological Resources Technical Report included as Appendix C in the Draft EIR. Biological resources mitigation measures are provided in Draft EIR Section 3.5.4. Biological resources monitoring reports required by the mitigation measures 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.

C2-22 The commenter requests revision to the MM-BIO-11 to state "that the Biological Monitor or desert tortoise biologist(s) will provide a copy of any report or survey involving desert tortoise protective measures to the Native American Monitor and culturally affiliated tribes."

See Response to Comment C2-21.

C2-23 The commenter expresses concern that the Draft EIR fails to adequately identify and analyze visual cultural resource impacts, that it does not identify two archaeological resources beyond the project boundaries as cultural or tribal cultural resources, that it does not evaluate the full significance of the Chuckwalla Valley and surrounding slopes as cultural resources, and that it "does not mention the visual impact on CRIT members in the Aesthetics section."

In preparing the analysis for the Draft EIR, the requirements of AB 52 in notifying and consulting with California Native American tribes regarding the Project were followed to ensure tribal perspectives were considered. Notices regarding the project were sent to all regionally culturally affiliated tribes, including the commenter, on December 16, 2022. The County conducted government-to-government consultation in accordance with AB 52. Two culturally affiliated tribes requested consultation in response to the notice but the commenter did not.

While responses were not received from several tribes contacted, meaningful consultation among those culturally affiliated tribes who responded did occur. These consultations involved discussions about the Project and the potential impacts to cultural and tribal resources as a result of Project implementation. The County conducted government-to-government consultation in accordance with AB 52.

Please see response to comment C2-4 regarding Dragon Wash rock and the North Chuckwalla Mountains Petroglyph District.

Because the North Chuckwalla Mountains Petroglyph District is approximately 4.3 miles beyond the Project footprint, and the Dragon Wash rock art site is approximately 6.85 miles beyond the Project footprint, the Project's only potential impact on the resources is visual in nature, as expressed not just in the Aesthetics section of the EIR, but in the Cultural Resources and Tribal Cultural Resources Sections as well.

C2-24 The commenter states that the Draft EIR recognizes that the Project, in combination with other local energy projects, would contribute to significant cumulative visual impacts, but nonetheless ignores lower footprint alternatives and continues to recommend the proposed Project. The commenter also states that the Draft EIR justifies the significant cumulative visual impacts associated with development of solar facilities in the Project area as adherence to policy decisions to concentrate solar facilities in the Chuckwalla Valley.

Counter to commenter's claims, the Draft EIR did not ignore lower footprint alternatives. Rather, the Draft EIR considered and assessed the aesthetic impacts of a Reduced Footprint Alternative that entailed the removal of parcels under a Williamson Act contract (approximately 639 acres) from the solar site component. Refer to Section 4.2.2, Alternative 2: Reduced Footprint Alternative, of the EIR. As assessed in the Draft EIR, the Reduced Footprint Alternative constituted a 59% reduction of the total area associated with the solar site component compared to the

Proposed Project and for aesthetics specifically, implementation of this alternative would result in reduced visual effects of the Project as viewed from SR-177. However, and as stated in Section 4.2.2 of the EIR, while the visual impact of this alternative would be reduced compared to the Project, it would not change the overall determination of a less-than-significant visual impact on views from Chuckwalla Valley Raceway Driveway at SR-177. Also, the EIR determined that the Reduced Footprint Alternative would not eliminate the significant and unavoidable visual impacts that would occur at the North Chuckwalla Mountains Petroglyph District (KOP 10). Therefore, the overall visual impacts to the Reduced Footprint Alternative would be reduced in comparison to the those of the Project, but still significant and unavoidable.

Regarding cumulative aesthetic impacts, the cumulative scenario includes multiple approved large-scale solar plants and transmission lines either presently or soon to be under construction in the Chuckwalla Valley area. While selection of the Reduced Footprint Alternative would result in reduced visual effects at specific KOPs relative to the visual effects of the Project, solar site development on the Sapphire site would combine with the effects of existing, under construction, or planned solar facilities in the Chuckwalla Valley to create a significant cumulative aesthetic impact. The Project would be almost entirely surrounded by other reasonably foreseeable projects such that any reduction in cumulative visual impact achieved by the Reduced Footprint Alternative would be obscured by intervening development in the foreground.

C2-25 The commenter states that the Draft EIR ignores the cultural significance of impacted desert species.

The County acknowledges the significance CRIT places on native animals (including the Mojave Desert tortoise, golden eagles, Western burrowing owls, American badgers, desert kit foxes, and various birds) as well as native plants such as creosote scrub. However, no information has been received by the County during tribal consultation that would identify any plant or animal species potentially affected by the Project as significant under tribal values. Specifically, no plants or animals, or their local habitat, has been identified by the County through tribal consultation as a Tribal Cultural Resource under AB 52.

Without tribal input that adds real material tribal value to these resources, and identifying how those values would be affected, there is no action to take regarding TCRs. Simple comments that plants and animals are important to tribes lacks the substantial evidence necessary for a lead agency to determine whether they are TCRs under AB 52.

That said, with implementation of MM BIO-1 through MM BIO-13, the effects on biological resources expected to result from the construction, operation, maintenance, and decommissioning of the Project will be less than significant. The same measures and the same result would arise if the species in question were TCRs under AB 52.

C2-26 The commenter states that the Draft EIR does not adequately analyze the Project's cumulative impacts on biological resources. Specifically, the comment states the need to have more detail in the mitigation measures, including detail on off-site habitat compensation/preservation and avoidance and relocation plans for special-status species if found during construction.

The Draft EIR includes MM BIO-13 Compensation for Impacts to Native Vegetation, which states "The Applicant shall provide funding or bonding for the acquisition and conservation of compensation lands. Conservation instruments, associated documentation, and/or securities shall be submitted to the applicable agencies for review and approval, prior to initiating ground disturbance, pursuant to the requirements of permits and authorizations issued by lead, responsible, and permitting agencies, which would provide the greater detail and assurance that the off-site habitat compensation would be sufficient to reduce the level of impact to wildlife." The comment raises issue that the Draft EIR just includes 'vague references to future planning' for wildlife protection plans. However, the Draft EIR mentions drafting wildlife management plans, including the Raven Management Plan and a Bird and Bat Conservation Strategy for review and approval by the applicable lead and permitting agencies prior to any ground disturbance. The comment raises issue that a desert tortoise once it has left a construction area on its own accord, what is to prevent the tortoise from returning to the area. This issue is addressed in MM-BIO 11. Desert Tortoise Protection, which includes measures such as exclusion fencing and biological monitoring that would prevent the tortoise from being able to return to the construction area. The analysis of Biological Resources has been revised in the Final EIR. Please refer to the revised analysis at Section 3.5 (Biological Resources).

C2-27 The commenter states that the Draft EIR fails to adequately analyze cultural resource impacts from increased erosion.

The Draft EIR section 3.8 (Geology and Soils) concludes that substantial soil erosion or loss of topsoil is less than significant with mitigation incorporated. Section 3.8 states that the Project site is nearly level to gently sloping, so no massive grading or cut and fill would be required; however, site preparation would still expose soil and increase the potential for wind and water erosion (3.8-11). During construction MM AQ-2 (Fugitive Dust Control Plan) would require an abatement plan that would mitigate the dust during construction by implementing soil stabilizers or watering exposed areas, which are also effective in minimizing erosion. In addition, MM BIO-10 (Stream Protection and Compensation) requires that existing hydrologic patterns be maintained with respect to runoff, washes, stream beds and stream banks. Once constructed the solar site would maintain sheet flow where possible.

Furthermore, MM BIO-3 (Minimization of Vegetation and Habitat Impacts), MM BIO-5 (Integrated Weed Management Plan), and MM BIO-6 (Vegetation Resources Management Plan) would further mitigate potential erosion impacts to less than significant. Therefore the Project will not result in increased erosion or deposition in a manner that would adversely impact cultural resources, particularly when these measures are applied in conjunction with the Tribal Cultural Resources and Cultural Resources mitigation measures of the EIR.

C2-28 The commenter expresses concern that the Draft EIR fails to recognize or analyze the environmental justice impacts of the Project.

An analysis of environmental justice is not required by CEQA because the statute only addresses changes to the physical environment and social and economic impacts alone are not impacts to the physical environment. None of the concerns raised by commenter pertain to physical impacts on the environment or people and therefore are not within the scope of the Project's CEQA review. As noted in Section 3.12, Land Use and Planning, Table 3.12-1 Consistency with Regional

and Local Land Use Plans, Policies, and Regulations of the Draft EIR, the Proposed Project was found to be generally consistent with the goals and policies identified in the General Plan. Although the General Plan does not include an Environmental Justice Element, it does include policies, such as those included in Table 3.12-1, to protect and enhance the County's economic well-being. Additionally, the solar site component would be consistent with the County's policies to promote alternative energy supply sources and provide solar opportunities. As noted in Table 3.12-1 the Project would help maintain the County's fiscal viability by increasing the revenue of the County. As such, impacts related to Proposed Project consistency with the General Plan would be less than significant.

C2-29 The commenter states that the Draft EIR does not adequately consider alternative locations.

The comment does not present a specific alternative to the Proposed Project. The Draft EIR considers a reasonable range of alternatives, as further discussed in Chapter 4, Alternatives. The comment does not raise any specific questions, issues, or concerns regarding the adequacy of the environmental analysis in the Draft EIR. CEQA does not require an analysis of alternate project locations. Instead, CEQA Guidelines Section 15126.6(a) requires that an EIR include a range of reasonable alternatives to the project, ***or*** to the location of the project: "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." Section 15126.6(a) also provides that an EIR need not consider every conceivable alternative to a project; rather, an EIR must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation.

The Project is partially sited on and adjacent to federal SEZ and DFA lands specifically identified by the BLM for the development of solar energy facilities. The portion of the project on non-federal lands is zoned to allow utility scale solar pursuant to conditional approval. An EIR for a development consistent with applicable land use policies does not need to examine alternate sites for the project because a development proposal that implements existing planning policies should not prompt reconsideration of those policies which themselves have already undergone environmental review. See *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal. App. 4th 477. Here, the Project is consistent with existing planning policies and does not require a general plan or zoning amendment, further rendering an alternative project location unnecessary. Furthermore, there is no feasible location that would avoid or substantially lessen the significant and unavoidable visual impacts of the Project. The Project is located on former agricultural lands surrounded by operating and recently approved utility-scale solar projects. The Project's location within this cluster of built and approved environmental projects avoids the more impactful visual effects it would cause by being located elsewhere in the midst of large areas of undeveloped land in the Chuckwalla Valley where there is no development.

Commenter states that the EIR must prepare a cultural resources survey of Alternative 3's alternate gen-tie route and consider the impact of Alternative 3 on documented cultural resources as well as cultural landscapes, in addition to its assessment of potential impacts on buried resources. Commenter claims it would be "impossible" to understand whether Alternative 3 would disturb more or less cultural resources than the Project without such information.

Guidelines Section 15126.6(d) explains that the significant effects of an alternative must be discussed, but in less detail than the significant effects of the proposed project. Four historic and no prehistoric resources were previously identified within the gen-tie route of the Project and no new historic or prehistoric resources were identified within the gen-tie route of the Project during cultural resources surveys performed for the Project. One of the historic resources (P-33-018392/CA-RIV-11904, a military era refuse deposit) has been determined eligible for the NRHP and therefore the CRHR. It is reasonable to infer from this information that the gen-tie route of Alternative 3 is likely to impact more cultural resources than the gen-tie of the Project because Alternative 3's gen-tie is almost three times the length of Project's gen-tie, and no prehistoric resources and only four historic resources were identified within the Project's gen-tie route. Clarifying language to this effect has been added to the Final EIR.

Commenter's disagreement with the cultural resources and Tribal Cultural Resources conclusions of the EIR are addressed elsewhere in these responses to commenter's letter.

C2-30 The commenter states that the Draft EIR improperly narrows the analysis of growth-inducing impacts from the Project. Specifically, commenter states that construction of the Project gen-tie line will encourage and facilitate other activities that could significantly affect the environment. Commenter also claims that the Project gen-tie line would provide new access because it provides the infrastructure to facilitate additional solar projects. The question presented by the 15126.2(d) is whether the Project as a whole, not a portion of the Project, "could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." As a utility-scale solar facility responding to rather than creating demand for renewable energy legislated by the State of California, the Project will not have a growth-inducing effect that could foster economic or population growth or the construction of additional housing. The Project's short, 1.74-mile gen-tie line passes through an already approved utility scale solar project that does not depend on the Project gen-tie and forecloses access by other potential future projects. Because the Project is surrounded by operating and approved utility-scale solar projects, it is following behind rather than facilitating the growth of local utility-scale solar development.

C2-31 In this conclusion the commenter requests to see the response to all comments, and that copies be sent to the Tribe's Attorney General, Rebecca A. Loudbear, at Rebecca.loudbear@crit-nsn.gov, and THPO Director Bryan Etsitty, at betsitty@crit-nsn.gov.

These contacts will be added to the Project mailing list for Final EIR notification.

Comment Letter 01

California Program Office
P.O. Box 401, Folsom, California 95763 | 916-313-5800
www.defenders.org

September 25, 2024

Tim Wheeler, Project Planner
County of Riverside, Planning Department
4080 Lemon Street, 12th Floor
Riverside, California 92501
Delivered via email to: TWheeler@rivco.org

RE: Draft Environmental Impact Report – Sapphire Solar Project
(SCH 2023050303)

Dear Mr. Wheeler,

Thank you for the opportunity to provide comments in response to the Draft Environmental Impact Report (DEIR) for the proposed Sapphire Solar Project (Project). Defenders of Wildlife (Defenders) is dedicated to protecting all wild animals and plants in their natural communities and has nearly 2.1 million members and supporters in the United States, including with more than 316,000 in California. 01-1

Defenders strongly supports generation of electricity from renewable energy sources. 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 wildlife, 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. 01-2

The Project would generate up to 117 MW of solar energy and store up to 117 MW on approximately 1,123 acres of land in Riverside County. The land is comprised of approximately 1,082 acres in private ownership and 41 acres administered by the U.S. Bureau of Land Management (BLM). The BLM lands would be limited to the Linear Facility Routes (LFRs) and are located within 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. 01-3

The Project is located in the western portion of the Chuckwalla Valley, three miles north of Desert Center. The proposed Easley Renewable Energy Project is being developed and would surround the Project on almost all sides. The existing Desert Sunlight and Desert Harvest Solar Projects are located north of the Project site, the existing Athos Solar Project is located south, northeast, and east of the Project site and the recently approved Oberon Solar Project is located to the south of the Project site.

O1-3 Cont.

Comments

We offer the following comments on the DEIR for the proposed Projects.

O1-4

Wildlife Protocol Surveys

Adequate biological surveys are vital to ensuring accurate results to establish the likelihood of occurrence, associated impacts and the appropriate avoidance, minimization and mitigation measures for special status species of plants and animals. Adequate surveys are those that conform to agency-approved methods, often referred to as protocol surveys. Protocol surveys for special status species were performed for rare plants, desert tortoise and burrowing owl. Other species were surveyed for during the 100% coverage of the Project area.

O1-5

Although the DRECP identifies the Project area as a "No Survey" area for desert tortoise, we appreciate that protocol surveys were performed for the Project solar arrays area even though a large majority of the site had been cleared of native vegetation to support jojoba farms. Remnant low and scattered jojoba shrubs intermixed with various native desert plant species of a low to moderate height including cholla, smoke tree, jimson weed and palo verde were present in areas previously used for commercial jojoba farming operations. Since no desert tortoises were observed on the Project site during protocol surveys, we do not consider it necessary to resurvey the site within the Project solar field in order to comply with the US Fish and Wildlife Service (USFWS) protocol guidance that recommends surveys be done within one year of project construction. We recommend that the Project applicant contact the USFWS to determine if the existing surveys are valid.

O1-6

Crotch's bumble bee (CBB) is a candidate species for listing under the California Endangered Species Act and, as such, it receives the same protection as if it were listed. The Biological Resources Technical Report acknowledges CBB suitable habitat occurs on the Project site, but that the degraded condition due to previous jojoba farming diminishes

O1-7

the suitability of the site for this species. In addition, the Project area is located east of its known range according to the California Department of Fish and Wildlife (CDFW). We concur that it was not necessary to conduct protocol surveys for CBB.

O1-7 Cont.

Mitigation Measures

1. **Night-Time Construction**
   MM BIO-4 states a 15 mph speed limit will be implemented for vehicles on unpaved roads in open habitats where wildlife may be affected. We recommend the 15 mph speed limit be applied to unpaved roads throughout the entire project site. Furthermore, night-time construction should be minimized to the extent possible to minimize impact to sensitive species. Our recommended changes to MM BIO-4 are shown below.

   "Minimize traffic impacts. The Applicant shall specify and enforce maximum vehicle speed limits to minimize risk of wildlife collisions and fugitive dust. Vehicles shall not exceed speed limit of 15 mph **throughout the Project site on unpaved roads ~~in open habitat where wildlife may be affected~~**. **To the extent possible, night-time construction-related activity shall be minimized, but if work must be conducted at night, the speed limit shall be 10 mph.** Dust suppression shall occur during all construction activities as needed.

O1-8

2. **Plans Available for Public Review**
   The DEIR includes the requirement that the applicant prepare a Bird and Bat Conservation Strategy and a Burrowing Owl Avoidance and Relocation Plan that shall be submitted to the lead agency and permitting agencies for review and approval prior to their implementation.

   We concur that the wildlife permitting agencies (i.e., CDFW and USFWS) should be provided with copies of both plans for review and approval.

O1-9

3. **Exclusion Fencing Inspections**

   MM BIO-11 requires DT exclusion fencing to be inspected at least monthly until construction is completed and following all rain events but fails to require inspection directly following fence installation. We request the requirement of

O1-10

inspection directly following installation to ensure there is no fence-pacing behavior.

We recommend that the following measure from the Oberon Renewable Energy Project Environmental Assessment be added as a mitigation measure to address the potential issue of fence pacing by desert tortoises: "After an area is fenced, and until desert tortoises are removed, the designated biologist is responsible for ensuring that desert tortoises are not being exposed to extreme temperatures or predators as a result of their pacing the fence. Remedies may include the use of shelter sites placed along the fence, immediate translocation, removal to a secure holding area, or other means determined by the BLM, USFWS, and CDFW, as applicable."

O1-10 Cont.

4. **Desert Tortoise Buffers**
   MM BIO-11 states that a desert tortoise observed within 100 feet of an active work area shall require immediate cessation of any project activities. For the nearby Oberon Renewable Energy Project, CDFW required a 100-foot buffer during the non-active season and at least a 250-foot buffer during the active season (September-October and April-May). We recommend increasing the distance to 250 feet during the active season for desert tortoises to halt project activities. Alternatively, the applicant should contact CDFW to determine if a 250-foot buffer is required.

O1-11

5. **Raven Management**
   BIO-12 requires funding to the REAT account to support the Regional Raven Management Program. Other solar project permitting requirements included submitting a Raven Management Plan (i.e., for the Oberon and Easley solar projects). We recommend that a Raven Management Plan be required for the Project.

O1-12

Compensatory Mitigation

The DEIR includes MM BIO-1 through MM BIO-7 that would minimize adverse direct and indirect impacts to burrowing owl and associated native vegetation and offset the permanent habitat loss through off-site habitat compensation.

O1-13

Impacts to burrowing owl and associated compensatory mitigation appear to be limited to loss of native vegetation. The Biological Resources Technical Report states that "Suitable habitat for western burrowing owl includes open habitat with available burrowing opportunities, including agricultural fields (active and fallow), creosote scrub, desert saltbush, ephemeral washes, and ruderal areas."

Since six burrows with whitewash and pellets were observed on the Project site, we recommend that compensatory mitigation for loss of burrowing owl habitat be increased to include the 1,123 acres of burrowing owl suitable habitat lost. The DEIR states that only the loss of native vegetation, comprising 32.7 acres, is required. We recommend the Project applicant consult with CDFW to establish the appropriate acreage and compensatory mitigation ratio for loss of burrowing owl habitat.

01-13 Cont.

Linear Facility Routes

Two LFRs are proposed in the DEIR: LFR A and LFR B. We recommend that LFR B is used to deliver electricity to the substation because it avoids impacts to Microphyll Woodlands, a sensitive vegetation community.

01-14

Conclusion

Thank you once again for the opportunity to provide comments on the DEIR for the Sapphire Solar Project and for considering our comments. We look forward to reviewing the Final EIR and request to be notified when it is available.

01-15

Respectfully submitted,

Jeff Aardahl
Senior California Representative

Sophia Markowska
Senior California Representative

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Response to Comment Letter O1

Defenders of Wildlife
Sophia Markowska
Senior California Representative
September 25, 2024

O1-1 This is an introductory comment from Defenders of Wildlife (Defenders) thanking Riverside County for the opportunity to comment on the Draft EIR and provides a brief description of the organization. No changes to the Draft EIR are required per this comment. The comment has been noted for the record.

O1-2 The comment states that Defenders strongly supports renewable energy production, and its role in California's low carbon energy future, but clarifies the need to protect wildlife and habitats by thoughtfully planning projects to not contribute to species extinction. No changes to the Draft EIR are required per this comment. The comment has been noted for the record.

O1-3 The comment provides a summary of the proposed project's objectives and location. No changes to the Draft EIR are required per this comment. The comment has been noted for the record.

O1-4 This is an introductory comment from Defenders of their following Comments on the Draft EIR. No changes to the Draft EIR are required per this comment. The comment has been noted for the record.

O1-5 The comment states the importance of conducting adequate biological surveys to determine potential impacts to special status species and their habitats from the project, as well as appropriate avoidance, minimization and mitigation measures. Further, it clarifies what adequate surveys are, including that they are often referred to as protocol surveys. The comment acknowledges that protocol surveys were conducted for rare plants, desert tortoise, and burrowing owl, and other species were surveyed during the 100% coverage survey of the Project area. No changes to the Draft EIR are required per this comment. The comment has been noted for the record.

O1-6 The comment notes their appreciation that desert tortoise protocol surveys were conducted for the Project solar arrays even though the DRECP identifies the Project as a 'No Survey' area for desert tortoise. Further, the comment notes that as no desert tortoises were observed during the survey, they do not consider it necessary to resurvey the site to comply with USFWS protocol guidance that desert tortoise surveys be conducted within one year of project construction. Defenders recommends in comment to contact the USFWS to determine if they concur. No changes to the Draft EIR are required per this comment. The comment has been noted for the record.

O1-7 The comment provides a summary of Crotch's bumble bee (CBB) status and potential to occur at the Project. The letter states Defenders concurs that it was not necessary to conduct protocol surveys for CBB. No changes to the Draft EIR are required per this comment. The comment has been noted for the record.

O1-8 The commenter requests that MM BIO-4 be revised to have the 15-mph speed limit be applied throughout the project site, not just in open habitats. Further, night-time construction should be minimized, and if conducted, the speed limit during night work shall be 10 mph. Text was added and deleted in MM BIO-4 in the Draft EIR, as suggested.

O1-9 The comment states concurrence with the Draft EIR requirement to provide wildlife permitting agencies with copies of Bird and Bat Conservation Strategy and Burrowing Owl Avoidance and Relocation Plan (as described in Draft EIR's MM BIO-8. Minimization of Impacts to Birds and Bats). No changes to the Draft EIR are required per this comment. The comment has been noted for the record.

O1-10 The commenter requests that MM BIO-11 be revised to include requirement of desert tortoise exclusion fencing to be inspected directly following installations, as well as mitigation measure to address potential issue of fence pacing. Text was added in MM BIO-11 in the Draft EIR, as suggested.

O1-11 The commenter recommends increasing the desert tortoise buffer during their active season to be a 250-foot buffer instead of 100-foot buffer. MM BIO-11 in the Draft EIR was edited, as suggested.

O1-12 The commenter notes that BIO-12 of the Draft EIR requires funding to the REAT account to support the Regional Raven Management Program and recommends being consistent with other solar projects' (Oberon and Easley solar projects) permitting requirements that a Raven Management Plan be required for the Project. MM BIO-12 in the Draft EIR was edited, as suggested.

O1-13 The commenter recommends that the compensatory mitigation for loss of burrowing owl habitat be increased to include the 1,123 acres of burrowing owl suitable habitat lost. The comment recommends consulting with CDFW to determine the appropriate acreage and compensatory mitigation ratio for loss of burrowing habitat. The initial assessment considered the entire site as potentially suitable habitat to inform the scope of protocol surveys. Protocol surveys were performed over the entire site, resulting in the documentation of 6 burrows with historical sign inside the boundaries of the project site. These burrows were found to be unoccupied during the 2022 breeding season. Mitigation for potential impacts to burrowing owl would be achieved through implementation of avoidance and minimization measures in BIO-8. Compensation lands required for other resources will also include habitat for burrowing owl. These measures would reduce potential impacts to burrowing owl to less than significant under CEQA. The Applicant has and will continue to coordinate with CDFW regarding potential impacts to burrowing owl. The Applicant will seek incidental take authorization from CDFW if incidental "take" of burrowing owl as defined by California Fish & Game Code Section 86 is determined to be unavoidable and the species is a candidate, threatened, or endangered species under CESA at such time.

O1-14 The commenter notes that two LFRs are proposed in the Draft EIR and recommends that LFR B be used to deliver electricity to the substation as it avoids impacts to microphyll woodlands, a sensitive natural community.

An alternative gen-tie route was analyzed in Section 4.2.3 Alternative 3: Private Linear Facility Route Alternative of the Draft EIR. However, as discussed in Section 4.2.3, microphyll woodlands

are more abundant within the southern extent of the alternate gen-tie route compared to the Project gen-tie route and that the 3.36-mile increase in length of the project gen-tie under this alternative could result in greater impacts to biological resources. Furthermore, impacts to microphyll woodland within LFR A would be avoided to the maximum extent practicable by micro-siting the gen-tie and would be mitigated by providing compensatory mitigation consistent with MM BIO-13. It should also be noted that regardless of the location of the gen-tie, use of both LFRs would be required because two access roads (including one secondary access road for emergency services) are required per Riverside County Fire Department Technical Policy TP 15002.

O1-15 The commenter thanks the County for the opportunity to comment on the Draft EIR and states the commenters look forward to reviewing the Final EIR. The comment further requests notification once the Final EIR is completed. No changes to the Draft EIR are required per this comment. The comment has been noted for the record.

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Comment Letter 02

From: MARK C <mcarrington81@gmail.com>
Sent: Thursday, September 26, 2024 3:41 PM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Cc: Teresa. Lake Tamarisk. #141 Lake Tamarisk. #141 <teresapierce52@gmail.com>; Vicki and James Bucklin #14 Lake Tamarisk <vickibucklin@pugetisland.com>; Skip Pierce Lake Tamarisk #141 <walterskipie@aol.com>; Allen Grant Lake Tamarisk <allen@grantdevelopment.com>; Coach Don Lake Tamarisk Desert Oasis Community <coachdongonehome@gmail.com>; Planning <Planning@RIVCO.ORG>; MARK C (BBG) <mcarrington81@gmail.com>
Subject: Sapphire Solar Project Draft EIR - Comments from Active Communities/Desert Center

CAUTION: This email originated externally from the **Riverside County** email system. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

Tim Wheeler
Principal Planner
Project Manager,
Sapphire Solar Project
Riverside County
Planning Department
twheeler@rivco.org

Hello Tim,

1

02-1

Under separate cover, I am sending Active Communities/Desert Center comments on the Sapphire Solar Project Draft EIR.

Please read the two parts on the Water Supply Assessment in particular since they pertain directly to whether further information is necessary to "check that box off" in the Planning Department's process.

I have attached links to the four documents here as well.

Thank you,

O2-1 Cont.

Mark Carrington
Senior Technical Advisor
Active Communities/Desert Center

©Sapphire Draft EIR 1 - Water Supply Assessment and Drinking Water Availability - CSA 51 and Desert Center Area.pdf
https://drive.google.com/file/d/1PQf5OLyyeYuYRKBGCx54dDmSml4w8UGb/view?usp=drivesdk

©Sapphire Draft EIR 2 - 2024-08-26 Roux Easley Solar Comments on GSI Water Solutions Groundwater Availability Report .pdf
https://drive.google.com/file/d/1Sdjy2Vly6gpWK1QL3aF5N1CPqReu5jRj/view?usp=drivesdk

©Sapphire Draft EIR 3 - Amended Fugitive Dust Management Plan.pdf
https://drive.google.com/file/d/1o-64ZFpjNUwsbyJQ2RNB86w38UyDwlUM/view?usp=drivesdk

©Sapphire Draft EIR 4 - Elements of Amended Fugitive Dust Management Plan.pdf
https://drive.google.com/file/d/1_I7fXd8Jni2yUCzQPm9vp1nZKX93Z0cb/view?usp=drivesdk

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County of Riverside California

From: MARK C <mcarrington81@gmail.com>
Sent: Thursday, September 26, 2024 3:44 PM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Cc: Teresa. Lake Tamarisk. #141 Lake Tamarisk. #141 <teresapierce52@gmail.com>; Vicki and James Bucklin #14 Lake Tamarisk <vickibucklin@pugetisland.com>; Skip Pierce Lake Tamarisk #141 <walterskipie@aol.com>; Allen Grant Lake Tamarisk <allen@grantdevelopment.com>; Coach Don Lake Tamarisk Desert Oasis Community <coachdongonehome@gmail.com>; Planning <Planning@RIVCO.ORG>; MARK C (BBG) <mcarrington81@gmail.com>
Subject: Sapphire Solar Draft EIR - Comments by Active Communities/Desert Center

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Tim Wheeler
Principal Planner
Project Manager,
Sapphire Solar Project
Riverside County
Planning Department
twheeler@rivco.org

Submission of:
©Sapphire Draft EIR 1 - Water Supply Assessment and Drinking Water Availability - CSA 51 and Desert Center Area

Sapphire Solar Draft EIR - Water Supply Assessment and Drinking Water Availability - CSA 51 - Desert Center Area

Conditional Use Permit (CUP 220035) and Public Use Permit (PUP 220002)

Primary Takeaways:

1. The independent certified Hydrgeologist review, by Roux Inc., of the Water Supply finds the GSI Water Availability Assessment to be **inadequate** and its potential unreliability leads to substantial risk in decision-making that would not only affect Chuckwalla Valley, but downgradient basins as well. **Therefore, the Water Supply Assessment by Dudek, who used the same data and models, must be redone and corrected in order for the CEQA process to be completed without gross error and for reasonable decisions to be made with factual information.** O2-2

2. While the Chuckwalla Valley Groundwater Basin is not currently in overdraft, continued extraction above the Sustainable Annual Yield in multiple dry years will cause an overdraft within a few years. Climate change is expected to result in fewer "normal" precipitation years as dry years become the norm. O2-3

3. The water quality of the bulk of the CVGB is very poor and untreatable to drinking water standards. Only the surface layers are treatable for consumption. O2-4

4. Intersect Power caused several wells to go dry when over pumping for construction of their Oberon Project caused a Cone of Depression. Other wells began pumping brackish water. O2-5

5. A monthly local well monitoring plan must be in place in order to measure drawdowns on all wells potentially affected by groundwater extraction for the Project. O2-6

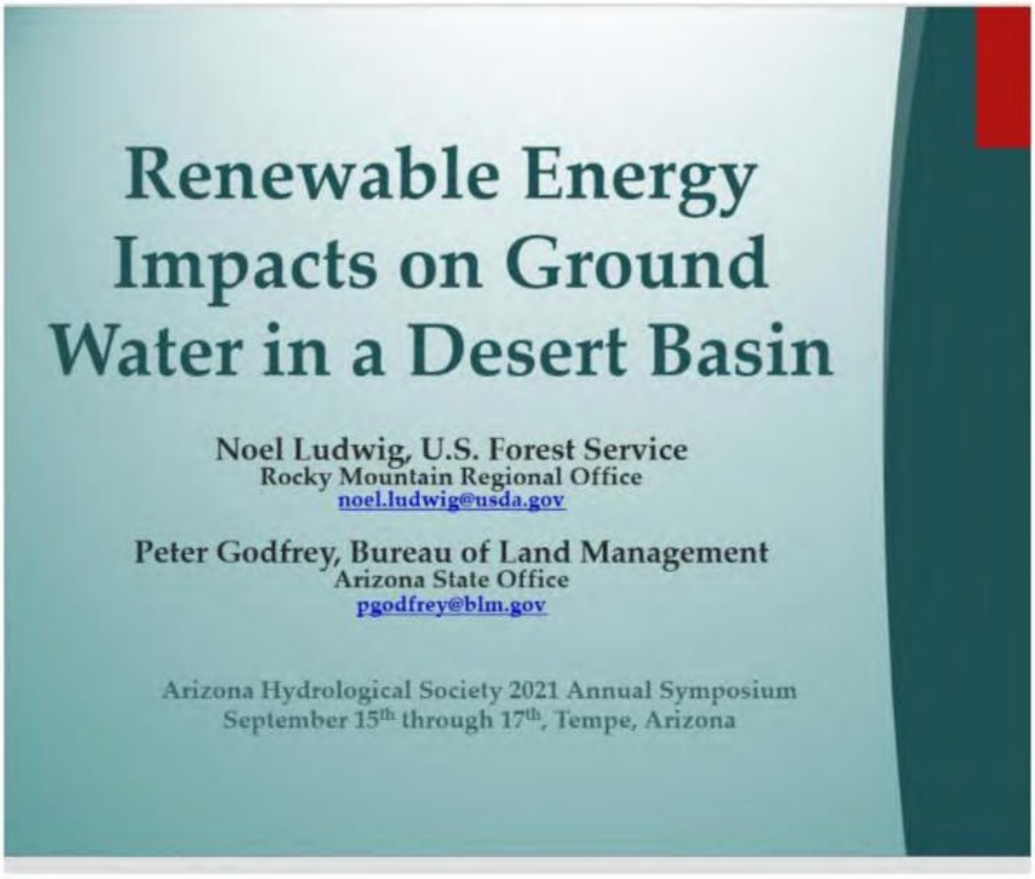
6. Alternating well extraction may be necessary to minimize drawdown. O2-7

7. The Cumulative Impacts of construction water withdrawal for Renewable Energy Development throughout the Chuckwalla Valley could 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. O2-8

8. Dudek completely ignores the water requirements of the true economic developments occurring in Desert Center, Eagle Mountain and Lake Tamarisk. Groundwater extraction could increase 30% or more as these developments occur. O2-9

9. An aggressive Fugitive Dust Management Plan using alternate methods such as hydromulching and soil binders will conserve water usage. O2-10

10. 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.



02-11

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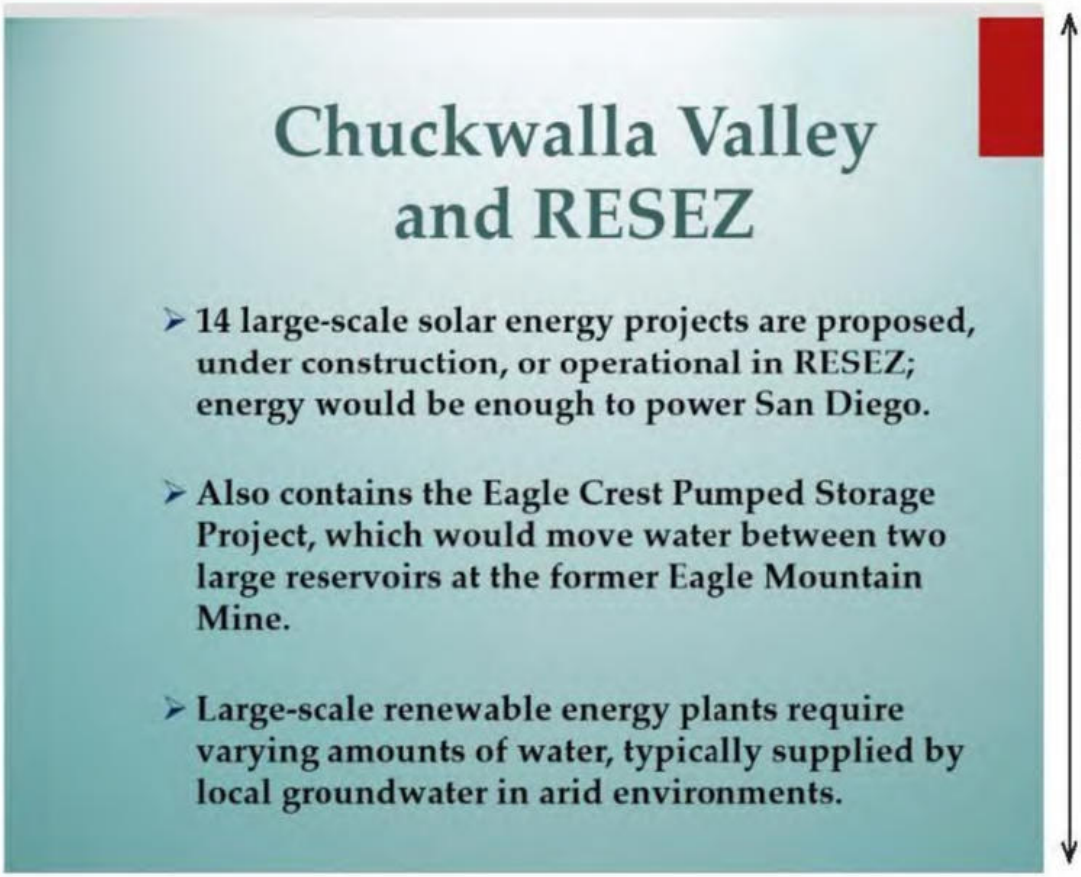
Page 5 of 96 in Comment Letter 02



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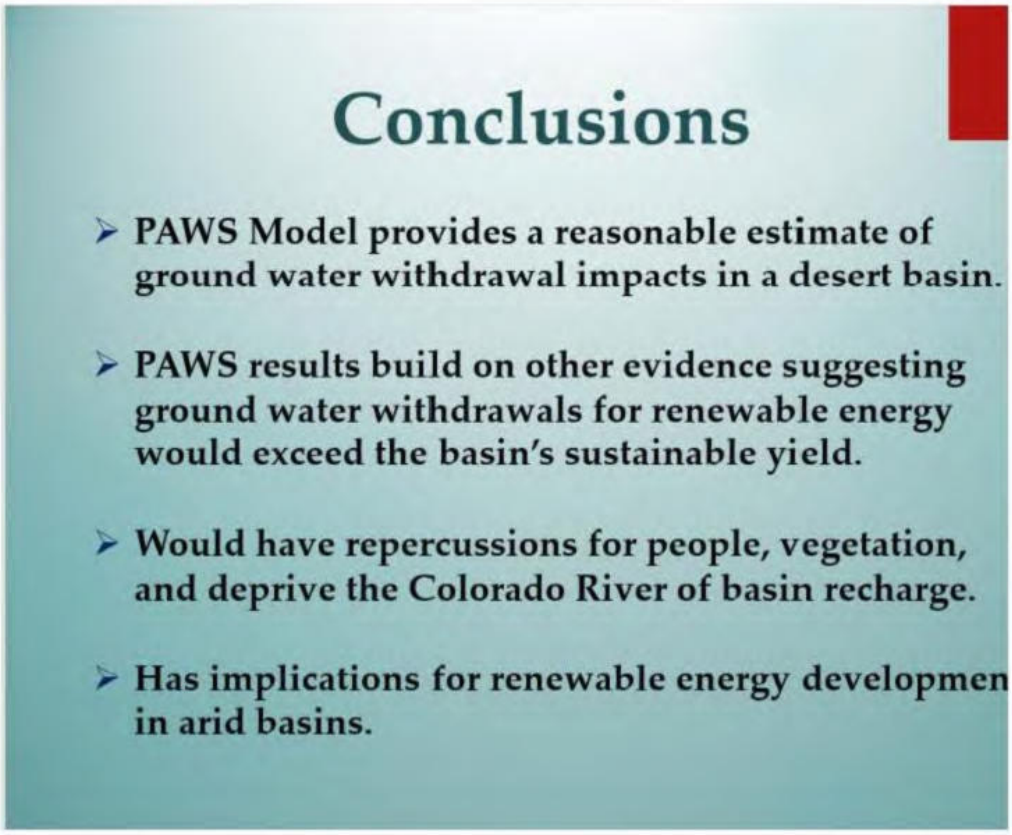
Page 6 of 96 in Comment Letter O2



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Water Availability and the Chuckwalla Valley Groundwater Basin

The following review by Roux Inc. hydrogeologist Andy Zdon shows the inadequacy of the Water Available report by GSI Water Solutions.

https://drive.google.com/file/d/1OBz-Ct5pNmwx5J3vTRUG7IAfvpYmaaKs/view?usp=drivesdk

It concludes:

"Given the absence of foundational information related to the water supply assessment and the excessive estimation of groundwater recharge for Chuckwalla (and the corresponding implications of these deficiencies on the reliability of the Project impact analysis) we are unable to provide further substantive review to assess the proposed water-supply for the Project.

5

Page 7 of 96 in Comment Letter O2

Similarly, county (federal) decision-makers cannot make a fully informed decision as to whether the Project would substantially decrease groundwater supplies such that the Project (or cumulative projects) may impede sustainable groundwater management of the basin (Impact HWQ-2).

We recommend that the water supply assessment be revisited to address these issues. Further, we believe that a review of the underlying modeling (Fang, et.al., 2021) be performed by an independent research group such as the U.S. Geological Survey. If these modeling tools are going to be relied upon for land management decision-making, the high-degree of uncertainty, and potential unreliability leads to substantial risk in decision-making that would not only affect Chuckwalla Valley, but downgradient basins as well.

We appreciate the opportunity to comment on the Project environmental review. Should you need further
assistance, please contact Andy Zdon at (925) 640-7807, or by email azdon@rouxinc.com."

Therefore, the Water Supply Assessments by GSI and Dudek must be redone and corrected in order for the CEQA process to be completed without gross error and reasonable decisions made with factual information.

02-11 Cont.

The following discussion is based on the **inadequate** GSI and Dudek Water Availability Assessments. **The actual situation may be much worse** since Roux concludes that the inflow analysis is greatly overestimated.

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 quality 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.

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.

California Department of Water Resources, Statewide Groundwater Management, Sustainable Groundwater Management Act (SGMA):
https://drive.google.com/file/d/15Ui6SWp1IFLe2s_WMk9WmdzWQ5VXkWtW/view?usp=drivesdk

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.

02-12

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, 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.

In order to preserve the drinkability of the waters in the Chuckwalla Basin Aquifer, alternate sources of water for fugitive dust control should be used for the construction of all future 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.

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.

O2-12
Cont.

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.

Draft EIR, Dudek Water Supply Assessment
E - Water Supply Assessment.pdf

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.
Stakeholders sought restitution from Intersect Power and eventually received it under a nondisclosure arrangement.

A monthly monitoring of all potentially affected wells must be established to eliminate excessive drawdown levels.

In Summary:

7

A new Water Supply Assessment is necessary to evaluate actual groundwater recharge inflows and review of the underlying modeling. 02-13

The Cumulative Impacts of construction water withdrawal for Renewable Energy Development throughout the Chuckwalla Valley could 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. 02-14

Preventing an Overdraft is the only way to protect the water quality of this Aquifer.

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 should be obtained elsewhere. 02-15

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.

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.

However, the **California Department of Water Resources stated that Riverside County may form a Local Groundwater Sustainability Agency and Plan.** 02-16

It is up to the County to force 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 business developments of the Chuckwalla Valley.

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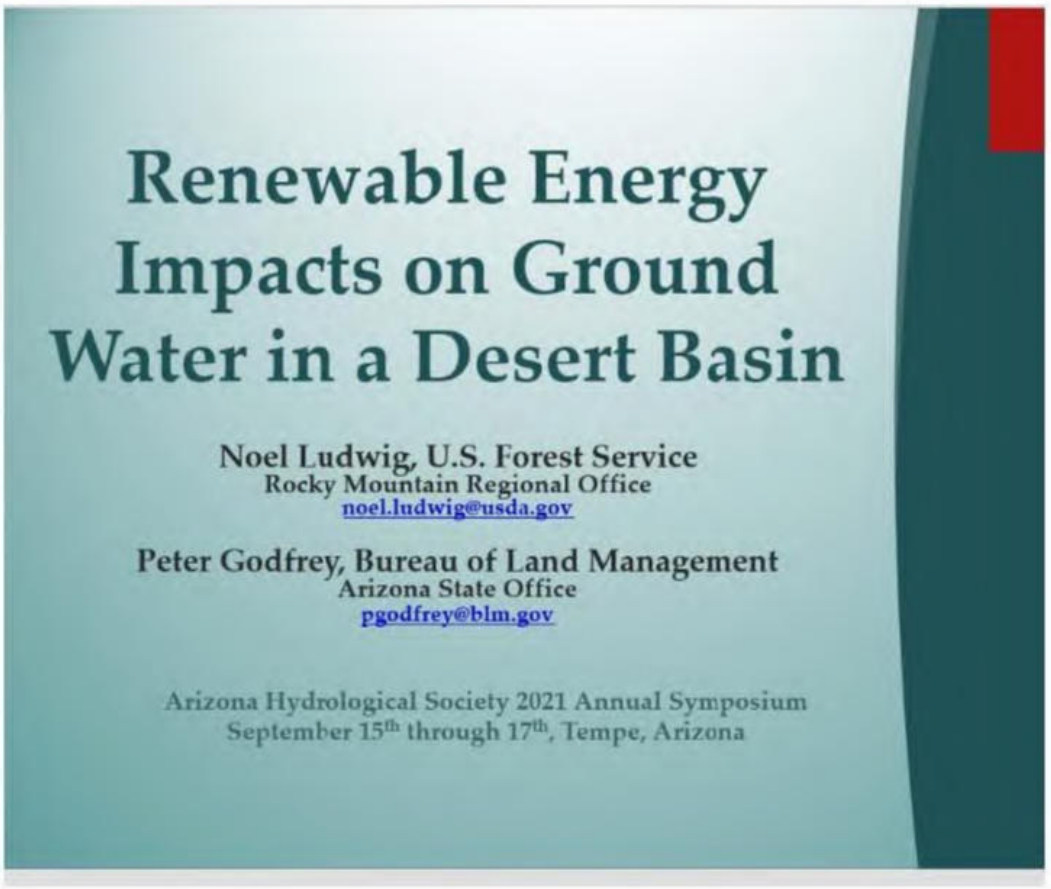

Renewable Energy Impacts on Ground Water in a Desert Basin

Noel Ludwig, U.S. Forest Service
Rocky Mountain Regional Office
noel.ludwig@usda.gov

Peter Godfrey, Bureau of Land Management
Arizona State Office
pggodfrey@blm.gov

Arizona Hydrological Society 2021 Annual Symposium
September 15th through 17th, Tempe, Arizona

02-17

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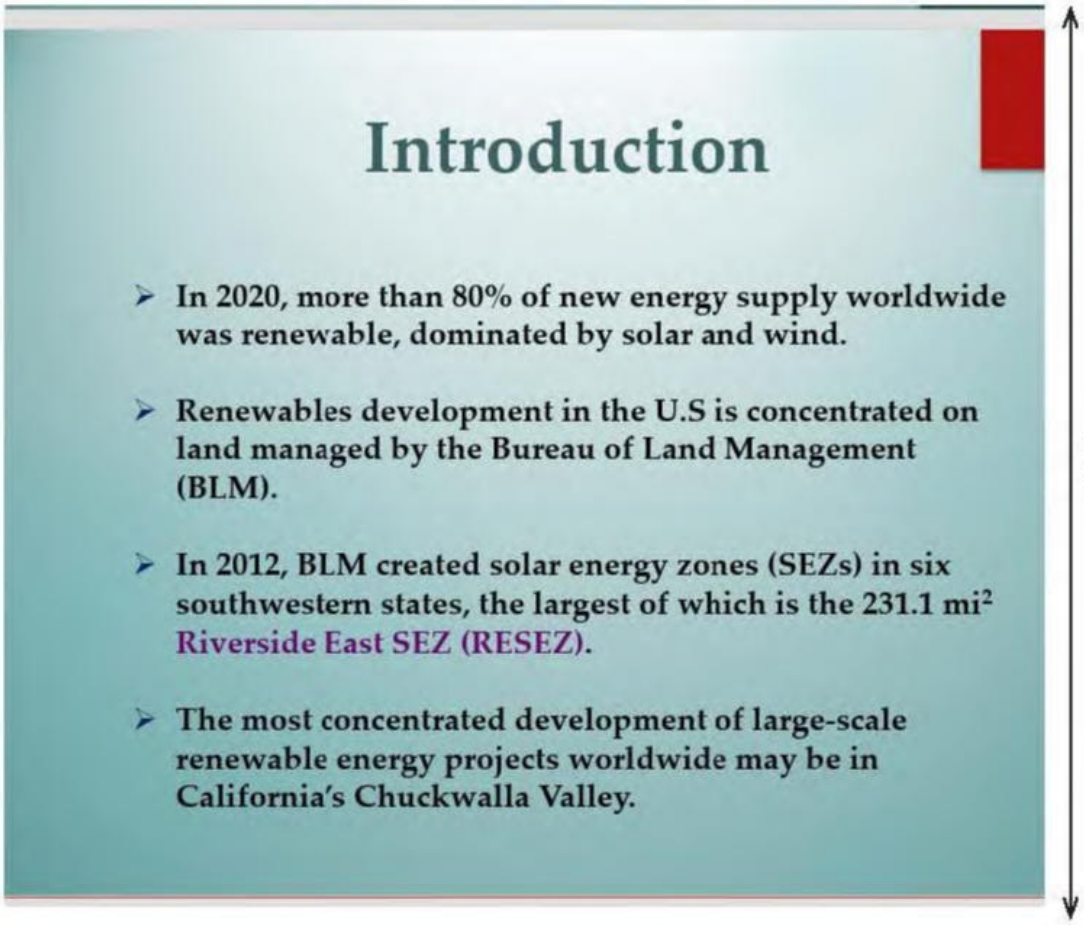
Page 11 of 96 in Comment Letter O2



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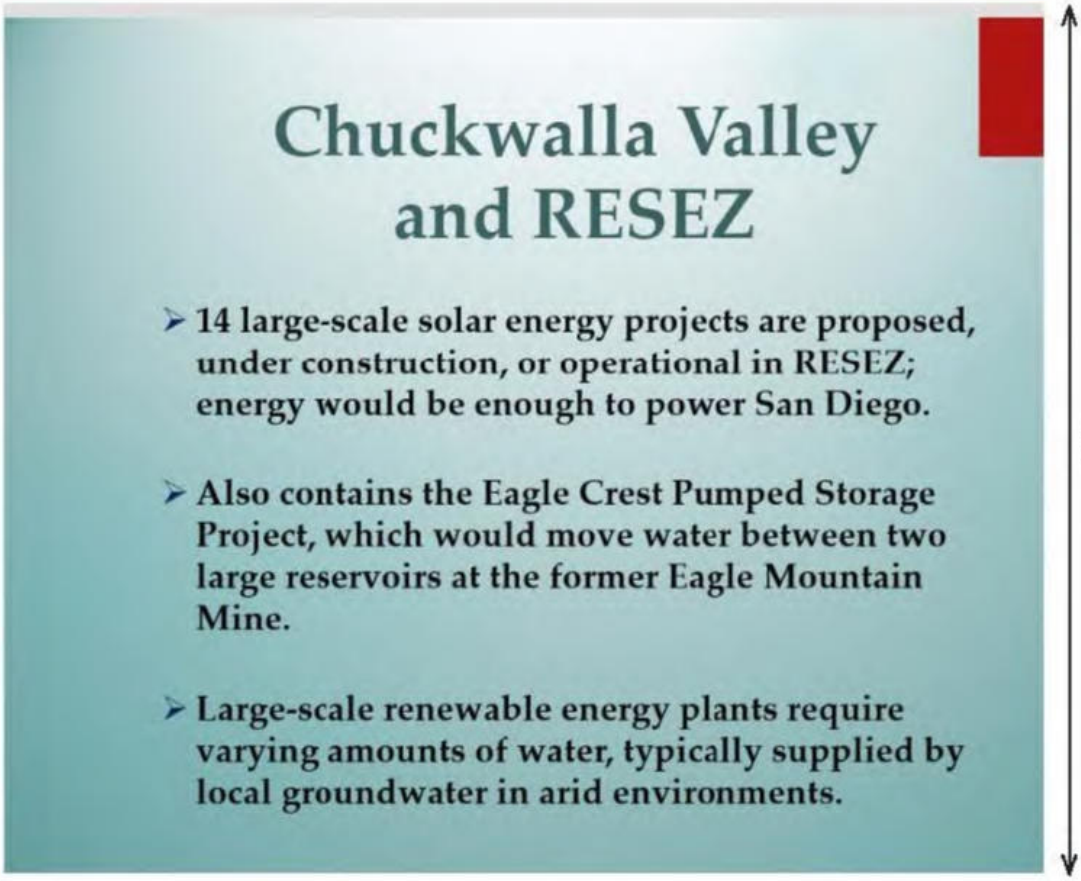
Page 12 of 96 in Comment Letter O2



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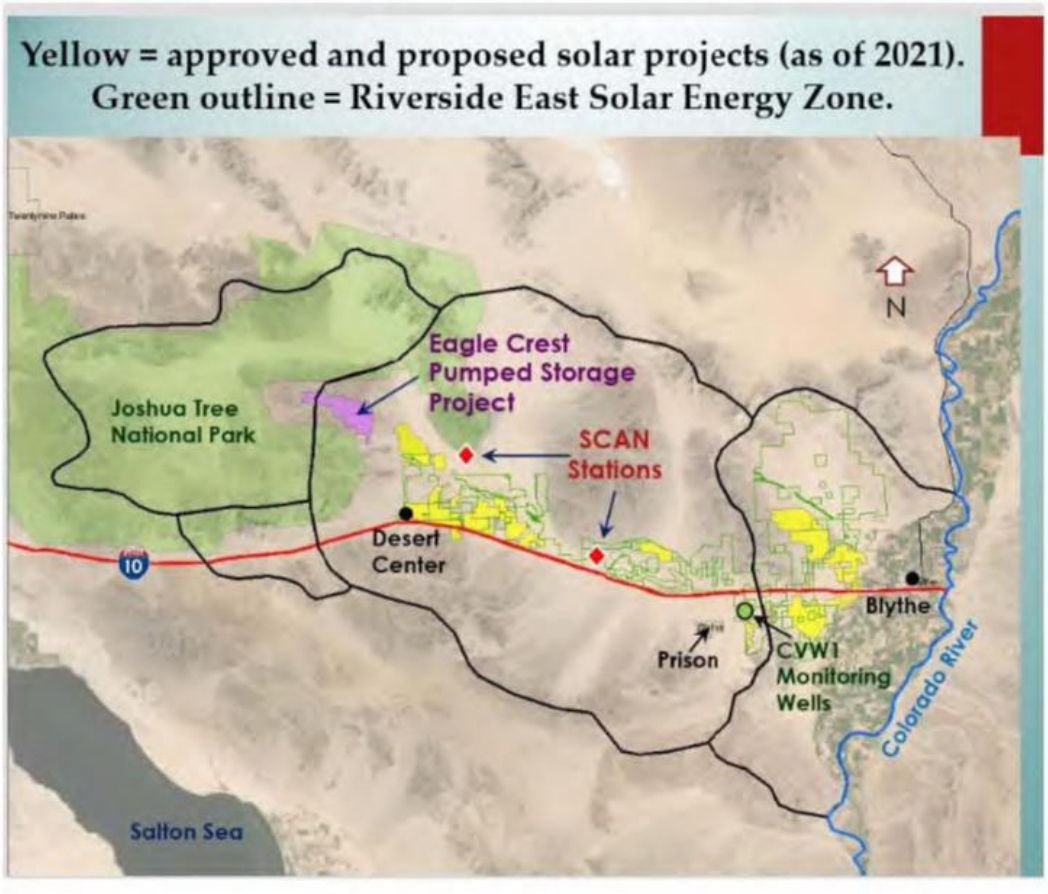
Page 13 of 96 in Comment Letter O2



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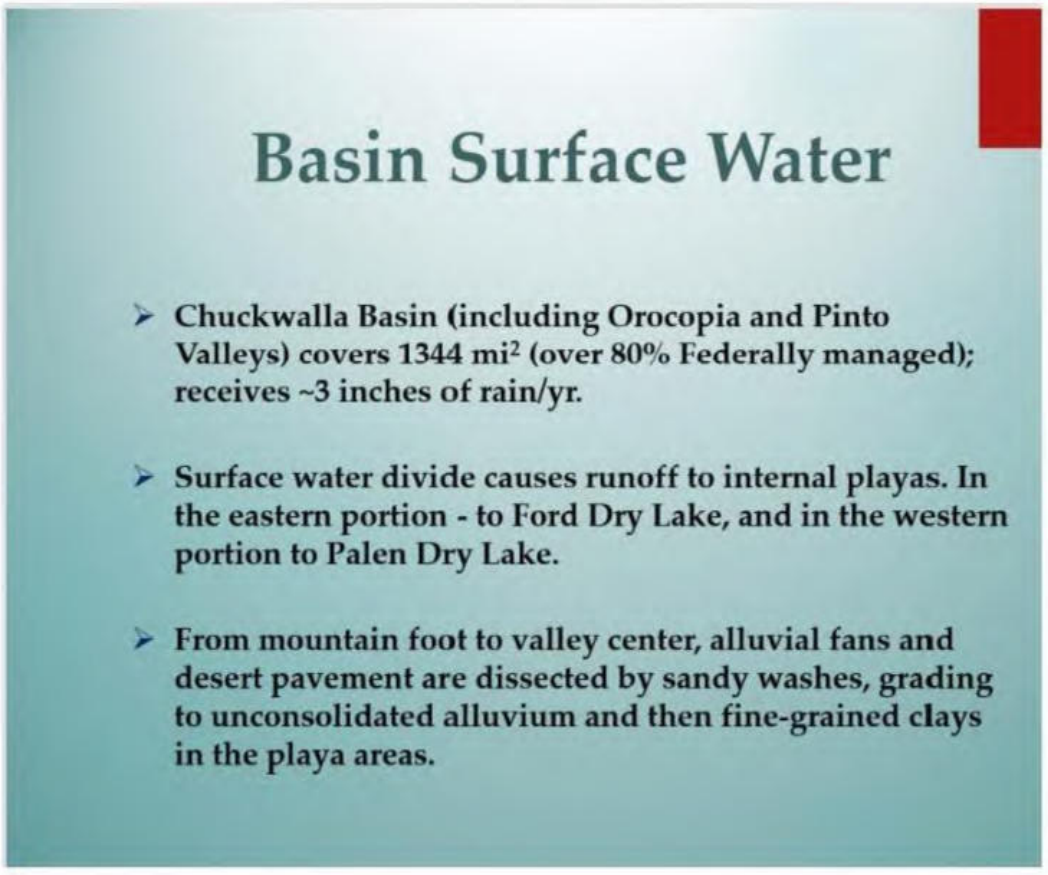
Page 14 of 96 in Comment Letter O2



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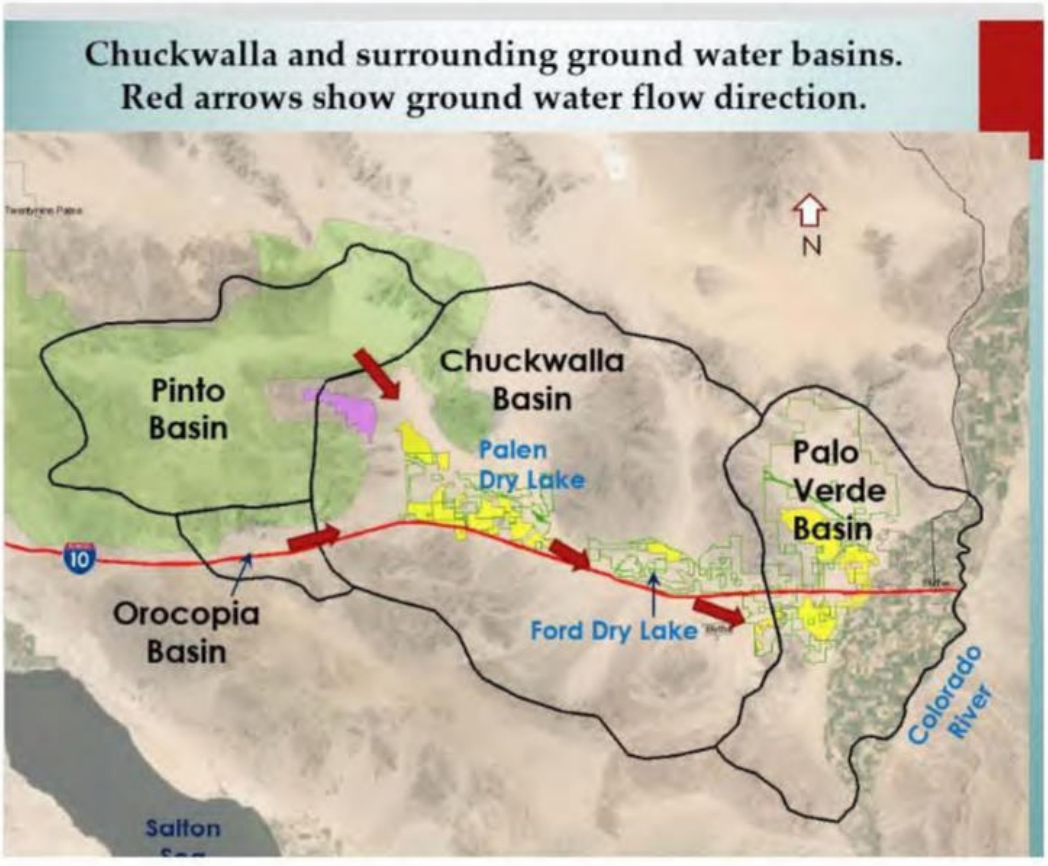
Page 15 of 96 in Comment Letter O2



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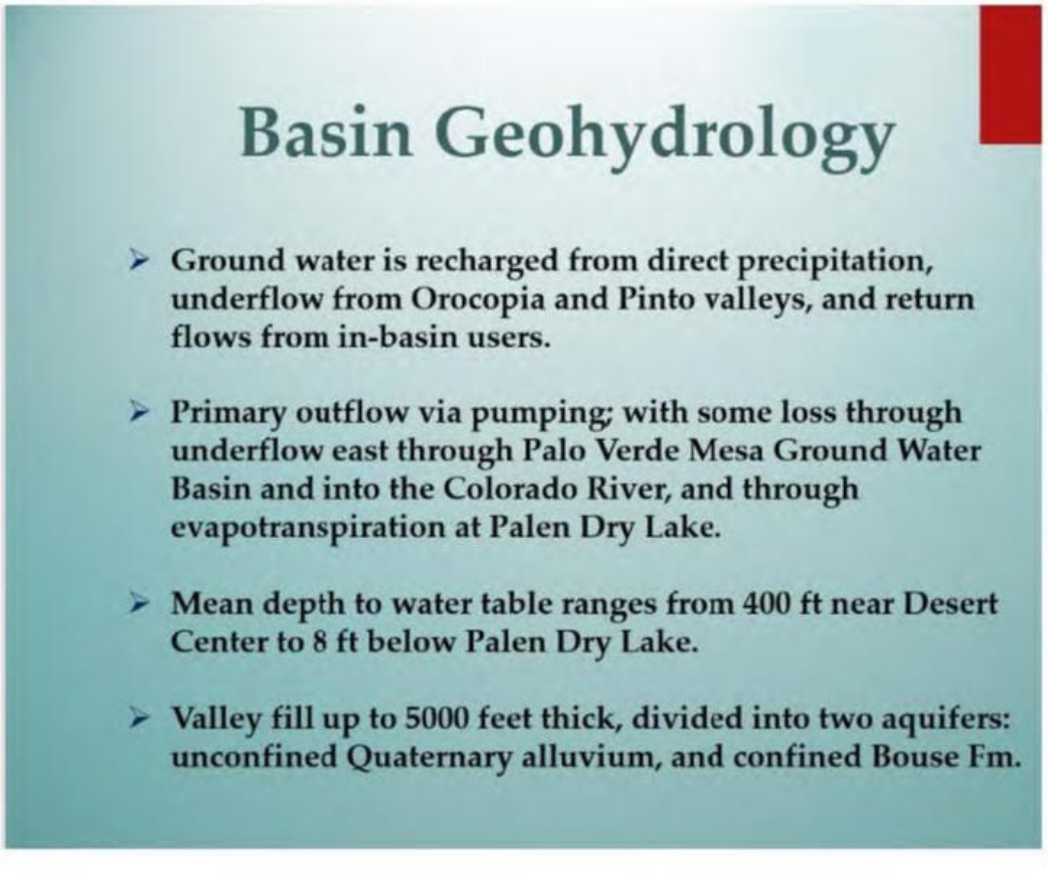
Page 16 of 96 in Comment Letter O2



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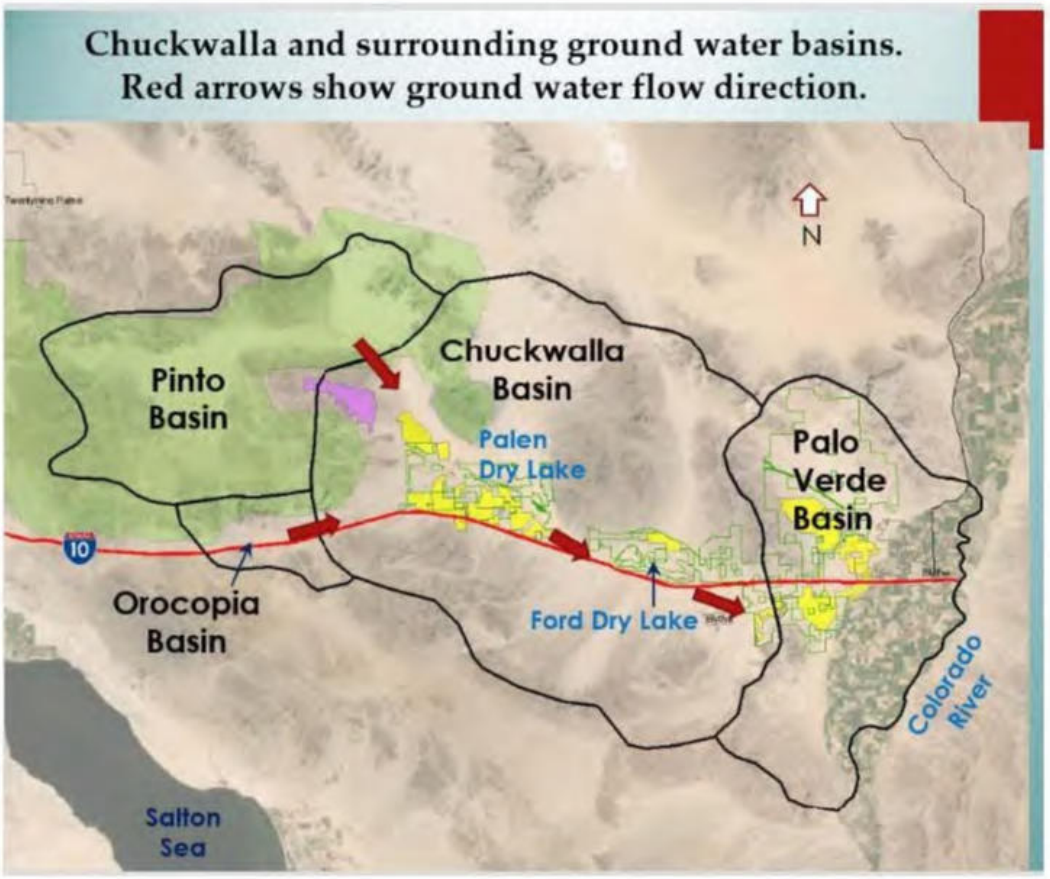
Page 17 of 96 in Comment Letter O2



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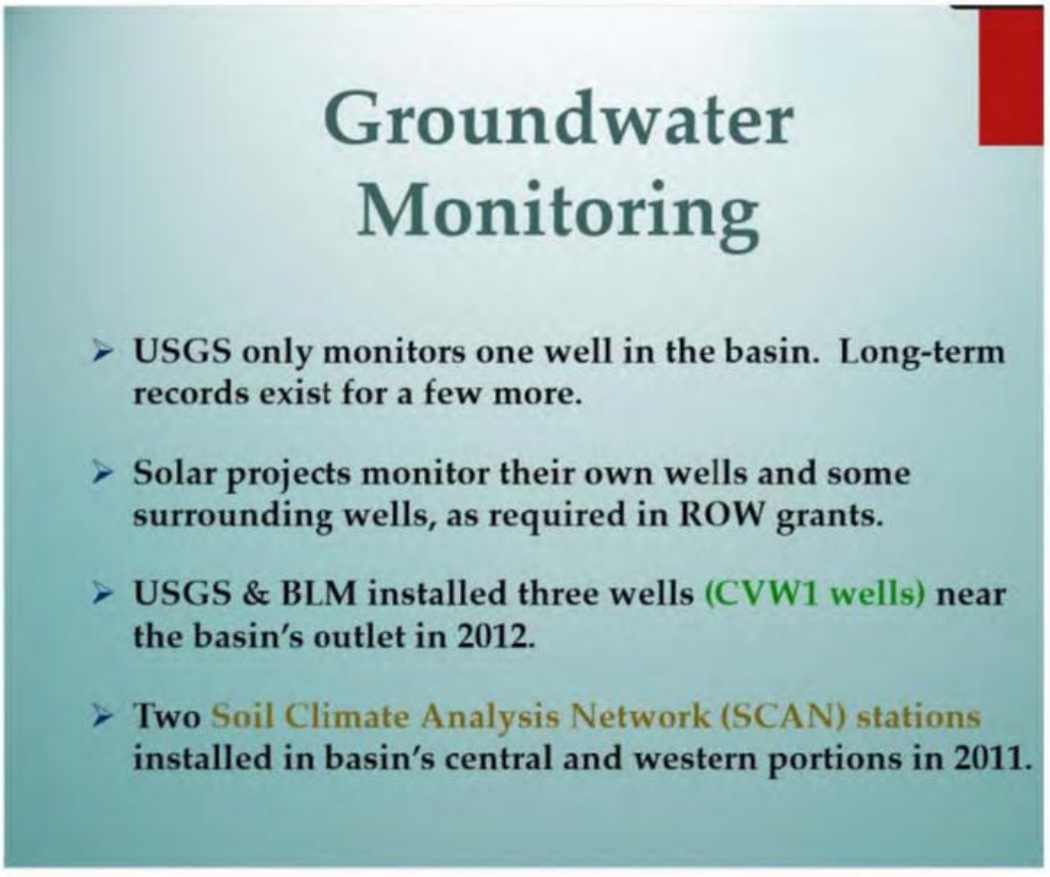
Page 18 of 96 in Comment Letter O2



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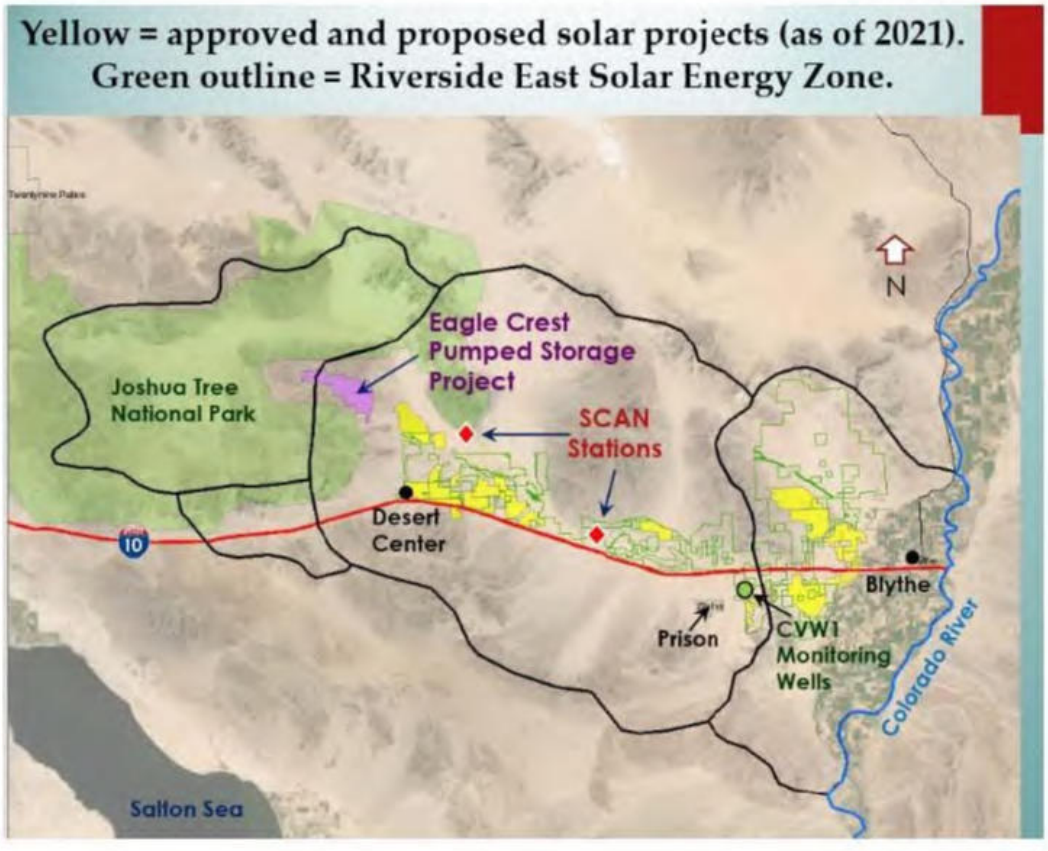
Page 19 of 96 in Comment Letter O2


Yellow = approved and proposed solar projects (as of 2021).
Green outline = Riverside East Solar Energy Zone.
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Eagle Crest
Pumped Storage
Project
Joshua Tree
National Park
SCAN
Stations
Desert
Center
10
Blythe
Prison
CVW1
Monitoring
Wells
Colorado River
Salton Sea

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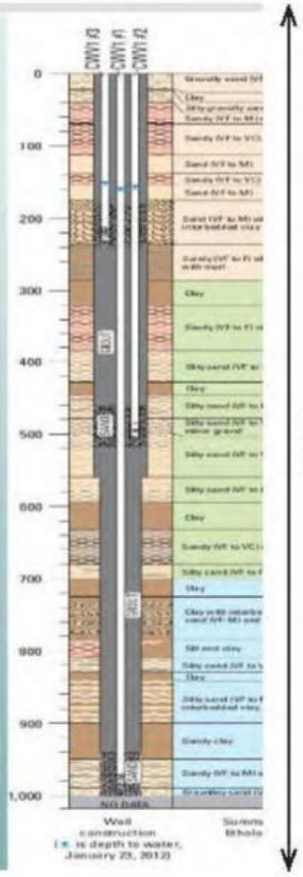
18

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.



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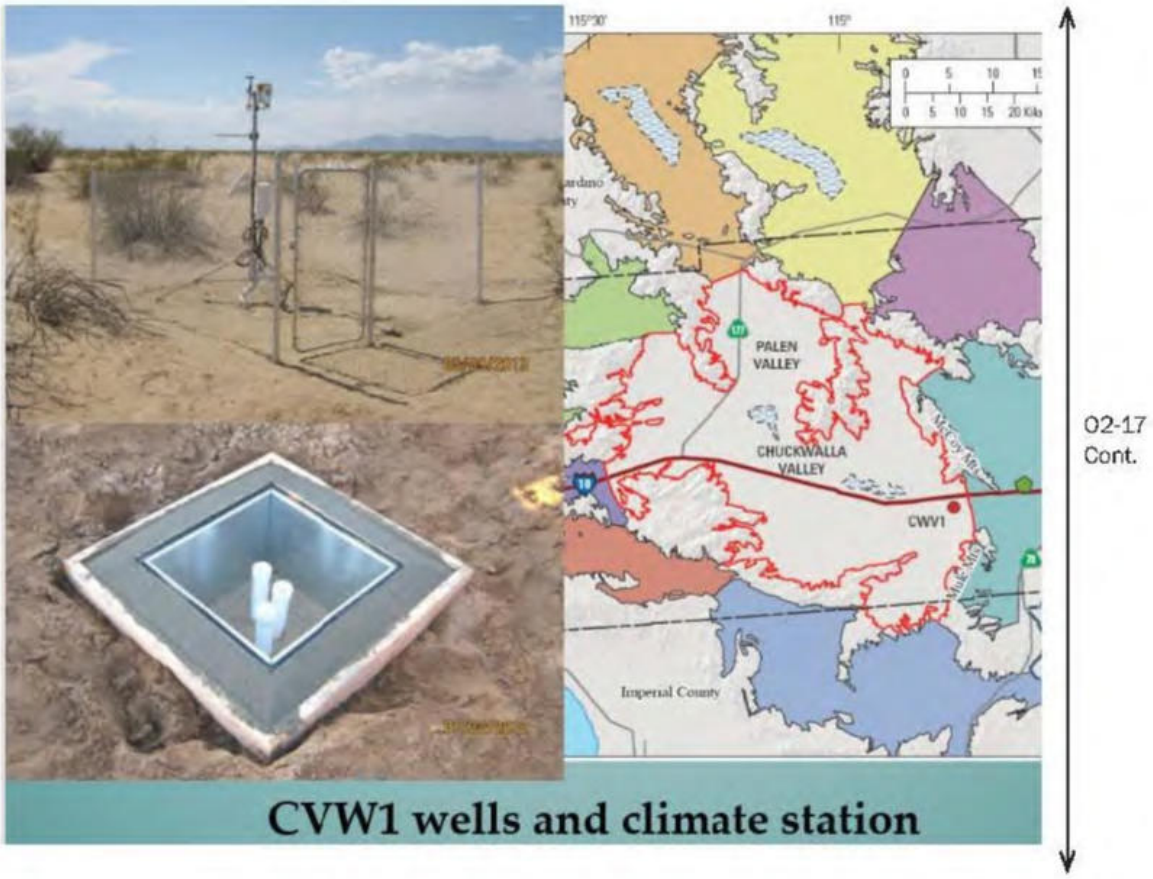
115°30'
115°
PALEN VALLEY
CHUCKWALLA VALLEY
CWV1
Imperial County
CVW1 wells and climate station

O2-17 Cont.

20

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.



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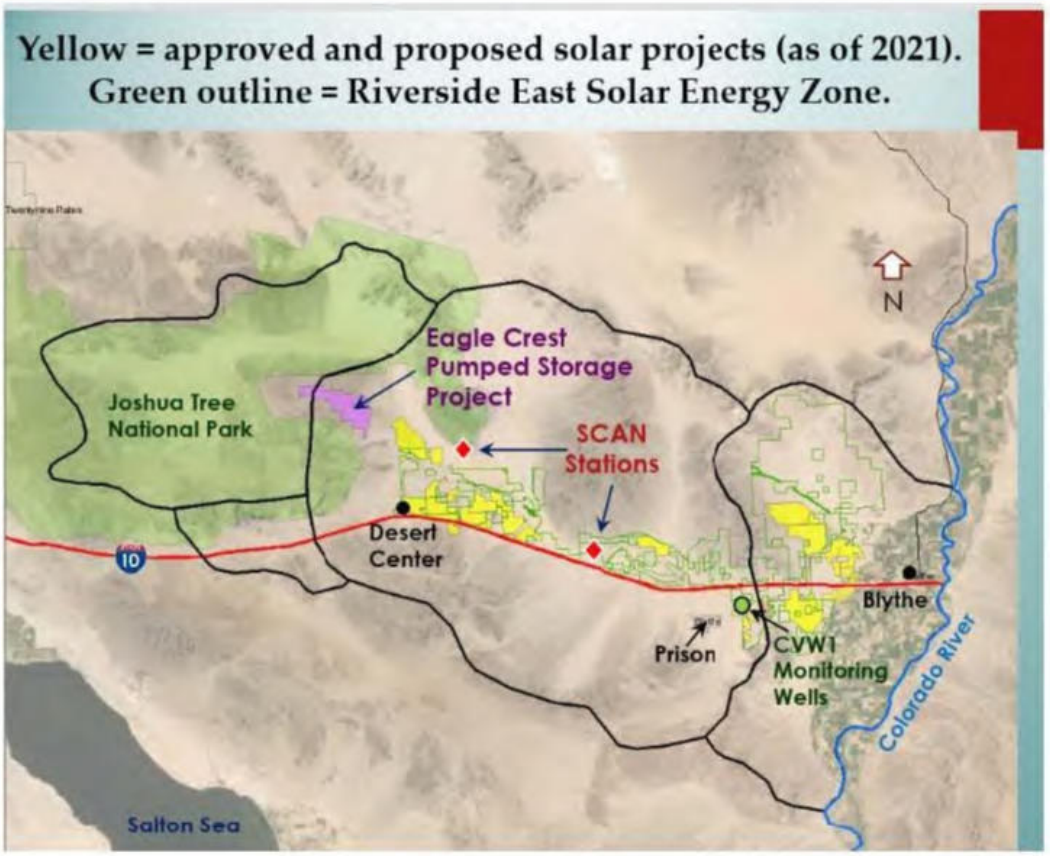
21

Page 23 of 96 in Comment Letter O2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Wells
Colorado River
Salton Sea

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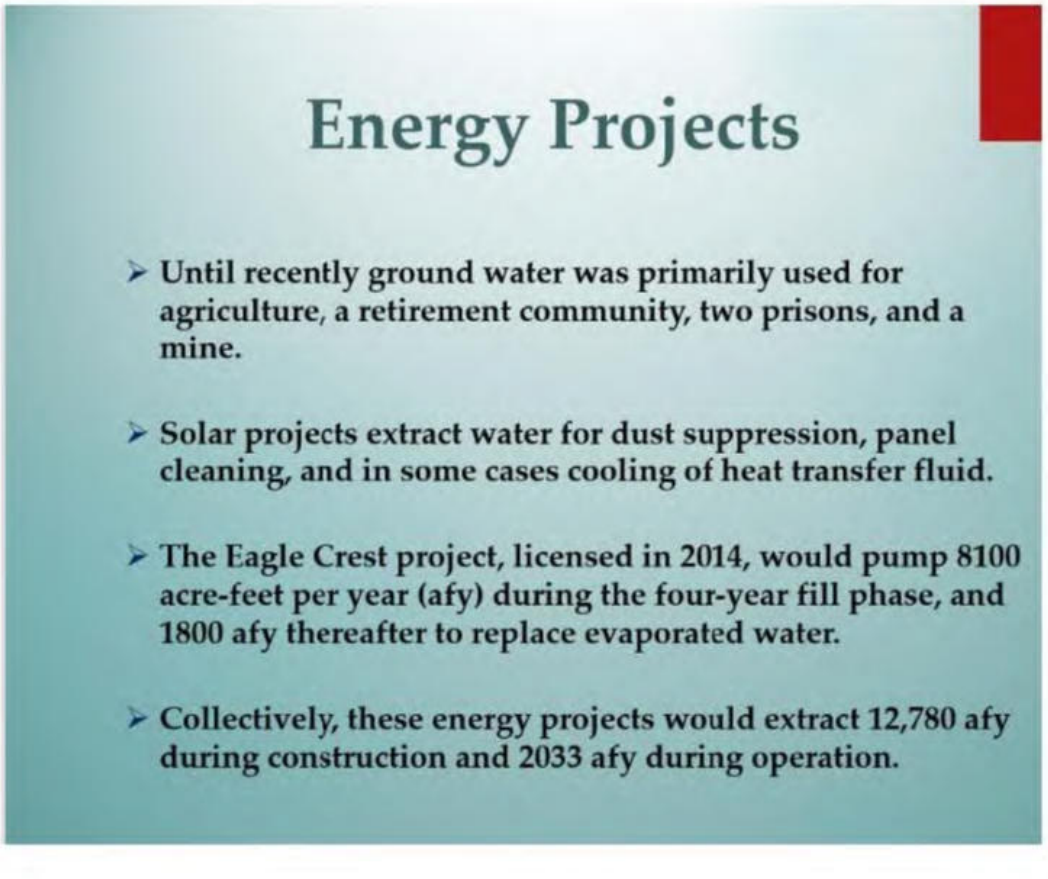

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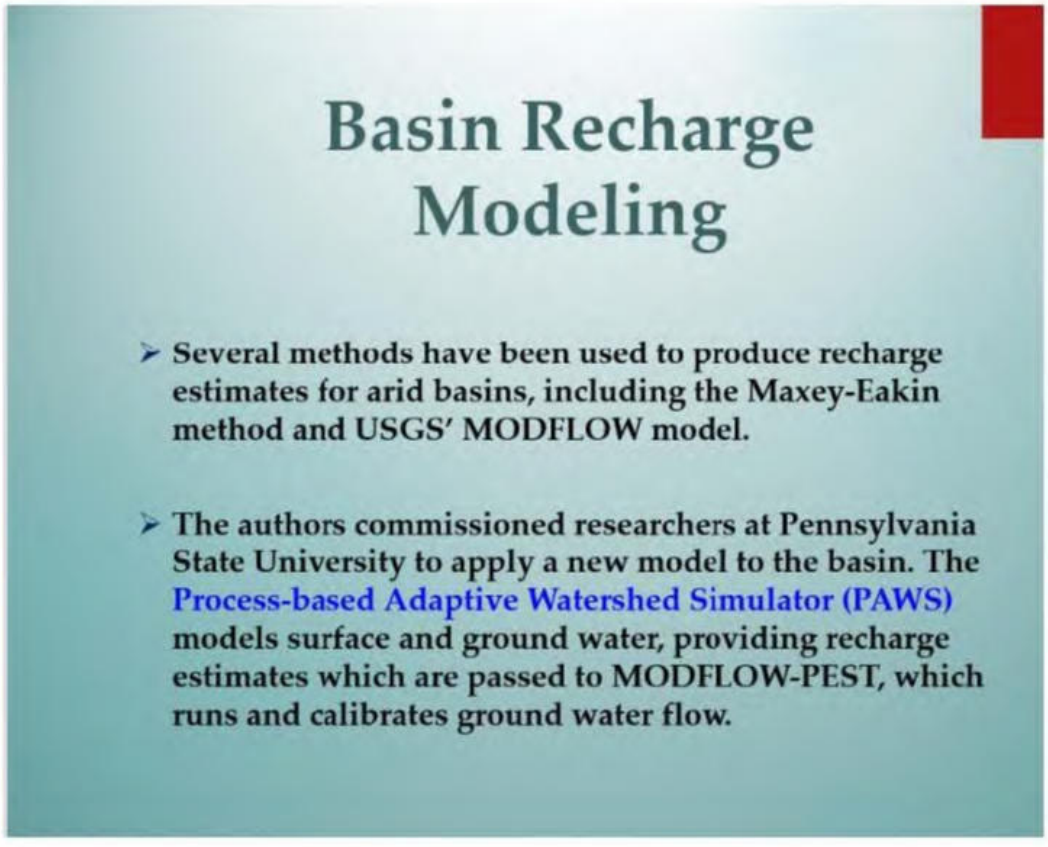
Page 25 of 96 in Comment Letter O2


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.
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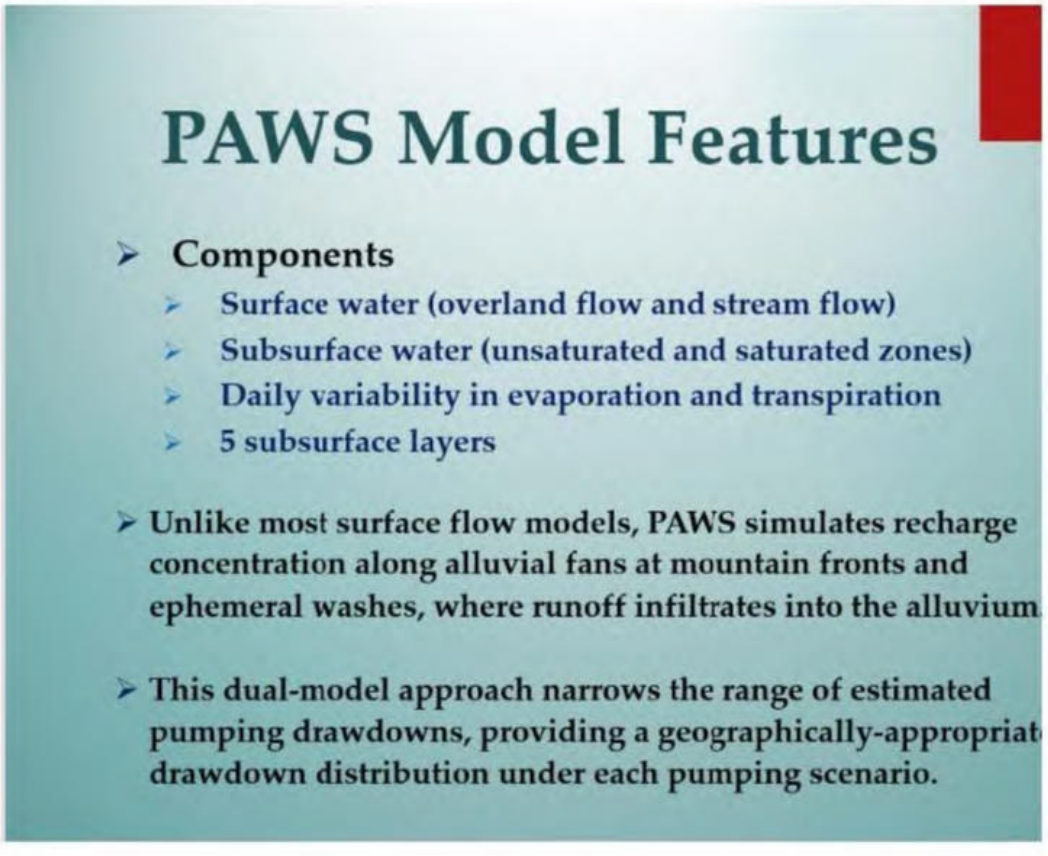

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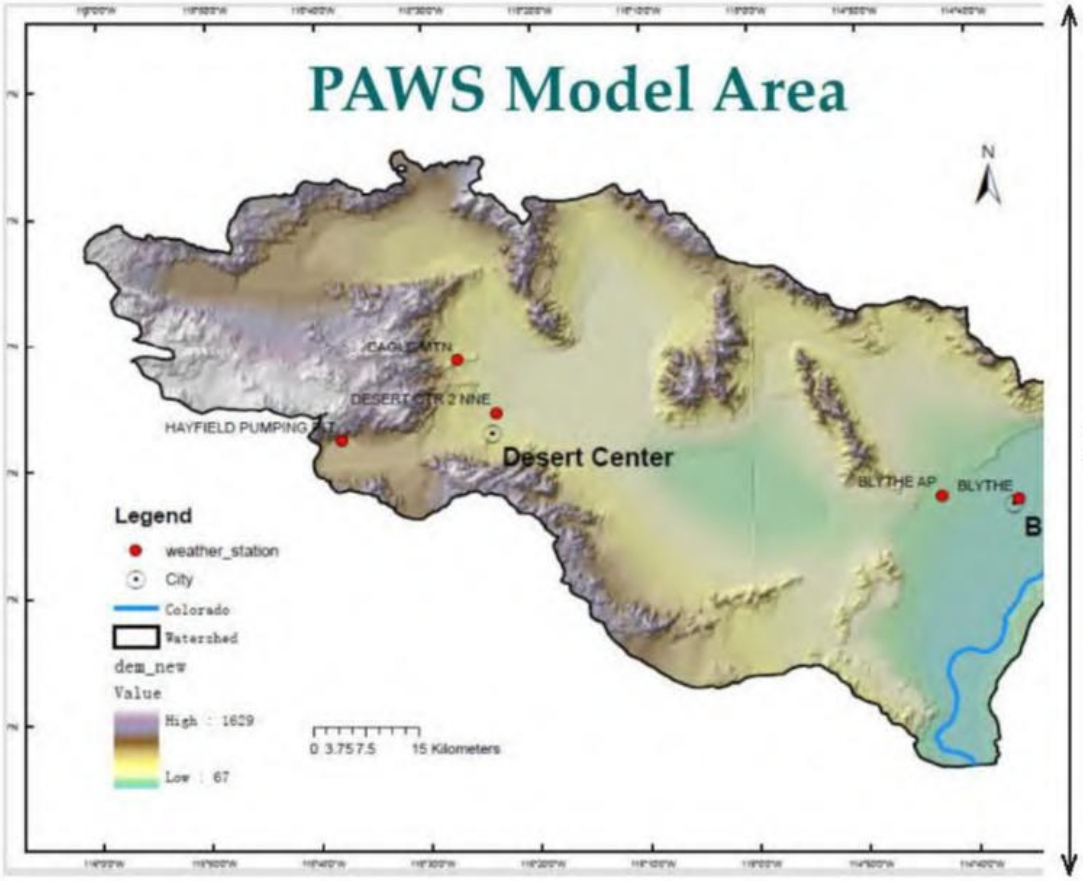
Page 27 of 96 in Comment Letter O2


PAWS Model Area
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CAGLE MTN
DESERT CTR 2 NNE
HAYFIELD PUMPING
Desert Center
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weather_station
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Value
High : 1629
Low : 67
0 3.75 7.5 15 Kilometers

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26

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	32? - 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

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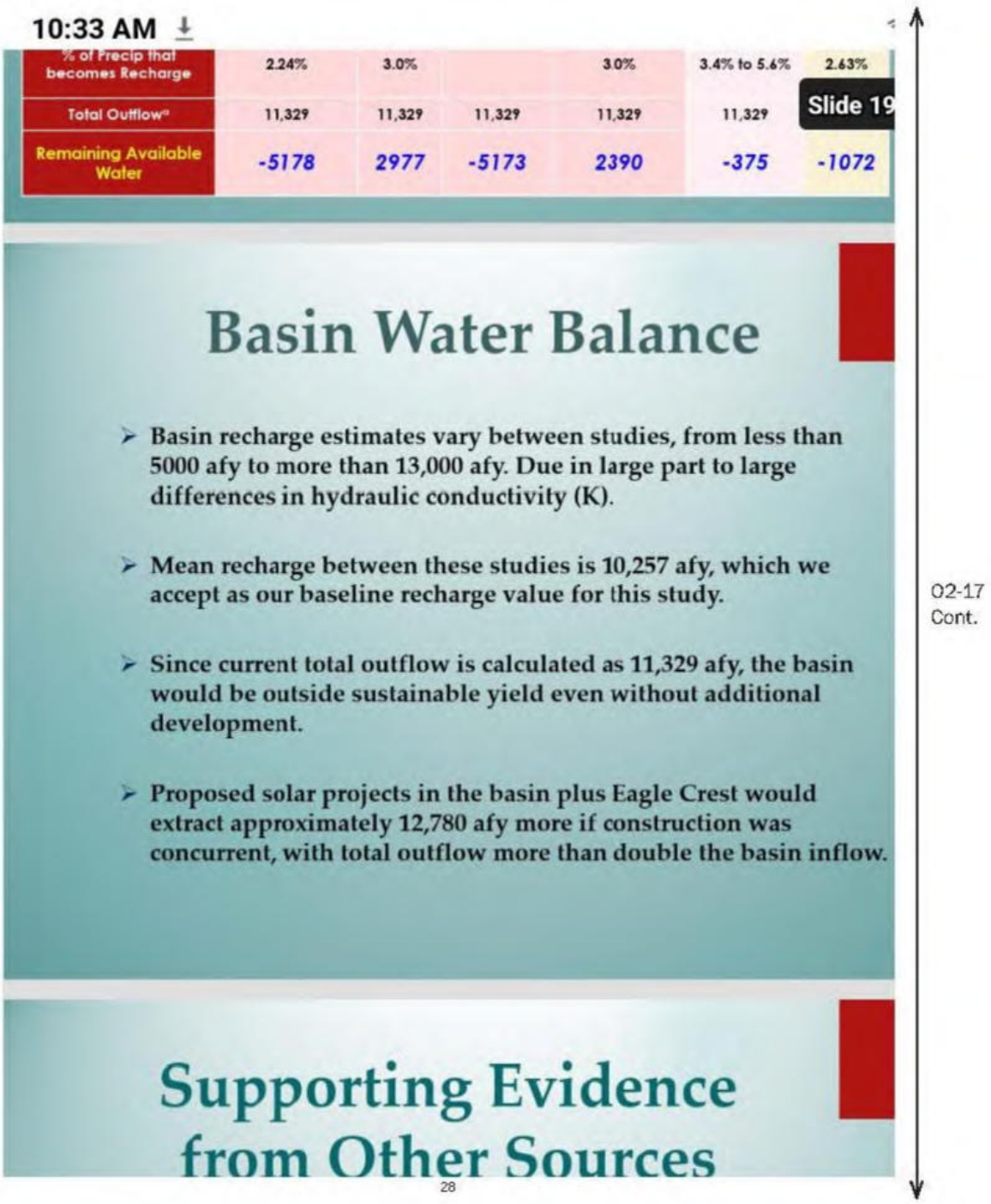
27

Page 29 of 96 in Comment Letter 02



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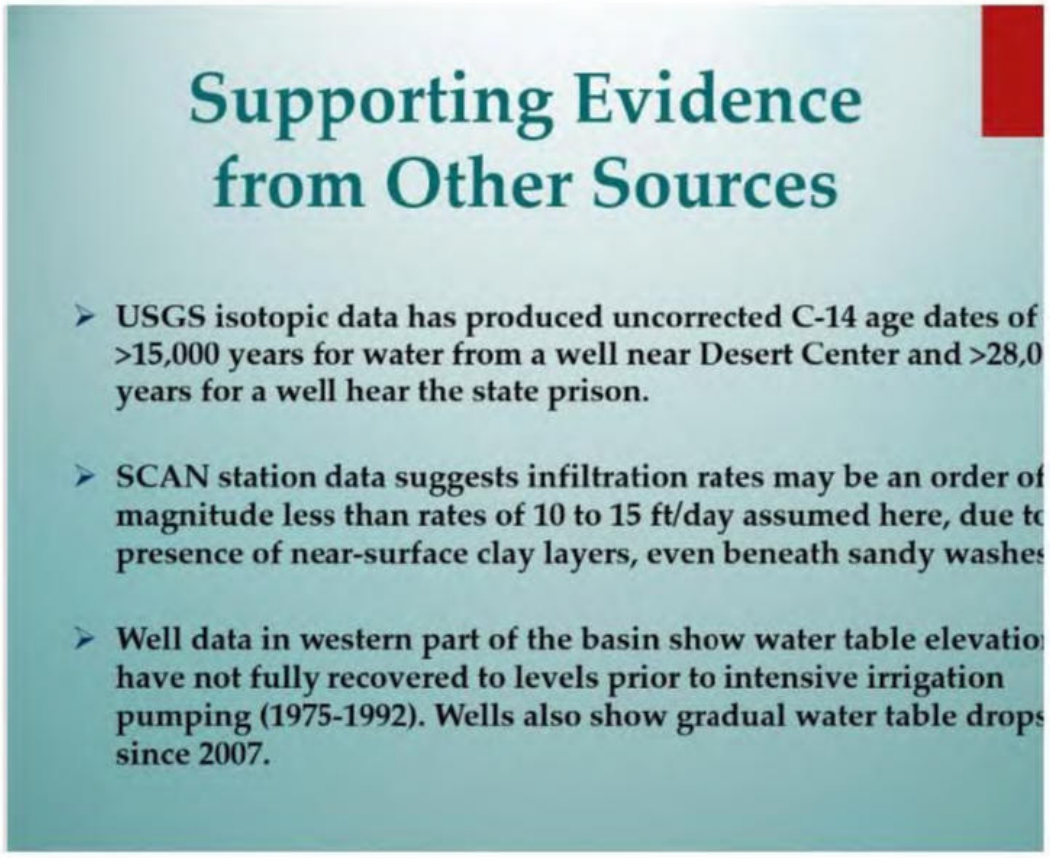
Page 30 of 96 in Comment Letter O2


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 >28,0 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 elevation 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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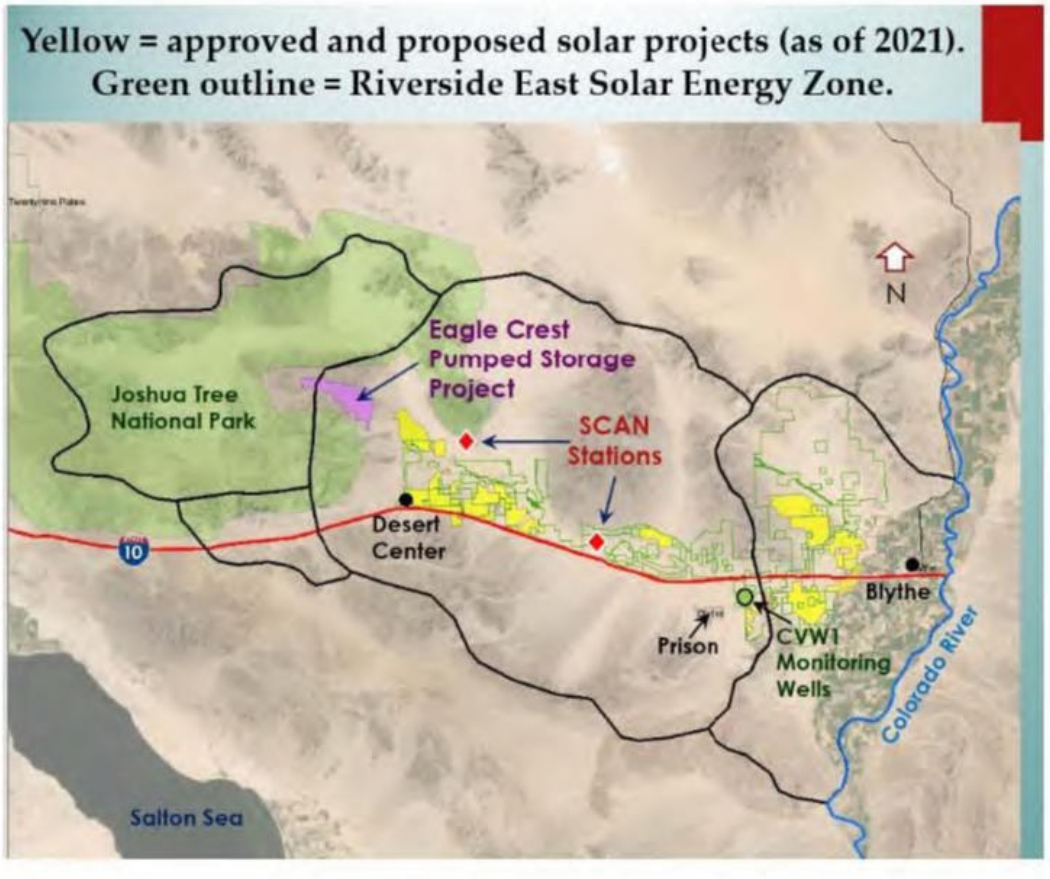

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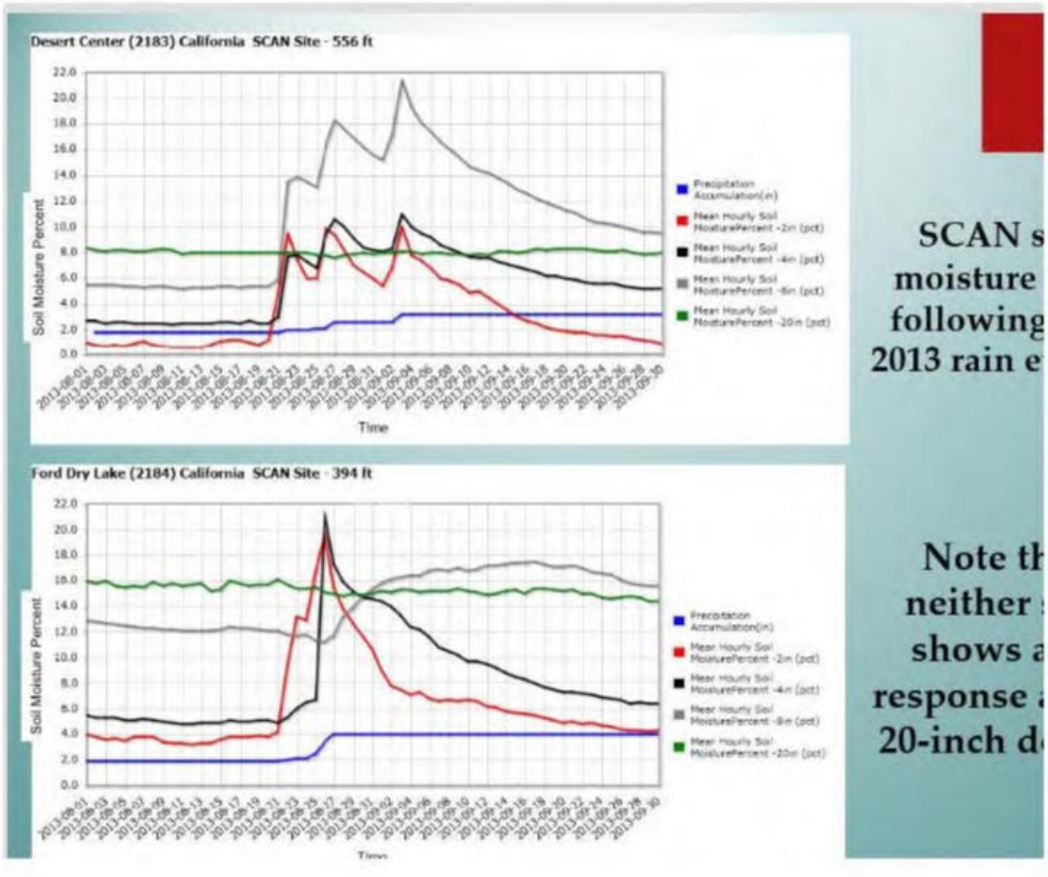
Page 32 of 96 in Comment Letter O2



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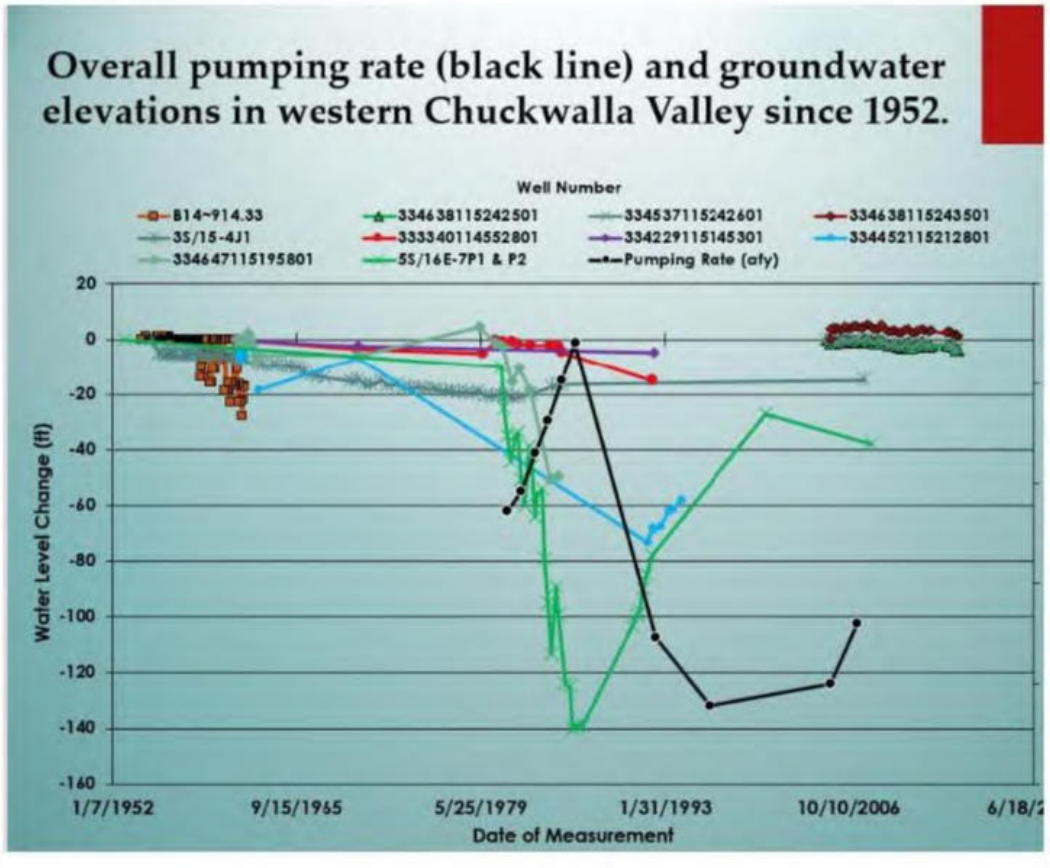
Page 33 of 96 in Comment Letter O2



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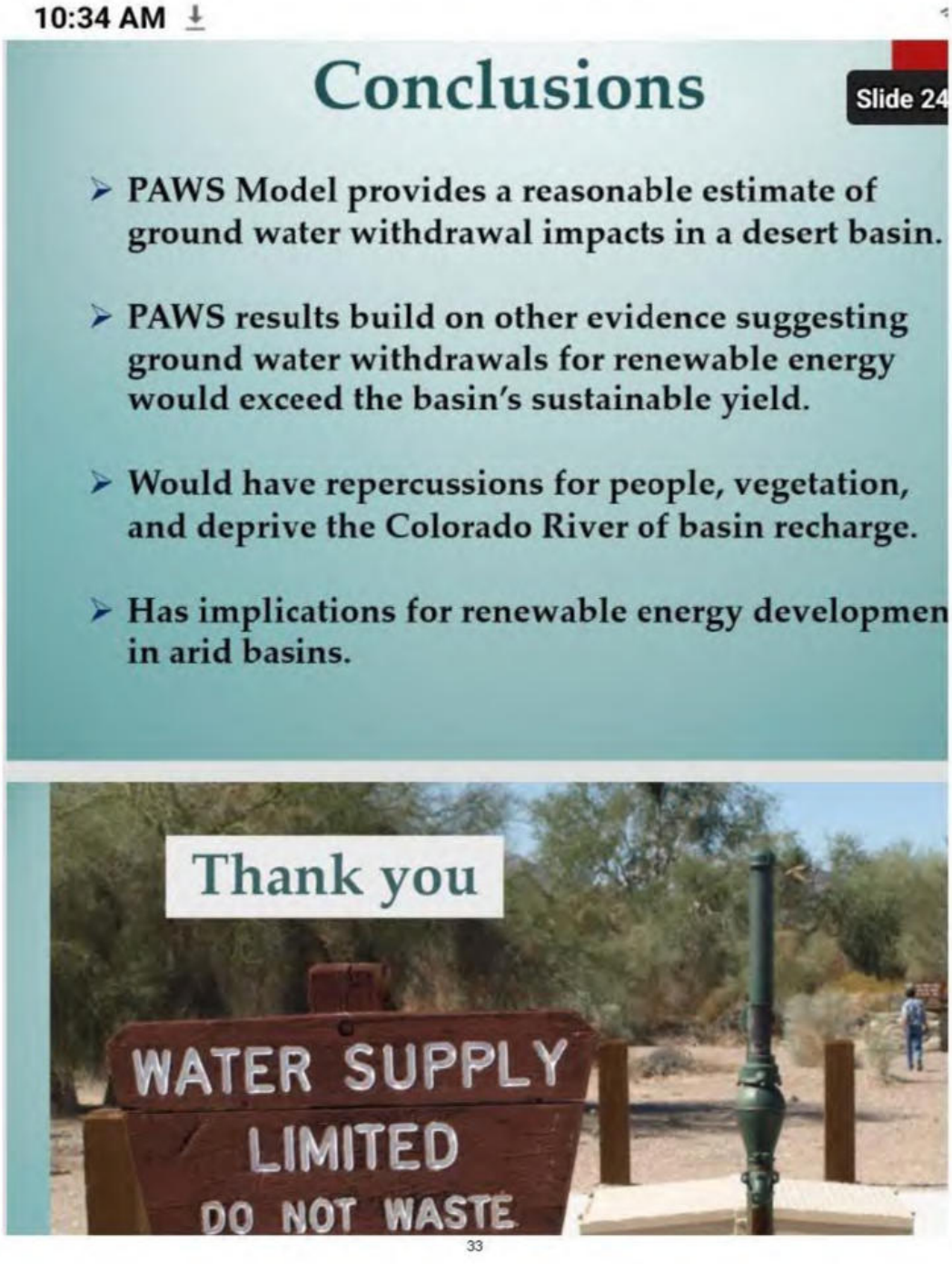
Page 34 of 96 in Comment Letter O2



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Page 35 of 96 in Comment Letter O2

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County of Riverside California

ROUX

MEMORANDUM

Date: August 26, 2024

To: Cooper Kass, Angel Law

From: Andy Zdon, P.G., C.E.G., C.Hg.

Subject: **Water-supply Comments**
Easley Solar Comments
Chuckwalla Valley, Riverside County, California

Roux Associates, Inc. (Roux) is pleased to provide the following information regarding our review of the water supply evaluation for the proposed IP Easley Solar Project (Project) near Desert Center, California. This Project is as described in the Project Recirculated Draft and Final Environmental Impact Reports (DEIR and FEIR respectively, County of Riverside, 2024). The Project is a utility-scale solar photovoltaic (PV) electrical generating and storage facility, with 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 (Riverside County Planning Department, 2024). 02-18

According to the water supply assessment/impact analysis prepared by GSI Water Solutions (2024), as part of that analysis, groundwater impacts due to pumping were evaluated based on groundwater modeling, largely based on previous modeling results (e.g., Fang, et.al., 2021). Although the GSI Water report uses the tools that are recommended in the Best Management Practices associated with the Desert Renewable Energy Conservation Plan, the report fails to provide a robust discussion of model development, calibration, sensitivity analyses, and limitations. Due to the absence of key foundational information in the prior modeling documentation which serves as a basis for the Project impact analysis, there are substantial information/data gaps that must be addressed for the drawdown and water budget estimations to be considered reliable. Additionally, aspects of the basin conceptual model (e.g., groundwater recharge) are unrealistic as noted below and affect the reliability of the impact analysis. 02-19

The comments below are of a more foundational and conceptual nature. As such, a more granular review of specific assumptions, estimates and impacts was not conducted as the items described below are foundational and should be revisited. Those aspects would likely change after addressing the issues described below.

Groundwater Recharge

A key aspect of the water supply assessment is the estimate of groundwater recharge. That parameter should substantially affect model results. Tables 4 and 5 in the water supply assessment (GSI Water, 2024) present a range of groundwater recharge estimates (4,997 to 8,846 acre-feet per year (afy)). These recharge estimates appear to be substantially high. The U.S. Geological Survey (Devine, 2000) in their review of Fenner Valley watershed conditions (approximately 50 miles northeast at higher, wetter elevations with lower evaporation rates) indicated that little, if any, groundwater recharge would occur at elevations below 4,000 feet above mean sea level (ft msl). Nearly all of Chuckwalla Valley falls below that elevation. 02-20

Precipitation at Blythe east of Chuckwalla Valley is less than 4 inches per year. Similarly, precipitation at the Eagle Mountain station (within Chuckwalla Valley, record from 1933 to 2016) was also less than 4 inches per year. In their studies of Borrego Valley to the south of Chuckwalla Valley, the U.S. Geological Survey similarly noted (Faunt, et.al., 2015) that:

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> *"Because the average precipitation rate is 5.83 in/yr. (Western Region Climate Center, http://www.wrcc.dri.edu/ cgi-bin/cliMAIN.pl?ca0983 accessed September 29, 2015), the PET (potential evapotranspiration) rate is 71.6 in/yr (California Irrigation Management System, 2012), and soil moisture requirements by plants near the root zone are high, recharge from direct infiltration of precipitation is considered negligible."*

Based on these U.S. Geological Survey investigations in differing regions south and north of Chuckwalla Valley, and the precipitation records in the Chuckwalla Valley, the potential groundwater recharge is likely substantially less than used in the water supply assessment and as a basis for the DEIR and the FEIR.

02-20 Cont.

The influence of this overestimation of recharge in relation to the Project water supply assessment is likely substantial. This would affect both the original calibration of the modeling, associated aquifer parameters, and the underflow estimates. Additionally, the extent of drawdown and reductions of other groundwater budget parameters (e.g., reduction of underflow toward groundwater basins between Chuckwalla Valley and the Colorado River) would also be affected.

Groundwater Modeling

The modeling report by Fang is presented in the form of a journal article. It is unclear to Roux whether the article is in its final form or remains in draft form. This is because the versions of the documents that Roux was able to access online (via the "escholarship.org" link provided in the FEIR) remained in typical draft form for a journal article (e.g., double-spacing, line numbering, etc., for editing purposes). If it remains in draft form, relying on a draft product would be problematic. Further, several editorial and/or typographical errors in the text make it unclear as to whether a peer review was conducted on the paper.

Assuming that the model is a final product, the numerically intensive manner of the approach combined with the general lack of measured soil/aquifer hydraulic parameters for the Chuckwalla Valley aquifer system indicates that substantial uncertainty is likely to accompany the results of the analysis. On top of that substantial uncertainty, given the format of the Fang report and likely size limitations for an article, key aspects of a standard modeling report are not included. These include a sensitivity analysis of the parameters used, uncertainties and/or quality assurance/quality control of modeling, and limitations of the use of the model.

02-21

These same issues carry on in the water supply assessment (GSI Water, 2024). For example, the model development is only described in a cursory manner while calibration, sensitivity analyses, and modeling limitations are not presented. These are standard sections in groundwater modeling reports as described the U.S. Geological Survey (Riley and Harbaugh, 2004), and standard modeling texts (e.g., Anderson & Woessner, 1992). A copy of the USGS guidelines are attached. Absent these report aspects which are standard sections of a modeling report (which the water supply assessment clearly is), assessing the reliability of the modeling tool used to assess Project impacts is not possible.

Closing

Given the absence of foundational information related to the water supply assessment and the excessive estimation of groundwater recharge for Chuckwalla (and the corresponding implications of these deficiencies on the reliability of the Project impact analysis) we are unable to provide further substantive review to assess the proposed water-supply for the Project. Similarly, county decision-makers cannot make a fully informed decision as to whether the Project would substantially decrease groundwater supplies such that the Project (or cumulative projects) may impede sustainable groundwater management of the basin (Impact HWQ-2).

We recommend that the water supply assessment be revisited to address these issues. Further, we believe that a review of the underlying modeling (Fang, et.al., 2021) be performed by an independent research group such as the U.S. Geological Survey. If these modeling tools are going to be relied upon for land management decision-making, the high-degree of uncertainty, and potential unreliability leads to

02-22

substantial risk in decision-making that would not only affect Chuckwalla Valley, but downgradient basins as well.

02-22 Cont.

We appreciate the opportunity to comment on the Project environmental review. Should you need further assistance, please contact Andy Zdon at (925) 640-7807, or by email azdon@rouxinc.com.

02-23

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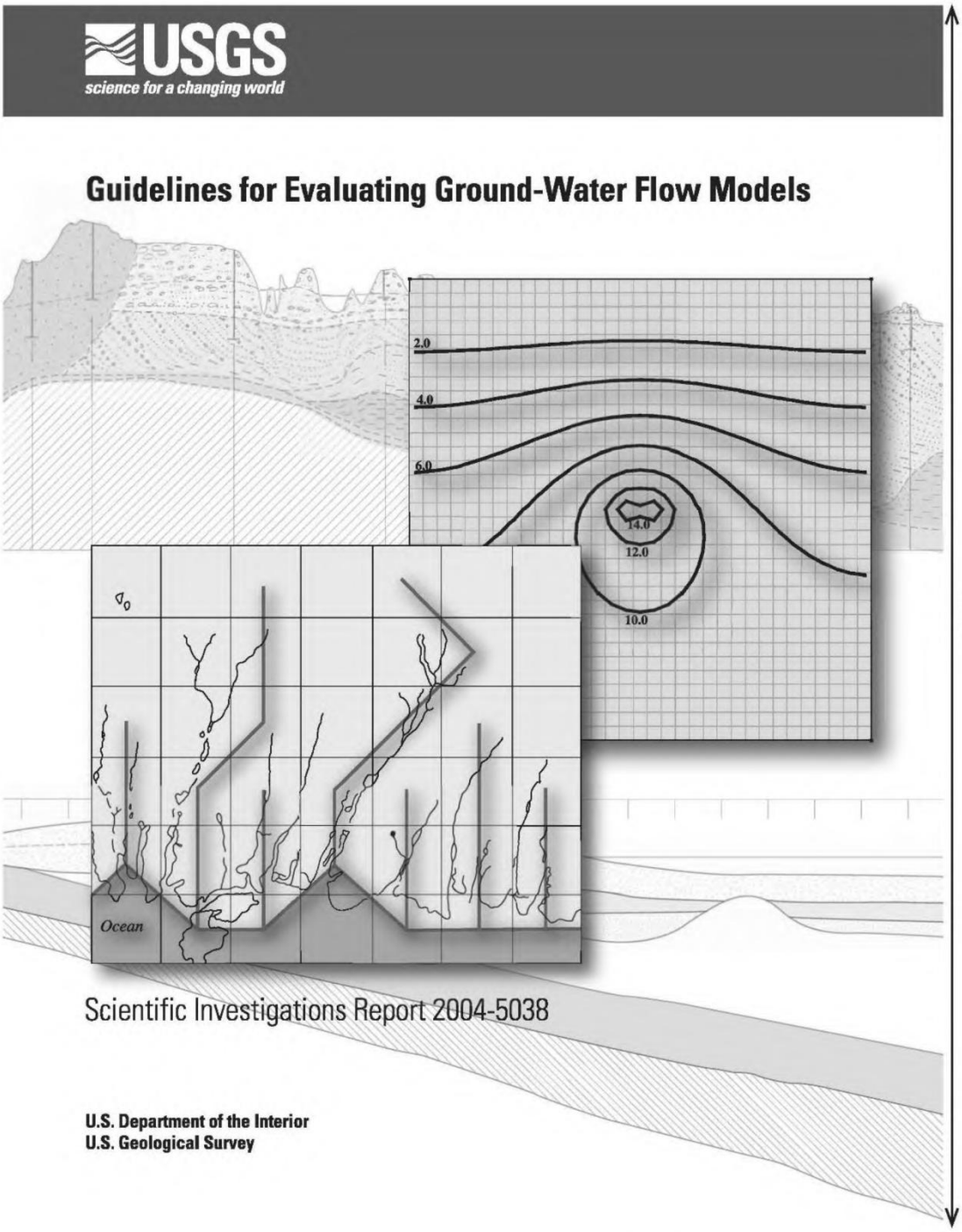

O2-24
Cont.

Page 40 of 96 in Comment Letter O2

Cover. See figures 2 and 3, page 6. O2-24 Cont.

Guidelines for Evaluating Ground-Water Flow Models

By Thomas E. Reilly and Arlen W. Harbaugh

02-24
Cont.

Scientific Investigations Report 2004-5038

U.S. Department of the Interior
U.S. Geological Survey

U.S. Department of the Interior
Gale A. Norton, Secretary

U.S. Geological Survey
Charles G. Groat, Director

U.S. Geological Survey, Reston, Virginia: 2004
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CONTENTS

Abstract 1
Introduction 1
Appropriateness of the computer model program 1
Different modeling approaches to address a problem 2
A calibrated model 2
A hypothetical model 2
Sensitivity analysis 2
Superposition 4
Particle tracking 4
Spatial and temporal approaches 4
Discretization and representation of the hydrogeologic framework 5
Cell size 5
Specifying properties of cells 10
Time steps 15
Representation of boundary conditions 16
Representation of initial conditions in transient simulations 17
Accuracy of the matrix solution 20
Adequacy of calibration for intended use of model results 23
Model input data, output listing, and report consistency check 24
Model reporting and archiving 26
Summary 27
Acknowledgments 27
References 27
Appendix – Office of Ground Water Technical Memorandum No. 96.04 – Policy on documenting the use of ground-water simulation in project reports 29

Figures

1. Maps showing extent of the south-shore confining unit on Long Island, New York, as represented in a regional ground-water flow model grid, and as represented in a sub-regional ground-water flow model grid 5
2. Maps showing representation of stream and shoreline boundaries on Long Island, New York, as represented in a regional ground-water flow model grid, and as represented in a sub-regional ground-water flow model grid 6
3. Simulated drawdown from two wells using different grid spacings 6
4. Large finite-difference cells may be inadequate to represent some important features of a ground-water system. Map of the distribution of horizontal hydraulic conductivity showing a channel of high hydraulic conductivity. Finite-difference cells representing the high hydraulic-conductivity channel are no longer continuous, because there is no direct connection between diagonal cells in the finite-difference method 7
5. Graph showing a cross section of drawdown showing the effect of grid spacing 7

O2-24
Cont.

6. Schemes of vertical discretization for aquifer cross section, aquifer cross section with rectilinear or uniform grid superimposed, and aquifer cross section with deformed grid superimposed....8
7. Horizontal and vertical discretization using uniform layers for the model simulating ground-water flow on Cape Cod, Massachusetts.
A. Horizontal grid....9
B. Hydrogeologic cross section near column 85....10
C. Vertical grid using uniform layers along column 85....11
8. Horizontal and vertical discretization using deformed layers for the model simulating ground-water flow on Long Island, New York: horizontal grid, hydrogeologic cross section, and vertical grid using deformed layers....12
9. Maps showing comparison of areas contributing recharge to seven public-supply wells as determined by two different numerical models, Cape Cod, Massachusetts: results from a two-dimensional single-layer model, and results from a three-dimensional eight-layer model....13
10. Examples of interpolating data for cells from measured data. Cell value is the nearest measured value, cell value is the inverse-distance-squared weighted average of measured values, and cell value is the distance-weighted average of the two adjacent contours....14
11. Graph showing drawdown versus time for different numbers of time steps....15
12. Flow chart of the ground-water flow modeling process....17
13. Extent and model grid of the finite-difference model used to illustrate initial conditions: areal grid, and cross-sectional grid....19
14. Graph showing head distribution along a model row from the divide to the constant-head node for three different initial conditions used for a transient simulation....20
15. Graphs showing head in a cell through time in response to a well discharging at a rate of 100,000 ft^3/d: the head in layer 1 at the divide, and the head in the cell with the discharging well in layer 3....20
16. Graph showing head in the well for the first 5 years after the start of pumping for the cases using the initial conditions of the steady-state head distribution and the linearly varying head distribution....21
17. Cross-sectional view of a finite-difference representation simulating a variable thickness ground-water system with flow to a specified head due to areal recharge: starting head set at 20 meters, and starting head set at 100 meters....22
18. Maps showing hydraulic-conductivity zones identified for automatic parameter estimation in a ground-water flow model of the Albuquerque Basin, New Mexico: zones in model layer 1, and zones in model layer 2....25

Tables

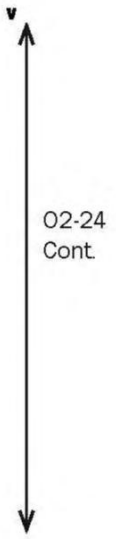
1. Types of problems that may initiate a hydrologic study involving a ground-water flow model....3
2. Heads calculated for the same system with areal recharge and two different initial heads....21

O2-24
Cont.

Conversion Factors

Multiply	By	To obtain
foot (ft)	0.3048	meter (m)
mile (mi)	1.609	kilometer (km)
square mile (mi^2)	2.590	square kilometer (km^2)
cubic foot per second (ft^3/s)	0.02832	cubic meter per second (m^3/s)

English units are used in all original work presented in this report. Figures and results from published studies are also presented throughout this report. The system of units that were originally used in these previously published studies are retained in this report in order not to introduce any errors and to show the level of approximation used in the investigator's estimates.



O2-24
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Guidelines for Evaluating Ground-Water Flow Models

By Thomas E. Reilly and Arlen W. Harbaugh

Abstract

Ground-water flow modeling is an important tool frequently used in studies of ground-water systems. Reviewers and users of these studies have a need to evaluate the accuracy or reasonableness of the ground-water flow model. This report provides some guidelines and discussion on how to evaluate complex ground-water flow models used in the investigation of ground-water systems. A consistent thread throughout these guidelines is that the objectives of the study must be specified to allow the adequacy of the model to be evaluated.

Introduction

The simulation of ground-water flow systems using computer models is standard practice in the field of hydrology. Models are used for a variety of purposes that include education, hydrologic investigation, water management, and legal determination of responsibility. In the most general terms, a model is a simplified representation of the appearance or operation of a real object or system. Ground-water flow models represent the operation of a real ground-water system with mathematical equations solved by a computer program. A difficulty that faces all individuals attempting to use the results of a model is the development of an understanding of the strengths and limitations of a model analysis without having to reproduce the entire analysis.

The primary purpose of this report is to help users of reports that document ground-water flow models evaluate the adequacy or appropriateness of a model. A secondary purpose for this report is to provide for model developers a guide to the information that should be included in model documentation. The information in this report is mainly qualitative. It reflects the views developed by the authors on the basis of over 50 years combined experience with ground-water modeling. The authors have used models, reviewed modeling studies and reports, provided modeling advice, taught modeling courses, and developed computer model programs.

It is important to distinguish among three terms we use to discuss the modeling process: conceptual model, computer model program, and model. A "conceptual model" is the hydrologist's concept of a ground-water system. A "computer model program" is a computer program that solves ground-water equations. Computer model programs are general purpose in that they can be used to simulate a variety of specific systems by varying input data. A "model" is the application of a computer model program to simulate a specific system. Thus, a model incorporates the model program and all of the input data required to represent a ground-water system. The modeler attempts to incorporate what he or she believes to be the most important aspects of the conceptual model into a model so that the model will provide useful information about the system.

The information provided in this report is generally relevant to all types of ground-water flow model programs; however, the examples cited throughout the report use the model program MODFLOW (Harbaugh and others, 2000).

This report reviews the important aspects of simulating a ground-water flow system using a computer model program and explains the ramifications of various design decisions. An important part of the information necessary for evaluating a model is the intended use of a model, because it is impossible to develop a model that will fulfill all purposes. Further, the intended use must be specific as opposed to general. For example, saying that a model will be used to evaluate water-management alternatives is inadequate. Specific information about the alternatives to be considered also would be necessary. Thus, a consistent thread throughout this report is the need to consider the purpose of a model when evaluating the appropriateness of the model.

Appropriateness of the Computer Model Program

Many computer model programs are available for simulating ground-water systems. Each computer model program can be characterized by the mathematical method used to represent ground-water equations (Konikow and Reilly, 1999), assumptions, and the range of simulation capabilities. For example, the mathematical method in MODFLOW is finite difference in space and time, with backward difference for time. Major

O2-24
Cont.

assumptions are (1) confined three-dimensional flow with water-table approximations, and (2) principal directions of hydraulic conductivity are aligned with the coordinate axes. A variety of hydrologic capabilities are included, for example, the simulation of wells, rivers, recharge, and ground-water evapotranspiration. There also are simple analytical models that assume homogeneous conditions for one or two dimensions that can be used to solve some problems. The tool or computer model program used can be as simple or as complex as required for the problem, but the method, assumptions, and capabilities must be evaluated to assure that the tool is appropriate and can provide scientifically defensible results.

Questions to be answered in the evaluation of the appropriateness of the modeling program are:

1. Are the objectives of the study clearly stated?
2. Is the mathematical method used in the computer model program appropriate to address the problem?
3. Does the numerical or analytical model selected for use simulate the important physical processes needed to adequately represent the system?

Different Modeling Approaches to Address a Problem

A general-purpose computer model program such as MODFLOW can be used in many ways to address a problem as illustrated in table 1. Approaches to a problem that are commonly used are: calibrated model, hypothetical system model, sensitivity analysis, superposition, and particle tracking. Frequently, several approaches are combined to address a problem.

A Calibrated Model

A model that is "calibrated" is required to address many hydrologic problems. Model calibration in its most limited meaning is the modification of model input data for the purpose of making the model more closely match observed heads and flows. Adjustment of parameters can be done manually or automatically by using nonlinear regression statistical techniques. In the broader meaning of model calibration, parameter adjustment is only one aspect of model calibration. Key aspects of the model, such as the conceptualization of the flow system, that influence the capability of the model to meet the problem objectives also are evaluated and adjusted as needed during calibration. For example, it may be noticed that some of the parameters that result in the best match to observations are not reasonable based on other knowledge of their values. This may indicate that there is a conceptualization problem with the model. Thus, the closeness of fit between the simulated and observed conditions, and the extent to which important aspects of the simulation are incorporated in the model are both important in evaluating how well a model is calibrated. In practice, calibration is conducted differently by each investigator; some examples that discuss calibrated models are Luckey and others (1986), Buxton and Smolensky (1999), and Anderson and Woessner (1992, section 8.3 and 8.4).

The amount of effort that is required in calibrating a ground-water flow model is dependent upon the intended use of the model (that is, the objective of the investigation). Most models of specific ground-water systems that are used to estimate aquifer properties, understand the past, understand the present, or to forecast the future are calibrated by matching observed heads and flows. Determining if the calibration is sufficient for the intended use of the model is very important in evaluating whether the model has been constructed appropriately. (See later section for more on evaluating the adequacy of model calibration.)

A Hypothetical Model

A hypothetical model is a model of an idealized or representative system as opposed to a model of a specific system. In an attempt to understand the basic operation of a ground-water system, the determination of whether to develop a model of a hypothetical idealized system or a model of an actual system greatly affects the amount of data needed to construct the model. Hypothetical models are not calibrated, but input data are frequently adjusted during model development to make the model fit the idealized system or to test how the model responds. The utility of hypothetical models is that the system can be defined exactly and the cause and effect processes under investigation can be clearly identified with minimal cost. The input data needed to define the hypothetical system can be as simple or as complex as required to investigate the processes of interest. No effort is required to collect and interpret data from an actual ground-water system and no uncertainty exists in the ability of the model to represent the system, which results in substantial cost savings compared to making a model of a specific system. Hypothetical models have been used to examine various processes that affect or are affected by ground-water flow, for example: boundary conditions (Franke and Reilly, 1987), contributing areas to wells (Morrissey, 1989; Reilly and Pollock, 1993), and model calibration (Hill and others, 1998).

Sensitivity Analysis

Sensitivity analysis is the evaluation of model input parameters to see how much they affect model outputs, which are heads and flows. The relative effect of the parameters helps to provide fundamental understanding of the simulated system. Sensitivity analysis also is inherently part of model calibration. The most sensitive parameters will be the most important parameters for causing the model to match observed values. For example, an area in which the model is insensitive to hydraulic conductivity generally indicates an area where there is relatively little water flowing. If the model is being calibrated, then changing the value of hydraulic conductivity in this area will

O2-24
Cont.

Table 1. Types of problems that may initiate a hydrologic study involving a ground-water flow model.

Problem Type	Reason for Undertaking Study	Approach to Model the Problem
Basic Understanding of Ground-Water System	Investigation of hydrologic processes	• Hypothetical system model • Superposition • Particle Tracking
	Determination of effective data collection network	• Calibrated model • Hypothetical system model • Superposition • Sensitivity analysis
	Preliminary model to determine current level of understanding	• Calibrated model • Hypothetical system model • Superposition • Sensitivity analysis
Estimation of Aquifer Properties	Aquifer test analysis	• Calibrated model • Superposition
	Determination of aquifer properties	• Calibrated model
Understanding the Past	Understanding historical development of an aquifer system	• Calibrated model
	Estimation of predevelopment conditions	• Calibrated model
Understanding the Present	Determination of the effect of ground-water pumpage on surface-water bodies	• Calibrated model • Superposition • Particle Tracking
	Determination of sources of water to wells	• Calibrated model • Particle Tracking
	Determination of responsible parties causing impacts on the system	• Calibrated model • Particle Tracking
Forecasting the Future	Management of a system	• Calibrated model • Superposition • Particle Tracking

02-24
Cont.

not help much in causing the model to match observations. The calibration will not provide much certainty about the value of the parameter, but the uncertainty will not matter provided the model is not used in situations where large amounts of water will flow in that area. Such a model, however, would probably not be suitable for evaluation of recharge or withdrawal in this area because the amount of flow in the area would be much greater than it was when the model was calibrated, and the uncertainty from the calibration would be unacceptable. Anderson and Woessner (1992, p. 246-257) provide some examples of sensitivity analyses.

Sensitivity analysis can be conducted manually or automatically. In the manual approach, multiple model simulations are made in which ideally a single parameter is adjusted by an arbitrary amount. The changes to the model output for all of the parameter changes may be displayed in tables or graphs for evaluation. The automatic approach directly computes parameter sensitivity, which is the change in head or flow divided by the change in a parameter. Automatic sensitivity analysis is inherently part of automatic parameter adjustment for model calibration. The automatic parameter adjustment algorithm uses parameter sensitivity to compute the parameter values that cause the model to best match observed heads and flows.

Superposition

Superposition (Reilly and others, 1987) is a modeling approach that is useful in saving time and effort and eliminating uncertainty in some model evaluations. Models that are designed to use superposition evaluate only changes in stress and changes in responses. Most aquifer tests that analyze drawdown use superposition. Only the change in heads (the drawdown) and change in flows are analyzed, which assumes the response of the system is only due to the stress imposed and is not due to other processes in the system. The absolute value of the head and a quantification of the actual regional flows are not needed. In the past, superposition was frequently used with analog model analysis of ground-water systems because electrical simulation of areal stresses and boundary conditions was extremely difficult. As modern numerical computer models made simulation of all stress conditions easier, superposition was used less frequently in areal models. If the problem to be solved involves only the evaluation of a change due to some change in stress, however, the application of superposition can greatly simplify the data needs for model development. Superposition is strictly applicable to linear problems only, that is, constant saturated thickness and linear boundary conditions. If the system is relatively linear, however, for example the saturated thickness does not change by a significant portion (no absolute guidance can be given, but some investigators have used a 10 percent change in thickness as a rule of thumb), superposition can still provide reasonably accurate answers. Currently, superposition is used primarily in the simulation of aquifer tests, in that only changes due to the imposed change in stress (that is, the well discharge) are simulated and zero drawdowns are specified as the initial and boundary conditions; example simulations are presented in Prince and Schneider (1989) and McAda (2001).

Particle Tracking

Particle tracking (Pollock, 1989) is the determination of the path a particle will take through a three-dimensional ground-water flow system. The determination of the paths of water in the flow system aids in conceptualizing and quantifying the sources of water in a modeled system. For example, Buxton and others (1991) used particle-tracking analysis to determine recharge areas on Long Island, New York, and Modica and others (1997) made use of particle tracking in the context of a ground-water flow model to understand the patterns and age distribution of ground-water flow to streams of the Atlantic Coastal Plain. Although particle tracking is useful in determining advective transport, this report does not address the use of models to determine transport of chemicals, but rather refers to the approach of using particle tracking to understand the flow system.

Spatial and Temporal Approaches

In addition to the overall modeling approaches discussed above, many model programs can be used in one, two, or three dimensions, and they can be applied as transient or steady state. The simplification of the model domain to one or two dimensions, either in plan view or cross section, is used to minimize the cost of constructing a model. The simplification of the system to one or two dimensions, however, must be consistent with the flow field under investigation and consistent with the objectives of the study. Consistent with the flow field, means that there is no or negligible flow orthogonal to the line or plane of the one- or two-dimensional system being simulated.

Steady-state models are used widely, although true steady-state conditions do not exist in natural systems. All natural systems fluctuate in response to climatic variations that can be seasonal, annual, decadal or longer. In steady-state models, an assumption is made that a system can be represented by a state of dynamic equilibrium or an approximate equilibrium condition. If the objectives of the investigation do not require information on the time it takes for a system to respond to new stresses or the response of the system between periods of relative equilibrium, then simulation of the system as a steady-state system may be a reasonable approach. However, if the system is not at a period of equilibrium or approximate equilibrium during the periods of interest, then a transient analysis is required.

O2-24
Cont.

Questions to be answered in the evaluation of the appropriateness of the modeling approach to analyze the problem are:

1. Is the overall approach (calibrated model, hypothetical system model, sensitivity analysis, superposition, and particle tracking) for using simulation in addressing the objectives clearly stated and appropriate?
2. If the analysis is not three dimensional, is the representation of the system using one or two dimensions appropriate to meet the objectives of the study and justified in the report?
3. If the model is steady state, is adequate information provided to justify that the system is reasonably close to a steady-state condition?

Models of ground-water systems may be very different in their level of complexity. Whether the model design and approach are appropriate for the problem being investigated must be evaluated. This evaluation requires a clear statement of the problem to be investigated and the modeling approach. A further requirement is an understanding of the model design. The remainder of this report focuses on specific aspects of model design that should be examined in determining the worth of a particular model. These aspects are: discretization and representation of the hydrogeologic framework, boundary conditions, initial conditions, accuracy of the numerical solution, and accuracy of calibration for the intended use of the model.

Discretization and Representation of the Hydrogeologic Framework

A fundamental aspect of numerical models is the representation of the real world by discrete volumes of material. The volumes are called cells in the finite-difference method, and the volumes are called elements in the finite-element method. The accuracy of the model is limited by the size of the discrete volumes. Further, for transient models, time is represented by discrete increments of time called time steps in most model programs. The size of the time steps also has an impact on the accuracy of a model. The issue of the size of the discrete volumes and time steps is discussed for the finite-difference method.

Cell Size

The size of cells determines the extent to which hydraulic properties and stresses can vary throughout the modeled region. Hydraulic properties and stresses are specified for each cell, so the more cells in a model, the greater the ability to vary hydraulic properties and stresses. If the cell size is too large, important features of the framework may be left out or poorly represented. Accordingly, it is important to evaluate the known (or assumed) variation of hydraulic properties and stresses of the system being simulated compared to the size of the cells. For example, the differences in the representation of a confining unit in a regional ground-water flow model and a sub-regional model of Long Island, New York (Buxton and Reilly, 1987) are substantial (fig. 1), and the locations where the clay is absent is much better represented at the finer scale. In a parallel sense, the representation of the streams and shoreline are different depending on the scale (fig. 2). The intended use of the model and the importance of the features being discretized affect both the evaluation of whether the model is discretized appropriately and whether important features are missing that would cause a systematic error or bias in the simulation results.

Figure 3 shows the difference in simulated drawdown when different cell sizes are used to simulate pumping from two wells in a one-layer model. The 3,300 ft by 3,300 ft system is confined with a uniform transmissivity of 10,000 ft^2/d. No-flow boundaries surround all sides except the northern boundary, which has a specified head of 0 ft. The wells are 200 ft apart, and each is pumped at a constant rate of 100,000 ft^3/d. Figure 3A shows drawdown with a grid spacing of 300 ft. With this grid spacing, the two wells are located in a single cell, so the model "sees" the two wells as a single well pumping at 200,000 ft^3/d. Figure 3B shows the same system using a 100-ft grid spacing; this spacing allows each well to be represented separately. Both grids result in nearly identical drawdown for distances greater than 500 ft from the wells, but the drawdown is quite different close to the well.

Continuity of geologic deposits can be disrupted when cells are too large; for example, isolated cells, unintended holes

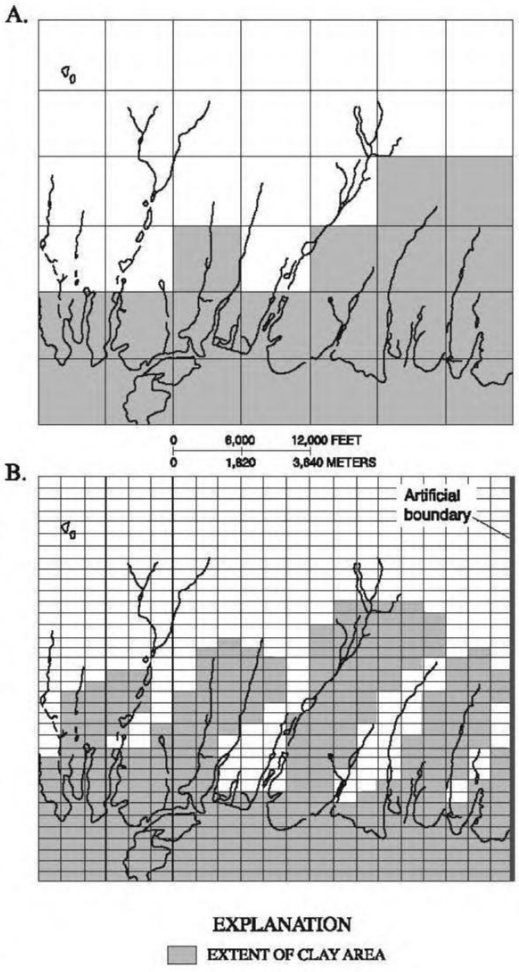

Figure 1. Extent of the south-shore confining unit on Long Island, New York, (A) as represented in a regional ground-water flow model grid, and (B) as represented in a sub-regional ground-water flow model grid. (Modified from Buxton and Reilly, 1987.)

in confining units, and breaks in channels with high conductivity can occur. An example of this is shown in figure 4 where a high hydraulic-conductivity channel becomes discontinuous when discretized with finite-difference cells that are too large to accurately define the important feature of the framework. The effect of the high hydraulic-conductivity channel is not adequately represented in a model with this discretization because it is not represented as a channel but rather as a set of discontinuous pockets of high hydraulic conductivity.

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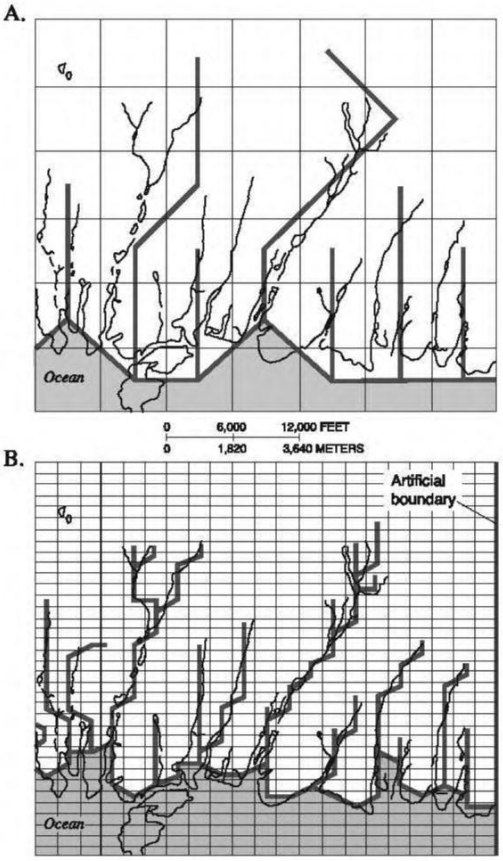

Figure 2. Representation of stream and shoreline boundaries on Long Island, New York, (A) as represented in a regional ground-water flow model grid, and (B) as represented in a sub-regional ground-water flow model grid. (Modified from Buxton and Reilly, 1987.)

Further, selecting a cell size that is just adequate to represent the variation of hydraulic properties and stresses generally is inadequate. A change in a property or stress in a system has an effect on the computed head some distance away. A complex distribution of hydraulic properties and stresses results in a complex head distribution. Many cells are needed to simulate a complex head distribution because the finite-difference method computes a single value of head for each cell. Many single values are required to approximate a complex distribution. Thus, it is important to incorporate a sufficient number of cells to allow the complexity of head distribution to be simulated. A simple example is shown in figure 5. A system is simulated with two

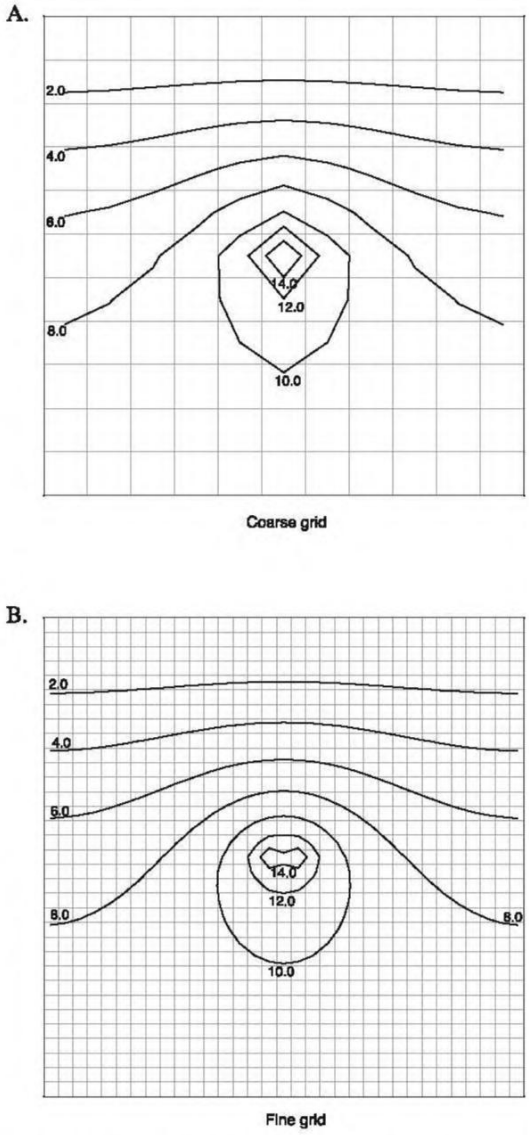

Figure 3. Simulated drawdown from two wells using different grid spacings.

different grid spacings, as described for figure 3, except that a single well pumping 200,000 ft^3/d is being simulated. The figure shows a cross section of head along the row containing the well. The head distribution is most complex near the well, and

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accordingly, there is noticeable difference in drawdown for the two grid spacings near the well. If accuracy of head near the well is not important to the problem, then the coarse grid is probably acceptable. But, if accuracy is needed near the well, then the finer grid would be necessary.

Some of the examples in this report have used uniform horizontal grid spacing; however, finite-difference models generally allow the widths of rows and columns to vary, which is called variable grid spacing. The use of variable grid spacing allows some flexibility to make cells smaller in some areas and coarser in other areas. Another approach to allowing cell sizes to vary, called telescopic refinement, is to couple a finer grid model to a subregion of a coarser grid model. This approach can avoid having the elongated cells, which are characteristic of using variable grid spacing. An approach for implementing telescopic refinement with MODFLOW is documented in Leake and Claar (1999).

In the vertical direction, two approaches commonly are used to represent the hydrogeologic framework in the model—uniform model layers (a rectilinear grid) and deformed model layers (fig. 6). Deformed model layers allow horizontal

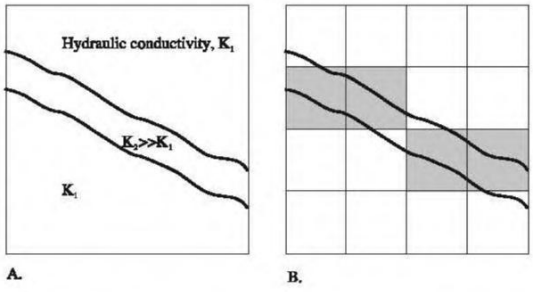

Figure 4. Large finite-difference cells may be inadequate to represent some important features of a ground-water system. (A) Map of the distribution of horizontal hydraulic conductivity showing a channel of high hydraulic conductivity. (B) Finite-difference cells representing the high hydraulic-conductivity channel are no longer continuous, because there is no direct connection between diagonal cells in the finite-difference method.

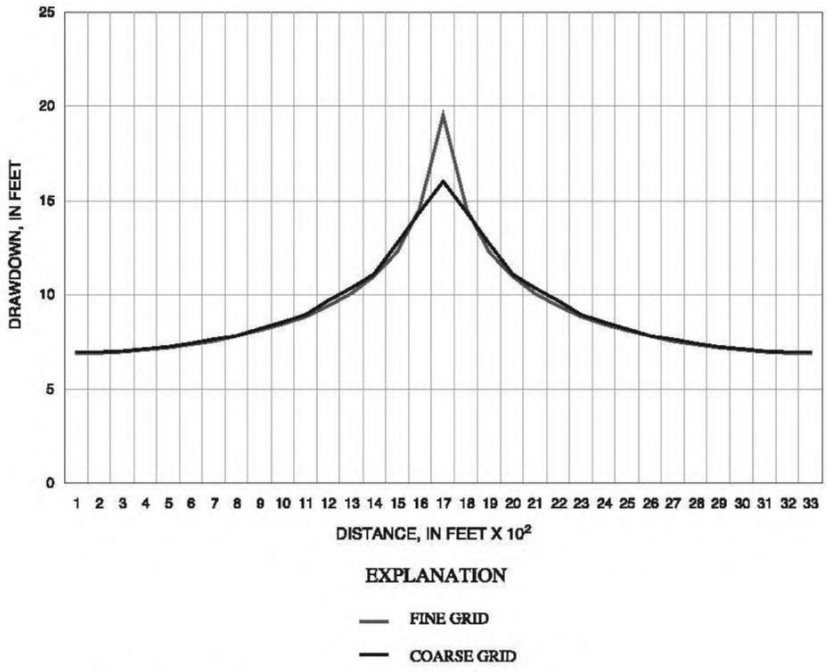

Figure 5. Cross section of drawdown showing the effect of grid spacing.

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continuity to be maintained with fewer cells at the expense of introducing some error in the finite-difference method. As examples, the discretization of the geologic framework into uniform model layers was used in the simulation of ground-water flow on Cape Cod, Massachusetts as shown in figure 7 (modified from Masterson and others, 1997), and the discretization of the geologic framework by deformed or hydrogeologic model layers was used in the simulation of ground-water flow on Long Island, New York as shown in figure 8 (modified from Buxton and others, 1999).

A two-dimensional (single-layer) model and a three-dimensional (eight-layer) model of Cape Cod, Massachusetts, provide an example of the effect of vertical discretization on model results. The number of layers used to discretize the aquifer affects the resultant flow field and estimation of the area contributing recharge to pumping wells. The ground-water flow system in the example consists of a thick (250–500 ft) multilayered sequence of unconsolidated deposits or materials that range in grain size from gravel and sand to silt and clay and includes numerous overlying ponds and streams and variable

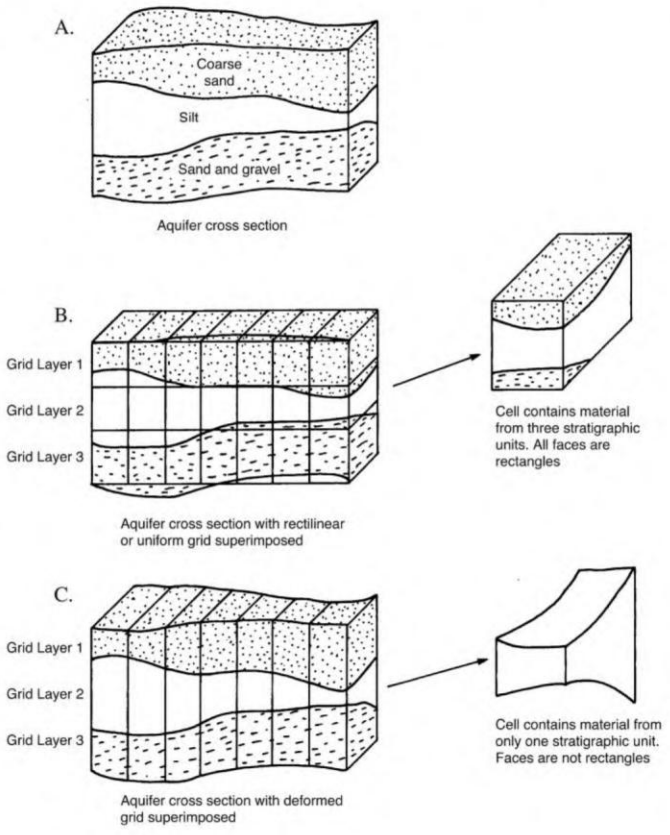

Figure 6. Schemes of vertical discretization for (A) aquifer cross section, (B) aquifer cross section with rectilinear or uniform grid superimposed, and (C) aquifer cross section with deformed grid superimposed.

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Page 54 of 96 in Comment Letter O2

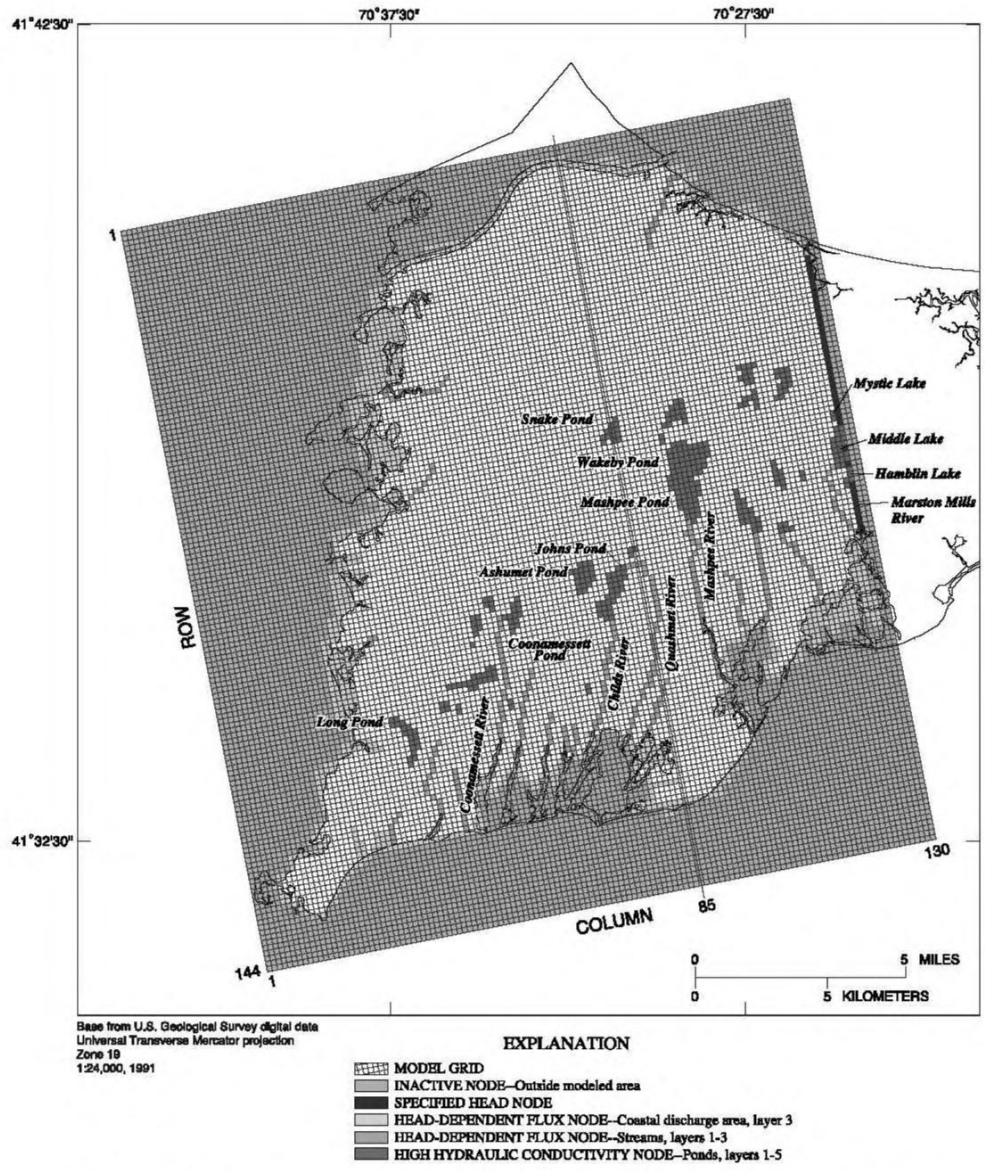

Figure 7A. Horizontal and vertical discretization using uniform layers for the model simulating ground-water flow on Cape Cod, Massachussetts. Horizontal grid. (Modified from Masterson and others, 1997.)

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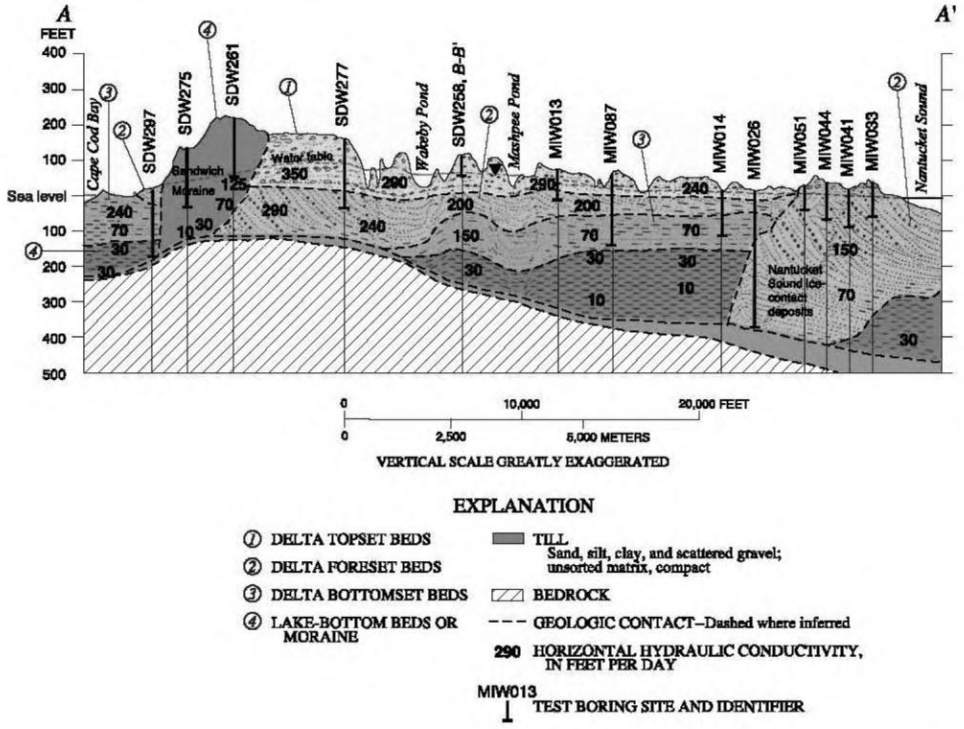

Figure 7B. Horizontal and vertical discretization using uniform layers for the model simulating ground-water flow on Cape Cod, Massachussetts. Hydrogeologic cross section near column 85. (Modified from Masterson and others, 1997.)

recharge rates from precipitation. More than 30 public-supply wells, screened at various depths, withdraw water from the system at widely differing rates. The three-dimensional model was developed first and then simplified into a two-dimensional model that was calibrated independently; consequently, the total transmissivities of the two models are not identical. The contributing recharge areas for the two-dimensional model and three-dimensional model (fig. 9) are different, however, even though both models represent the flow field on Cape Cod, Massachusetts. In the two-dimensional model (fig. 9A), the contributing areas are fairly typical of the simple ellipsoidal shapes that are delineated by two-dimensional analytical and numerical modeling techniques. In comparison, however, the shapes of the contributing recharge areas using the multilayer three-dimensional model (fig. 9B) are more complex (Barlow, 1994; Franke and others, 1998).

In evaluating a ground-water flow simulation, the proper or sufficient discretization is not straightforward to determine. Enough detail is required to represent the hydraulic properties, stresses, and complexities of the flow field for the objectives of the study; yet, the cost will be less if the model is kept as simple as possible so that data entry, computer resources, and analysis of model output are as minimal as possible. Thus, the determination of the proper discretization is always a compromise. Ideally, the modeler would test the effect of grid spacing on a model to help determine the optimal grid spacing; however, the authors have not seen this done with any frequency. The model documentation should justify the discretization that is used.

Specifying Properties of Cells

A second aspect of representing the hydrogeologic framework is the choice of the hydraulic properties assigned to the cells. When simulating an actual system (as opposed to a hypothetical system), the properties of a system are generally not known at every cell in the grid; therefore, interpolation from limited real-world data must be done. Given the uncertainty of knowledge of the distribution of hydraulic properties, groups of cells are sometimes given a uniform value rather than attempting to define an individual value for every cell. Interpolation schemes, such as distance weighting and various geostatistical

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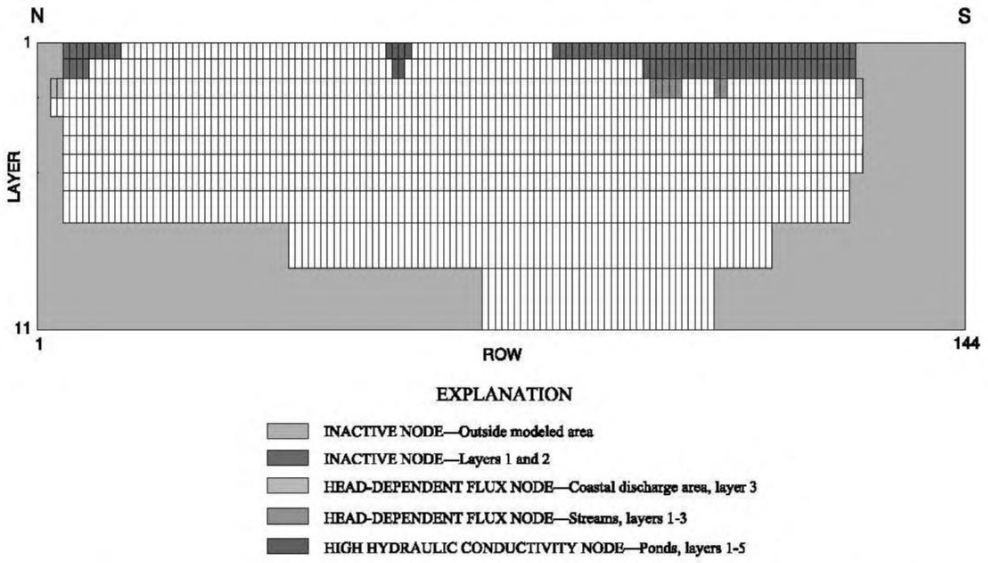

Figure 7C. Horizontal and vertical discretization using uniform layers for the model simulating ground-water flow on Cape Cod, Massachussetts. Vertical grid using uniform layers along column 85. (Modified from Masterson and others, 1997.)

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methods, also are used. The user of a model should evaluate the appropriateness of the interpolation scheme. To make such evaluation possible, the model documentation should specify the interpolation method used and include the rationale for using that interpolation method.

Three examples of interpolated hydraulic conductivity data for a hypothetical system are shown in figure 10. All three examples are based upon the assumption that values are known (presumably from aquifer tests) at four points. Figure 10A shows the use of the nearest-neighbor method. For every cell, the data point that is closest to the center of a cell is used as the cell value. An even simpler approach would be to use a single value for all the cells that is the average of the four known values. This simpler approach could be justified if the known values are not considered to be accurate. Figure 10B shows grid values determined by using a weighted average of the four known values based on the inverse distance squared from the center of a cell to the four points. Finally, figure 10C shows grid values determined from the hydraulic conductivity of the two adjacent contours. The value for a cell is the distance-weighted average of the two contour values. Contours were drawn based on the four known points plus additional geologic information about the types of sediments throughout the area (which was made up for this example). The three distributions shown in figure 10 differ significantly even though they are all based on the same four data points. There are many other methods available for interpolation that would each produce different parameter distributions.

The authors are aware of only one general guideline to help determine the best interpolation method to use in a particular situation. This guideline states that it is best to use the simplest interpolation method that is consistent with the known data. The rationale for this guideline is that unwarranted complexity in the discretized values builds a bias into a model that affects all future use. Ideally the model developer would evaluate the importance of the interpolation method by testing different methods and comparing the effect on model results. Such testing is not always practical depending on the resources available for model development.

The chosen interpolation method is often implemented by a computer program. The model documentation should reference the program that is used. Some model programs incorporate interpolation capabilities. For example, the Hydrogeologic-Unit Flow (HUF) Package (Anderman and Hill, 2000) in MODFLOW vertically averages hydraulic properties for cells based on real-world geometry of hydrogeologic units.

The discretization of the storage properties of the ground-water system has some intricacies of its own. The two main types of aquifer storativity are confined storage (specific storage) and unconfined storage (specific yield). Unconfined storage is related to the release of water as the water table lowers (dewatering of the aquifer material); thus, it occurs only along the top boundary of the saturated flow system. Confined storage is related to the release of water as the head drops because of expansion of the water itself as the pressure changes and changes in the solid framework of the aquifer (no dewatering

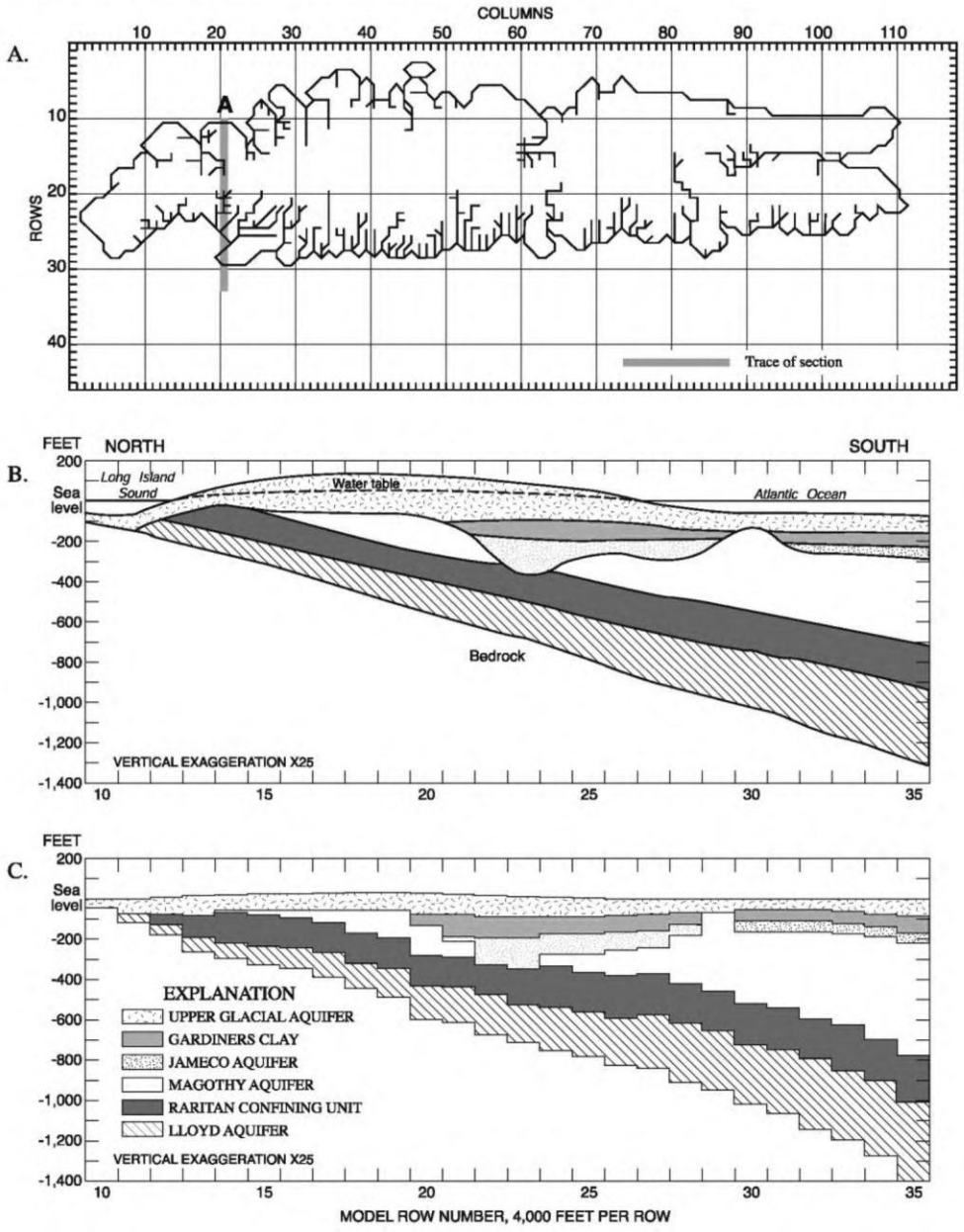

Figure 8. Horizontal and vertical discretization using deformed layers for the model simulating ground-water flow on Long Island, New York: (A) horizontal grid, (B) hydrogeologic cross section, and (C) vertical grid using deformed layers. (Modified from Buxton and others, 1999.)

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Page 58 of 96 in Comment Letter O2

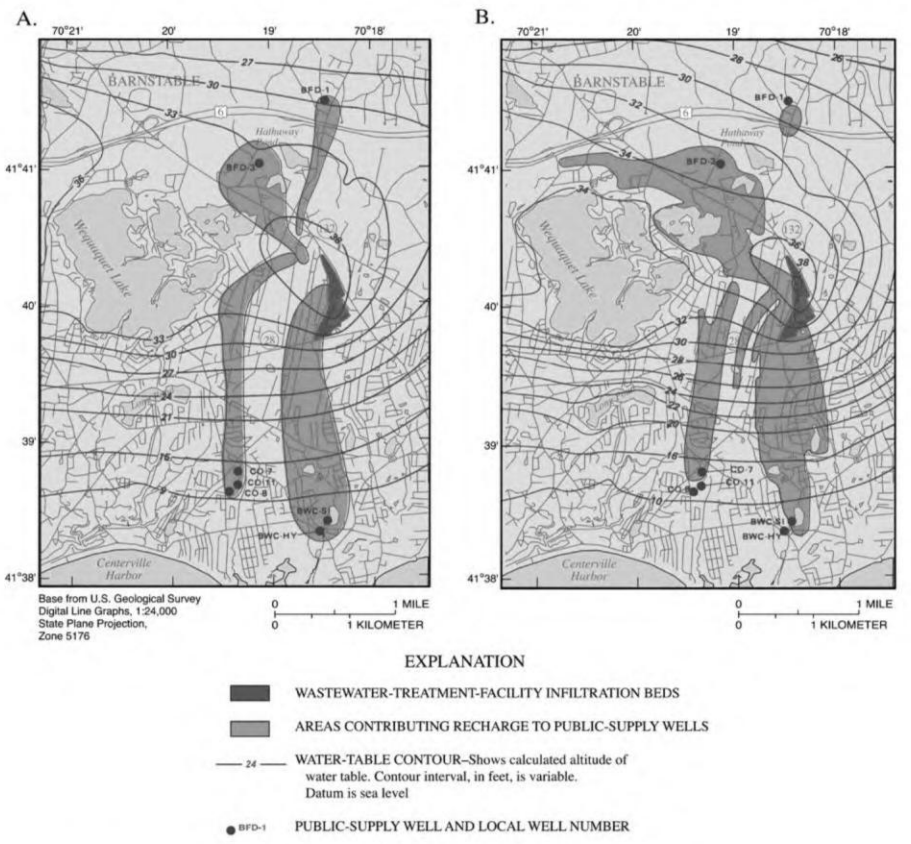

Figure 9. Comparison of areas contributing recharge to seven public-supply wells as determined by two different numerical models, Cape Cod, Massachusetts: (A) results from a two-dimensional single-layer model, and (B) results from a three-dimensional eight-layer model. (Modified from Barlow, 1994; and Franke and others, 1998.)

occurs). In simulating the changes in storage for transient systems, it is important that the unconfined storage occurs only at the top boundary (or top active layer), even if the water-table aquifer is divided into many layers. Some model programs, such as MODFLOW, control which storage coefficient is used based on the layer geometries and heads, thus ensuring that the proper (either the specific storage or the specific yield) coefficient is used. Other model programs require the user to specify the coefficient for each cell. Some investigators have erroneously specified specific yield for all layers in an unconfined aquifer, when it should be specified only for the uppermost active layer, causing incorrect quantities of water to be simulated from storage. Thus, care must be taken in determining if the proper storativity is simulated in a model.

Models that simulate a water table also can have a uniqueness problem related to the representation of the hydrogeologic framework by discrete volumes. Ground-water model programs such as MODFLOW allow cells representing the water table to go dry (desaturate) so that ground-water flow is not simulated in those cells. Cells also can convert from dry to wet in some situations. Cell wetting and drying depends on a variety of factors such as initial conditions, the iterative solution process, and

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14 Guidelines for Evaluating Ground-Water Flow Models

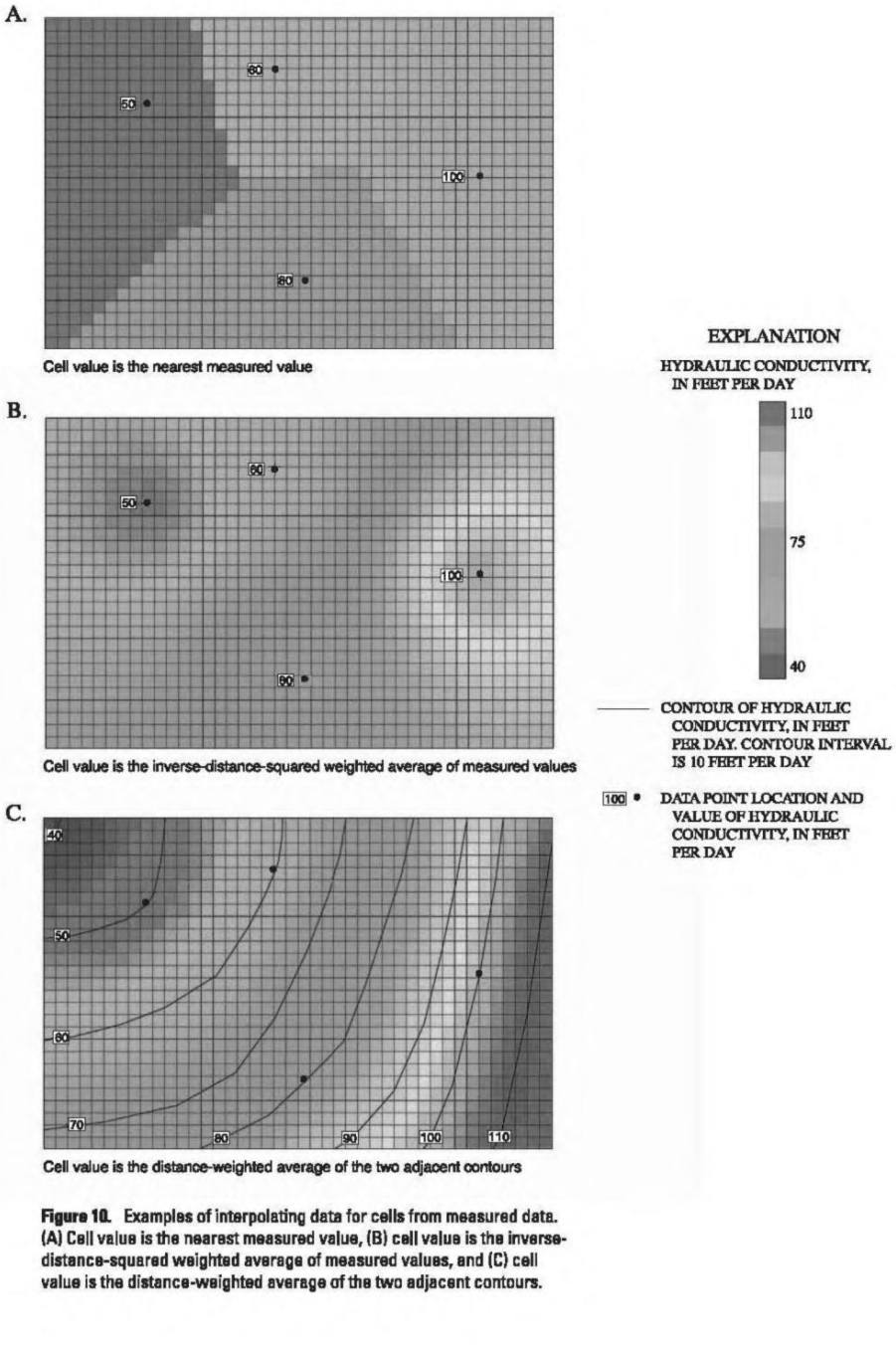

Figure 10. Examples of interpolating data for cells from measured data. (A) Cell value is the nearest measured value, (B) cell value is the inverse-distance-squared weighted average of measured values, and (C) cell value is the distance-weighted average of the two adjacent contours.

02-24
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Page 60 of 96 in Comment Letter 02

user-specified options to control wetting and drying. By varying these factors, it is possible to change the number of dry cells, and thus the head will vary. Careful evaluation is required to detect the potential for nonuniqueness and reject solutions that are unreasonable.

To avoid solver convergence problems that sometimes occur when cells can convert between wet and dry, some investigators have resorted to specifying cells representing the water table as having a constant saturated thickness. It is important to evaluate the extent to which this has been done and the degree to which the thickness represented by the simulated heads varies from the assumed specified thickness. For steady-state models, the following process can be repeated until the simulated saturated thickness is reasonably close to the specified saturated thickness:

1. Run the model.
2. Compare the simulated saturated thickness (head minus bottom elevation) to the specified saturated thickness.
3. Adjust the specified saturated thickness to match the simulated thickness.

For transient models, the changes in saturated thickness throughout the simulation can be compared to the specified saturated thickness to insure that the change is small compared to the total saturated thickness.

Time Steps

Transient models simulate the impact of stresses over time. In MODFLOW, time is divided into time steps, and head is computed at the end of each time step. Many time steps are required to simulate a complex distribution of head over time. This is similar to the need for many cells to represent the spatial distribution of head. It is important to incorporate enough time steps to allow the temporal complexity of head distribution to be simulated.

Figure 11 shows the effect of using different numbers of time steps to simulate the drawdown of a well. The system is the same as that used for the fine-grid simulation in figure 3, with a dimensionless storage coefficient of 0.01 and a well located in the cell at row 17 and column 17. The hydrographs are for the cell at row 17, column 13, which is the 4th cell directly to the left of the pumping cell. At the start of the simulation, the well is turned on with a pumping rate of 100,000 ft^3/d. Each time step is 1.5 times longer than the previous time step, which results in more time steps in early time when head is changing most rapidly. Use of six or more time steps in this model produces nearly the same results, but four or less time steps produces much different results, especially in early time.

MODFLOW also makes use of stress periods to facilitate specification of stress data. A stress period is a group of one or more time steps in which stress input data are constant. In many situations, it is appropriate to maintain the same stresses for multiple time steps, so combining time steps into a stress period for the purposes of data input minimizes the data preparation effort. A new stress period must start whenever it becomes necessary to change stress input data. If stress periods are too long, important dynamics of the stresses may be left out or poorly represented. For example, the Well Package of MODFLOW (Harbaugh and others, 2000) allows pumping rates for wells to change every stress period, and within a stress period the pumping is constant. If the simulation is broken into stress periods of one year, for example, but the actual pumping rate changes more frequently, then stress periods may need to be shorter.

The intended use of the model is also an important factor in evaluating whether the size of stress periods and time steps is appropriate. Considering again the simulation of wells, if a model is used to analyze the average response of a system over many years, then pumping might be represented as yearly averages using yearly stress periods. There would likely be multiple time steps in each yearly stress period, but the stress would remain constant for each year. Thus, hourly, daily, and seasonal variations in pumping would be ignored. But, if a model is used to simulate seasonal system response, then pumping should be represented with shorter stress periods – perhaps monthly.

Questions to be answered in evaluating the appropriateness of the discretization and the representation of the hydrogeologic framework in the simulation of the ground-water system are:

1. Does the horizontal discretization represent the important features of the hydrogeologic framework to meet the objectives of the study?

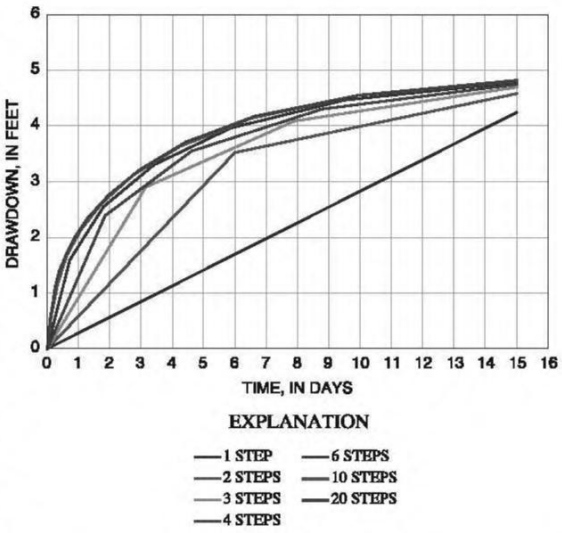

Figure 11. Drawdown versus time for different numbers of time steps.

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2. Are the physical boundaries represented appropriately in space by the discretized representation?
3. Is the horizontal discretization appropriate to represent the degree of complexity in the aquifer properties and head distribution (flow system)?
4. Does the vertical discretization adequately represent the vertical connectivity and transmitting properties of the hydrogeologic framework to meet the objectives of the study? Does the method of vertical discretization, either a rectilinear grid or deformed grid, introduce any bias into the representation of the hydrogeologic framework?
5. Is the method of assigning parameter values to individual cells explicitly explained? Is the method appropriate for the objectives of the study and the geologic environment?
6. If the ground-water system is transient, then is the specification of storage coefficients appropriate?
7. If the ground-water system is unconfined in some areas, then is the treatment of changes in saturated thickness and the potential for cells to go dry explained and appropriate? If cells have gone dry, does the resultant solution seem appropriate?
8. Is the time discretization fine enough to represent the degree of complexity in stresses and head distribution over time?

The evaluation of the proper or sufficient discretization of the hydrogeologic framework of a ground-water flow simulation is not straightforward to determine. The continuity of deposits and the reasonableness of the specification of values for each cell in light of the depositional environment of the hydrogeologic framework must be considered. As always, the objectives of the study also determine which features must be represented in the model and the level of detail required to adequately represent their effect on the flow system.

Representation of Boundary Conditions

Boundary conditions are a key component of the conceptualization of a ground-water system. The topic of boundary conditions in the simulation of ground-water flow systems has been discussed in Franke and others (1987) and Reilly (2001).

As discussed in Reilly (2001), computer simulations of ground-water flow systems numerically evaluate the mathematical equation governing the flow of fluids through porous media. This equation is a second-order partial differential equation with head as the dependent variable. In order to determine a unique solution of such a mathematical problem, it is necessary to specify boundary conditions around the flow domain for head (the dependent variable) or its derivatives (Collins, 1961). These mathematical problems are referred to as boundary-value problems. Thus, a requirement for the solution of the mathematical equation that describes ground-water flow is that boundary conditions must be prescribed over the boundary of the domain. Boundary conditions also represent any flow or head constraints within the flow domain. For example, recharge from percolation of precipitation, river interaction, and pumping from wells are simulated as boundary conditions. Three types of boundary conditions—specified head, specified flow, and head-dependent flow—are commonly specified in mathematical analyses of ground-water flow systems. The values of head (the dependent function) in the flow domain must satisfy the preassigned boundary conditions to be a valid solution.

In solving a ground-water flow problem, however, the boundary conditions are not simply mathematical constraints; they generally represent the sources and sinks of water within the system. Furthermore, their selection is critical to the development of an accurate model (Franke and others, 1987). Not only is the location of the boundaries important, but also their numerical or mathematical representation in the model. This is because many physical features that are hydrologic boundaries can be mathematically represented in more than one way. The determination of an appropriate mathematical representation of a boundary condition is dependent upon the objectives of the study. For example, if the objective of a model study is to understand the present and no estimate of future conditions is planned, then local surface-water bodies may be simulated as known constant-head boundaries; however, if the model is intended to forecast the response of the system to additional withdrawals that may affect the stage of the surface-water bodies, then a constant head is not appropriate and a more complex boundary is required. A model of a particular area developed for one study with a particular set of objectives may not necessarily be appropriate for another study in the same area, but with different objectives. All of these aspects of boundary conditions must be considered in evaluating the strengths and weaknesses of a ground-water flow model.

In the ground-water flow modeling process (fig. 12), boundary conditions have an important influence on the areal extent of the model. Ideally in developing a conceptual model, the extent of the model is expanded outward from the area of concern both vertically and horizontally so that the physical extent coincides with physical features of the ground-water system that can be represented as boundaries. The effect of these boundaries on heads and flows must then be conceptualized, and the best or most appropriate mathematical representation of this effect is selected for use in the model.

When physical hydrologic features that can be used as boundary conditions are far from the area of interest, artificial boundaries are sometimes used. The use of an artificial boundary should be evaluated carefully to determine whether its use would cause unacceptable errors in the model. For example, a no-flow boundary might be specified along an approximated flow line at the edge of a modeled area even though the aquifer extends beyond the modeled area. The rationale might be that the artificial boundary is positioned far enough from the area of interest that whatever is simulated in the area of interest would not cause significant flow across that area of the system. The rationale for artificial boundaries can generally be tested using the model. In the example of an artificial no-flow boundary, the

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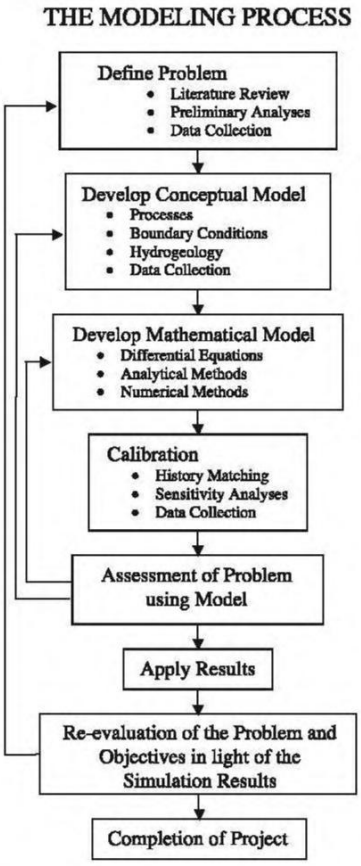

Figure 12. Flow chart of the ground-water flow modeling process. (From Reilly, 2001.)

appropriateness can be tested by looking at how much the head changes near the boundary when the model is used for its intended purpose. Substantial change in heads near the boundary is an indication that significant flow across the region would occur if the artificial boundary were not imposed.

Another example of an artificial boundary is a specified-head boundary at a location where there is no source of water to maintain the head at its specified value. The appropriateness of this boundary can be tested by evaluating the flow from the boundary and the change in flow due to changes in parameter values or stresses within the model. If a stress causes a large change in flow from the boundary, then the head would probably change at the boundary if it were not artificially fixed. Artificial boundaries, if applied improperly and not evaluated, can overly constrain the response of the system and bias the results of an analysis. A frequently observed example is when the area of interest for a study is artificially bounded by specified heads, without regard to the flow being simulated from this boundary into the study area. In this case, the model may not be sensitive to parameter values and stresses because the specified heads artificially keep the simulated heads from deviating much. For further discussion of this topic, see Franke and Reilly (1987).

The objective of the modeling analysis and the magnitude of the stresses to be simulated also influence the selection of the appropriate approach to simulate the physical features that bound the ground-water system. When ground-water systems are heavily stressed, the physical features that bound the system can change in response to the stress. Any representation of these features must account for these potential changes, either by understanding the limitations of the simulation or by representing the physical feature as realistically as possible.

In evaluating the appropriateness of a ground-water flow model, the boundary conditions are key because they determine where the water enters and leaves the system. If the boundaries are inappropriate, the model will be a poor representation of the actual ground-water flow system. Questions to be used in evaluating the boundary conditions of a ground-water flow model are:

1. Are all the external boundaries of the model associated with a definable physical feature?

If no –

   A. Why not?
   B. Is sufficient justification provided to warrant the use of artificial boundaries?
   C. Are the effects of the "artificial" boundaries tested in the calibration of the model and documented in the report? Does the documentation of their use and their testing make a convincing argument for their reasonableness?

If yes –

   A. Is the mathematical representation of the physical feature appropriate?
   B. Are there conditions under which the representation of the boundary used in the model would become invalid? Are these conditions discussed?

2. Do the boundary conditions of the model overly constrain the model results so that the calibration is insensitive and the predictions are not realistic?

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Representation of Initial Conditions in Transient Simulations

Initial conditions represent the heads at the beginning of a transient simulation. Thus, initial conditions serve as a boundary condition in time for the transient head response of a ground-water model solution. Initial conditions are used only in transient simulations, and are different from starting heads (or

the initial guess) in steady state solutions. In steady-state solutions, the starting heads can and do affect the efficiency of the matrix solution, but the final correct solution should not be affected by different starting heads. In transient solutions, however, the initial conditions are the heads from which the model calculates changes in the system due to the stresses applied. Thus, the response of the system is directly related to the initial conditions used in the simulation.

The changes in head that occur in the transient model due to any applied stress will be a combination of the effect of the change in stress on the system and any adjustments in heads as a result of errors in the initial head configuration (the initial conditions). Adjustments in heads resulting from errors in the initial head configuration do not reflect changes that would occur in the actual system, but rather occur because the heads specified as the initial condition are not a valid solution to the numerical model. Because errors in the initial head conditions cause changes in head over time during the simulation, it is best to begin all transient simulations with a head distribution that is a valid solution for the model. This ensures that there are no discrepancies (or errors) between the specified initial conditions and a valid head solution for the model.

For simulations that start from a period when the aquifer system was in a steady-state equilibrium, the development of appropriate initial conditions is straightforward. A simulation of the steady-state period should be made. The results of this simulation should then be used as the initial conditions for the transient simulation.

Sometimes, however, it is not possible to start a simulation from a point in time where the aquifer was in steady-state equilibrium. This condition could occur if the simulation is intended to simulate seasonal or other cyclic conditions where the system is never at steady state, or in instances where there is a period of unknown stress that cannot be reproduced accurately, or when it is not feasible to simulate the entire period of record from a time of steady state because of time and money constraints. Under these conditions, it is important that the initial conditions used do not bias the results for the period of interest. Some rules of thumb for the evaluation of the appropriateness of the initial conditions in these non-ideal situations are to evaluate the time constant of the system under investigation and to test the effect of different initial conditions on the results of the model.

The time constant for a ground-water system is derived from a dimensionless form of the ground-water flow equation and is defined as (Domenico and Schwartz, 1998, p. 73):

$$T = \frac{S_s L^2}{K},$$

where T is the time constant (T), S_s is the specific storage of a confined aquifer (L^{-1}), L is a characteristic length of the system (L), and K is the hydraulic conductivity (LT^{-1}). The effect of any transient condition will not be observable if the time after the condition occurs is significantly larger than the time constant for the aquifer (T) (Domenico and Schwartz, 1998). Thus, the effect of a poor or erroneous initial condition (assuming the rest of the model including boundary conditions is correct) should not be observable in model results that are for periods of time significantly larger than the time constant for the aquifer. The time constant is developed from the ground-water flow equation for a confined system with homogeneous hydraulic conductivity. Thus, its application in actual systems is not always exact. The appropriate characteristic length (L) of the system is usually chosen to represent the distance between major boundaries. The specific storage (S_s) represents the compressible storage characteristics of the system; however, an equivalent storativity for unconfined aquifers could be calculated as the specific yield (S_y) divided by the thickness (b) of the unconfined aquifer. For unconfined aquifers, an approximate time constant would be:

$$T = \frac{S_y L^2}{bK}.$$

The determination of the importance and duration of effects of erroneous or imperfect initial conditions can also be accomplished by testing the effect of different initial conditions on the model under study. This test is accomplished by simulating the same system with the stresses and different initial conditions. When the simulations for all the different initial conditions produce the same result, then one can assume the influence of the inaccurate initial conditions is negligible at all following time periods.

A simulation of a simple transient ground-water system can illustrate some of these points. In the illustrative simulation, the simple transient ground-water system is 20,000 ft long and 20,000 ft wide with two aquifers separated by a confining unit, and bounded by no-flow boundaries with a stream along one edge. The aquifer has uniform areal recharge of 0.003 ft/d. The upper aquifer is unconfined and both aquifers have a horizontal hydraulic conductivity of 50 ft/d and a vertical hydraulic conductivity of 5 ft/d. The confining bed is 10-ft thick with a vertical hydraulic conductivity of 0.001 ft/d. The system is discretized as shown in figure 13, and simulated using the finite-difference model MODFLOW. The areal grid size is 1,000 ft by 1,000 ft, and the two aquifers are each represented by two layers; the bottom aquifer is represented by a lower layer (layer 4) 50-ft thick overlain by a 40-ft thick layer (layer 3), and the unconfined aquifer is represented by a 50-ft thick layer (layer 2) overlain by a layer (layer 1) with a uniform bottom at –50 ft, which allows changes in thickness as a function of the head. The stream is represented as a constant head of 0 ft along the right-hand boundary in the top layer. The specific yield for the top layer is 0.2 and the specific storage for the entire model domain is 1.0×10^{-6} 1/ft.

The steady-state head distribution for the simple system in layer 1 is symmetric perpendicular to the stream and varies from 67.94 ft at the ground-water divide to 0.0 ft at the stream (fig. 14). A transient simulation is run from the initial steady state to examine the effect of a well discharging 100,000 ft^3/d from layer 3 in cell 10, 10 (9,500 ft from the divide). The correct simulation has as the initial condition the steady-state head

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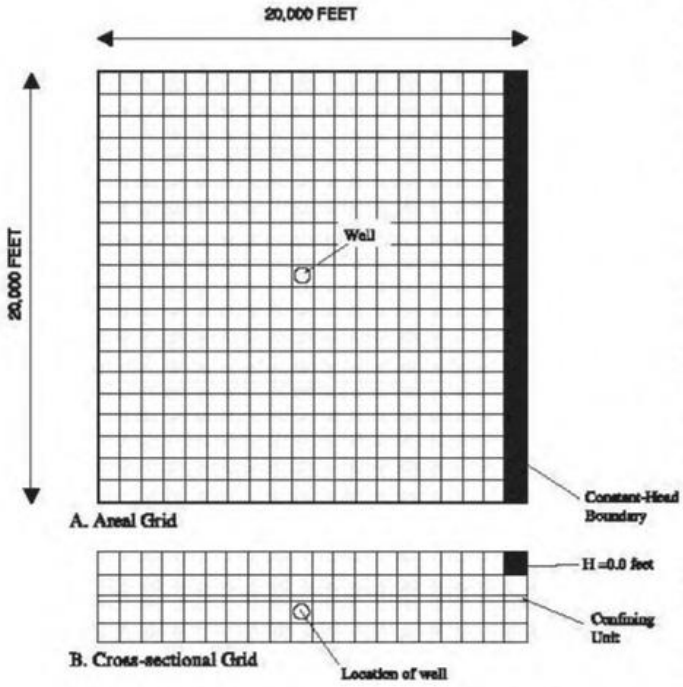

Figure 13. Extent and model grid of the finite-difference model used to illustrate initial conditions: (A) areal grid, and (B) cross-sectional grid.

distribution before the well began discharging; the response of the system through time is shown at the divide in layer 1 (fig. 15A) and at the cell containing the well in layer 3 (fig. 15B). The effect of inaccurate initial conditions can be observed in the response of the aquifer at these same locations. Two different initial conditions, as shown on figure 14, are used to test the response of the system to inaccurate initial conditions. These two other conditions are a uniform head of 100 ft everywhere (all layers), except at the stream, and a linearly changing initial head ranging from 95 ft to 0 ft at the stream. The response of the system over time in response to the pumping well compared to the correct response that used the steady-state head distribution is shown in figure 15 for a cell in layer 1 at the divide and for the cell containing the well in layer 3. The time constant can also be calculated for this system, although some approximations must be made to estimate a saturated thickness. If the saturated thickness of the unconfined aquifer is assumed to be 100 ft (the thickness at the stream), then the time constant is calculated as:

$$T = \frac{0.2(20,000\text{ft})^2}{100.\text{ft}(50\text{ ft/d})} = 1.6\times10^4 \text{ days} = 44 \text{ years}.$$

As shown in figure 15, the curves for the two inaccurate initial conditions do not approach the correct transient response until about 20 to 40 years after the start of pumping. Thus, inaccurate initial conditions can cause errors for a significant time period in transient simulations.

Examination of the simulated response through time from 0-5 years in the finite-difference cell containing the well illustrates some interesting points. The correct response of the system is simulated for the case with the steady-state heads as the initial conditions (fig. 16); the initial value for the head is 50.09 ft in the cell containing the well. The case with the linearly varying heads as initial conditions has the initial value for the cell containing the well equal to 50.0 ft, which is almost the same as the correct steady-state value. Even though the initial conditions in the individual cell are almost the same, the response is different, because the initial conditions over the entire model domain affect the head response. The response of the system with the linearly varying initial conditions is obviously in error because the response of the system shows an increase in head after the first time step in response to pumping, which is not physically reasonable.

Questions to be used in evaluating the initial conditions of a ground-water flow model are:

1. Does the transient model simulation start from a steady-state condition?

If yes –

A. Were the initial conditions generated from a steady-state simulation of the period of equilibrium, which is the preferred method?

B. If the initial conditions were not generated from a steady-state simulation of the period of equilibrium, then is there a compelling reason why they were not generated, or are the initial conditions invalid?

If no –

A. Was it possible to select a period of equilibrium to start the simulation and make the determination of initial conditions more straightforward? If it is possible, then the model should have simulated the transient period from the period of equilibrium.

B. If it was not possible to select a period of equilibrium to start the simulation, then what was the justification for selecting the starting time and the initial conditions for the simulation? How was it shown that the initial conditions used did not bias the result of the simulation?

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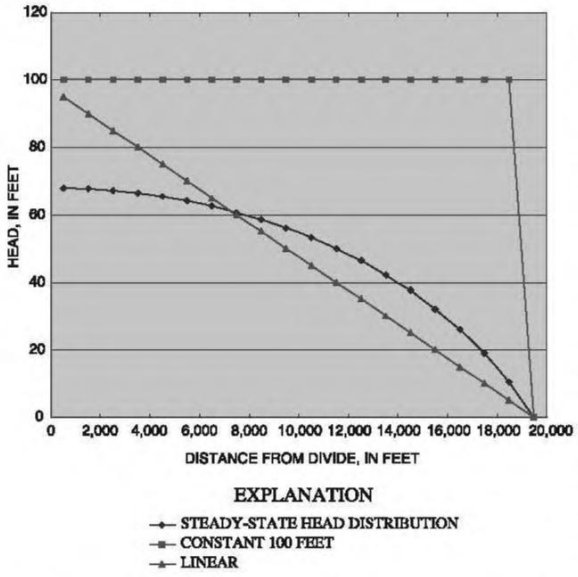

Figure 14. Head distribution along a model row from the divide to the constant-head node for three different initial conditions used for a transient simulation.

Accuracy of the Matrix Solution

Discrete numerical models involve the solution of large sets of simultaneous algebraic equations (Harbaugh and others, 2000). This solution of large sets of algebraic equations usually involves the use of sophisticated matrix solution techniques. Most of the solution techniques are iterative in nature whereby the solution is obtained through successive approximation, which is stopped when it is determined that a "good" solution has been obtained (Bennett, 1976). The criterion used in most iterative solution techniques is called the "head change criterion." When the maximum absolute value of head change from all nodes during an iteration is less than or equal to the selected head change criterion, then iteration stops.

When evaluating a ground-water flow model, even if the computer model has output results, one must check to determine if indeed a solution has been obtained by the matrix solution technique. The first check is to evaluate the head change criterion. Was the head change criterion set small enough to obtain a model solution with minimal error? One means of evaluating the head change criterion is to examine the global mass balance for the model. If the error in the mass balance (for example, total inflow minus total outflow divided by one half the sum of the inflow and outflow) over the entire model domain is small, usually less than

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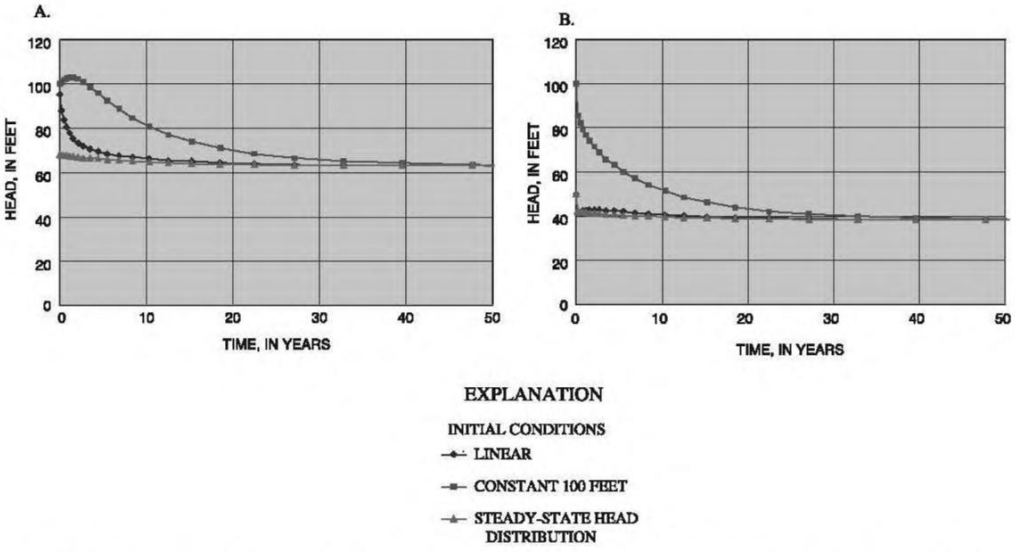

Figure 15. Head in a cell through time in response to a well discharging at a rate of 100,000 ft^3/d: (A) the head in layer 1 at the divide, and (B) the head in the cell with the discharging well in layer 3.

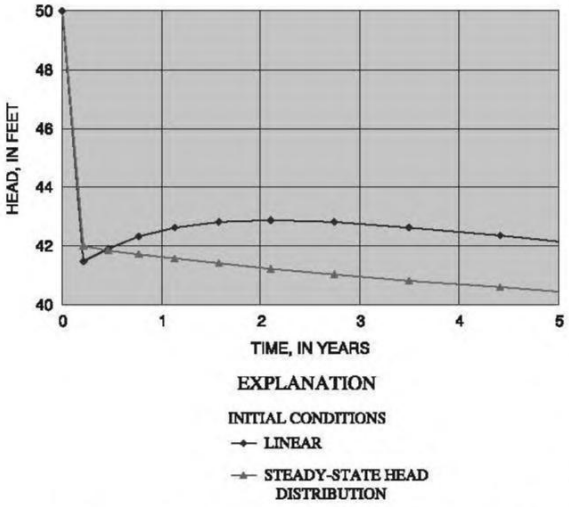

Figure 16. Head in the well for the first 5 years after the start of pumping for the cases using the initial conditions of the steady-state head distribution and the linearly varying head distribution.

0.5 percent, then the head change criterion is assumed to have been sufficient. If the error in the mass balance calculations is significant, then the matrix solution was not good and the model should be corrected by improving the matrix solution. The matrix solution can be improved by lowering the head change criterion, adjusting iteration parameters (if the solution techniques use iteration parameters), using different starting heads for steady-state simulations, or using a different solution technique.

Even if the head change criterion is met and the global mass balance error is small, the model solution may not be appropriate for the system under investigation. Two potential reasons are that some models can either be mathematically nonunique or very nonlinear. The mathematically nonunique problem usually is a poorly posed problem where a model has only specified-flow boundary conditions and no other boundary condition that specifies a head or datum (such as, constant head, river stage, general head boundary, etc.). In this type of problem, there is a family of solutions all with the same gradients but different absolute heads. The matrix solution technique may not converge or it may converge to one of the infinite number of possible solutions.

In nonlinear problems, the solution affects the coefficients of the matrix being solved; thus, the solution affects the problem being solved. As a result, the manner in which the iterative solution technique approaches a solution can affect the final solution. An example from Reilly (2001) illustrates this point. Consider a one-dimensional water-table system with a sloping impermeable bottom that contains a specified head and extends 5,000 m, with an areal recharge rate of 0.5 m/yr. The starting head for the equation solution is specified at 20 m, which is above all the bottom elevations of the cells but yet close to the magnitude of the expected results. Figure 17A is a cross-sectional view of a finite-difference representation of the steady-state solution. The cell farthest from the specified head is simulated as being dry. The total recharge flowing to the specified head cell for a 500-m width is 2,740 m^3/d. The convergence criterion of the model was met and the mass balance was excellent (showing 0.00 percent budget discrepancy). Now consider figure 17B, which is the result of a simulation of the same problem, except the starting head for the matrix solution was set at 100 m. As is shown in figure 17 and table 2, three cells are now simulated as being dry. The result is that less recharge is simulated as entering the model and the heads and water budgets are reduced accordingly, with only 2,055 m^3/d being represented as recharge entering the system for a 500-m width. Although both solutions converged and had excellent mass balances, at least one of them is incorrect. Because it is a nonlinear problem, it is not easy to determine which solution is correct. The rate of convergence and the method of making cells inactive must be considered and evaluated. After evaluating these aspects, and noting that the head in cell 7 (table 2 and fig. 17) of the second model is above the bottom elevation of cell 8, which was converted to dry during the iterative process, it seems that the first model most likely is correct. In the second model, the iterative solution, in attempting to converge, apparently overshot the bottom of some of the cells, which prematurely or erroneously truncated the area from the active model domain,

02-24
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Table 2. Heads calculated for the same system with areal recharge and two different intitial heads.

[m, meters]

Cell number	Bottom elevation of cell	Head calculated with the initial head at 20 m	Head calculated with the initial head at 100 m
1	-30.0	0.00	0.00
2	-25.0	1.93	1.46
3	-20.0	3.83	2.86
4	-15.0	5.68	4.17
5	-10.0	7.49	5.38
6	-5.0	9.24	6.42
7	0.0	10.90	7.20
8	5.0	12.45	Dry
9	10.0	13.81	Dry
10	15.0	Dry	Dry

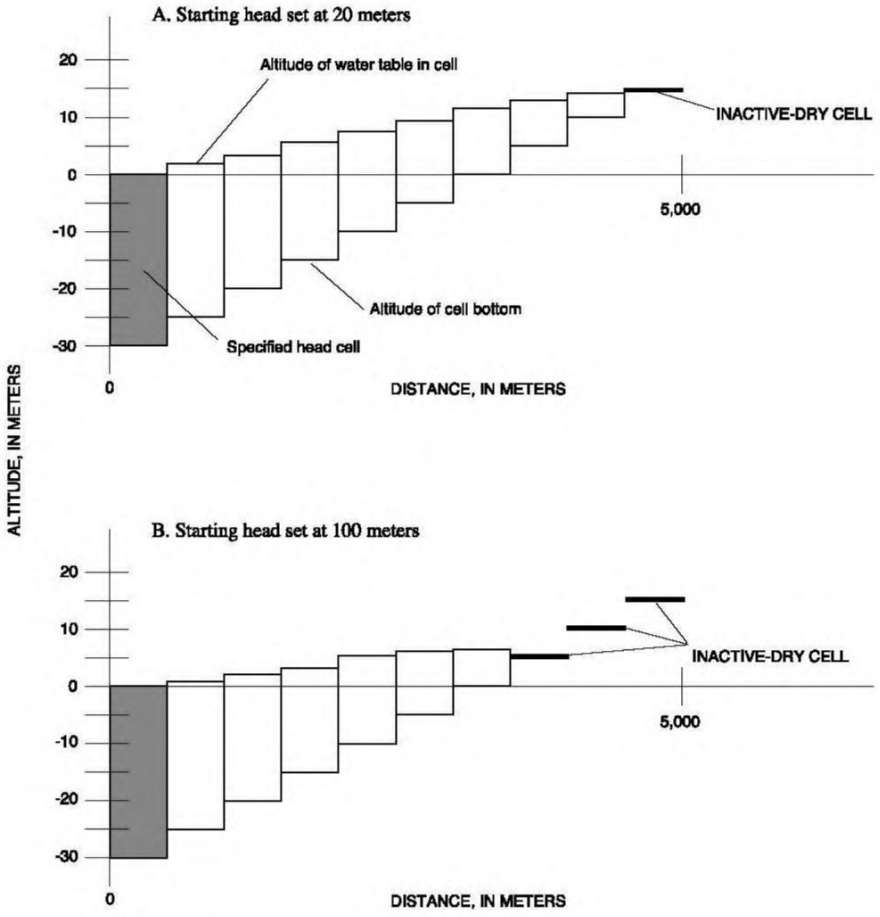

Figure 17. Cross-sectional view of a finite-difference representation simulating a variable thickness ground-water system with flow to a specified head due to areal recharge: (A) starting head set at 20 meters, and (B) starting head set at 100 meters. (From Reilly, 2001.)

and resulted in the wrong problem being solved. The model developer or user must carefully evaluate nonlinear problems and monitor the rate of convergence to ensure that cells that should be part of the active problem domain are not removed.

The accuracy of the matrix solution usually is not an issue with ground-water models that meet the head change criterion and have small mass balance errors. It is important when using models and especially nonlinear models, however, to keep in mind that the accuracy of the solution is not assured, which is another aspect for continued evaluation. Some models do not converge smoothly, and investigators use non-standard methods (tricks) to obtain a model solution. For example, some non-standard methods that have been used include: the saving of intermediate solutions that have not yet converged and changing matrix solution parameters when restarting the model; making a nonlinear water-table simulation linear by fixing the saturated thickness of the model; and obtaining a steady-state solution by using storage to slow convergence and damp the approach to the solution through simulating a long transient time period. As long as the non-standard method does not violate any important hydrologic process, they are usually transparent to the final solution and are appropriate. However, these

O2-24
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non-standard techniques should be evaluated to determine whether they cause potential errors to be introduced to the model solution.

Questions to be addressed when evaluating the adequacy of the matrix solution in the simulation of a ground-water system are:

1. Is the ground-water system and set of matrix equations linear or nonlinear?

If linear –

   A. Was the head change criterion met and was it sufficiently small to obtain an acceptable (that is, less than 0.5 percent error) global mass balance?

If nonlinear –

   A. Was a nonlinear matrix solution technique used?

   B. Was the head change criterion met and was it sufficiently small to obtain an acceptable (that is, less than 0.5 percent error) global mass balance?

   C. Did the nonlinear terms, such as cells going dry or drains turning off, behave smoothly during the iteration process? Or were there large oscillations that would indicate a potential for convergence to an incorrect solution?

   D. Were any "tricks" used to smooth convergence, such as setting saturated thickness as a constant in water-table simulations, and are the assumptions used in defining these artificially constrained features reasonable for the solution obtained?

2. Does the solution seem reasonable for the problem posed? If it is not and there are no input data errors, then another matrix solution technique should be tried to determine whether it is a matrix-solution issue or some other problem.

Adequacy of Calibration for Intended Use of Model Results

As discussed previously, not all objectives of using a ground-water model require calibration. For models that require calibration, however, an evaluation of the adequacy of the calibration is another difficult task. There are different quantitative measures that investigators use to show the accuracy of the calibration of a ground-water flow model. Some of these are: the mean error, the mean absolute error, and the root mean squared error (Anderson and Woessner, 1992). The areal distribution of residuals (differences between measured and simulated values) also is important to determine whether some areas of the model are biased either too high or too low. The difficulty that arises, however, is how to determine what is good enough.

As stated previously, key aspects of the model, such as the conceptualization of the flow system, that influence the appropriateness of the model to address the problem objectives, are often not considered during calibration by many investigators; their focus is on the quantitative measures of goodness of fit. However, the appropriateness of the conceptualization of the ground-water system and processes should always be evaluated during calibration. Thus, the method of calibration, the closeness of fit between the simulated and observed conditions, and the extent to which important aspects of the simulation were considered during the calibration process are all important in evaluating the appropriateness of the model to address the problem objectives.

Freyberg (1988) reported on a class exercise where different models were calibrated by students using the same model and identical sets of data. Freyberg's observations of the exercise showed that "success in prediction was unrelated to success in matching observed heads under premodification conditions." He concluded, "good calibration did not lead to good prediction." This is not to imply that matching heads is unimportant, only that there are other factors that need to be considered in determining the "goodness" of a model. Put in terms of logic, a good match between calculated and observed heads and flow is a necessary condition for a reasonable model, but it is not sufficient. The conceptual model and the mathematical representation of all the important processes must also be appropriate for the model to accurately represent the system under investigation. Thus, a model that matches heads and flows well must also be evaluated to determine if it is a reasonable representation of the system under study. As stated by Bredehoeft (2003), "A wrong conceptual model invariably leads to poor predictions, no matter how well the model is fit to the data."

O2-24 Cont.

Thus, the evaluation of the adequacy of the calibration of a model should be based more on the insight of the investigators and the appropriateness of the conceptual model rather than the exact value of the various measures of goodness of fit. For example, it would be possible to specify every cell in a model that had an observation associated with it as a specified head cell in the model. This would produce a perfect match between simulated and observed heads, however, it is conceptually unreasonable to simulate random cells as specified heads that could serve as sources and sinks of water. Thus, although the measures of calibration might make it appear to be a well-calibrated model, in effect the violation of a reasonable conceptual model makes it a poor model. A model developed according to a well-argued conceptual model with minor adjustments, in our opinion, is generally superior to a model that has a smaller discrepancy between simulated and observed heads because of unjustified manipulation of the parameter values. A reasonable representation of the conceptual model and sources of water is more important than blindly minimizing the discrepancy between simulated and observed heads.

Models can be calibrated by trial and error or by automatic parameter estimation techniques, such as nonlinear regression to minimize some measure of goodness of fit between the simulated and observed values. A key concept in automatic parameter estimation methods is that a limited set of parameters used in the model is designated to be automatically adjusted. These parameters usually are identified for specific regions (or zones)

of the model that are determined before the calibration process (a priori). An example of parameter zones for hydraulic conductivity is shown in figure 18 for the top two layers of a model of the Albuquerque Basin, New Mexico (Tiedeman and others, 1998). In this example, the zones represent different hydrogeologic units. The areal extent of these units remains fixed during automatic calibration, and the conceptualization of the location and extent of these zones is part of the information specified before the automatic calibration process. The parameters and boundary conditions that are not identified for automatic calibration either remain fixed at their initial values or must be calibrated by trial and error. In addition, most automatic calibration methods weight observations according to the investigators insight into the reliability of the observations. Obviously, if the model is conceptualized incorrectly, the parameter zones are not representative of the actual parameter distribution, the fixed parameters and boundary conditions are poorly chosen, or the weighting functions are not appropriate, then the resultant estimates of the parameter values will be inaccurate even if the residual between observed and simulated conditions is automatically minimized.

If there are errors in the model conceptualization, the parameter zones selected, and the weighting functions defined for observed values, then the parameter estimation methods will provide the best parameters for the poorly defined model. This does not mean that the model will be an accurate representation of the system or will produce reasonable predictions. Perhaps the best use of the formal parameter estimation methods is to test different model, zone, and weighting function conceptualizations and determine which conceptualizations are most reasonable. In testing alternative models, Hill (1998) states that better models will have "three attributes: better fit, weighted residuals that are more randomly distributed, and more realistic optimal parameter values." This approach was used by Yager (1996) to test three different model conceptualizations for the Niagara Falls area in New York and by Tiedeman and others (1998) to test six different system conceptualizations of the Albuquerque Basin system. This use of parameter estimation provides a quantitative means (although some subjectivity comes into determining which model is good enough) to test different conceptualizations.

In trial and error calibration, investigators have the ability to continuously change their conceptualization of the system and parameter distributions in order to improve the calibration fit, although the benefits of these changes are frequently difficult to quantify. It is the insight and skill of the investigator during a trial and error calibration that will control how well a model represents the ground-water system under investigation. In evaluating the adequacy of a model calibration, the conceptual model and the insight of the investigators generally are more important than just an evaluation of quantitative measures of goodness of fit.

Questions to be addressed in evaluating the adequacy of calibration of a model using either trial and error or automatic methods are:

1. Is the conceptual model of the system under investigation reasonable?
2. Are the mathematical representations of the boundary conditions reasonable for the objectives of the study?
3. Does the simulated head and flow distribution mimic the important aspects of the flow system, such as magnitude and direction of the head contours?
4. Does some quantitative measure of head and flow differences between the simulated and observed values seem reasonable for the objectives of the investigation?
5. Does the distribution of areas where simulated heads are too high and areas where simulated heads are too low seem randomly distributed? If they are not randomly distributed, then is there a hydrogeologic justification to change the model and make the residuals more random areally?

Just because a model is constructed and calibrated, does not ensure that it is an accurate representation of the system. The appropriateness of the boundaries and the system conceptualization is frequently more important than achieving the smallest differences between simulated and observed heads and flows.

Model Input Data, Output Listing, and Report Consistency Check

In evaluating the adequacy of a model, the input data, output listing, and report ideally should be compared with each other to ensure that they all represent the same analysis. Depending on the level of evaluation being undertaken, this comparison can vary greatly in its thoroughness. Many times the output listing and input data sets are not available to the person evaluating the model, so there is nothing that can be checked.

If the listing file is available, then it is useful as a minimum to compare some of the model output to information in the report. The simulated water budget in the output listing can be compared to budget values determined from the system conceptualization and real-world measurements provided in the report. For example, if the areal recharge rate is specified in the report, the total recharge over the modeled area can be calculated and compared to the reported recharge in the model budget. Heads or drawdowns in the model output listing can be compared to values in the report.

If a more thorough evaluation is required, then the input data can also be checked. Although it is impossible to ensure that all the preprocessor steps and manual data entry were undertaken correctly, data checking can increase confidence that the model is consistent with the description in the report. Whether the model data files were constructed by manually entering information into files or by using a graphical user interface, there is the possibility that the data files contain errors.

O2-24 Cont.



Figure 18. Hydraulic-conductivity zones identified for automatic parameter estimation in a ground-water flow model of the Albuquerque Basin, New Mexico: (A) zones in model layer 1, and (B) zones in model layer 2. (From Tiedeman and others, 1998.)

02-24 Cont.

Examples of possible errors are: numbers scaled improperly, inconsistent data, data entered into incorrect fields, data assigned to incorrect cells, typographical errors, and many others. An example of inconsistent data is the use of inconsistent time or space units for different parts of the data. For example, pumping might be entered in cubic feet per second (ft^3/s) and hydraulic conductivity in feet per day (ft/d). An example of data assigned to incorrect cells is the specification of stress data, for example pumping wells located in inactive cells.

The extent to which the input data can be checked depends on the size of the model, available resources, and how the data were entered. Typical models vary in size from several thousand cells to over a hundred thousand cells. There are multiple data values per cell, so it is impractical to check every input value in even the smaller models. Thus, data scanning is a better term to describe the data-checking process. If data files are available, then they can be checked or scanned directly. If the output listing is available and if this listing contains an echo of the input data, then usually it is easier to examine the output listing than the input files. Also, seeing the data in the output listing provides added confirmation that the data files have been properly read by the model program.

Some checks that can be considered are:

1. Do the model water-budget quantities seem appropriate for the values described for the actual system in the report?
2. Are the input data the same as those described in the report?
3. Are data values consistent and assigned to appropriate cells?

Checking the information that is read directly by the model increases confidence that the simulation is indeed a solution to the problem described. The level of evaluation required determines the thoroughness of the consistency check that should be undertaken.

Model Reporting and Archiving

Because models are embodiments of scientific hypotheses, a clear and complete documentation of the model development is required for individuals to understand the hypotheses, to understand the methods used to represent the actual system with a mathematical counterpart, and to determine if the model is sufficiently accurate for the objectives of the investigation. As stated in U.S. Geological Survey Office of Ground Water Technical Memorandum 96.04 (see appendix), there is no rigid checklist or recipe for reporting on the use of simulation in a ground-water study. The appropriate level of documentation will vary depending on the study objectives and the complexity of the simulations. A valuable result of the ground-water modeling effort is the insight gained by the investigator during the modeling process about the functioning of the flow system. This understanding of the flow system gained during the modeling process can be an important product of the study and should be appropriately discussed and documented in the modeling report.

The general structure of a well-constructed report describing simulation is much the same as that for any investigative study. It should present (1) the objectives of the study, (2) a description of the work that was done, (3) logical arguments to convince the reader that the methods and analyses used in the study are valid, and (4) results and conclusions.

Ten specific topics that should be addressed in reports that describe studies in which simulation is used are listed and explained in U.S. Geological Survey Office of Ground Water Technical Memorandum 96.04 to aid individuals in documenting their model studies. These 10 topics are:

1. Describe the purpose of the study and the role that simulation plays in addressing that purpose.
2. Describe the hydrologic system under investigation.
3. Describe the mathematical methods used and their appropriateness to the problem being solved.
4. Describe the hydrogeologic character of the boundary conditions used in the simulation of the system.
5. If the method of simulation involves discretizing the system (finite-difference and finite-element methods for example), describe and justify the discretized network used.
6. Describe the aquifer system properties that are modeled.
7. Describe all the stresses modeled such as pumpage, evapotranspiration from ground water, recharge from infiltration, river stage changes, leakage from other aquifers, and source concentrations in transport models.
8. For transient models, describe the initial conditions that are used in the simulations.
9. If a model is calibrated, present the calibration criteria, procedure, and results.
10. Discuss the limitations of the model's representation of the actual system and the impact those limitations have on the results and conclusions presented in the report.

Once the study is finished, it is always useful to organize and archive the model files. The purpose of the archive is to ensure that the results are reproducible in the future either by the model developer or other interested parties. Thus, the archive should reference any published reports on the model and provide enough explanation in a text "readme" file for the model to be used by others. The archival of the model provides good scientific practice and reproducibility of results.

O2-24
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Page 72 of 96 in Comment Letter O2

Summary

Ground-water models are designed and built to meet specific objectives. Models must be critically evaluated to ensure that there are no data input errors and that the conceptual model does indeed accurately represent the actual ground-water system sufficiently to meet the objectives of the study. The items to be evaluated are: the appropriateness of the model program, the discretization and representation of the geologic framework, the representation of the boundary conditions, the representation of the initial conditions, and the accuracy of the matrix solution.

Ground-water flow models attempt to reproduce, or simulate, the operation of a real ground-water system using a mathematical counterpart (a mathematical model). Thus, the evaluation of the model is intended to ensure that the model program and numerical representation of the important aspects of the system are sufficient to meet the objectives of the study. The guidelines presented in this report raise some of the important aspects of model evaluation.

Acknowledgments

The technical review and improvement of the report by William Alley, James Bartolino, William Cunningham, and Keith Prince are gratefully acknowledged. Sandra Cooper provided editorial review and assistance. The final report and illustrations were prepared by E.G. Baker and K.A. Waltenbaugh, and J.E. Banton, respectively.

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O2-24
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O2-24 Cont.

Appendix

April 24, 1996

OFFICE OF GROUND WATER TECHNICAL MEMORANDUM NO. 96.04

Subject: PUBLICATIONS—Policy on documenting the use of ground-water simulation in project reports

It has been more than two decades since Ground Water Branch Technical Memorandum No. 75.11 was released on the subject of documenting the use of ground-water simulation in project reports. Because of the time lapse, changes in modeling techniques, and the frequency of problems found when reports are reviewed, a revisit to policy on this subject is appropriate.

There is no rigid checklist or recipe for reporting on the use of simulation in a ground-water study. The appropriate level of documentation will vary depending on the project objectives and the complexity of the simulations. The general structure of a well-constructed report describing simulation is much the same as that for any investigative study. It should present (1) the objectives of the study, (2) a description of the work that was done, (3) logical arguments to convince the reader that the methods and analyses used in the study are valid, and (4) results and conclusions.

Specific topics that should be addressed in reports that describe studies in which simulation is used include the following.

1. Describe the purpose of the study and the role that simulation plays in addressing that purpose.

   The objective of the simulation must be clearly stated. The model should be represented as a tool to help solve specific problems or answer specific questions rather than as an end product.

2. Describe the hydrologic system under investigation.

   The extent, nature of boundaries, transmitting properties, storage properties, sources of water, discharge mechanisms and other relevant components of the ground-water system should be described as known or conceptualized. Usually this can be accomplished in part by referencing previous works, but major relevant system characteristics should be summarized in the report that describes the simulation.

3. Describe the mathematical methods used and their appropriateness to the problem being solved.

   In most cases, a reference to a readily available publication will be sufficient to document mathematical details; however, it will usually be desirable to briefly summarize the methods that are used. For a well-documented computer program, this will often require only a paragraph or two. If a documented computer program is modified such that computed values are affected, the modifications should be documented and evidence that the modifications are correct should be supplied.

4. Describe the hydrogeologic character of the boundary conditions used in the simulation of the system.

   In many cases, the model boundaries are placed where the aquifer terminates against relatively impermeable rocks or is intersected by a perennial stream whose head variation in time and space is known. In other cases, the aquifer may be so extensive relative to the area of interest that the modeled area may need to extend beyond the project area to accurately simulate the natural boundaries of the aquifer system. If the modeled area is arbitrarily truncated at some distance from the area of interest, it should be shown that the selection of the arbitrary boundary condition does not materially affect the ability of the model to simulate the system for the purposes of the study. Internal boundaries such as streams, lakes, and pinchouts of important hydrogeologic zones should be identified and their representation in the model should be described in the report. A clear, convincing argument of the appropriateness of the boundary conditions used in the model to represent the actual system should be made for the entire bounding surface of the modeled volume or cross section, as well as for any internal boundaries.

5. If the method of simulation involves discretizing the system (finite-difference and finite-element methods for example), describe and justify the discretized network used.

   The spacing and distribution of the blocks, elements, or subregions should reflect, in part, the spatial variability of the hydraulic parameters and the location of boundaries (for example streams, lakes, bed pinchouts), human-made features (for example wells and dams), and stresses. In most cases, a map showing the discretized network superimposed on the study area is required. Vertical discretization should be described and/or shown on illustrations. The manner in which time is discretized for transient models also should be described. If a steady-state model is used to simulate an average or approximate steady-state condition, discuss the errors that could be introduced in the study results as a consequence of using a steady-state model.

6. Describe the aquifer system properties that are modeled.

   Explain whatever inferences are made from field data and previous studies as to the spatial variation of hydraulic properties of aquifers and confining beds and how discretized values are computed throughout the simulated area. During model calibration (see item 9), modeled values are often changed; the final aquifer

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system properties that are modeled should be described in the report. This can be through maps or descriptions in the text. Lists of model arrays do not generally provide much understanding of the model and accordingly should not be included in the report unless it is expected that readers will want to repeat the simulations. If lists of arrays are included, they should usually be provided on electronic media. Note that Office of Ground Water Technical Memorandum No. 93.01 describes the separate requirement for archiving the complete model data sets used in ground-water projects.

7. Describe all the stresses modeled such as pumpage, evapotranspiration from ground water, recharge from infiltration, river stage changes, leakage from other aquifers, and source concentrations in transport models.

   The relations between observed and modeled stresses should be described. For example, it usually is desirable to provide a representative sample of actual pumping histories and the corresponding modeled pumping histories, although such information would not necessarily be provided for every pumped well. The manner in which stresses are averaged within the discretized time and space scheme should also be described. If a steady-state model is used to simulate an average or approximate steady-state condition, describe how the average stresses representing this system are calculated.

8. For transient models, describe the initial conditions that are used in the simulations.

   Ideally, a transient simulation will start from a steady-state condition, and the steady-state initial conditions will be generated by a steady-state simulation using the same model. In this case, the steady-state simulation must use the same hydraulic and stress parameters that are used in the transient simulation, except that the transient stresses are removed. In situations where it is not possible to start a transient model from a simulated steady-state condition, it is necessary to describe how the initial conditions were derived. It is also important to estimate the error in the derived values and the possible impact on the model results.

9. If a model is calibrated, present the calibration criteria, procedure, and results.

   Describe the source of the observed data to which model results are compared. Explain the appropriateness of using these data for model comparisons and the rationale for any adjustments made to actual observations when making the comparisons. For example, when steady-state models are used to simulate an approximate steady-state condition, it is important to explain to what extent the observations that have been made at specific points in time correspond to the approximate steady-state condition being simulated. Give a representative sample of the actual comparisons used for calibration, and show the locations of the observation points on maps. When the number of observations is extensive, locations of representative points can be shown. It is important to report and use as many types of data as possible for calibration. For example, in a flow model, both head and flow observations are desirable for use in calibration.

10. Discuss the limitations of the model's representation of the actual system and the impact those limitations have on the results and conclusions presented in the report.

    Evaluating the sensitivity of the computed model responses to changes in parameter values that reflect plausible parameter uncertainty helps to assess the model reliability. If the model is to be used to make specific projections, it is useful to estimate the impacts of the uncertainty of parameter values on the projections. In calibrated models, a concern is nonuniqueness, which is the extent to which other combinations of parameter values or configurations may result in an equally good fit to the observed data. Discuss the extent to which nonuniqueness may affect the use of the model in the study.

In summary, a report describing a study in which simulation is used should address the above topics; however, there is considerable flexibility in the form of such a report. The report should describe the purpose of the simulation and convince the reader that the use of simulation is credible. The report should further describe the system being simulated, the methods of simulation, and the data that are used.

William M. Alley
Chief, Office of Ground Water

Distribution: A, B, S, FO, PO

This memorandum supersedes Ground Water Branch Technical Memorandum No. 75.11

O2-24
Cont.

From: MARK C <mcarrington81@gmail.com>
Sent: Thursday, September 26, 2024 3:47 PM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Cc: Teresa. Lake Tamarisk. #141 Lake Tamarisk. #141 <teresapierce52@gmail.com>; Vicki and James Bucklin #14 Lake Tamarisk <vickibucklin@pugetisland.com>; Allen Grant Lake Tamarisk <allen@grantdevelopment.com>; Skip Pierce Lake Tamarisk #141 <walterskipie@aol.com>; Coach Don Lake Tamarisk Desert Oasis Community <coachdongonehome@gmail.com>; Planning <Planning@RIVCO.ORG>; MARK C (BBG) <mcarrington81@gmail.com>
Subject: Sapphire Solar Draft EIR - Comments by Active Communities/Desert Center

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1

Submission of:

©Sapphire Draft EIR 3 - Amended Fugitive Dust Management Plan

Sapphire Solar Draft EIR - Amended Fugitive Dust Management Plan

Conditional Use Permit (CUP 220035) and Public Use Permit (PUP 220002)

All attached links are to be considered as direct comments on the Easley Solar Project Draft EA

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. The risk of Valley Fever is particularly high due to the recent El Nino weather patterns. Disturbing the biological crusts releases the infectious spores.

5. The Respect Lake Tamarisk Alternative Amended Fugitive Dust Management Plan follows the EPA recommended construction practices and requires **all** disturbed land to be treated with approved soil stabilizers and/or hydroseeded/hydromulch

6. 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/1oblHoigKzv8m3l5zP0k74nxQZHeccykn/view?usp=drivesdk
   This calls for a **maximum of 20%** ground disturbance and 60% of perennial vegetation preservation for all development areas.

7. Fire breaks will be the area between fence lines and PV panel fields.

8. All roadways are to be graveled

02-25

We have developed a specific Fugitive Dust Management Plan that requires real time monitoring of pm10 and pm2.5 emissions and specific techniques to maintain dust within the construction boundaries.

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.

02-26

2

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."*

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.

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."

Valley Fever: The deadly and incurable disease terrifying the west coast
https://drive.google.com/file/d/19QqqqnU3yqFsvwPt1XUHp5tq3Jy1lkB_/view?usp=drivesdk

"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.""

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Intensifying atmospheric rivers are leading to a surge in Valley Fever cases in California
https://docs.google.com/document/d/1pGMmATLn6nbTm31G1Uq-TxoH8ACm5CQyvwy4ZGhM2V8/edit?usp=drivesdk

Fallow agricultural lands are particularly susceptible to Coccidiodes invasion.

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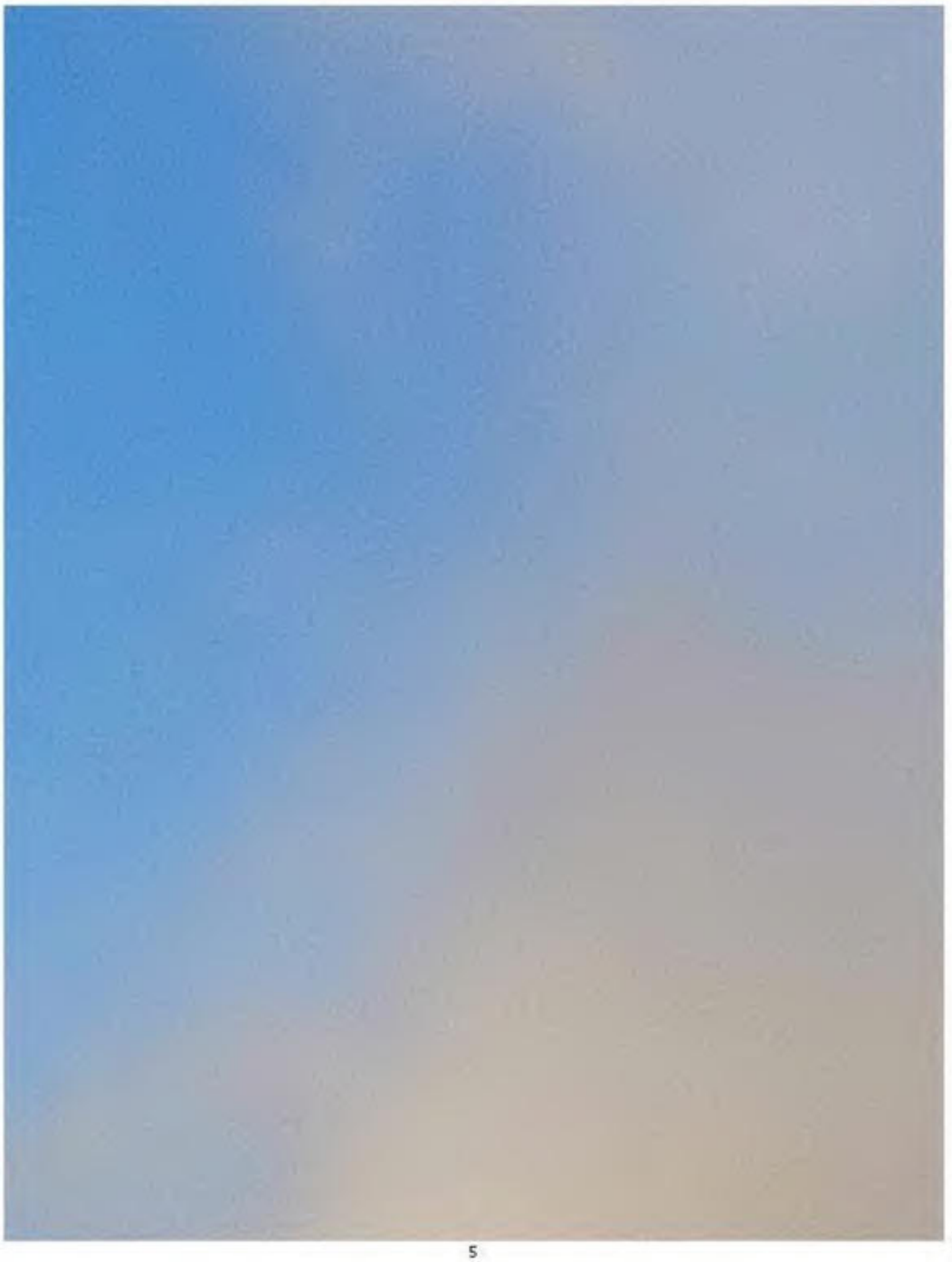
Page 80 of 96 in Comment Letter 02



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Page 81 of 96 in Comment Letter O2

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. Hydromulch will stabilize disturbed soils in a similar fashion.

https://drive.google.com/file/d/13oiYp6mE1IIc1NRix2ZjHtvNaDSROJai/view?usp=drivesdk. (large file, opens slowly)

Fine toxic particulate matter picked up over disturbed soil crusts are carried for miles in winds over 10 mph.

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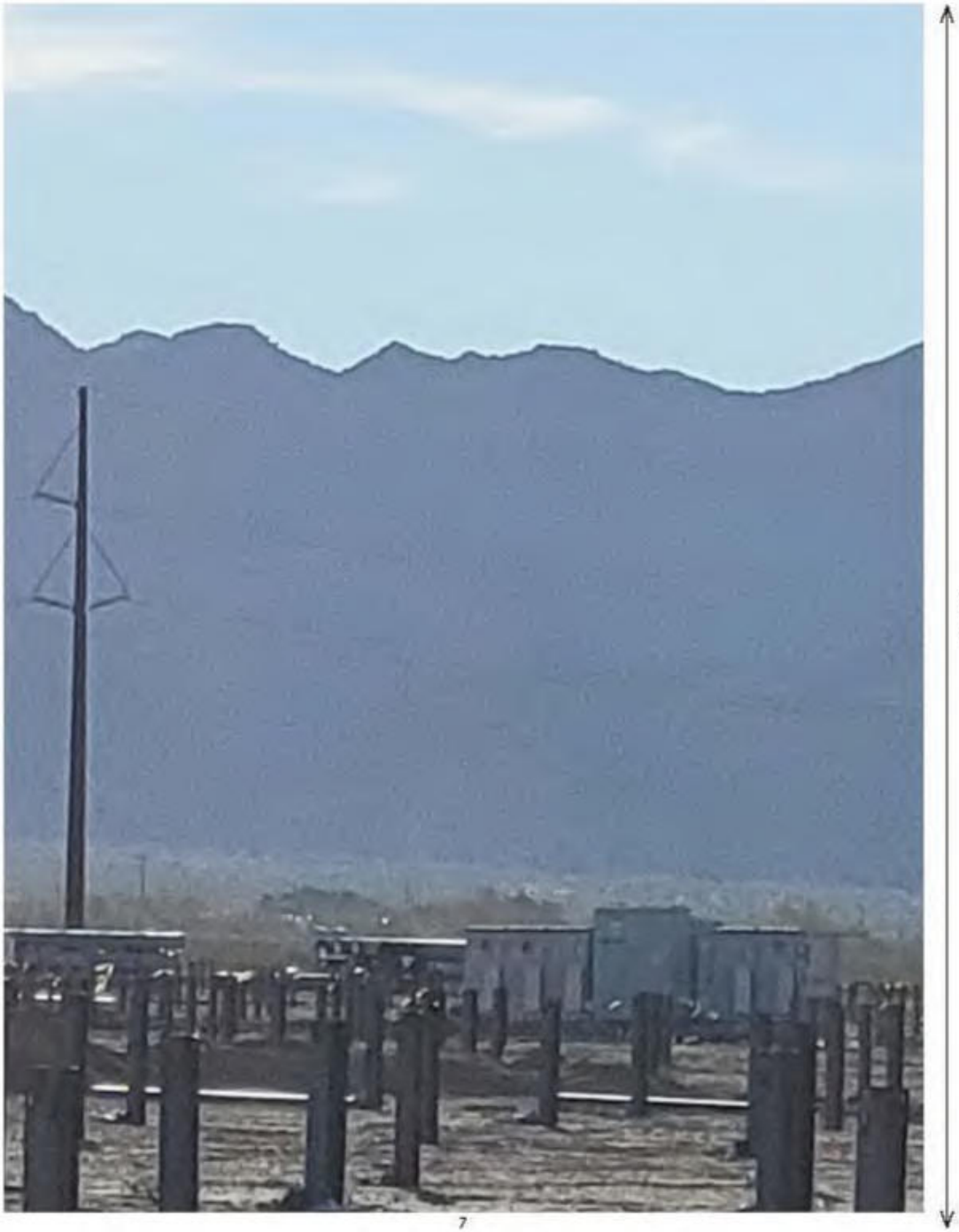
Page 82 of 96 in Comment Letter O2



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Page 83 of 96 in Comment Letter O2

Oberon Project unnecessarily disturbed land throughout the entire Project. No dust abatement was used except for exterior roadways.



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 ½ to mile South of Lake Tamarisk.

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.

8

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https://drive.google.com/file/d/1TIEdb3dp9YpkHqVgvP_J_7PXCJwMm17S/view?usp=drivesdk

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 other developers has failed to do so.

This Fugitive Dust Management Plan that follows 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. This aggressive dust management plan requires soil binders/hydromulch to be used on **all** disturbed soil crusts in the project area as disturbances occur. All newly disturbed surfaces must be treated before work stoppage each day.

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.

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 and hydromulch also greatly reduces water usage requirements.

A maximum of 20% of the project area may be disturbed as was required for implementation on the Rough Hat Clark Solar Project.

Rough Hat Clark DEIS:
https://drive.google.com/file/d/1oblHoiqKzv8m3l5zP0k74nxQZHeccvkn/view?usp=drivesdk

Access Best Management Practices, January 2024:
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 or hydromulch 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.

©Sapphire Draft EIR 4 - Elements of Amended Fugitive Dust Management Plan

9

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https://docs.google.com/document/d/1--ExffyaYAaufAhtfcOxnuW0qrDVBzXPuguF8QmSyZQ/edit

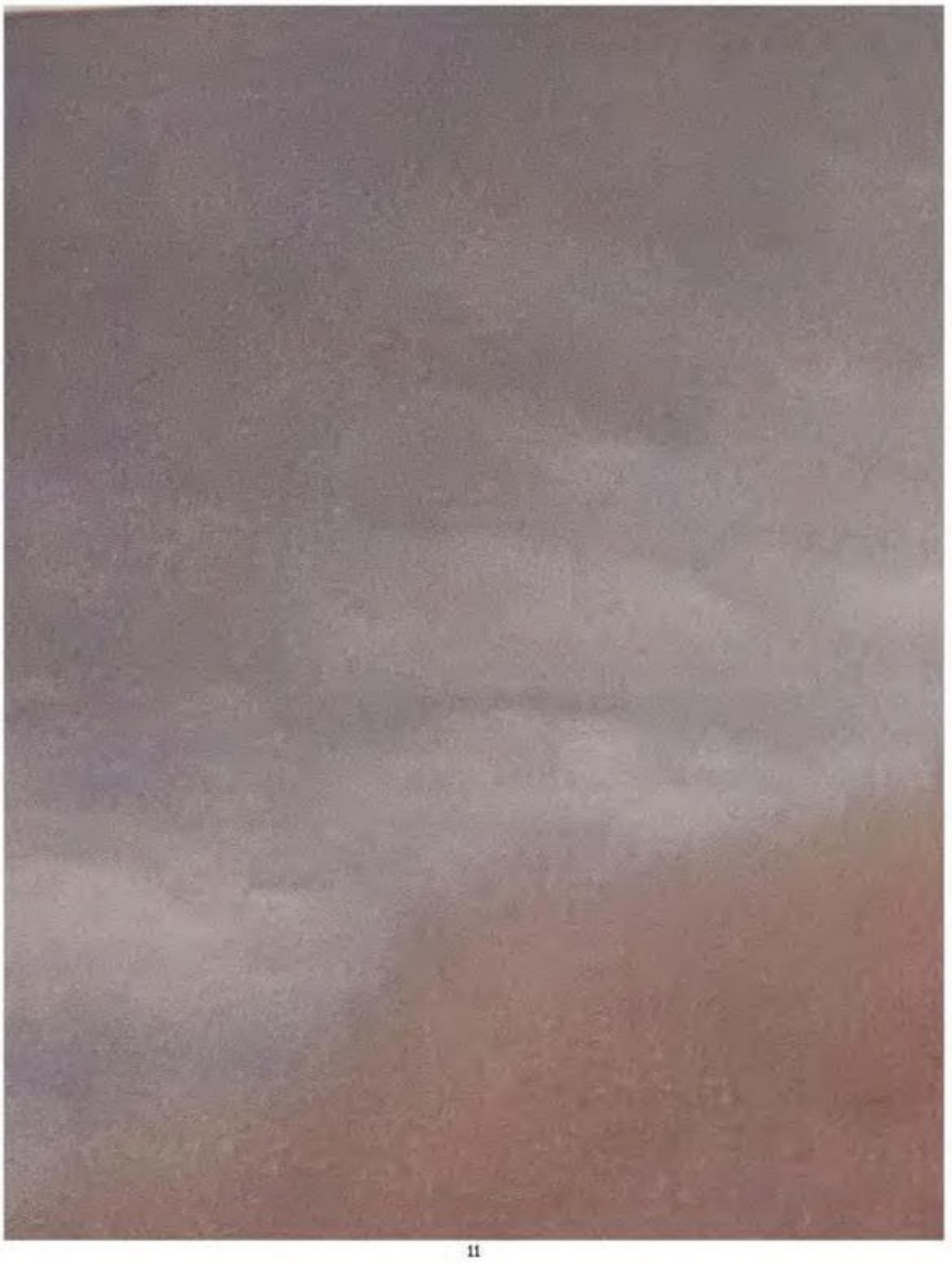
The increased costs of adequate Fugitive Dust containment should be expected as part of the costs of constructing a project within 5-Miles of a Community, particularly with a high proportion of susceptible Seniors and Children.

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.

02-26 Cont.

10

Page 86 of 96 in Comment Letter 02



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11

Page 87 of 96 in Comment Letter O2

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_xaTryjlW_N/view?usp=drivesdk

02-26 Cont.

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County of Riverside California

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Sent: Thursday, September 26, 2024 3:49 PM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Cc: Teresa. Lake Tamarisk. #141 Lake Tamarisk. #141 <teresapierce52@gmail.com>; Vicki and James Bucklin #14 Lake Tamarisk <vickibucklin@pugetisland.com>; Skip Pierce Lake Tamarisk #141 <walterskipie@aol.com>; Allen Grant Lake Tamarisk <allen@grantdevelopment.com>; Coach Don Lake Tamarisk Desert Oasis Community <coachdongonehome@gmail.com>; Planning <Planning@RIVCO.ORG>; MARK C (BBG) <mcarrington81@gmail.com>
Subject: Sapphire Solar Draft EIR - Comments by Active Communities/Desert Center

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1

Submission of:

©Sapphire Draft EIR 4 - Elements of Amended Fugitive Dust Management Plan

Sapphire Solar Draft EIR - Elements of Amended Fugitive Dust Management Plan

Conditional Use Permit (CUP 220035) and Public Use Permit (PUP 220002)

All attached links are to be considered as direct comments on the Sapphire Solar Project Draft EIR.

Amended Fugitive Dust Management Plan Details:

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 70% 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. 02-27

All roadways are to be graveled.

Site preparation should follow the specific guidelines indicated in the attached EPA letter submitted to the BLM for the proposed Easley Solar Project.
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.

The Rough Hat Clark Solar Project successfully implemented these revised "best management practices".
https://drive.google.com/file/d/1oblHoiqKzv8m3l5zP0k74nxQZHeccykn/view?usp=drivesdk

"Pg. 2-22 & 2-23: The Resources Integration Alternative would include additional construction methods, compared with the Proposed Action.

2

• 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.

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 stabilization 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. Hydromulching and hydroseeding will follow short term stabilization.

Thick vegetative mulching may be effective on previously disturbed agricultural lands as an option.

Berms will also require soil stabilization and Hydroseeding with native vegetation.

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. Hydromulching is much more stable, lasts much longer and uses less water.

All disturbed areas are to be hydroseeded with native vegetation. Follow farmland may be treated with bulk vegetative mulch.

Once disturbed soils are stabilized construction may begin.

-Construction

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

Spot reapplication of soil stabilizers is required where further disturbance occurs.

Access must follow Best Management Practices, January 2024.
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:

O2-27
Cont.

3

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.

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.

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."

Intersect Power's Oberon Solar Project failed to contain Fugitive Dust within the project boundaries as their permit required.

See figure 1.

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.

O2-27
Cont.

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.

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.

**All linked materials are to be considered direct comments on the Sapphire Solar Draft EIR.

Rule 403:
https://drive.google.com/file/d/1eQNnfhcDQNqHL6yqVL__MG2o22qCFZdK/view?usp=drivesdk

Morongo Basin Conservation Association
https://drive.google.com/file/d/1bvjPW1ZB6RiPMm7wlfjK-4Dav2UOt45N/view?usp=drivesdk

Silica in Fugitive Dust risks:

4

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 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

O2-27
Cont.

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.

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*

**All attached linked submissions are to be considered direct comments to the Sapphire Solar Draft EIR.

—

5

How 'green energy' is threatening biodiversity, human health, and environmental justice: An example from the Mojave Desert, California
https://drive.google.com/file/d/19m9Fp-sAz3QLPksojnucWV41Lgbs16Fq/view?usp=drivesdk

—

Related YouTube Video Coverage (which includes a reference to the significant role that solar facility development can play, including university research credits/sourcing):

Link: https://youtu.be/kggpgKea0lk

—

Problem:

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.

* 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.

O2-27 Cont.

6

Page 94 of 96 in Comment Letter O2

** 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).



7

O2-27
Cont.

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County of Riverside California

8

Attachment

Easley Final EIR Appendix DD Parts 1 and 4

Appendix DD

COMMENT LETTERS AND RESPONSES TO COMMENT LETTERS

Appendix DD
Comments and Responses to Comments

1. INTRODUCTION TO COMMENTS AND RESPONSES APPENDIX

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

1.1 Organization of this Appendix

This Appendix is organized as follows:

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

1.2 Summary of Comments Received

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

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

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

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

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

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

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

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

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

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

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

2. GENERAL RESPONSES TO COMMON COMMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.3 General Response GR-3: Groundwater Impacts

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

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

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

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

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

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

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

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

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

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

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

2.4 General Response GR-4: Mitigation Plans

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

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

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

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

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

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

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

DRECP Background

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

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

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

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

Easley Project Area

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.7 General Response GR-7: Lake Effect

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

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

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

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

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

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

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

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

The Easley Project would use thin-film panels with anti-reflective coating, the panels would be mounted on a tracking system, and panels would be stowed at max tilt overnight, all of which have been shown to reduce risk of any "lake effect". Similarly, as required in MM BIO-8 in EIR Section 3.5.7, the BBCS will conform with guidelines recommended by the USFWS and the Project will be constructed and operated in accordance with its requirements to minimize impacts to avian species. The BBCS will identify potential hazards to birds and bats during construction and O&M. The Plan will specify measures to recognize, minimize, and avoid hazards, including collision, and describes procedures for reporting and handling dead or injured wildlife. The plan requires provisions for adaptive management to detect and evaluate Project related death and injury of birds, based on the results of similar monitoring at other solar project sites in the vicinity. Resulting data would be used to inform adaptive measures needed to mitigate or

minimize Project-related avian impacts, which may include implementing additional mortality monitoring, installing bird deterrents, or adjusting overnight orientation/tilt of solar panels.

2.8 General Response GR-8: Alternatives

2.8.1 Natural Buffer Setback

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

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

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

As part of the FLPMA, Congress designated the CDCA within which the Easley Renewable Energy Project is located. The BLM has a responsibility under FLPMA and the management principles of the CDCA to act as a steward for the development, conservation, and protection of federal lands. The BLM implements multiple use principles and recognizes, among other values, the Nation's need for development of renewable energy from public lands. Section 501(a)(4) of FLPMA specifically authorizes the BLM to issue ROW grants for the generation, transmission, and distribution of electric energy.

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

Several commenters suggested that the solar energy output of the Project could be reduced and made reference to smaller solar projects in the surrounding area, such as the proposed Sapphire Solar Project and existing Desert Harvest Solar Project. The Sapphire Solar Project, proposed by EDF Renewables Development, Inc., is undergoing a separate CEQA environmental review process with the Riverside County Planning Department (Conditional Use Permit No. 220035/Public Use Permit No. 220002/Development Agreement No. 2200018), in addition to a NEPA environmental review process by BLM. The Sapphire Solar Project is proposing to interconnect at 230 kV via a line tap into EDF's existing Desert Harvest 230 kV gen-tie line, which would require construction of less than 2 miles of 230 kV gen-tie line for the Sapphire Project. Both a 230 kV interconnection and a short gen-tie greatly reduce interconnection costs for Sapphire, as compared to Easley, and affect project economics. Likewise, the existing Desert Harvest Solar Project connects into the Red Bluff Substation at 230 kV.

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

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

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

2.8.2 Vegetative Screening

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

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

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

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

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

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

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

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

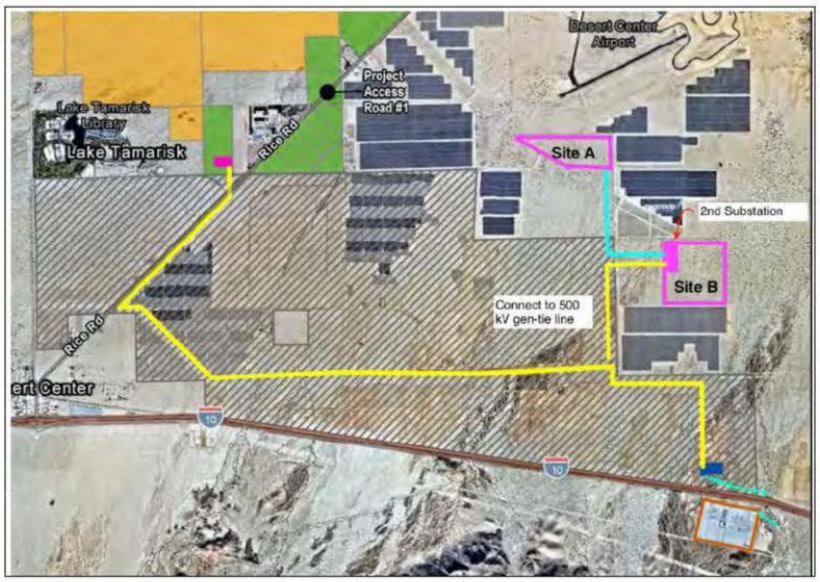
2.8.4 Alternatives East of State Route 177/Rice Road

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

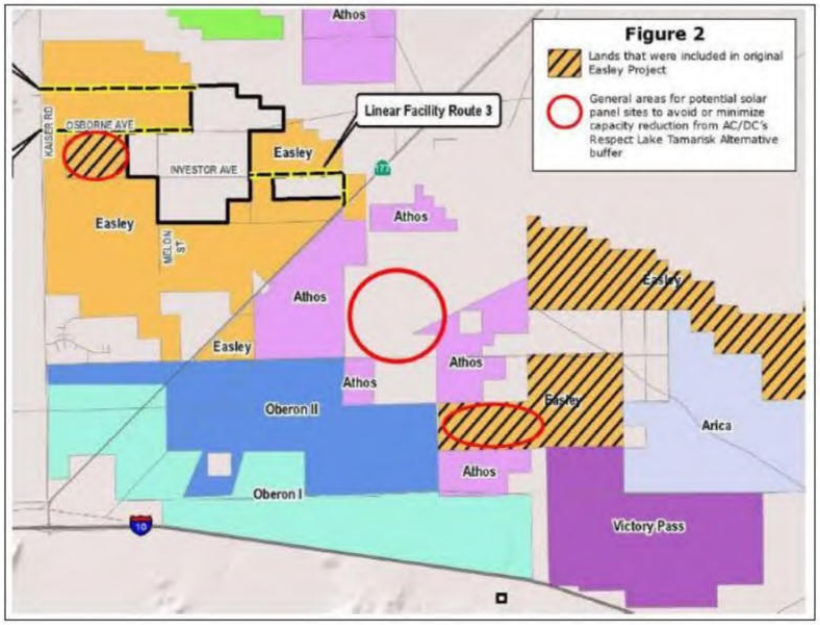
Suggested Alternative Sites

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

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



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



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

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

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

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

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

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

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

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

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

EIR Offsite Alternatives

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

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

Development in DRECP Development Focus Areas

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

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

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

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

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

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

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

3.1 Agencies

Comment Set A1 – South Coast Air Quality Management District

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

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

March 8, 2024

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

A1-1

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

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

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

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

1

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

Tim Wheeler, Project Planner March 8, 2024

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

A1-1 (cont'd)

South Coast AQMD Comments

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

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

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

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

Air Quality Mitigation Measure for NOx Emissions from Construction

A1-2

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

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

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

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

2

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

Tim Wheeler, Project Planner March 8, 2024

A1-2 (cont'd)

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

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

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

A1-3

South Coast AQMD Air Permits and Role as a Responsible Agency

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

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

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

3

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

Tim Wheeler, Project Planner March 8, 2024

A1-3 (cont'd)

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

Conclusion

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

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

Sincerely,

Sam Wang

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

BR:SW:EA
RVC240201-05
Control Number

4

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

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

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

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

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

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

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

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

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

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

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

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

Comment Set A2 – Metropolitan Water District of Southern California

Email: Easley Renewable Energy Project

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

Dear Mr. Wheeler -

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

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

Please contact me if you have any questions.

Sincerely,
Alex Marks

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

EPS ENVIRONMENTAL PLANNING SECTION

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

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

3.2 Businesses and Organizations

Comment Set B1 – Coachella Valley Economic Partnership

elevate DRIVING INNOVATION AND ENTERPRISE cvep

March 8, 2024

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

Subject: Endorsement of Intersect Power's Easley Solar Project

Dear Mr. Wheeler,

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

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

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

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

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

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

Sincerely,

Joe J. Wallace

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

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

Responses to Comment Set B1 – Coachella Valley Economic Partnership

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

Comment Set B2 – Desert Tortoise Council

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

Via email only

11 March 2024

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

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

Dear Mr. Wheeler,

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

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

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

Comment Set B2 – Desert Tortoise Council (continued)

B2-1 (cont'd)

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

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

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

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

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Description of the Proposed Project and Alternatives

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

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

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

Comment Set B2 – Desert Tortoise Council (continued)

B2-1 (cont'd)

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

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

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

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

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

Comment Set B2 – Desert Tortoise Council (continued)

B2-1 (cont'd)

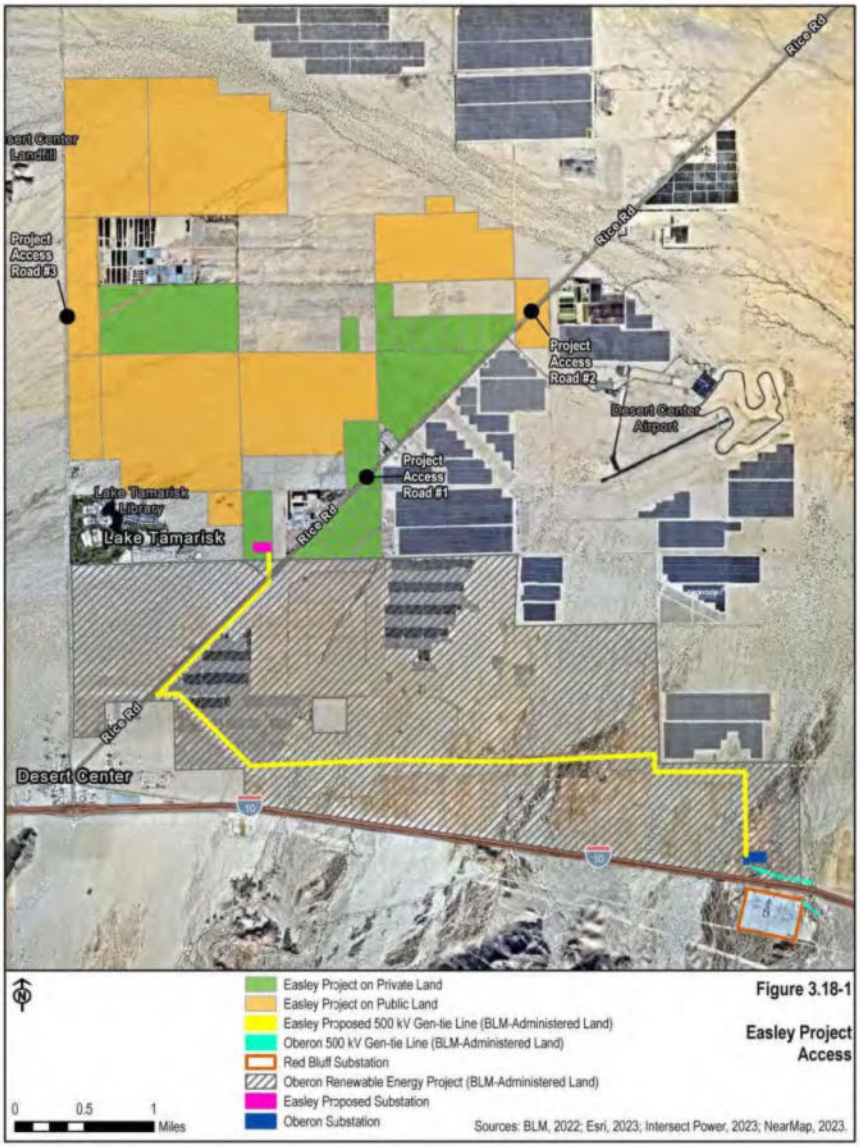

Figure 1. Locations of Easley Solar Project, land ownership, and access routes.

Desert Tortoise Council/Comments/Easley Solar Project DEIR.3-11-2024 4

Comment Set B2 – Desert Tortoise Council (continued)

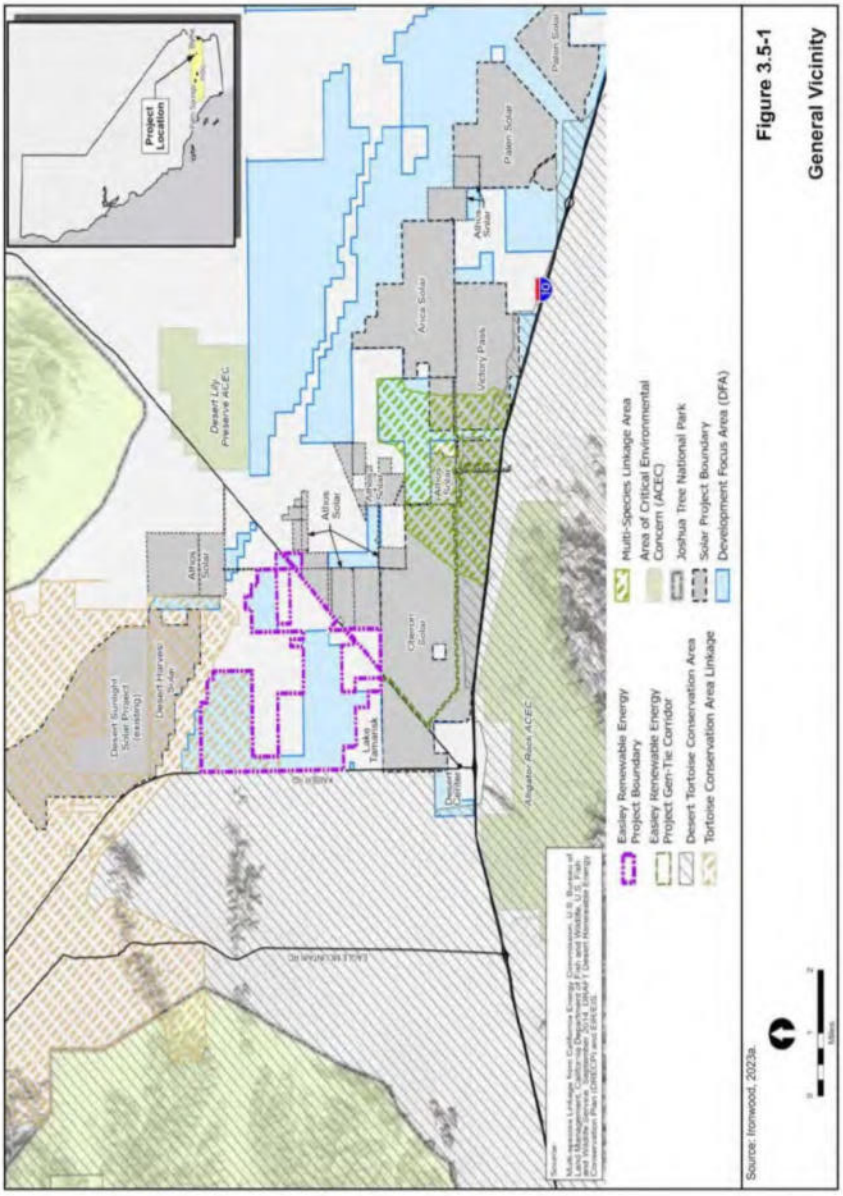

Figure 2. Location of proposed Easley Solar Project, existing solar projects, and land use designations.

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

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B2-1
(cont'd)

Comment Set B2 – Desert Tortoise Council (continued)

Alternatives Considered and Eliminated from Further Analysis

B2-1 (cont'd)

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

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

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

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

Comments on the DEIR

B2-2

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

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

Comment Set B2 – Desert Tortoise Council (continued)

Environmental Setting, Impacts, and Mitigation Measures B2-3

Biological Resources

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

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

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

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

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

Comment Set B2 – Desert Tortoise Council (continued)

We request that the County provide references to support this assumption of vegetation regeneration and cooling and to analyze the extent that the surviving vegetation would regenerate and offset the heat island effect during the 40-year permit term, especially considering the slow growth of woody perennial vegetation in the Colorado division of the Sonoran Desert. This analysis should incorporate the recurring pruning of vegetation under and adjacent to the PV panels. B2-5 (cont'd)

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

Surface Hydrology and Soil Moisture: In the DEIR, the County says. "[c]ertain areas of the site with **highly** [emphasis added] irregular topography that provide important hydrologic functions to the site would be avoided by Project design." This sentence concerns us because it does not mention whether areas in the project site with less than highly irregular topography (i.e., small washes) would not be graded/have their hydrology modified. B2-6

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

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

Comment Set B2 – Desert Tortoise Council (continued)

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

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

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

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

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

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

Comment Set B2 – Desert Tortoise Council (continued)

B2-10

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

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

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

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

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

Comment Set B2 – Desert Tortoise Council (continued)

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

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

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

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

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

Cumulative Impacts B2-12

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

Comment Set B2 – Desert Tortoise Council (continued)

B2-12 (cont'd)

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

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

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

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

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

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

Comment Set B2 – Desert Tortoise Council (continued)

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

Mitigation B2-14

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

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

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

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

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

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

Comment Set B2 – Desert Tortoise Council (continued)

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

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

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

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

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

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

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

Comment Set B2 – Desert Tortoise Council (continued)

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

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

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

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

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

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

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

Comment Set B2 – Desert Tortoise Council (continued)

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

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

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

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

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

Respectfully,

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

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

Comment Set B2 – Desert Tortoise Council (continued)

B2-21 (cont'd)

cc. California State Clearinghouse, state.clearinghouse@opr.ca.gov
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Comment Set B2 – Desert Tortoise Council (continued)

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Comment Set B2 – Desert Tortoise Council (continued)

B2-21 (cont'd)

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Comment Set B2 – Desert Tortoise Council (continued)

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

Comment Set B2 – Desert Tortoise Council (continued)

DESERT TORTOISE COUNCIL
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Via email only

23 October 2023

Attn: Tamara Faust, Daniel Kasang, Brandon Anderson
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1201 Bird Center Drive, Palm Springs, CA 92262
blm_ca_cdd_easley_solar@blm.gov, tfaust@blm.gov, dkasang@blm.gov, bganderson@blm.gov

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

Dear Ms. Faust,

B2-22

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

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

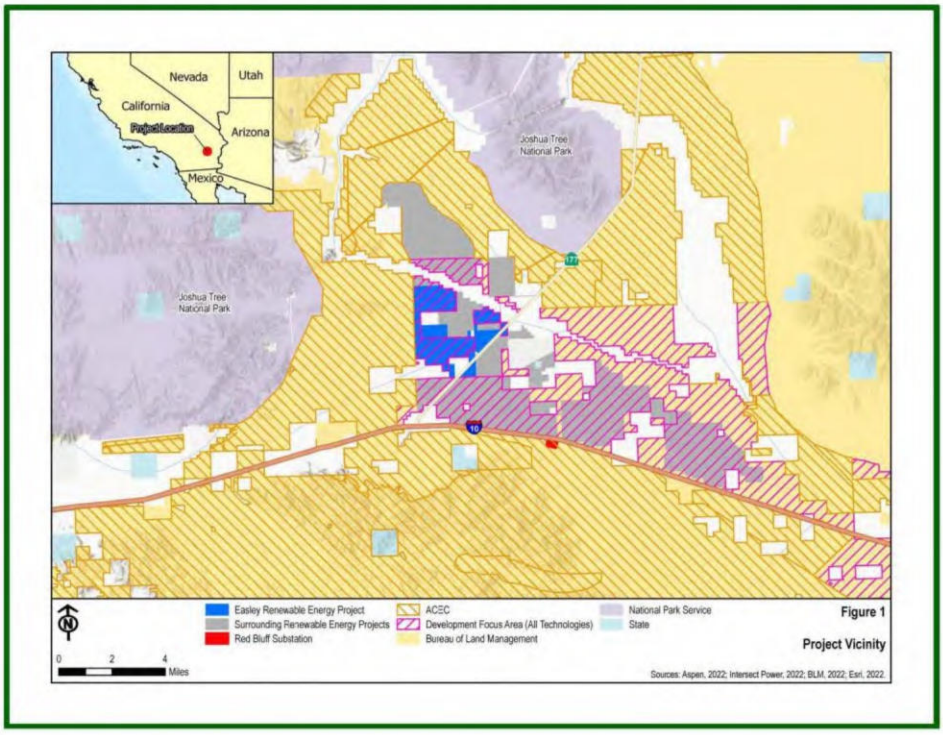
We appreciate that you contacted us on 9/14/2023 via email enabling this opportunity to provide comments on the above-referenced project. Given the location of the proposed project in habitats likely occupied by Mojave desert tortoise (*Gopherus agassizii*) (synonymous with Agassiz's desert tortoise),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

Comment Set B2 – Desert Tortoise Council (continued)

B2-22 (cont'd)

Project Description

The following project description is taken from the Plan of Development (POD) prepared by Aspen Environmental Group, prepared for Intersect Power-IP Easley, LLC, 41 pages, dated September 2023: "The proposed Project application area is located on approximately 3,735 acres of private (990 acres) and BLM (2,745 acres)-administered land, in Riverside County north of Desert Center, California (see Figure 1). The project would generate and store up to 400 megawatts (MW) of renewable electricity via arrays of solar photovoltaic (PV) panels, battery energy storage system (BESS), and appurtenant facilities. A 6.7mile 500 kilovolt (kV) generation-tie (gen-tie) line would mainly traverse across the Oberon Project site and connect into an approved substation that is under construction on the approved Oberon Renewable Energy Project site, an adjacent solar and energy storage facility owned by Intersect Power. From the Oberon onsite substation, the power generated by the Easley Project would be transmitted to the SCE Red Bluff Substation via the Oberon 500 kV gen-tie line, which is expected to be online by the end of 2023."



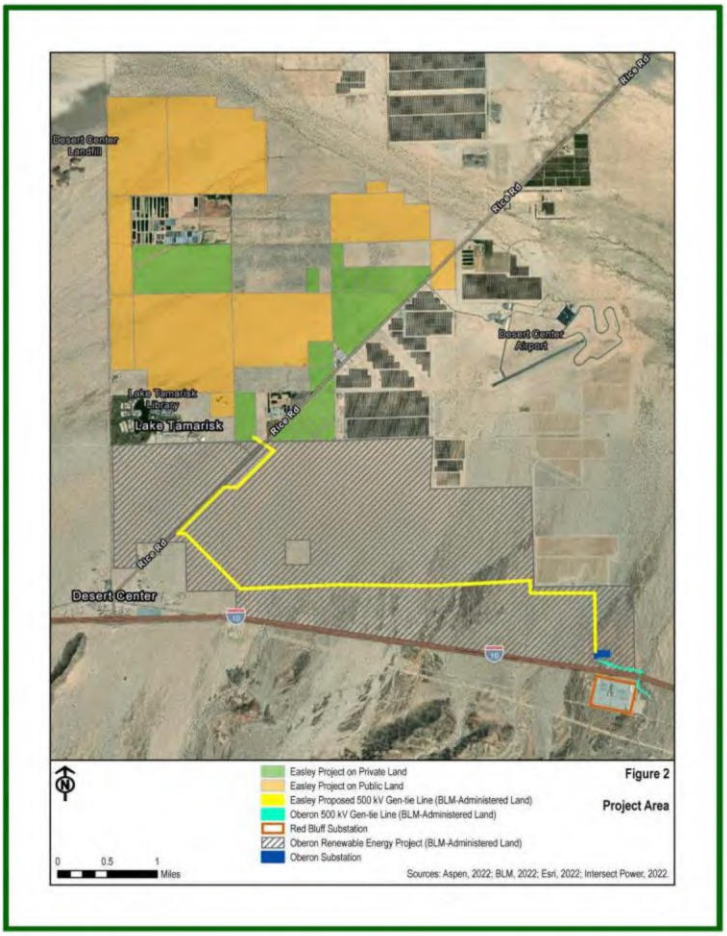
Desert Tortoise Council/Comments/Easley Solar Project DEIR.3-11-2024 22

Comment Set B2 – Desert Tortoise Council (continued)

B2-22 (cont'd)

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

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



Desert Tortoise Council/Comments/Easley Solar Project DEIR.3-11-2024 23

Comment Set B2 – Desert Tortoise Council (continued)

Scoping Comments

B2-23

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

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

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

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

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

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

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

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

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

Comment Set B2 – Desert Tortoise Council (continued)

Proposed Action and Alternatives Considered B2-24

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

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

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

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

Desert Tortoise Council/Comments/Easley Solar Project DEIR.3-11-2024 25

Comment Set B2 – Desert Tortoise Council (continued)

Regarding the first concern, we believe that a multiagency approach is best to ensure BLM is meeting its obligations, soliciting review and input from pertinent federal and state resource agencies, Tribal governments/agencies, and non-governmental organizations (NGOs). Mitigation of impacts should include, in priority order, avoidance, minimization and compensation for unavoidable impacts. Mitigation should at a minimum offset all direct, indirect, and cumulative impacts, especially given the status and trend of the tortoise (please see *Affected Environment - Status of the Populations of the Mojave Desert Tortoise* below). BLM should ensure it is effectively implementing its section 7(a)(1) conservation mandate under the FESA. **B2-25 (cont'd)**

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

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

We note that a federal appellate court has previously ruled that in an EIS a federal agency must evaluate a reasonable range of alternatives to the project including other project and mitigation sites, and must give adequate consideration to the public's needs and objectives in balancing ecological protection with the purpose of the proposed project, along with adequately addressing the proposed project's impacts on the desert's sensitive ecological system [*National Parks & Conservation Association v. Bureau of Land Management*, Ninth Cir. Dkt Nos. 05-56814 et seq. (11/10/09)]. Therefore, the Council requests that the BLM describe the purpose and need for this project and develop and analyze other viable alternatives, such as rooftop solar, which we believe constitute "other reasonable courses of actions" (40 CFR 1508.25). **B2-26**

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

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

Comment Set B2 – Desert Tortoise Council (continued)

This approach puts the generation of electricity where the demand is greatest, in populated areas. It may also reduce transmission costs; greenhouse gas emissions from constructing energy projects far from the sources of power demand and materials for construction; carbon sequestration lost from degrading/destroying thousands of acres of native vegetation for decades or longer to construct and operate this one project; the number of affected resources in the desert that must be analyzed under the NEPA; and mitigation costs for all direct, indirect, and cumulative impacts; monitoring and adaptive management costs; and habitat restoration costs following decommissioning. The DEIS/DEIR should include an analysis of where the energy generated by this project would be sent and the needs for energy in those targeted areas that may be satisfied by urban solar. We request that at least one viable alternative be analyzed in the DEIS/DEIR where electricity generation via solar energy is located much closer to the areas where the energy will be used, including generation in urban/suburban areas. **B2-26 (cont'd)**

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

The latter two alternatives are important to consider to minimize or avoid the loss of vegetation that sequesters carbon. Studies around the world have shown that desert ecosystems can act as important carbon sinks. For example, the California deserts account for nearly 10 percent of the state's carbon sequestration; below ground in soil and root systems, and above ground in biomass. Protecting this biome can contribute to securing carbon stores in the state (MDLT 2021). Given the current climate change conditions, there is an increasing need for carbon sequestration. Because vascular plants are a primary user of carbon and the proposed Project would result in the loss/degradation of thousands of acres of plants and their ability to sequester carbon for decades or longer unless successful measures are implemented to restore the same biomass of native vegetation as it is being destroyed, it is imperative that the proposed project not result in the loss of vegetation. **B2-27**

The DEIS/DEIR should consider the monitoring results of recently developed solar projects where soils have been bladed versus those facilities where the vegetation has been mowed or crushed and allowed to revegetate the area. In the latter case, it may be appropriate to allow tortoises to enter the facilities and re-establish residency (i.e., repatriate) under the solar panels as vegetation recolonizes the area. We see on page 16 of the POD that mowing is the currently described project alternative. It should be designed/implemented as a scientific experiment to add to the limited data on this approach to determine the extent of effects on Mojave desert tortoise populations and movements/connectivity between populations, which is an important issue for this species, particularly over the long-term (see *Desert Tortoise Habitat Linkages/Connectivity among Populations and Recovery Units* below). Long-term monitoring for the life of the project would need to be included to accurately evaluate the effectiveness of this strategy. **B2-28**

Comment Set B2 – Desert Tortoise Council (continued)

Connected Actions B2-29

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

Affected Environment B2-30

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

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

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

Desert Tortoise Council/Comments/Easley Solar Project DEIR.3-11-2024 28

Comment Set B2 – Desert Tortoise Council (continued)

B2-30 (cont'd)

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

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

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

Important points from these tables include the following:

Change in Status for the Mojave Desert Tortoise Range-wide

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

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

Desert Tortoise Council/Comments/Easley Solar Project DEIR.3-11-2024 29

Comment Set B2 – Desert Tortoise Council (continued)

B2-30 (cont'd)

Change in Status for the Mojave Desert Tortoise in California

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

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

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

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

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

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

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

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

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

Comment Set B2 – Desert Tortoise Council (continued)

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

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

B2-30 (cont'd)

Comment Set B2 – Desert Tortoise Council (continued)

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

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

**Methodology for collecting density data initiated in 1999.

B2-30 (cont'd)

Comment Set B2 – Desert Tortoise Council (continued)

Mojave desert tortoise is now on the list of the world's most endangered tortoises and freshwater turtles. It is in the top 50 species. The International Union for Conservation of Nature's (IUCN) Species Survival Commission, Tortoise and Freshwater Turtle Specialist Group, now considers Mojave desert tortoise to be Critically Endangered (Berry *et al*. 2021), which is a "species that possess an extremely high risk of extinction as a result of rapid population declines of 80 to more than 90 percent over the previous 10 years (or three generations), a current population size of fewer than 50 individuals, or other factors." It is one of three turtle and tortoise species in the United States to be critically endangered. B2-30 (cont'd)

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

Standardized Surveys – Desert Tortoise and Other Species B2-31

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

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

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

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

Comment Set B2 – Desert Tortoise Council (continued)

B2-31 (cont'd)

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

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

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

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

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

Comment Set B2 – Desert Tortoise Council (continued)

B2-31 (cont'd)

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

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

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

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

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

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

Mojave Desert Tortoise Impacts Analysis:

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

Comment Set B2 – Desert Tortoise Council (continued)

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

B2-31 (cont'd)

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

B2-32

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

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

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

Comment Set B2 – Desert Tortoise Council (continued)

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

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

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

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

Mitigation Plans B2-35

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

Comment Set B2 – Desert Tortoise Council (continued)

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

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

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

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

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

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

Desert Tortoise Council/Comments/Easley Solar Project DEIR.3-11-2024 38

Comment Set B2 – Desert Tortoise Council (continued)

The project proponent should implement the USFWS' Translocation Guidance (USFWS 2020) and coordinate translocation with BLM and CDFW. In addition, the proponent's project-specific translocation plan should be based on current data and developed using lessons learned from earlier translocation efforts (e.g., increased predation, drought). (see *Desert Tortoise Translocation Bibliography Of Peer-Reviewed Publications*[1] in the footnote). B2-37 (cont'd)

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

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

Tortoise Predators and a Predator Management Plan: Common ravens are known predators of the Mojave desert tortoise and their numbers have increased substantially because of human subsidies of food, water, and sites for nesting, roosting, and perching to hunt (Boarman et al. 2006). Coyotes and badgers are also predators of tortoises. Because ravens can fly at least 30 miles in search of food and water daily (Boarman et al. 2006) and coyotes can travel an average of 7.5 miles or more daily (Servin et al. 2003), this analysis should extend out at least 30 miles from the proposed project site. B2-38

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

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

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

Comment Set B2 – Desert Tortoise Council (continued)

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

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

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

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

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

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

Comment Set B2 – Desert Tortoise Council (continued)

Climate Change and Non-native Plants B2-41

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

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

Hydrology and Water Quality B2-42

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

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

Comment Set B2 – Desert Tortoise Council (continued)

Federal Land Policy and Management and Federal Endangered Species Act

B2-43

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

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

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

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

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

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

Comment Set B2 – Desert Tortoise Council (continued)

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

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

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

Cumulative Effects B2-44

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

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

Comment Set B2 – Desert Tortoise Council (continued)

B2-44 (cont'd)

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

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

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

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

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

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

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

Desert Tortoise Council/Comments/Easley Solar Project DEIR.3-11-2024 44

Comment Set B2 – Desert Tortoise Council (continued)

B2-44 (cont'd)

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

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

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

Comment Set B2 – Desert Tortoise Council (continued)

B2-44 (cont'd)

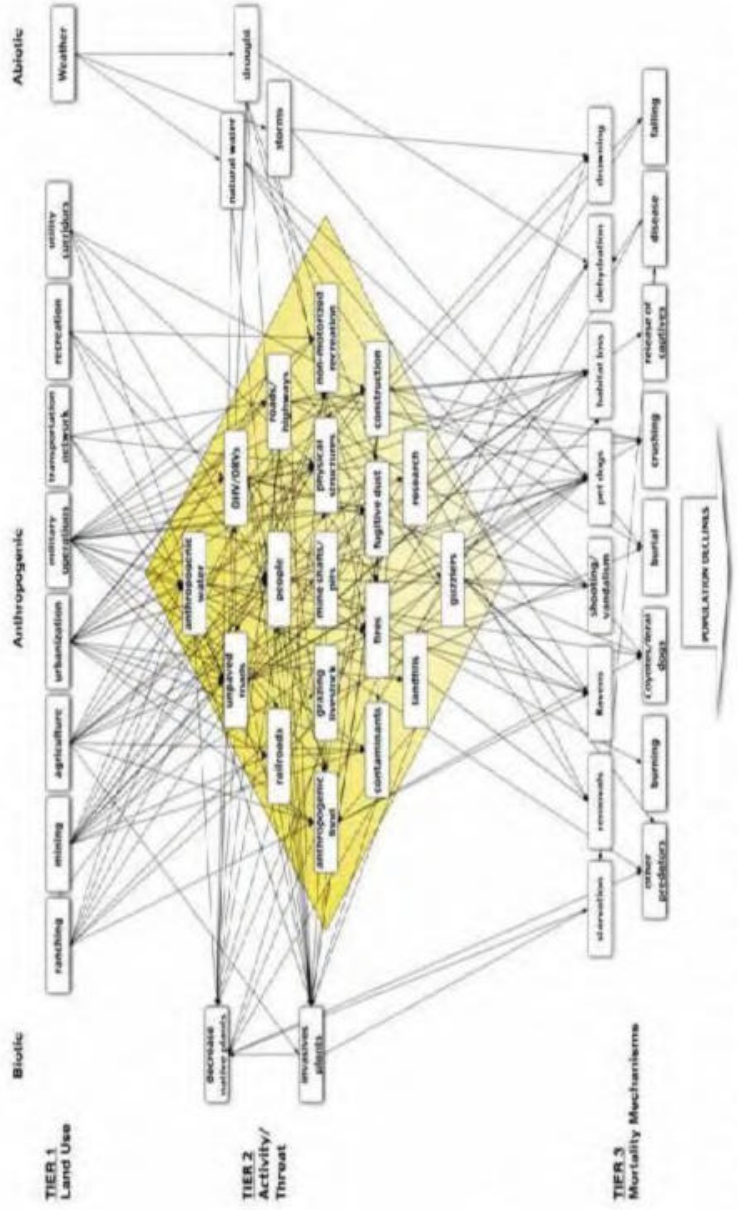


Figure 1. Network of threats demonstrating the interconnectedness between multiple human activities that interact to cause mortality and prevent recovery of tortoise populations. Tier 1 includes the major land use patterns that facilitate various activities (Tier 2) that impact tortoise populations through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

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

Comment Set B2 – Desert Tortoise Council (continued)

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

B2-44 (cont'd)

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

B2-45

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

Respectfully,

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

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Comment Set B2 – Desert Tortoise Council (continued)

B2-45 (cont'd)

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Responses to Comment Set B2 – Desert Tortoise Council

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

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

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

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

B2-4 The commenter states that the abundance and occurrence of microphyll woodlands (desert dry wash woodlands) is important with respect to how the Applicant will maintain it, how it may affect the photovoltaic heat island effect, and how the construction activities may affect the surface hydrology that is necessary to support it. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

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

B2-6 The comment concerns the effects of project development on surface hydrology and potential associated impacts on soil moisture and plant health. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

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

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

B2-8 The commenter states that the description of protocol desert tortoise surveys is unclear and conflicts with the BRTR, and that the County should consult with USFWS and CDFW on adequacy of surveys. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

B2-9 The commenter cites a study discussing fragmentation of desert ecosystems with large scale solar development and exacerbation of fragmentation with high-density placement of facilities. The commenter states that fragmentation of tortoise habitat affects tortoise movements and linkage areas. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

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

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

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

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

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

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

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

B2-12 The commenter states that the geographic scope of the cumulative impact analysis should be the desert tortoise USFWS Colorado Desert Recovery Unit and requests compensatory mitigation for impacts on tortoise habitat. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

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

Creating and maintaining a database and tracking of all projects in the area is outside the scope of this CEQA document. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

B2-14 The comment concerns the use of mitigation plans to address impacts on biological resources. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

B2-15 The comment concerns the adequacy of mitigation plans, such as the project's proposed Integrated Weed Management Plan, to address impacts on biological resources and recommends that mitigation plans be provided in the EIR for public review. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1. Refer to General Response GR-4, related to mitigation plans.

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

B2-16 The commenter states that there are no requirements defined in the EIR for the Vegetation Resource Management Plan (VRMP) such as methods for revegetation, success criteria, and monitoring; that the plan does not include the restoration phase of the Project; and that the USFWS should be added as an approving agency. MM BIO-5 defines the required contents of the VRMP. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1. Refer to General Response GR-4, related to mitigation plans.

B2-17 The comment concerns the Traffic Control Plan required by MM BIO-6. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1. A bullet was added to MM TRA-1 in Section 3.18.7 of the Final EIR to require incorporation of wildlife protection measures.

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

The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR and the requested plans were added as EIR appendices in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1. Refer also to General Response GR-4, related to mitigation plans.

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

The Project Description (EIR Section 2) and the analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

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

The analysis of Biological Resources and recommended mitigation measures have been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

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

As part of the project description, Draft EIR Section 2.1 (Introduction) and Section 2.6 (Decommissioning and Repowering) state that at the end of the Easley Project's useful life, the Project would be decommissioned, and the land returned to its pre-Project conditions. Revegetation would be conducted in accordance with the Decommissioning and Revegetation Plan, or such condition as appropriate in accordance with County and BLM policies at the time of decommissioning. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 and a new EIR Appendix S (Vegetation Resources Management Plan) of the Partially Recirculated Draft EIR and to General Response GR-1.

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

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

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

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

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

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

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

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

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

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

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

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

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

Comments regarding BLM's compliance with federal regulations are outside of the scope of this CEQA document. As described in the environmental setting in the Draft EIR, the Project complies with the locational characteristics requested by the commenter. That is, the Easley Project is surrounded by proposed and approved solar generation projects and located on retired agriculture and disturbed private land and BLM-administered land that is within the DRECP DFA, and thus, targeted for renewable energy development. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

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

BLM's commitment to managing desert tortoise is outside the scope of this CEQA document. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR, EIR Appendix P (Desert Tortoise Protection and Translocation Plan), and to General Response GR-1.

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

B2-26 The commenter states its support for alternatives that would reduce the need for additional solar energy projects in relatively undisturbed tortoise habitats in the Mojave Desert and for an urban solar alternative is noted. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

B2-27 The comment calls for considering alternatives that could minimize or avoid the loss of vegetation that sequesters carbon. The comment identifies carbon sequestration as an important component in the response to climate change. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

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

B2-28 The commenter states that the EIR should consider the monitoring results of developed solar projects where soils were bladed versus those where vegetation was mowed and crushed to allow for revegetation. The commenter states that it may be appropriate for desert tortoise to re-colonize the areas where mowing and crushing enabled the recovery of vegetation after construction. The commenter suggests that mowing treatment should be designed and implemented as a scientific experiment with long term monitoring for the life of the project to understand the effect.

The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 and EIR Appendix S (Vegetation Resources Management Plan) of the Partially Recirculated Draft EIR and to General Response GR-1. See Response to Comment B5-16, which discusses potential use of wildlife-friendly fencing over a portion of the site pending its success at the Oberon Project site.

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

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

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

The County does not have jurisdiction related to the State or federal Endangered Species Act designations. BLM's implementation of recovery actions for desert tortoise is outside the scope of this CEQA document. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

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

The analysis of Project Alternatives and Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 (Alternatives), Section 3.5 (Biological Resources), and EIR Appendix P (Desert Tortoise Protection and Translocation Plan) of the Partially Recirculated Draft EIR and to General Response GR-1.

B2-32 The commenter requests that the EIR include information on arrangements and security of roads to prevent unauthorized use and vandalism. The commenter provides information and references for road impacts to desert tortoise and requests the EIR include analysis of primary road effects. The commenter states that the analysis of roads should include cumulative impacts to tortoise with respect to critical habitat and linkages. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

B2-33 The commenter states that impacts to movement of tortoises relative to linkage habitats should be analyzed. The commenter states that the EIR should include an analysis of the minimum linkage design for conservation and recovery of the desert tortoise, and how cumulative projects would impact the linkages between tortoise populations and recovery units. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

B2-34 The commenter states that a jurisdictional waters analysis should be performed for impacts to washes, streams, and drainages. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

B2-35 The commenter states that the EIR should include effective mitigation for desert tortoise and its habitats. Mitigation should include a desert tortoise translocation plan, raven management plan, non-native plant species management plan; fire prevention plan; compensation plan that includes protection of the acquired, improved, and restored habitat in perpetuity; and a post-decommissioning habitat restoration plan. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR, EIR Appendix Y (Closure, Decommissioning, and Reclamation Plan), EIR Appendix V (Fire Management and Prevention Plan), and to General Response GR-1.

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

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

The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1. Refer to General Response GR-4 regarding mitigation plans.

B2-37 The commenter lists questions related to displacement and translocation of desert tortoises. The commenter states that the Project should implement USFWS' Translocation Guidance (USFWS 2020), coordinate translocation with BLM and CDFW, and implement a project-specific translocation plan. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR, EIR Appendix P (Desert Tortoise Protection and Translocation Plan), and to General Response GR-1

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

The analysis of biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR, EIR Appendix P (Desert Tortoise Protection and Translocation Plan), EIR Appendix Q (Raven Management Plan), and to General Response GR-1

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

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

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

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

B2-40 The commenter states that compensatory mitigation will be required as part of the Project's incidental take permit from the CDFW, hence, the EIR should include a Habitat Compensation Plan for the loss/degradation of habitat. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1

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

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

The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR, EIR Appendix N (Integrated Weed Management Plan), and to General Response GR-1.

B2-42 The commenter requests an analysis of how water use during the construction, operations and maintenance, decommissioning, and habitat restoration will impact the level of groundwater in the region. The analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR, the revised WSA at Appendix G, and to General Responses GR-1 and GR-3.

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

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

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

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

Regarding desert tortoise and "heat sink" effects of solar development, the analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR, General Response GR-6, and to General Response GR-1.

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

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

Comment Set B3 – Active Communities/Desert Center

Email: Easley Renewable Energy Project

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

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

Hello Tim,

B3-1

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

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

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

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

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

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

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

B3-1 (cont'd)

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

Thank you

Mark Carrington

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

mcarrington81@gmail.com

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

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

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

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

B3-2

Respect Lake Tamarisk Alternative

From: The Lake Tamarisk Desert Oasis Community

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

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

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

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

ES.2 Project Objectives

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

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

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

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

B3-2 (cont'd)

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

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

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

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

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

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

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

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

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

B3-2 (cont'd)

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

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

- Minimize environmental impacts and land disturbance associated with solar energy development by siting the facility on relatively flat, contiguous lands with high solar insolation, in close proximity to established utility corridors, existing transmission lines with available capacity to facilitate interconnection, and road access;

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

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

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

- Bring living-wage jobs to Riverside County;

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

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

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

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

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

impacts, makes it the Environmentally Preferred Alternative as well as the only Responsible Alternative before the Board of Supervisors worthy of approval. **B3-2 (cont'd)**

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

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

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

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

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

Intersect Power has come to the following agreement with the Riverside County Board of Supervisors should the Project be approved: **B3-3**

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

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

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

B3-3

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

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

B3-4

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

B3-5

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

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

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

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

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

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

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

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

By definition, a Desert Oasis requires a surrounding Desert.

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

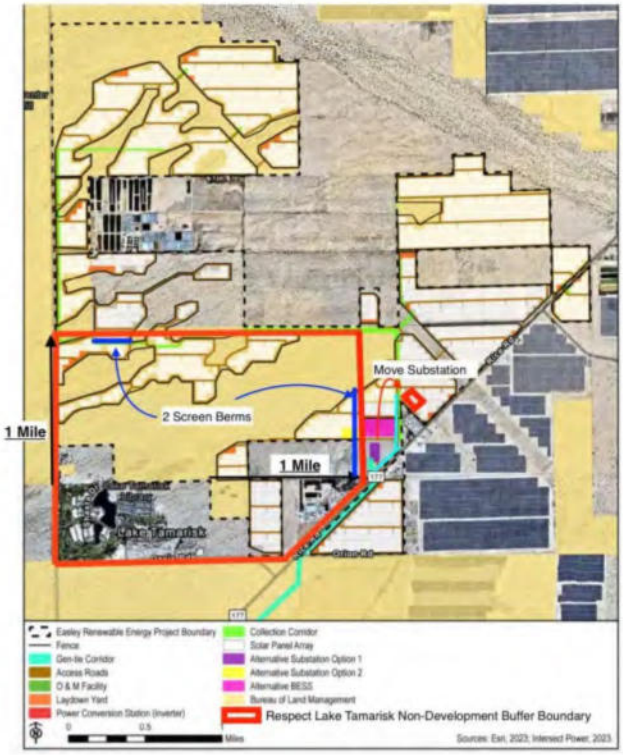
B3-5 (cont'd)

Map showing 1-Mile Buffer Zone:

Respect Lake Tamarisk Alternative 1-Mile Buffer Zone

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

B3-5
(cont'd)



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

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

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

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

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

https://drive.google.com/file/d/1hwNqTUv6XM9MNwzT4fC1EJir0v81it5y/view?usp=drivesdk



Lake Tamarisk Desert Oasis Community

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

https://drive.google.com/file/d/1Wl8cUJM-IfAoI-T5sKD7H1rRrRn_HtfO/view?usp=drivesdk

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

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

B3-8

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

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

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

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

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

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

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

B3-9



****

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

The owner of Desert Center, Balwinder Singh Wraich and partner, have formed the Desert Center Development Corporation in order to construct a Truck Stop/Charging Station with restaurants along with other amenities to follow. The company has identified the need for up to 50 residences in the Community of Lake Tamarisk.

Grant Development, which owns the Phase II lands surrounding the currently constructed Phase I portion of the Lake Tamarisk Community, is in the process of meeting these housing demands.
https://drive.google.com/file/d/1VOTtE-7ubAMAF_QEraZcuk-X0Al8em08/view?usp=drivesdk

Maps showing Phase I and Phase II:
https://drive.google.com/file/d/1-wNMUrESweMnD3gPjxxrpCpwl7xSHptq/view?usp=drivesdk

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

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

B3-9 (cont'd)

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

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

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

B3-10

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

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

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

B3-11

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

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

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

B3-11 (cont'd)

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

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

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

B3-12

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

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

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

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

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

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

B3-12 (cont'd)

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

In order for our Supervisors to fulfill their role as guardians of the unincorporated Community of Lake Tamarisk along with Desert Center and Eagle Mountain, Intersect Power must either partially relocate the Easley Project to the east, while scaling it down on the west to allow for the minimum one-mile buffer; or, if it does not wish to acquire further options on private land parcels or pursue ROW grants to use BLM-administered land east of SR-177, again, scale down the Project on the west to allow for the minimum one-mile buffer and reduce electricity generation capacity to 300 MW.
Maps:
https://drive.google.com/file/d/158DO39IlqbUc1aN4c06l1m6lfZ6ZbNdC/view?usp=drivesdk
https://drive.google.com/file/d/1_lHzFdUtxBAq21sD8JWpAc1o2yfsiB47/view?usp=drivesdk

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

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

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

B3-12 (cont'd)

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

December 4, 2023 Article in Bloomberg Law

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

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

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

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

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

Sheldon Kimber, Intersect Power CEO:

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

But he has no plans to downsize his ambitions.

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

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

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

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

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

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

B3-12 (cont'd)

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

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

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

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

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

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

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

Daniel Moore, Bloomberg News, December 4th, 2023

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

RIVERSIDE COUNTY SUPERVISOR V. MANUEL PEREZ

Kevin Fitzgerald. CV Independent, December 29, 2022

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

Thank you,

Active Communities/Desert Center
Lake Tamarisk Desert Oasis Community

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

Other Contributors:

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

B3-12 (cont'd)

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

1. **Berms Construction:**
https://drive.google.com/file/d/1Dtoq55ugWLAs2kZ48SdZ-3Zai16mpiL/view?usp=drivesdk

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

4,5,6. **Fugitive Dust Management:**
https://docs.google.com/document/d/1_eDJZMYi6T6C4julaKRVtY18c8d1vVd0VnO9ZnCDhQ/edit?usp=drivesdk

7,8. **Substation Relocation:**
https://drive.google.com/file/d/1qsl2ofa5UNx_IIS27c9z-2fHOI6iisW9/view?usp=drivesdk

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

B3-13

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

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

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

Comments Letters:
https://drive.google.com/file/d/1D_QeVusq1WwdpOZBjXWYPvKHz2Hd4xVP/view?usp=drivesdk

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

Reference Articles:
https://drive.google.com/file/d/1EA9nVkGv88ailGyqN0z0sqZwt6GN2kAP/view?usp=drivesdk

B3-13 (cont'd)

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

1

*REFERENCING:

B3-14

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

LAKE TAMARISK COMMUNITY FORMAL SOLAR SCOPING INPUT DOCUMENT

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

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

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

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

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

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

2

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

B3-14 (cont'd)

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

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

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

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

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

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

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

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

3

B3-14 (cont'd)

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

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

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

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

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

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

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

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

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

4

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

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

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

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

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

B3-14 (cont'd)

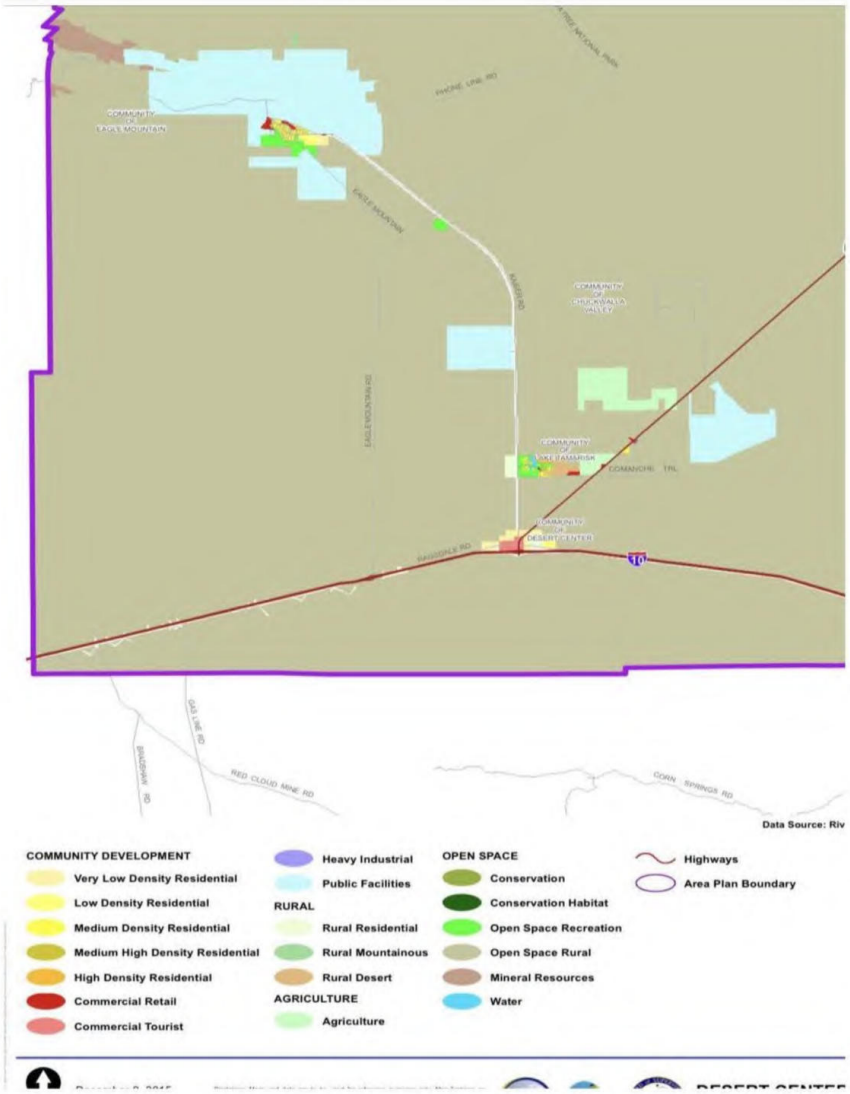
********** *Please refer to The Viable Lake Tamarisk Alternatives Page numbers 43-47* **********

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

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

5

B3-14 (cont'd)



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

6

B3-14 (cont'd)



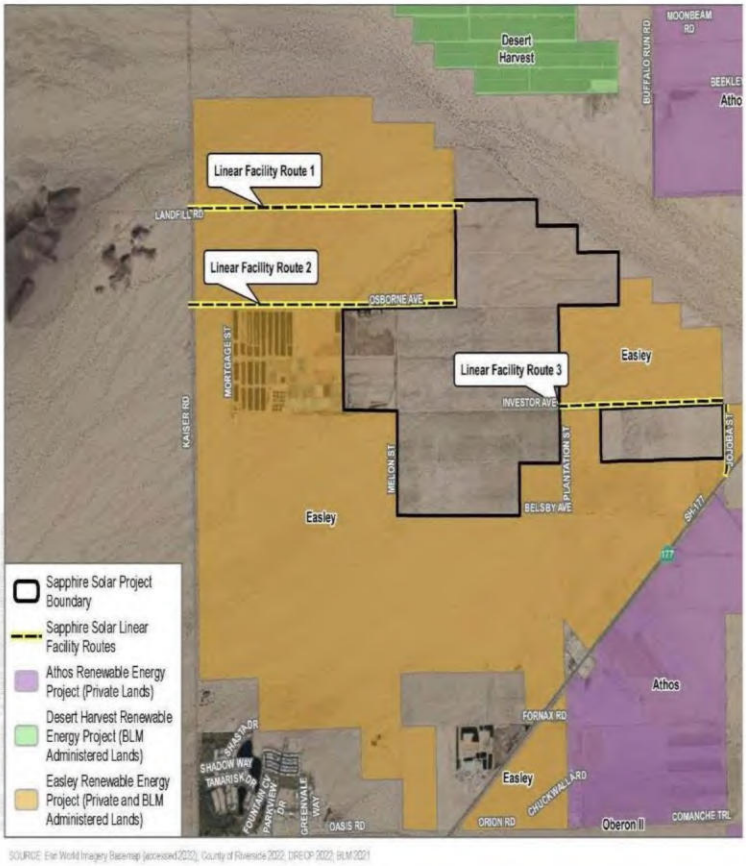
Cumulative Area of the Natural Desert Environment that would be destroyed by the proposed Easley and Sapphire Projects.

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

7

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

B3-14 (cont'd)

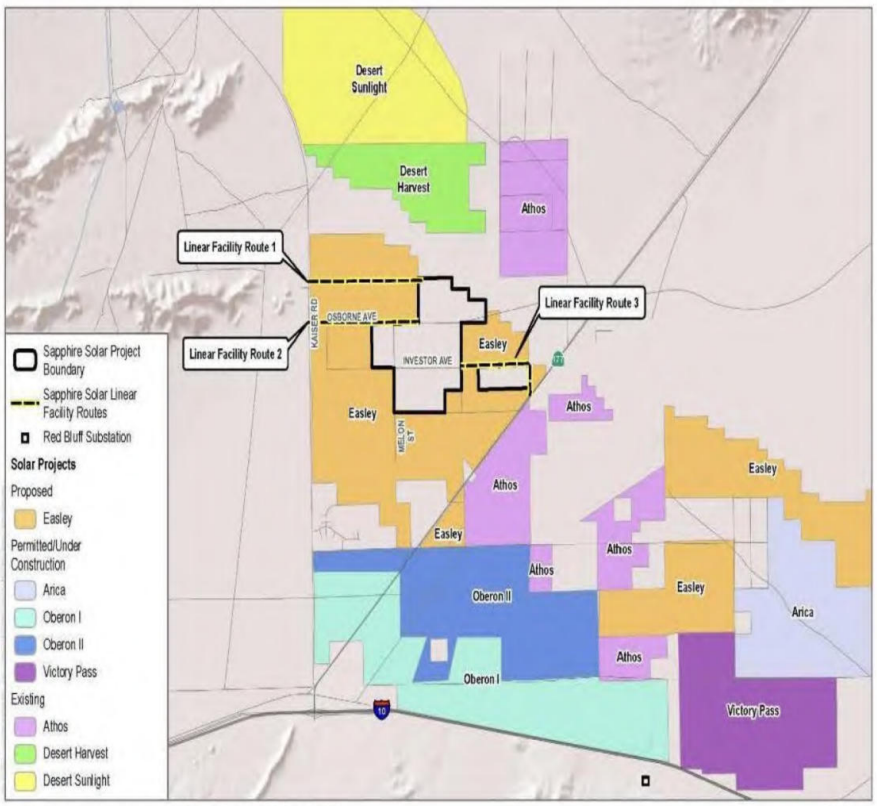


SOURCE: Esri World Imagery Basemap (accessed 2023), County of Riverside 2022, DRECP 2022, BLM 2021

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

8

B3-14 (cont'd)



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

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

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

9

B3-14 (cont'd)

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

There are currently more proposed:

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

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

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

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

FROM THE CODE OF FEDERAL REGULATIONS:

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

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

10

B3-14 (cont'd)

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

NEPA RULE CHANGE, 04/20/2022

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

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

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

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

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

11

B3-14 (cont'd)

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

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

AESTHETICS / VISUAL RESOURCES / REFLECTION

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



This image presents a **Visual Simulation** of the Project as viewed from **KOP 3** on the crest of Alligator Rock, just south of I-10. This frame of view encompasses a majority of the Project at viewing distances ranging from approximately 1.6 miles (a portion of the gen-tie line) to approximately 5.6 miles (the Project's most distant solar arrays). The BESS, substation, and gen-tie line are visible in the center-right of the image. The solar arrays appear as dark areal masses on the valley floor intermixed with other solar projects.	KOP 3 Alligator Rock Visual Simulation	Easley Renewable Energy Project Aesthetics / Visual Resources Figure 3.2-4B

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

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

12

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

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

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

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

JUSTIFICATION FOR A DETAILED STUDY:

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

B3-14 (cont'd)

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

13

B3-14 (cont'd)

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

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

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

ADDITIONAL JUSTIFICATION FOR A DETAILED STUDY CONTINUED:
"DCAP 2.3 Assure that the design of new land uses, subject to discretionary review, visually enhances, and does not degrade, the character of the Desert Center Region". (Excerpt from County of Riverside General Plan, Desert Center Area Plan, September 28, 2021.}

"In certain respects, Desert Center is a sort of gateway into the entire region along this major artery spanning the nation. It triggers a change in the prevailing pattern of the landscape whether leaving the urbanized portions of the region or approaching them from the east. At a very minimum, it is for many a welcome oasis as they cross the desert. For a much smaller number of residents and business operators it is a small world of tranquil reality with clean air, little traffic and noise that sets it apart from every other part of Riverside County. The Desert Center Area Plan contains policies that guide the physical development and land uses in this oasis in the unincorporated portion of eastern Riverside County." (Excerpt from County of Riverside General Plan, September 28, 2021).

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

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

14

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

B3-14 (cont'd)

ADDITIONAL JUSTIFICATION FOR A DETAILED STUDY:

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

Alligator Ridge View



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

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

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

15

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

POPULATION AND HOUSING AND SOCIOECONOMICS

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

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

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

B3-14 (cont'd)

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

16

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

B3-14 (cont'd)

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

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

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

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

17

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

ADDITIONAL JUSTIFICATION FOR DETAILED STUDY

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

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

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

Some of these studies covered concerns about the urban temperature increase due to solar being installed by large manufacturing plants. The impact was greatest when huge light- colored roofs were covered with dark panels, eliminating their reflective properties. A good number if studies in this group have also considered large solar arrays as they affect the surrounding local temperatures. The general consensus is that an increase of up to 3F can be expected.

Exhibit B:
https://phys.org/news/2016-11-solar-island-effect-large-scale-power.amp
This study from 2016 explains how PV panels prevent cooling in the desert floor beneath them, and compares temperatures in a desert environment near solar production to those that are distanced. It explains that we should expect an increase in temperatures from 3 to 4 Celsius.

B3-14 (cont'd)

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

18

Unfortunately, OUR case at Desert Center is unusually dire. We're located in the center of a shallow bowl with mountains surrounding nearly 280 degrees of our perimeter, holding in the heat.

If developers cover the light sandy ground surrounding our park with dark panels, the average daily ambient temperatures are guaranteed to increase based on the simple laws of physics. There is no doubt that the Sapphire Solar and other developers are already aware of that fact. Whenever winds are calm, the mountains surrounding this area will collect that heat and extend the temperature on those hot midsummer days, now already reaching 120F+. At night the panels will prevent the heat from escaping, and the ground temperature will remain much higher than before.

All residents WILL suffer higher power bills and general discomfort because of this project. It is irresponsible and unethical to place massive arrays surrounding remote, rural communities who don't have funds to fight their impact. It's especially unethical in places like Desert Center, where high temperature is already a risk to human life.

An in-depth study needs to be done, going back ten years, on kilowatt usage year around home by home at Lake Tamarisk Desert Resort and Community as compared to the kilowatt usage that would be required to cool homes with the rise in temperature ranging from 3 degrees to 10 degrees going forward at least 10 years.

There is No Place in either the SEZ or DRECP for considering Community Impacts other than worker housing impacts and minority/low-income Environmental Justice. The NEPA Rule Change of 2022 specifically states that "furthermore, NEPA seeks to promote efforts that will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of people, making it the continuing policy of the Federal Government to use all practical means and measures to create and maintain conditions under which humans and nature can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations of Americans."

B3-14 (cont'd)

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

19

MITIGATION OF IMPACTS ON POPULATION AND HOUSING AND SOCIOECONOMICS DUE TO PROPOSED SOLAR INSTALLATION!

- *A minimum of a one-mile Set-Back from the Lake Tamarisk Community borders to the nearest solar installation infrastructure is necessary to maintain the visual aesthetics and the integrity and lifestyle and future of the Lake Tamarisk Community.*
- *At these distances, in order to block the views of the solar panels, inverters and BESS facilities, berms with vegetative screenings and maintenance thereof are necessary.*
- *Relocate the Easley Solar Project east of Highway 177 and east of the proposed Lycan Solar Project by EDF Renewables. There are over 100,000 acres available east of highway 177 in the Development Focus Area for Renewable Energy Development.*

B3-14 (cont'd)

HYDROLOGY

The Easley Solar POD Appendix BB: States that "based on experience with similar projects, most of the site is suitable for the planned development by avoiding or designating areas of high flood depths, velocities, and scour". Based on local experience this statement is not valid.

- Configuration of solar panels can alter surface hydrology and create local flooding during rain events and monsoon season.
- Intersect Powers previous projects have caused significant hydrological impacts and property damage. This needs to be studied much further in order to mitigate previous property damage and prevent future damages.
- Appendix H Jurisdictional Delineation:
  "Additionally, beyond federal jurisdiction the SWRCand the RWQCB's may exert regulatory authority over waters of the state. which are defined in Section 13050(e) of the Porter-Cologne Water Quality Act as "any surface water or groundwater, including saline waters, within the boundaries of the state." This definition may include isolated wetlands and other waters that may be outside of federal jurisdiction, which may be subject to Waste Discharge Requirements (WDRs).
- Appendix BB only discusses Hydrology from the point of view of the interior of the Project itself. A detailed study of the hydrological impacts of this project on surrounding properties is required.

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

20

B3-14 (cont'd)

WATER SUPPLY ASSESSMENT

The Easley Solar POD Appendix P contains a report on the Chuckwalla Valley groundwater supply by GEI. This clearly shows that any groundwater use by the Easley Project will endanger the future growth and survival of the Desert Center Area.

- Individual solar projects, such as Easley, will require 950-acre feet; which is 309,558,450 gallons of water. The total water usage by both Easley and the much smaller Sapphire Projects, which will overlap in the construction phase, is 451,304,235 gallons of water.
- The local Chuckwalla Aquifer is a critical need for our community and is already being depleted. The aquifer and the project's usage of that water needs to be monitored throughout the entire project every month.
- Recently, since February of 2023 when Intersect Power's Oberon Project drilled and began pumping out of their own well, 4 wells are experiencing issues. Green Acres RV Park had to replace a pump due to the creation of a cone of depression. The water table was down 50 feet at the time Intersect was notified in February of the existence of a cone of depression. John Beaches' pump needs to be replaced. The 2 fish farms, one on Kaiser Road and one on 177 are having pump issues. The one on Kaiser Road Lake View Ranch can only use one of his pumps. Because there is not enough water to do both at the same time. The Global Organic Ranch is pumping muddy and brackish water. All these areas are LESS THAN two miles to Lake Tamarisk.

JUSTIFICATION FOR A DETAILED STUDY:

- *A well level depth study must be done throughout this aquifer covering several decades.*
- *An in-depth study of the quality and mineralization of water due to aquifer overdraft is essential.*

ADDITIONAL JUSTIFICATION FOR A DETAILED STUDY:

The GSI ground water report clearly shows that the Chuckwalla Valley groundwater supply is within 100/acre feet of becoming unsustainable for the community needs of any future growth of the local Desert Center Area. This would include the entire Chuckwalla Valley. The current solar developments in the Valley have and will continue to use groundwater that is already in very short supply. Under State law it would be illegal for the Government to permit additional use of groundwater more than the aquifer's sustainable annual yield. This report literally shows that any solar development of the Easley Project or other Projects will cause a ground water deficit to occur like what the State of California has experienced in the Central Valley. It would be incredibly

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

21

B3-14 (cont'd)

irresponsible for the BLM and the Riverside County Water Control Board to allow any future development of Utility Scale Solar in the Chuckwalla Valley that would require access to groundwater.

Excerpts from the GEI Water Report from Appendix P Water Supply Assessment:

"Table 11: provides a 37-year (starting from the Project proposed construction start date [2024] and assuming the Project is in place for 35 years) groundwater budget projection for average years with the Project and all cumulative projects in place and assuming the Project begins using water on January 1, 2024. Only those cumulative projects that would withdraw groundwater during the assumed 2024 to 2060 period of analysis are included. Assuming average precipitation, there would be an initial groundwater deficit of up to 7,000 AF in the year 2024. The cumulative groundwater deficit would increase to approximately 95,800 AF by the end of the 37-year period. Without the Project and all other cumulative projects in place, there would be a surplus of 3,700 AF at the end of the 37-year period. The same analysis using reduced infiltration and underflow estimates results in a total cumulative project deficit of about 262,300 AF, to which the Project would contribute about 1 percent, or 2,750 AF. Using these inflow estimates, the CVGB would not recover the groundwater deficit with or without the Project."

"Table 11. 37-Year Projected Chuckwalla Valley Groundwater Basin Groundwater Budget for the Easley Renewable Energy Project Plus Cumulative Projects Using Adopted Precipitation And Underflow Recharge Estimates

	2024 (AF)	2025 (AF)	2026 (AF)	2027 (AF)	2028 (AF)	2029 (AF)	2030 (AF)	2031 (AF)	2032 (AF)	2060 (AF)
CVGB Baseline Surplus	**100**	**100**	**100**	**100**	**100**	**100**	**100**	**100**	**100**	**100"**

6 2.2 Multiple Dry Years
"Table 12 provides a summary of the multiple dry year analysis using the same methods as described for Table 11, and assuming the Project plus all cumulative projects are in place. At the end of the 12-year period, representing the longest consecutive series of years with below average precipitation on record at the Blythe, ***the cumulative groundwater deficit would be 102,900 AF.*** *The Project would contribute 1,500 AF, approximately 1 percent, to this deficit. The same analysis using the reduced estimates of recharge and outflow result in a cumulative deficit of 129,600 AF. The Project would cause about 1 percent of this deficit."*

"The driest 37-year period was the period beginning in 1893 and ending in 1929. Average annual precipitation during this period was 3.09 inches, or about 91 percent of normal. Table 13 shows that if a repeat of this 37-year period occurs under current (no qualifying projects not already in place)

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

22

B3-14 (cont'd)

*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), t**he annual change in groundwater in storage in the CVGB would be a deficit of approximately 4,400 AFY**. In this scenario, any additional groundwater extractions would increase the groundwater deficit except as offset by additional inflows."*

"Tables 4 through 7 indicate that there will be a groundwater deficit in dry years and critical dry years (10 percent and 3 percent probability of occurrence, respectively, assuming no qualifying projects not already in place) using the adopted groundwater inflows and outflows. The magnitude of the deficit depends on the groundwater recharge assumptions."

*"Tables 8 and 9 indicate that under current groundwater extraction conditions and no qualifying projects not already in place, a repeat of the worst sustained drought on record at Blythe (12 years of below-average precipitation) **will likely result in a cumulative groundwater deficit of***

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

23

B3-14 (cont'd)

***approximately 60,900 to 87,600 AF**, assuming the normal groundwater recharge (see Table 2) and reduced groundwater recharge (see Table 3) estimates, respectively. The volume of groundwater in storage in the CVGB would begin to recover in response to the return of average and above average precipitation conditions."*

*"Under normal groundwater recharge estimates, the addition of the Project to the existing groundwater extractions would create a groundwater deficit in the CVGB only during the 2-year construction phase of the Project (total deficit of approximately 800 AF). **Over the assumed 37-year life of the Project, the Project would reduce the projected CVGB surplus of groundwater in storage by approximately 74 percent**. Assuming reduced groundwater recharge estimates, the Project would increase the projected CVGB cumulative deficit in groundwater in storage by approximately 2 percent over the assumed 37-year life of the Project."*

*"Table 11 indicates that with all cumulative qualifying projects, including the proposed Project, in place and using normal groundwater recharge estimates, the CVGB would experience an initial groundwater deficit of approximately 7,000 AF in 2024 (the planned first year of Project construction). The cumulative groundwater deficit would increase to approximately 95,800 by the end of the assumed 37-year life of the Project. Total groundwater use from all cumulative projects is approximately 7,100 AFY in 2024 and reduces to approximately 2,300 AFY by 2028, resulting in an annual groundwater deficit of approximately 7,000 AFY and 2,200 AFY, respectively. By 2028, the Project would contribute approximately 2 percent of total groundwater use from cumulative projects. **Using reduced groundwater recharge estimates, the CVGB cumulative deficit of groundwater in storage would total approximately 262,300 AF over the assumed 37-year life of the Project with all cumulative projects in place**. The Project would constitute approximately 1 percent of the cumulative deficit."*

*"Table 12 indicates that under a repeat of the multiple dry year scenario based on the 1893 to 1904 below average precipitation conditions, cumulative projects would increase the cumulative groundwater deficit shown in Table 8. With all cumulative projects in place and normal groundwater recharge estimates, **the cumulative groundwater deficit would be approximately 102,900 AF** to which the Project would contribute approximately 1 percent. Using reduced groundwater recharge estimates, there would be **a cumulative deficit of approximately 129,600 AF at the end of the 12-year period**, to which the Project would contribute approximately 1 percent."*

7.2 Conclusions

Based on the use of groundwater budget terms adopted from existing publications, the CVGB's current annual groundwater recharge and outflows are almost balanced, and all estimated

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

24

B3-14 (cont'd)

groundwater demand for the Project may be sourced from the CVGB without resulting in a cumulative groundwater deficit under average climatic conditions using conservative groundwater recharge estimates. The normal-year baseline groundwater budget for the CVGB indicates an annual groundwater surplus of 100 AF, which is less than the estimated water use for the construction phase of the Project but more than the estimated water use during the operational phase of the Project. This would result in an initial groundwater deficit during the construction Phase of the Project and a recovery of groundwater levels during the operational phase of the Project.

The total projected groundwater use over the assumed 37-year life of the Project is less than the baseline groundwater surplus for the CVGB over the same period. In accordance with DRECP LUPA, a Groundwater Monitoring, Reporting, and Mitigation Plan (LUPA-SW-24) would be implemented for the Project prior to the commencement of any construction activities.

The multiple dry year analysis (see Table 12) shows that a repeat of the longest consecutive dry period on record, with all cumulative projects in place, would result in a total groundwater deficit of approximately 102,900 AF. The Project would contribute 1,500 AF, approximately 1 percent, to this deficit. Tables 13 and 14 show similar analyses without all cumulative projects in place and with all cumulative projects in place, respectively, and using the driest consecutive 37 years on record. "Table 13 indicates that after the initial very-dry period the volume of groundwater in storage would begin to recover, but full recovery would not occur during the projected 37-year period.
Table 14 indicates that although some recovery of groundwater levels would occur during periods of average and above average precipitation, a cumulative groundwater deficit of approximately 126,500 AF would exist at the end of the projected 37-year period.

In general, available well data show relatively stable groundwater levels in the CVGB, interrupted in the Desert Center area in the past mainly by agricultural pumping. Available groundwater level data from the Desert Center area indicate rising, or recovering, groundwater levels following the cessation of most agricultural usage since the 1980s (AECOM, 2010)."

ADDITIONAL JUSTIFICATION FOR A DETAILED STUDY:
Renewable Energy Impacts on GroundWater in a Desert Basin

Noel Ludwig, U.S. Forest Service
Rocky Mountain Regional Office
noel.ludwig@usda.gov
Peter Godfrey, Bureau of Land Management

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

25

B3-14 (cont'd)

Arizona State Office
pgodfrey@blm.gov
Arizona Hydrological Society 2021 Annual Symposium
September 15th through 17th, Tempe, Arizona

The above presentation was made to the public during the 2021 annual conference of the Arizona Hydrological society. The content of the presentation caught my eye as an owner of two lots at Lake Tamarisk Resort near Desert Center, CA. (Kent Madison, Managing member of 3RValve LLC). This small resort community sits at the upper end of the Chuckwalla Valley in East Riverside County CA. The community's only water source is ground water with a carbon date of over 15,000 years and a declining static level. The basin has been overdrawn from the time that the first well was drilled in the early 1950's. All the succeeding wells that have been developed have continued to increase the aquifer decline. During the mid-1980's when increased agriculture pumping was taking place, the decline was over 160 feet. This was well beyond what the natural aquifer recharge rate is and these wells and others in the area have never recovered back to their natural level.

The report also was co authored by Peter Godfrey Hydrologist / Project Manager Jan 2010 - Jan 2015 · 5 yrs 1 mo California Desert District, Moreno Valley, CA • Project management of renewable energy projects through the Federal NEPA process for the California Desert District's Renewable Energy Coordination Office (RECO).

- *BLM Project Manager through publication of a Draft EIS for the Haiwee Geothermal Leasing Area, including a proposed amendment to the California Desert Conservation Area Plan.*
- *BLM Hydrologist for the interdisciplinary team on the programmatic Desert Renewable Energy Conservation Plan authorized September 14, 2016.*
- *District Coordinator / POC for the West Chocolate Mountains Renewable Energy Evaluation Area and CDCA Plan Amendment through the Record of Decision.*
- *Contract Officer's Representative.*
- *RECO team hydrologist for solar, wind, and geothermal energy.*
- *Advocate for water resources on BLM lands in the California Desert District.*
- *Oversight and coordination of personnel.*
- *Active involvement with Section 106 of the NHPA.*
- *Address pertinent issues, laws, and regulations as applied to Federal actions.*
- *Address diverse resources including recreation, grazing, wilderness, biological, air, water, and climate.*
- *Technical reviews of NEPA and other documents.*
- *Point of Contact for the California Desert District Minerals Program with associated duties from 2012 to 2015.*

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

26

As you can see from Peter's work from 2010 to 2015, he is very knowledgeable of the desert environment and the impacts that increased water withdrawals will have on the local native groundwater supplies. The report continues to state that the average exceedance of water removed from the aquifer from several different models taken over the years shows a mean average of 1,072-acre feet of greater withdrawals than nature's ability to recharge the aquifer. This study also predicts that the future withdrawals will likely be twice that number as more solar projects are built in the basin.

So, the real takeaway from the report is there is a problem of groundwater declines in the Chuckwalla basin, and it is only going to get worse if the trend is not stopped and reversed.

We know that the State and Nation want solar energy as a renewable power source, and they see the Southwest as a major player in meeting the demand.

If society and industry is determined to place solar in the Chuckwalla valley, then they should also be willing to solve the ground water supply problem.

All of the water needs for this project need to be drawn from this project from THE CALIFORNIA RIVER AQUEDUCT, operated by the Metropolitan Water District of Southern California.

See Tables below:

B3-14 (cont'd)

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

27

B3-14 (cont'd)

SOLAR PROJECTS – Within the Desert Center Area Plan										
				Water use (Acres/ft.)				Water Use (US Gallons)		
	Location	MWatt	Acres	Construction	Annual Maintenance	Total		Construction	Annual Maintenance	Total
Existing:										
Desert Sun	North of Easley	550	3,800	1,507	50	1,557		491,057,457	16,292,550	507,350,007
Desert Harvest #1	North of Easley	103	1,200	400	35	435		130,340,400	11,404,785	141,745,185
Desert Harvest #2	North of Easley	114	1,200	400	35	435		130,340,400	11,404,785	141,745,185
Athos	East & South of Easley	310	3,440	1,000	44	1,044		325,851,000	14,337,444	340,188,444
Under Construction:										
Oberon	South & Southeast of Easley	500	2,700	900	36	936		293,265,900	11,730,636	304,996,536
Arica	Northeast of Oberon	450	1,355	900	35	935		293,265,900	11,404,785	304,670,685
Victory Pass	East of Oberon	200	1,367	520	20	540		169,442,520	6,517,020	175,959,540
Proposed:										
Easley	Immediately North of L.T.D.R.	500	2,700	900	50	950		293,265,900	16,292,550	309,558,450
Sapphire	1 Mile N.E. of LTDR (surrounds Easley)	117	1,192	400	35	435		130,340,400	11,404,785	141,745,185
TOTALS:		2,844	18,954	6,927	340	7,267		2,257,169,877		
Water use to Consider:										
1 Acre foot = 325,851 U.S gallons of aquifer water.										
- Construction will use 6,927 Acre Feet = 2,257,169,877 U.S. Gallons of Aquifer.										
- Annual Maintenance will use 340 Acre Feet = 110,789,340 U.S. Gallons of Aquifer.										
- This is enough water to provide every resident of Los Angeles 1.6 gallons of drinking water per day for an entire year.										
2,257,169,877 Gallons of water would cover 10 acres with 695 feet deep of water.										

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

28

Land Use to Consider
- The 18,954 acres being used for Industrial Solar fields is equal to 30 square miles of solar fields.
- These Solar Installations with the addition of the Sapphire and Easley Projects will raise the outdoor temperatures by as much as 6 degrees Fahrenheit.
- This will increase the water evaporation and less water will be available for the existing plants.

B3-14 (cont'd)

MITIGATIONS FOR IMPACTS ON GROUNDWATER

- *The Easley Solar Project and all other Projects should obtain all their water supply from other aquifers and not the Chuckwalla Valley Aquifer.*
- *Easley Solar Project may obtain their water supply needs from the California Aqueduct, originating from the Colorado River.*

HEALTH EFFECT

The Easley Solar POD appendix T: Health, Safety and Noise Plans has only worker safety plans. There is no discussion or plan to protect our nearby Community.

- Dust and Wind from cleared vegetation and ground disturbance carries silica which can lead to silicosis and other health issues. Blowing dust not only affects those with COPD and other pulmonary issues but also can cause these issues in healthy people and animals.
- Fugitive dust is a by -product of large solar projects in dry desert areas. As a result of these impacted desert soils, there have been very large fugitive dust disturbances since the projects have built out. This creates a serious potential for respiratory health issues and increases the risk of Valley Fever.
- According to the World Health Organization, there is a health risk of electromagnetic hypersensitivity associated with the solar inverter boxes and transmission lines that are present in the solar fields. Potential EMF effects are headaches, nausea, fatigue, skin rashes, dizziness, sleep disorders and possible connections to cancer. These effects can be felt by not only seniors but also children and other sensitive individuals.
- The solar farms, existing and proposed, have caused severe stress and anxiety that continues to escalate with our uncertain future. Stress and anxiety affect the senior community manifesting itself in decreased feelings of well-being, decline in physical and mental health and decreasing seniors' ability to perform daily routines.

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

29

- The cumulative impact of the Oberon Solar Project and the proposed Easley and Sapphire Projects would significantly compound the above health effects due to the close proximity of the Community.
- The Community of Lake Tamarisk should have an equal basis for health protection as project employees.

B3-14 (cont'd)

JUSTIFICATION FOR A DETAILED STUDY:

Removal of stabilized soils and biological soil crust creates a destructive cycle of airborne particulates and erosion. As more stabilized soils are removed, blowing particulates remaining crusts, thus resulting in more airborne particulates.

"The composition of sand varies, depending on local sources and conditions, but the most common constituent of sand in inland continental settings and non-tropical coastal settings is Silica (Silicon Dioxide, or SIO2), usually in the form of Quartz". (Wikipedia, "Sand")

The U.S. Dept. of Labor, on the OSHA website, under the topic of "Safety and Health Topics: Silica" states: "Breathing in very small (respirable) crystalline silica particles, causes multiple diseases including, silicosis, an incurable lung disease that leads to disability and death. Respirable crystalline silica causes lung cancer, chronic obstructive pulmonary disease (C.O.P.D.) and kidney disease. Exposure to respirable crystalline silica is related to the development of autoimmune disorders and cardiovascular impairment. These occupational diseases are life-altering and debilitating disorders that annually affect thousands of workers across the U.S."

OSHA has established standards to protect workers exposed to silica in the workplace. There is no protection addressed for non-occupational exposure to the community. There is no determination of the risk of Silica exposure, to the communities, that these solar projects are affecting.

There is a lot of history of "dropping the ball" in this country when it comes to protecting our citizenry from airborne problems. It has not been shown to anyone in this community to any degree of satisfaction that we are to be anything but collateral damage.

ADDITIONAL JUSTIFICATION FOR A DETAILED STUDY:

- *Fugitive Dust is a by-product of large solar projects being built in dry desert areas. As a result of these disturbed desert soils, there have been very large fugitive dust disturbances*

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

30

B3-14 (cont'd)

since the projects have been built out. This creates high potential respiratory health issues and increases the risk of Valley Fever.

- *Epidemiologists investigated an outbreak of valley fever that had sickened 28 workers at two large solar power construction sites in San Luis Obispo County, CA. Reference: LA Times*
- *This is a letter written by Patti Cockcroft, a resident of Lake Tamarisk who lives at the East end of our resort. It was sent on May 26, 2023, to Teresa Pierce*

"Dear Teresa,

I just spoke with my doctor regarding the tests I had done last week. She has not received the results of the Valley Fever test yet, but the lung x-ray was clear, so I don't have pneumonia.

For your information my challenges began approximately March 1 when I started having a deep bronchial cough. I had been in the desert for two months and the wind had been constant the whole time. In addition, from our deck we can see the dust from the solar fields being constructed a couple of miles away. I flew home on March 8 and went to see my doctor two days later.

Every year I take 1-2 puffs of 125 mcg Flovent a day for mild asthma for the 3 months of pollen season - usually April through June. My symptoms include a little shortness of breath but no cough. The rest of the year I have no symptoms and take no medication.

My doctor thinks the conditions in California caused a severe asthma attack. He increased Flovent to 250 mcg, and I am taking 4 puffs a day, in addition to 2 or 3 puffs of Ventolin a day. And none of this is helping.

On April 4 I began 3 days of Prednisone to get the bronchial cough under control. It did help and I felt good for approximately a month then my chest started to tighten again. I have now been wheezing and coughing again for two weeks and have just been given a prescription for another 3 days of Prednisone.

I will keep you posted on the results of the Valley Fever test. Even if it comes back positive, I still need to get the lungs under control.

It's not very enticing to think of going back to the desert, I can tell you that!"

Thanks, Patti

ADDITIONAL JUSTIFICATION FOR A DETAILED STUDY

Fugitive dust from the Oberon Solar farm one-half mile South of Lake Tamarisk after approved dust abatement procedures. (Taken December 11, 2022, at 9:30am during 16 mph southwest winds with gusts to 30 mph).

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

31



ADDITIONAL JUSTIFICATION FOR DETAILED STUDY

To name a few stress factors Lake Tamarisk residents are currently experiencing are Health effects which include silicosis, COPD, Valley Fever, and allergies to name a few. The visual beauty of the Resort is diminishing and being replaced by industrial solar compounds. We no longer have tranquility and peace in our community. The insecurity and frustration of not knowing the future of our community is contributing to our stress levels. The fear of severe loss in property values and our chosen way of life and the potential necessity of relocation manifests itself in our declining health.

Referencing a BlueShieldCa.com article: "Stress is a significant contributor to declining health and well-being; it has even been identified as a primary cause of cardiovascular diseases, mental health disorders and the weakening of the immune systems. These conditions (and their impact) only worsen as people get older".

B3-14 (cont'd)

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

32

B3-14 (cont'd)

"According to the American Psychological Association, anxiety, depression, insomnia, indigestion, headaches, and increased risk of heart attack or stroke are all long-term effects of stress".

MITIGATION OF HEALTH IMPACTS DUE TO PROPOSED SOLAR INSTALLATION:

- *A minimum of a one-mile Set-Back from the Lake Tamarisk Community borders to the nearest solar installation infrastructure is necessary to minimize the health issues of fugitive dust, silica, EMS and stress related health issues on the entire Community.*
- *Relocate the Easley Solar Project east of Highway 177 and east of the proposed Lycan Solar Project by EDF Renewables. There are over 100,000 acres available east of highway 177 in the Development Focus Area for Renewable Energy Development.*
- *The Easley Solar Project will require soil binders such as Earth Glue to be applied to all bare soil areas including the rolled PV fields during construction and reapplied as necessary.*
- *Substantial penalties need to be levied against Intersect Power for any instances of fugitive dust passing over human habitation. For example: work stoppages for one week, following an infraction, would be significant enough to Intersect Power to modify their fugitive dust plan.*

AIR QUALITY

- Construction dust and wind that has been increased from vegetation removal, carries silica and herbicides. We are specifically concerned with the impact on our young and elderly.

JUSTIFICATION FOR A DETAILED STUDY:
Large-scale solar projects in the hot desert cause air quality problems. Dust control in hot, arid climates is very problematic. The removal of established vegetation, biological soil crusts and centuries old desert pavement creates opportunities for dust to be airborne every time the wind blows. Not only does fugitive dust create problems for visual and biological resources, it creates issues for public health as well. Efforts to mitigate fugitive dust on large desert regions have fallen short.

- *Valley Fever risk will be increased. (Refer to Health section)*

MITIGATION OF IMPACTS ON AIR QUALITY DUE TO PROPOSED SOLAR INSTALLATION:

- *Relocate the Easley Solar Project east of Highway 177 and east of the proposed Lycan Solar Project by EDF Renewables. There are over 100,000 acres available east of highway 177 in the Development Focus Area for Renewable Energy Development.*

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

33

B3-14 (cont'd)

- *A minimum of a one-mile Set-Back from the Lake Tamarisk Community borders to the nearest solar installation infrastructure is necessary to minimize the health issues of fugitive dust, silica, EMS and stress related health issues on the entire Community.*
- *The Easley Solar Project will require soil binders such as Earth Glue to be applied to all bare soil areas including the rolled PV fields during construction and reapplied as necessary.*
- *Substantial penalties need to be levied against Intersect Power for any instances of fugitive dust passing over human habitation. For example: work stoppages for one week, following an infraction, would be significant enough to Intersect Power to modify their fugitive dust plan.*

BIOLOGICAL RESOURCES

Easley Solar POD Appendix M: Bird and Bat Conservation
Easley Solar POD Appendix G: Biological Resources
Easley Solar POD Appendix K: Wildlife Protection and Relocation Plans

- A vast amount of flora and fauna in this desert needs protection to preserve the desert for our current enjoyment and for future generations of residents and visitors. This would maintain our identity as a resort in an Oasis in the Desert.
- The conversion of so much land to solar panels removes the habitat for much of the local wildlife and plants. These species include, desert tortoise, burrowing owl, burro deer, kit fox, American badger, desert bighorn sheep and a host of other wildlife species.
- Lake Tamarisk is in the Colorado River Flyway which is part of the Pacific Flyway. We have about 300,000 birds that migrate through our flyway. Specifically, 304 species have been observed and reported in and around Lake Tamarisk.
  eBird, Cornell University.
- Research shows these migrating birds have been affected by solar arrays and EMFs from transmission lines and inverter boxes.
- Solar projects mimic lakes and have caused significant waterfowl mortality.
- The Protected Desert Dry Wash Woodlands are in narrow fingers throughout these Solar Project areas. Desert animals and plants depend on these Woodland Washes for both food and shelter. Solar panels between these Dry Washes would destroy the wildlife access to these critical environments.

JUSTIFICATION FOR A DETAILED STUDY:
It is thought that the projects mimic water and cause birds to hit the solar panels. Data from 7 solar projects in California has revealed 3,545 bird kills from 183 species from 2012 to

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

34

2016. This can be referenced from the 2016 Multi-Agency Avian Solar Working Group conference from 2016[2].

B3-14 (cont'd)

ADDITIONAL JUSTIFICATION FOR A DETAILED STUDY:

A Federally Endangered Yuma Clapper Rail was killed on the Desert Sunlight Solar Project in 2015.

Black and Veatch (www.bv.com) reports that large solar fields such as those that have been built in the last several years in southern California and the desert Southwest can fool birds into changing flight direction, sometimes during migration, to approach them because they appear to be lakes from a distance. Many of the birds that have been killed at these large solar sites are waterbirds, which indicates that these birds fly to solar fields and realize too late in their descent that the solar panels are not water. The waterbirds then collide with the solar panels and are critically wounded or killed. Some water birds also have great difficulty taking off from non-water surfaces, which could leave them stranded in desert areas without food, water or shelter.



[2] *Developing Nesting Habitat Suitability Model for Greater Sage-Grouse Conservation in Wyoming Using Object-based Image Analysis (anl.gov)*

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

35

B3-14 (cont'd)

MITIGATION OF IMPACTS ON BIOLOGICAL RESOURCES DUE TO PROPOSED SOLAR INSTALLATION:

- *Relocate the Easley Solar Project east of Highway 177 and east of the proposed Lycan Solar Project by EDF Renewables. There are over 100,000 acres available east of highway 177 in the Development Focus Area for Renewable Energy Development.*
- *A minimum of a one-mile Set-Back from the Lake Tamarisk Community borders to the nearest solar installation infrastructure will minimize the Impacts on biological resources.*
- *Equal mitigation lands need to be purchased by the applicant to replace all natural habitat plants destroyed by the project.*

GEOLOGY AND SOILS

- We are currently experiencing termite swarms and more sightings of rattlesnakes due to nearby soil disturbance from the solar fields and the vibration of all the construction equipment. The use of the PD10 equipment that pounds the ground is of particular concern to insects and other animals.
- Concern about soil sterilization with the use of chemicals.
- Carbon sequestration of intact, undisturbed desert soils and vegetation should be considered in this review.

JUSTIFICATION FOR A DETAILED STUDY:

- *Carbon sequestration of intact, undisturbed desert soils and vegetation should be considered in this review. CO2 as it is inhaled above ground and exhaled below ground and stored in a biological web of mycorrhizae is seldom if ever accounted for by environmental reviews of large-scale solar projects built on healthy, functioning desert ecosystems. This process of photosynthesis and respiration is as old as plant life systems.[3] The layered caliche underground at shallow depths in deserts is fossilized carbon. Cemented caliche (calcium carbonate) soils are common and widespread in the Mojave Desert, including on solar project sites. In 2011 Dr. Michael Allen, Professor of Biology, and Plant Pathology and Microbiology, University of California at Riverside, put out a white paper on the research needs in desert ecology raised in the face of large-scale renewable energy development.[4] These research needs include more studies in how climate change will shift species and habitats; sources and recharge of groundwater pumped by solar projects; persistence of rare species; invasive plants; and Carbon sequestration in desert vegetation and soils. All these areas have many unknowns, and more research still needs to be undertaken before*

[3] *Robin Kobaly, The Desert Under Our Feet – An extraordinary Biological Web that Serves Us in Countless Ways Desert Report, March 2019, synthesizes 29 scientific peer reviewed journal articles focused on carbon sequestration in desert soils*
[4] *http://basinandrangewatch.org/Michael%20Allen%20paper%20copy.pdf*

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

36

land managers make sweeping decisions that will alter thousands of acres of desert ecosystems and hydrology for decades to come. Microphyll woodlands in the desert, for example, are a prime driver of carbon sequestration according to Allen "Many of the areas that are proposed to be developed for the solar development include Microphyll woodlands. The dominant plants (legume trees) have deep roots capable of reaching groundwater (several meters). When desert plants grow, they absorb carbon dioxide. The carbon (C), as sugars, moves into roots and soil organisms. Carbon dioxide is respired back into the soil, part of which reacts with calcium (Ca) in the soil to form calcium carbonate. This is how our deserts sequester large amounts of C and thus function to reduce atmospheric CO2. The magnitude of this carbon storage process is still a crucial research question and remains unknown for our California deserts. However, values of up to 100g/m2/y of C-fixation are reported from deserts in Baja and Nevada (Serrano-Ortiz et.al. 2010). After vegetation is removed to make way for solar arrays, carbon dioxide will be left to return to the atmosphere that ordinarily would have been used to form soil organic matter buried up to several meters deep, or released by roots and soil microbes as soil CO2, which in turn, binds with soil Ca to form caliche. Our deserts have large amounts of CO2, stored as caliche (CaCO3). The amount of C in caliche, when accounted globally, may be equal to the entire C as CO2 in the atmosphere." [5]

B3-14 (cont'd)

MITIGATION OF IMPACTS ON GEOLOGY AND SOILS DUE TO PROPOSED SOLAR INSTALLATION:

- *Relocate the Easley Solar Project east of Highway 177 and east of the proposed Lycan Solar Project by EDF Renewables. There are over 100,000 acres available east of highway 177 in the Development Focus Area for Renewable Energy Development.*
- *A minimum of a one-mile Set-Back from the Lake Tamarisk Community borders to the nearest solar installation infrastructure will minimize the Impacts on geology and soils.*
- *There is only one possible mitigation for the loss of desert plants and their sequestration of carbon except mowing and rolling vegetation as well as hydroseeding native plants throughout the entire project, including the PV fields.*

HAZARDS AND HAZARDOUS MATERIALS

- Chemical sprays will be used to control vegetation and invasive weeds.
- Solar panels contain dangerous chemicals that could be released if broken or damaged by hailstorms, high winds and blowing gravel.

[5] https://www.scribd.com/document/50559956/Solar-Power-in-the-Desert-Michael-Allen

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

37

- Desert sand, disturbed by solar construction, is very high in silica, which can cause Silicosis.

B3-14 (cont'd)

CULTURAL RESOURCES/ARCHEOLOGY

There is no appendix in the POD for preserving Cultural Resources.
6.1.2 Cultural and Paleontological Resources is only briefly discussed in the POD Appendix 00.

- The Resort Community of Lake Tamarisk is part of the historical Kaiser Mine where Kaiser Permanente Health was born. Kaiser employees were housed in the Community of Eagle Mountain and all services, including medical services, were provided within the Community. Lake Tamarisk was available to the Kaiser employees for golfing, swimming, fishing in the man-made lakes, shuffleboard and a Community Center. Executives and Managers were permitted to build homes in the Community of Lake Tamarisk.
- This Desert Area was General Patton's training grounds for one million troops headed to North Africa in the 1940's. Many artifacts remain in this immediate area.
- Native American, as old as ten thousand years, are also in the immediate area

MITIGATION OF IMPACTS ON CULTURAL RESOURCES/ARCHEOLOGY DUE TO PROPOSED SOLAR INSTALLATION:

- *Relocate the Easley Solar Project east of Highway 177 and east of the proposed Lycan Solar Project by EDF Renewables. There are over 100,000 acres available east of highway 177 in the Development Focus Area for Renewable Energy Development.*
- *A minimum of a one-mile Set-Back from the Lake Tamarisk Community borders to the nearest solar installation infrastructure is necessary to protect the Cultural significance of Lake Tamarisk.*

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

38

NOISE

Easley Solar POD Appendix T: Health, Safety and Noise Plan
5. Noise Plan.

Noise from the inverters is not addressed. This recording is taken 100 yards from the inverter. (right click to open link then turn up volume)
https://mail.google.com/mail/u/0?ui=2&ik=3c5845b019&attid=0.1&permmsgid=msg-f:1780297953941009393&th=18b4e38e830233f1&view=att&disp=safe

- The project would **NOT** comply with Riverside County Noise Ordinance number 847 to protect the noise sensitive receptors near the project site. The maximum decibel level depend on the receiving land use, such that sound level "low-density Rural Community shall not exceed fifty-five bBA Lmax during the daytime hours (7 am – 10pm) or forty-five bBA Lmax during the nighttime hours (10 pm – 7am)". While Lake Tamarisk is a "RuralCommunity" we are not low-density. According to Riverside County the Community of Lake Tamarisk is both high-density and medium-density. There is no part of this Community that is low-density as stated in the Easley Solar POD.
- The noise during construction is a concern. It causes stress which has an adverse effect on our peace and tranquility and quality of life. As a result of the solar facilities construction noise, our local property values and future growth of our community are in jeopardy.
- The removal of vegetation to the north-east and the construction of solar panels would dramatically increase the noise levels in the Lake Tamarisk Community from Chuckwalla Valley Raceway and Highway 177. This will be an on-going effect. Intersect Power's Oberon Project, to our south, now reflects the I-10 freeway noise to our resort.
- The continuous humming from the inverter boxes and battery storage air conditioning is not only annoying but also stressful, affecting our quality of life.

MITIGATION OF IMPACTS ON NOISE DUE TO PROPOSED SOLAR INSTALLATION:

- *Relocate the Easley Solar Project east of Highway 177 and east of the proposed Lycan Solar Project by EDF Renewables. There are over 100,000 acres available east of highway 177 in the Development Focus Area for Renewable Energy Development.*
- *A minimum of a one-mile Set-Back from the Lake Tamarisk Community borders to the nearest solar installation, as well as berms, and maintained native planting screening is necessary to minimize the noise and disruption to the Community.*

B3-14 (cont'd)

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

39

B3-14 (cont'd)

FIRE MANAGEMENT

Easley Solar POD Appendix V: Fire Management and Prevention Plan

- Fire concerns are increased by the power grid creating a need for a better water system to protect our homes.
- Our water pumping system cannot handle construction water usage and can't fight wind driven fires. The solar projects are using our equipment to pump water into their trucks and frac tanks.
- Inverters and BESS are not included in the fire protection plan. Two nearby inverters have caught fire. Inverter or BESS fires spew large amounts of poisonous gasses which a wind can carry to Lake Tamarisk according to Captain Casey of our Local Fire Department.

6.1 Wildland Fire Management Plans and Policies

- Gen-Tie Lines present a wildfire risk.
- The Desert Center Area Plan DCAP 10.1 protects life and property from wildfire hazards through adherence to the fire hazard section of the General Plan Safety Element.

JUSTIFICATION FOR DETAILED STUDY:
Riverside County CFO Andrew Ruiz met Fire Personnel at Desert Center a few months ago to test our water system for the planned Fire Station, and the system failed. It could be resolved by replacing some pumps. December 2022.
Additionally, if the power goes out there is no battery backup for our water supply.

ADDITIONAL JUSTIFICATION FOR DETAILED STUDY:
Review the General Plan Safety Plan DCAP 10.1 Inverters present serious hazards if fire management plans do not control inverter fires better than the pictures below display.

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

40

B3-14 (cont'd)





MITIGATION OF IMPACTS ON FIRE MANAGEMENT TO PROPOSED SOLAR INSTALLATION:

- *Replacement of pumps, water infrastructure, piping, hydrant upgrade is essential. The above ground gravity feed reservoir is necessary for fire suppression and human consumption in the event of power outage.*
- *Effective fire suppression system needs to be in place on each inverter and BESS unit.*

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

41

B3-14 (cont'd)

RECREATION

Recreation was completely left out of the Easley POD.

- The Easley Solar Project would eliminate OHV routes from Lake Tamarisk north to the Joshua Tree boundary road and east to Highway 177.
- The installation of solar farms has created a reduction in the access to off road vehicle designated trails and public lands for recreation and viewing.

The Community has a large investment in equipment for ATV excursion, biking, bird watching, hiking, exploring flora and fauna and other recreational pleasures. This has an adverse effect on our quality of life and property values due to the decreased access to the natural desert environment.



APalen Solar Project east of Desert Center. This entire public road was cut off for the project.

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

42

B3-14 (cont'd)

MITIGATION OF IMPACTS ON RECREATION USES DUE TO PROPOSED SOLAR INSTALLATION:

- *If any portion of the Easley Solar Project is built west of Highway 177, HOV access trails/roads need to be developed north to the Joshua Tree boundary road and east to Highway 177.*

TRAFFIC AND TRANSPORTATION

Easley Solar Project Appendix X: Traffic and Transportation

- The ongoing dust and noise from trucks affects our quality of life.
- The speed and quantity of large vehicles on Oasis Road, Highway 177 and Kaiser Road, during construction, endangers bikers, hikers and ATV users of all ages (children and seniors.)
- School age children catching the bus are at risk.
- Residential access to Highway 177 from Kaiser Road will be seriously delayed due to the continuous stream of construction vehicles, equipment delivery vehicles and solar employee traffic.

MITIGATION OF TRAFFIC AND TRANSPORTATION

- *No solar employee access on Kaiser Road to the project roads, in order to protect residents.*
- *All solar employee access must be at project entry points along Highway 177.*
- *No solar employee or solar truck traffic may travel Oasis Road.*
- *Speed limit must be reduced to 35 mph on Kaiser Road from the intersection with Oasis Road to construction equipment project entry points, in order to protect residents.*
- *A flagger will be necessary at the junction of Kaiser Road and Highway 177 during employee arrival and departure times, to allow residents access to the Highway and Freeway without prolonged wait times.*

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

43

"REASONABLE ALTERNATIVES"

VIABLE LAKE TAMARISK ALTERNATIVES

Alternatives to the POD submission by Intersect Power for the Easley Solar project.

NEPA quotes: "In determining the alternatives to be considered, the emphasis is on what is "reasonable" rather than on whether the proponent or applicant likes or can implement an alternative. "Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant" (Question 2a, CEQ. Forty Most Asked Questions Concerning CEO's NEPA Regulations, March 23, 1981.)" end quotes.

Note that the Megawatt output of the Easley Solar Project is merely the "applicant's desire" and not the overall objective for renewable energy by BLM and the DRECP.

Beside the No Action alternative, the following "Reasonable Alternatives" would allow most or all the applicants desired electrical power production while maintaining the present and future health and viability of the Lake Tamarisk Community.

Viable Lake Tamarisk Alternative 1

Move the entire project East of Highway 177 and East of the proposed EDF Renewables Lycan project. Intersect Power would be required to reapply for permits on this new site.

This alternative would preserve the remaining Natural Desert BLM lands not already destroyed by Landscape Scale Solar Projects for 5 miles North of Lake Tamarisk.
The private lands would remain non-industrial as stated in the Desert Center Area Plan.
The major impact on Intersect Power would be the additional expense of a longer Gen-Tie line to reach the substation that they built on the assumption that the BLM would approve the Easley project without analyzing the impact it would have on the Community of Lake Tamarisk. The Oberon project passed through the entire NEPA process without notification or Community input.

B3-14 (cont'd)

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

44

Viable Lake Tamarisk Alternative 2, A Minimum 1 Mile Setback:

B3-14 (cont'd)

Under this "reasonable alternative" all infrastructure and PV panels would only be permitted for construction at a minimum distance of 1 mile from the borders of the current and future expansion area of the Lake Tamarisk community. See Figure 1(below)

The justifications for this Minimum Setback alternative cannot be overstated. Lake Tamarisk, to retain its identity as a viable Oasis Resort Community in a Natural Desert Environment, must have sufficient natural desert surroundings for residents and visitors to experience the truly unique Colorado Desert.
There must be no impression left of being in an industrial compound when walking the Desert around our Community. To be otherwise would destroy the current health and future existence of this Community.

The applicant, Intersect Power, may replace the PV panels lost by this setback from their current site plans on the relinquished permit lands east of Highway 177. These areas were relinquished due to moving sands and Desert Dry Wash Woodlands. These regions have sufficient usable areas for PV panel construction to make up for the loss of panels within the 1-mile setback from Lake Tamarisk. Less than ¼ of the project would require relocation.
It would be up to Intersect Power to either pursue permits for several small solar fields on those lands or accept a reduction of approximately 20%-25% of the Easley Solar project.

A mere 100-Megawatt reduction would meet the requirements of this alternative.
Either way, this alternative would be "technically and economically feasible" regardless of the applicants desires.

The importance of 100 megawatts to the Presidential objective production requirements of 25 GW by 2025 of renewable energy is insignificant to say the least when compared to the loss of an entire pre-existing thriving Community. Intersect Power can replace the 100 Megawatts on appropriate areas of the lands that they relinquished just East of Hwy 177.

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

45

B3-14 (cont'd)

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

"President Nixon signed NEPA into law on January 1, 1970. NEPA seeks to "encourage productive and enjoyable harmony" between humans and the environment, recognizing the "profound impact" of human activity and the "critical importance of restoring and maintaining environmental quality" to the overall welfare of humankind."

"Furthermore, NEPA seeks to promote efforts that will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of people, making it the continuing policy of the Federal Government to use all practicable means and measures to create and maintain conditions under which humans and nature can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations of Americans."

"The revision clarifies that agencies have discretion to consider a variety of factors when assessing an application for an authorization, removing the requirement that an agency base the purpose and need on the goals of an applicant and the agency's statutory authority. The final rule also makes a conforming edit to the definition of "reasonable alternatives" in 40 CFR 1508.1(z). Second, CEQ is revising 40 CFR 1507.3 to remove language that could be construed to limit agencies' flexibility to develop or revise procedures to implement NEPA specific to their programs and functions that may go beyond the CEQ regulatory requirements. Third, CEQ is revising the definition of "effects" in paragraph (g) of 40 CFR 1508.1 to include direct, indirect, and cumulative effects. CEQ is making these changes in order to better align the provisions with CEQ's extensive experience implementing NEPA and unique perspective on how NEPA can best inform agency decision making, as well as longstanding Federal agency experience and practice, NEPA's statutory text and purpose to protect and enhance the quality of the human environment, including making decisions informed by science, and case law interpreting NEPA's requirements."

Note that the Human Environment is also emphasized.

"NEPA's statutory text and purpose to protect and enhance the quality of the human environment, including making decisions informed by science, and case law interpreting NEPA's requirements."

The Community of Lake Tamarisk IS the "human environment" near the project.

Accordingly, the Bureau of Land Management is not required to appease the applicant's desires for maximum output or their cost considerations if they choose to build elsewhere. Under the new Napa regulations as of May 2022 the environmental considerations supersede all applicant considerations and Lake Tamarisk must be considered as part of the environmental concerns. Feasibility complaints from the applicant are not to be considered according to the

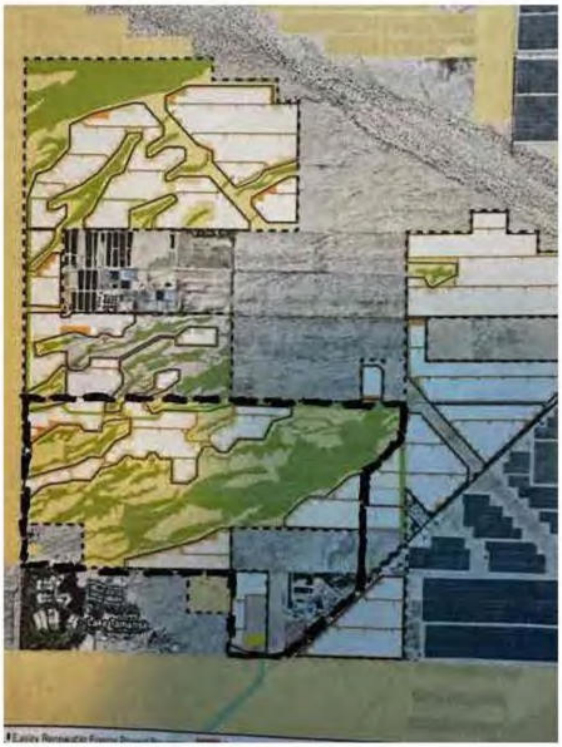
Comment Set B3 – Active Communities/Desert Center (continued)

46

ruling. The project's POD must change to fit environmental considerations and be altered in a way that meets those considerations, even if that results in the reduction of the project or the lack of feasibility on the applicant's review. It is the BLM's responsibility to uphold these rules and define the alternative that best meets the environmental needs even at the expense of the project itself. Is the Alternative technically and economically feasible? Yes, from the standpoint of the overall objective, although it may slightly reduce the applicants' profits

B3-14 (cont'd)

Figure 1 - The map below shows the minimal distance boundaries of this alternative. Note the boundary of the project would be on Private lands



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

47

B3-14 (cont'd)

At this minimum distance, berms and/or vegetative screening are mandatory to block the entire project from view at a height of 10 feet at the boundaries of Lake Tamarisk.
Vegetative screening, such as tamarisk trees, would be on private land and therefore allowable. Trees must be established, cared for, and trimmed to a height that does not block the Bajada slopes of the Chuckwalla Valley while hiding the entire project from the view of the Lake Tamarisk Community.
Tamarisk trees have been successfully established along berms and fish farms in this region for many decades.

Soil binders across the project are necessary to manage FUGITIVE DUST.

Dust management has been egregiously unsuccessful by Intersect Power in their previous projects as can be attested to by all residents near these projects.
Soil binders enhance the success of vegetative regrowth. Even though Intersect Power will mow and roll most of the project area to be constructed, the soils will be disturbed and freely blown with winds. Soil binders need to be applied over the entire project footprint. It would be necessary to reapply soil binders when equipment disrupts the soils. Single track travel throughout these solar fields would diminish the reapplication requirements.

The Substation shall be located along Hwy 177 on the site designated in the Intersect Powers "Lake Tamarisk Alternative Site." The substation shall be painted with light absorption paint in the same or similar color as on the inverters, and screened with vegetation such as tamarisk trees which shall be established and maintained to block the entire substation from view of Lake Tamarisk.

This document describes the pertinent changes in NEPA as of May 2022 as well as the BLM's regulations to take our "substantiative comments" seriously and study each in detail FROM THE POINT OF VIEW OF THE RESIDENTS OF THE COMMUNITY OF LAKE TAMARISK.
WE ARE THE VICTIMS WHO WOULD BE SERIOUSLY INJURED IF THE Proposed Easley Solar Project was allowed as currently proposed to move forward in the NEPA process and approved.
Other Utility Scale Solar Projects near us have been approved without our notification or input

THE IMPACTED:

THE RESIDENTS OF THE OASIS COMMUNITY OF LAKE TAMARISK

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

48

B3-14 (cont'd)

IN SUMMARY:

Lake Tamarisk is our home and refuge that we have chosen for its unique and beautiful Desert location. Our quality of life is being threatened. We came, to live at an oasis in a Desert Wilderness full of life and natural beauty, not to live on an island in a dead solar sea surrounded by prison style fences.

If the proposed Easley Solar Project is built as currently designed, it will have significant negative impacts on our personal, economic, physical, and mental well-being. There have been no Communities, especially with a senior resort, considered within the scope of any environmental study or the original EIS from the 2016 DRECP. There have not been any studies on any Community surrounded on three sides by Industrial Scale Solar Installations.

The Community of Lake Tamarisk will suffer from both direct and long term indirect impacts. Additionally, the cumulative impacts of the Oberon Project, built without either notification or input from the Community, and the proposed Easley Solar Project would be devastating. The proposed Sapphire Solar Project, by EDF Renewables, would fill in all the remaining open ground surrounding the Community.

The residents of Lake Tamarisk Community do not want to be sacrificed for the benefit of reaching a national renewable energy goal. In reality, the 400 megawatts produced by the proposed Easley Solar Project would have an insignificant impact on the 25 gigawatts mandated to be completed by 2025.

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

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

49

B3-14 (cont'd)

ADDENDUM 1: Land Use Plan Amendment

The Desert Renewable Energy Conservation Plan (DRECP) is an amendment of the California Desert Conservation Area plan and is the dominant Land Use Plan of the region. The Desert Renewable Energy and Conservation Plan (DRECP) is a landscape-scale planning effort covering 22.5 million acres in seven California counties--Imperial, Inyo, Kern, Los Angeles, Riverside, San Bernardino, and San Diego. The California Energy Commission, U.S. Bureau of Land Management, California Department of Fish and Wildlife, and the U.S. Fish and Wildlife collaborated to develop the DRECP across jurisdictional boundaries.

In order to establish the DRECP, the BLM had to amend the original California Desert Conservation Area plan as well as local BLM land use plans.

The Federal Land Policy and Management Act (FLPMA) requires the BLM to maintain on a continuing basis an inventory of all public lands and their resources and other values (Inventories, Section 201).

Planning, per FLPMA Section 202, instructs that the Secretary of the Interior shall, with public involvement and consistent with the terms and conditions of the Act, develop, maintain, and, when appropriate, revise land use plans which provide tracts or areas for the use of the public lands.

The purpose of a Resource Management Plan (RMP) is to:
1. Allocate resources and determine appropriate multiple uses for the public lands;
2. Provide a strategy to manage and protect resources;
3. Establish systems to monitor and evaluate the health of resources and effectiveness of practices. RMPs are like a public lands version of municipal zoning. The Bureau of Land Management evaluates and amends or revises its land-use plans in response to changing conditions and demands on the public lands, or when new components are added to the National Conservation Lands that it manages. Keeping a plan up-to-date helps ensure that the BLM manages the public lands in ways that meet the multiple-use and sustained yield goals that Congress has set for these lands.

The DRECP Lands have been divided up into the categories of conservation lands and Development Focus Areas.

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

50

B3-14 (cont'd)

The DRECP failed to consider how renewable energy would impact communities and failed to create a Conservation and Management Actions (CMAs) that buffers communities from renewable energy impacts. Under the National Environmental Policy Act, Environmental Justice and Socio-economic impacts are required to be analyzed. The DRECP has a surprising lack of these kind of impacts described and fails to include required setbacks to local communities.

The Easley Solar Project is being proposed very close to the community of Lake Tamarisk. A section of the project would be located only a few feet from the community.

The BLM should be proposing alternatives that create a buffer around the community. With a Land Use Plan Amendment, the BLM could create a permanent protected buffer on the federal land just north of Lake Tamarisk. BLM should consider a buffer up to 5 miles but could also designate the section north of Lake Tamarisk as a "Solar Exclusion Zone:
A Land Use Plan Amendment could offer a number of actions that could be added to the DRECP Conservation Management Actions for the area. For example, all DRECP Development Focus Areas on BLM lands have been downgraded to Visual Resource Management (VRM) Class IV to help expedite approval of solar projects. The objective of VRM Class IV is to: provide for management activities which require major modification of the existing character of the landscape. Allowed Level of Change: The level of change to the characteristic landscape can be high. Management activities may dominate the view and may be the major focus of viewer attention.

This is an oversight of the DRECP in the Lake Tamarisk and Desert Center area and a LUPA could potentially upgrade the VRM Class on a buffer zone to VRM Class II which has the objective is: to retain the existing character of the landscape. Allowed Level of Change: The level of change to the characteristic landscape should be low. Management activities may be seen, but should not attract the attention of the casual observer.

The DRECP has seemingly countless "conservation management actions" to protect biological and cultural resources in the area. Many of these are listed in the CMA's as "BIO 1 and CUL 1 for example. We would like to request a Land Use Plan Amendment that creates a CMA Mitigation category called "Community Setbacks" and these could be justified under the NEPA review for Socio-economics.

Community setbacks would potentially create long term solutions for communities that are facing large-scale solar plans coming up to their doorstep.

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

51

In the case of Easley Solar, a one to 5 mile buffer could be created specific to Lake Tamarisk but would not require a full-scale change to the entire DRECP Plan.

A Community Setback would protect property values, air quality, visual resources, groundwater, cultural and biological resources.

The DRECP as a major Land Use Plan would probably not be ripe for a holistic revision for 10 to 20 years. This is far too long for local desert communities to wait as conditions on the ground change and their quality of life is threatened. A small, local LUPA is therefore entirely reasonable and justified.

B3-14 (cont'd)

ADDENDUM 2:
These photos below represent the negative impacts of solar farms.

PHOTOS:
Represents Athos Solar fencing in close proximity to house.

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

52



Photo courtesy of Kevin Fitzgerald, CV Independent

Athos Solar Fencing in close proximity to Green Acres Park



Photo courtesy of Kevin Fitzgerald, CV Independent.

B3-14 (cont'd)

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

53

Transmission Lines on the west border of Lake Tamarisk

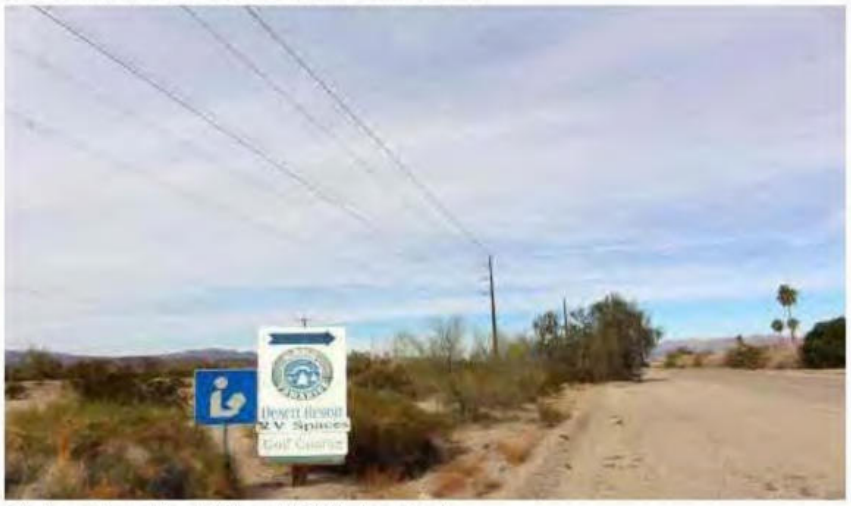


Photo courtesy of Kevin Fitzgerald, CV Independent

B3-14 (cont'd)

Oberon Solar land cleared for construction. This is where dust comes from.



Courtesy of Teresa Pierce December 2022

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

54

Lights from a transfer station taken at night from Lake Tamarisk.



Courtesy of Teresa Pierce December 2022

A view of Athos Solar prison style fencing next to a residence



B3-14 (cont'd)

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

55



B3-14 (cont'd)

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

56

Active Community/Desert Center
Lake Tamarisk

Teresa Pierce, Chief Executive Officer
Mark Carrington, Senior Technical Advisor
Don Sneddon, Director of Information and Communication
Sharon Dilley, Chief Administrative Assistant

VIP CONTRIBUTORS:

Skip Pierce CSI
Kent Madison, 3R Valve LLC
Bob Mitchell
Vicki Bucklin
Jerry Grey
Candace Ryding
Kevin Emmerich, Co-Founder Basin and Range Watch
Kevin Fitzgerald, Coachella Valley Independent News

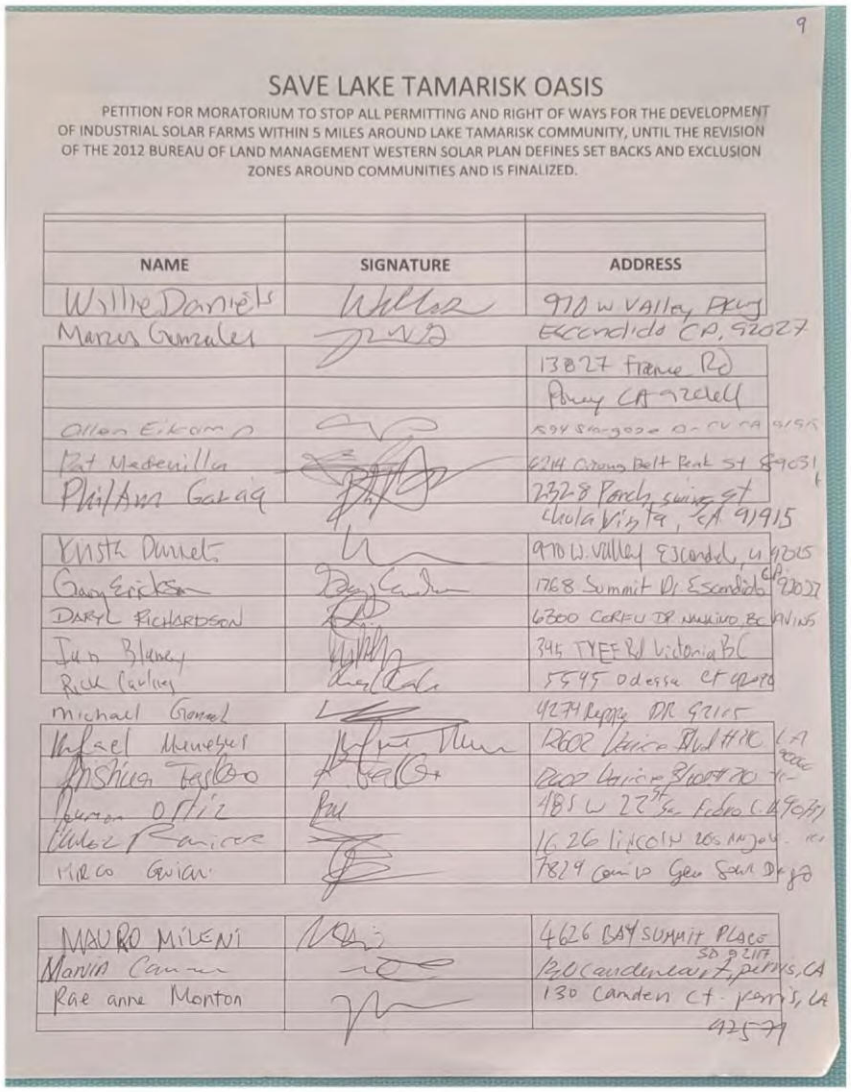
Listed on the following pages are local area supporters who are outraged that the Bureau of Land Management and Riverside County would allow Intersect Power to build Landscape Scale solar installations that would surround the Lake Tamarisk Community within twenty-five feet to one-half mile of our borders and therefore destroying our identity as a Resort Oasis in a Natural Desert Environment.

B3-14 (cont'd)

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

57

B3-14 (cont'd)



9

SAVE LAKE TAMARISK OASIS

PETITION FOR MORATORIUM TO STOP ALL PERMITTING AND RIGHT OF WAYS FOR THE DEVELOPMENT OF INDUSTRIAL SOLAR FARMS WITHIN 5 MILES AROUND LAKE TAMARISK COMMUNITY, UNTIL THE REVISION OF THE 2012 BUREAU OF LAND MANAGEMENT WESTERN SOLAR PLAN DEFINES SET BACKS AND EXCLUSION ZONES AROUND COMMUNITIES AND IS FINALIZED.

NAME	SIGNATURE	ADDRESS
Willie Daniels		970 W Valley Pkwy Escondido CA, 92027
Marcus Gonzales		13827 Frame Rd Poway CA 92064
Allen Eikom		634 San Jacinto Dr CV CA 91950
Pat Madewilla		6244 Crown Point Peak St 92051
Phil Ann Gabaig		2328 Peach Grove St Chula Vista, CA 91915
Kristi Daniels		970 W. Valley Escondido, CA 92025
Gary Erickson		1768 Summit Dr. Escondido CA 92027
DARYL RICHARDSON		6300 CORFU DR NANAIMO, BC V9V 1N5
Jan Blaney		345 TYEE Rd Victoria BC
Rick Carney		5545 Odessa CT 92139
Michael Gonzales		4274 Poppy DR 92105
Rafael Menezes		2602 Verica Blvd #116 CA 92037
Joshua Taylor		2602 Verica Blvd #116 CA 92037
Jerron Ortiz		185 W 22nd St Eden C.A 94541
Victor Ramirez		16 26 Lincoln Los Angeles CA
Marco Garcia		7829 Camino Gran Santiago
MAURO MILENI		4626 BAY SUMMIT PLACE SD 92117
Marvin Cannon		P.O Candeleau, Perris, CA
Rae anne Monton		130 Camden CT. Perris, CA 92571

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

58

B3-14 (cont'd)

SAVE LAKE TAMARISK OASIS

PETITION FOR MORATORIUM TO STOP ALL PERMITTING AND RIGHT OF WAYS FOR THE DEVELOPMENT OF INDUSTRIAL SOLAR FARMS WITHIN 5 MILES AROUND LAKE TAMARISK COMMUNITY, UNTIL THE REVISION OF THE 2012 BUREAU OF LAND MANAGEMENT WESTERN SOLAR PLAN DEFINES SET BACKS AND EXCLUSION ZONES AROUND COMMUNITIES AND IS FINALIZED.

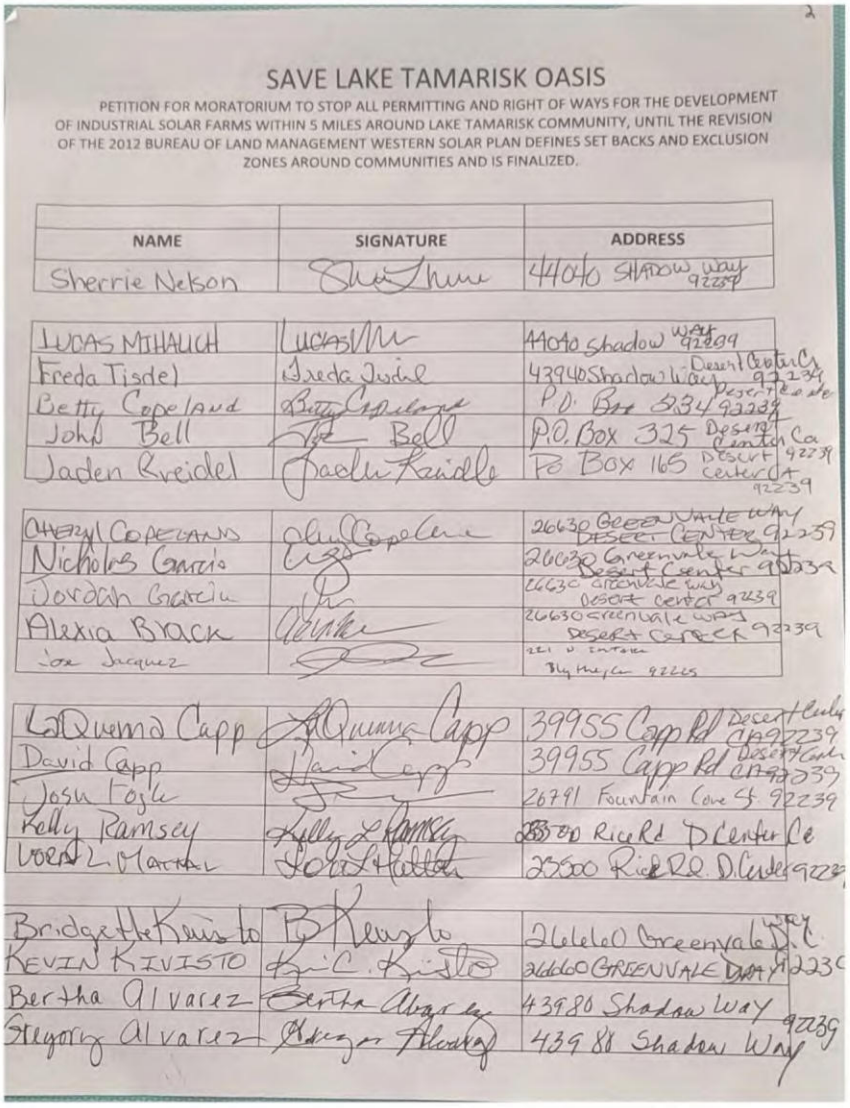
NAME	SIGNATURE	ADDRESS
Teresa Pierce	Teresa Pierce	26250 Parkview Dr Lot 141 Desert Center CA
Steve Jones	Steve H Jones	43971 Shasta Dr. PO Box 246, D.C. CA 92239
Vickie Jones	Vickie D Jones	43971 Shasta Dr Desert Center 92239
ANN OLLIVIER	Ann Ollivier	44001 Shasta Dr.
Joseph R Chirillo	Joseph R Chirillo	43940 Shadow Way
Walter Pierce	Walter Pierce	26250 Parkview Dr Lot 141
RON MAY	Ron May	26250 PARKVIEW DR LOT 149
BOB WALSTON	Bob Walston	26250 PARKVIEW DR LOT 116
Lynne Miller #35	Lynne Miller	8120 S. Prairie Rd Tillamook OR 97141
Mable Beatty #130	Mable Beatty	357 Country Club Dr Spokane
Linda Armstrong	Linda Armstrong	26250 Parkview Dr #99
Dale Thomson	Dale Thomson	26250 Parkview Drive LOT 53 CA
BRUCE MCARTHUR	Bruce McArthur	26250 PARKVIEW DRIVE #68
MARK HENDRICKSON	Mark Hendrickson	26250 PARKVIEW DRIVE DESERT CENTER CAL #123
Carol Hines	Carol Hines	11269 W Blueberry Ct Boise ID 83709
David Elliott	Dave Elliott	11269 W Blueberry Ct Boise, ID 83709
Arlene Gallegos	Arlene Gallegos	26250 Parkview Dr #31 Desert Center 92239
Kim Frazier	Kim Frazier	26250 Parkview #76 Desert Center 92239
Rick Frazier	Rick Frazier	26250 Parkview #78 Desert Center 92239
Mark Goddard	Mark Goddard	44001 Shadow Way Desert Center CA 92239
Rick Thomson #53	Rick Thomson	26250 Parkview Drive 92239

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

59

B3-14 (cont'd)

2



SAVE LAKE TAMARISK OASIS

PETITION FOR MORATORIUM TO STOP ALL PERMITTING AND RIGHT OF WAYS FOR THE DEVELOPMENT OF INDUSTRIAL SOLAR FARMS WITHIN 5 MILES AROUND LAKE TAMARISK COMMUNITY, UNTIL THE REVISION OF THE 2012 BUREAU OF LAND MANAGEMENT WESTERN SOLAR PLAN DEFINES SET BACKS AND EXCLUSION ZONES AROUND COMMUNITIES AND IS FINALIZED.

NAME	SIGNATURE	ADDRESS
Sherrie Nelson	[signature]	44040 SHADOW WAY 92239
LUCAS MIHALICH	[signature]	44040 Shadow WAY 92239
Freda Tisdel	[signature]	43940 Shadow Way Desert Center Ca 92239
Betty Copeland	[signature]	P.O. Box 234 Desert Center 92239
John Bell	[signature]	P.O. Box 325 Desert Center Ca 92239
Jaden Kreidel	[signature]	PO Box 165 Desert Center Ca 92239
CHERYL COPELAND	[signature]	26630 GREENVALE WAY DESERT CENTER 92239
Nicholas Garcia	[signature]	26630 Greenvale Way Desert Center 92239
Jordan Garcia	[signature]	26630 Greenvale Way Desert Center 92239
Alexia Brack	[signature]	26630 Greenvale Way Desert Center 92239
Jose Jacquez	[signature]	221 N. Intake Blythe, Ca 92225
LaQuenna Capp	[signature]	39955 Capp Rd Desert Center CA 92239
David Capp	[signature]	39955 Capp Rd Desert Center CA 92239
Josh Fogle	[signature]	26791 Fountain Cove St. 92239
Kelly Ramsey	[signature]	23500 Rice Rd D Center Ca
Lora L. Mattal	[signature]	23500 Rice Rd. D. Center 92239
Bridgette Kivisto	[signature]	26660 Greenvale Way D.C.
KEVIN KIVISTO	[signature]	26660 GREENVALE WAY 92239
Bertha Alvarez	[signature]	43980 Shadow Way
Gregory Alvarez	[signature]	43988 Shadow Way 92239

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

60

B3-14 (cont'd)

3

SAVE LAKE TAMARISK OASIS

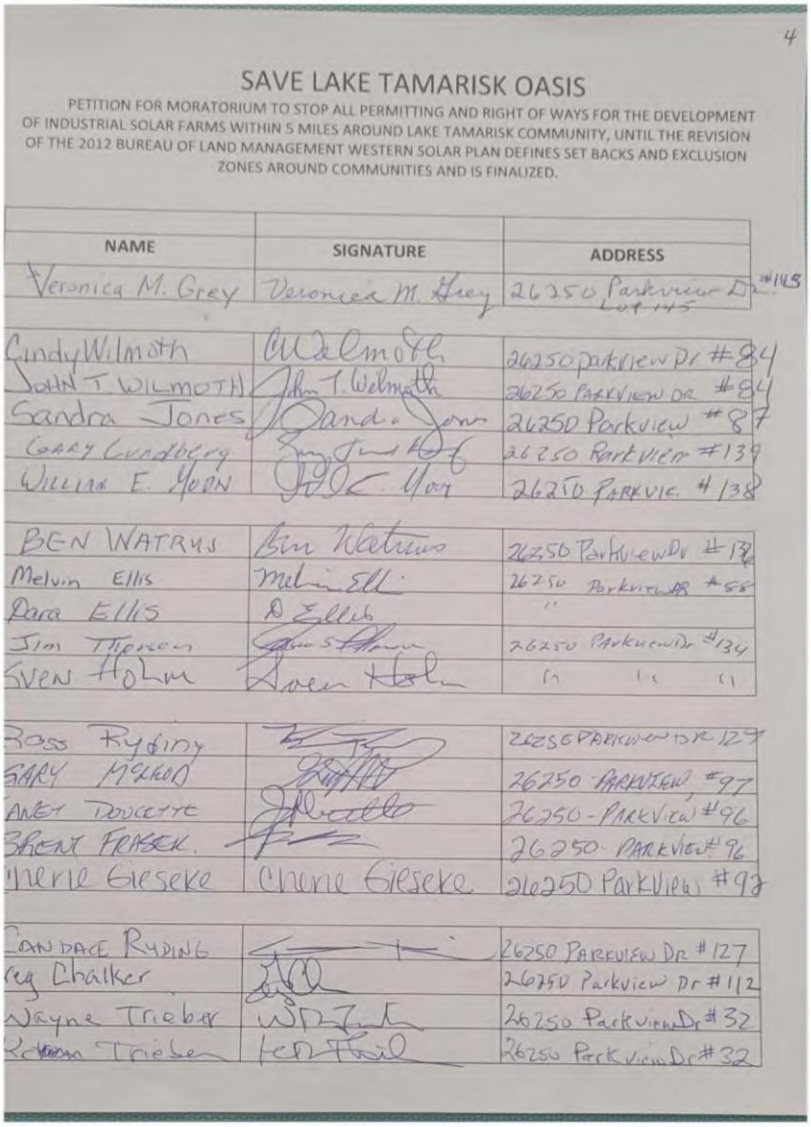
PETITION FOR MORATORIUM TO STOP ALL PERMITTING AND RIGHT OF WAYS FOR THE DEVELOPMENT OF INDUSTRIAL SOLAR FARMS WITHIN 5 MILES AROUND LAKE TAMARISK COMMUNITY, UNTIL THE REVISION OF THE 2012 BUREAU OF LAND MANAGEMENT WESTERN SOLAR PLAN DEFINES SET BACKS AND EXCLUSION ZONES AROUND COMMUNITIES AND IS FINALIZED.

		Lake Tamarisk 26250 Parkview Drive
NAME	SIGNATURE	ADDRESS 92239
David Kingsley	David Kingsley	PO Box 396 Desert Center 92239
Leo Carriere		# 3
Doris Carriere		# 3.
MARG CRAWFORD	M.E. Crawford	#4
CAROLINE SCOTT	Caroline Scott	#6
CINDY TUCKER	Cindy Tucker	#17
KEL TUCKER	Kel Tucker	#17
RICK CRAWFORD	Rick Crawford	#4
AL PALMER		#8
Linda Palmer	Linda Palmer	#8
DON NOBERT		#12
Frankie Nobert		#12
JEANNE STEVENSON		#121
MARTI GROGAN	Marti J Grogan	#122
Jutta Howe	J. Howe	#124
Janice Baker	Janice Baker	#125
Richard Scoggin		#126
Roylene Scoggin	Roylene L. Scoggin	#126

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

61

B3-14 (cont'd)



4

SAVE LAKE TAMARISK OASIS

PETITION FOR MORATORIUM TO STOP ALL PERMITTING AND RIGHT OF WAYS FOR THE DEVELOPMENT OF INDUSTRIAL SOLAR FARMS WITHIN 5 MILES AROUND LAKE TAMARISK COMMUNITY, UNTIL THE REVISION OF THE 2012 BUREAU OF LAND MANAGEMENT WESTERN SOLAR PLAN DEFINES SET BACKS AND EXCLUSION ZONES AROUND COMMUNITIES AND IS FINALIZED.

NAME	SIGNATURE	ADDRESS
Veronica M. Grey	Veronica M. Grey	26250 Parkview Dr #145 Lot 145
Cindy Wilmoth	C Wilmoth	26250 parkview Dr #84
JOHN T. WILMOTH	John T. Wilmoth	26250 PARKVIEW DR #84
Sandra Jones	Sandra Jones	26250 Parkview #87
GARY Lundberg	[illegible]	26250 Parkview #139
WILLIAM E. MOON	[illegible]	26250 PARKVIE. #138
BEN WATRUS	Ben Watrus	26250 Parkview Dr #136
Melvin Ellis	Melvin Ellis	26250 Parkview Dr #88
Dara Ellis	D Ellis	"
Jim Thorsen	[illegible]	26250 Parkview Dr #134
SVEN HOLM	Sven Holm	" " "
Ross Ryding	[illegible]	26250 PARKVIEW DR 127
GARY McLEOD	[illegible]	26250 PARKVIEW #97
ANET DOUCETTE	[illegible]	26250 - PARKVIEW #96
BRENT FRASER	[illegible]	26250 PARKVIEW #96
Cherie Gieseke	Cherie Gieseke	26250 Parkview #92
CANDACE RYDING	[illegible]	26250 PARKVIEW Dr #127
Greg Chalker	[illegible]	26250 Parkview Dr #112
Wayne Trieber	[illegible]	26250 Parkview Dr #32
Kathleen Trieber	[illegible]	26250 Parkview Dr #32

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

62

B3-14 (cont'd)

5

SAVE LAKE TAMARISK OASIS

PETITION FOR MORATORIUM TO STOP ALL PERMITTING AND RIGHT OF WAYS FOR THE DEVELOPMENT OF INDUSTRIAL SOLAR FARMS WITHIN 5 MILES AROUND LAKE TAMARISK COMMUNITY, UNTIL THE REVISION OF THE 2012 BUREAU OF LAND MANAGEMENT WESTERN SOLAR PLAN DEFINES SET BACKS AND EXCLUSION ZONES AROUND COMMUNITIES AND IS FINALIZED.

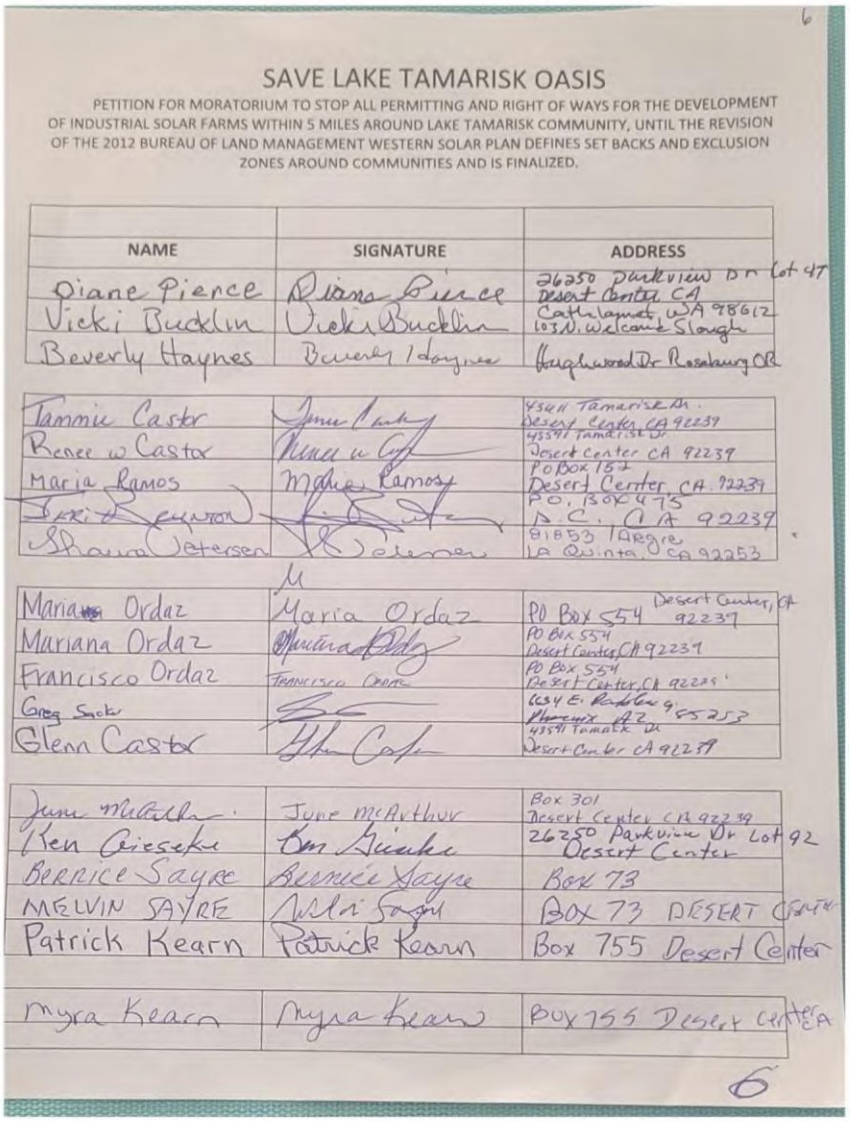
NAME	SIGNATURE	ADDRESS
Rose Argo	Rose Argo	26250 Parkview Dr. Lake Tamarisk, CA #137
SHARON Dilley		PO Box 122 Desert Center #115
Patricia Case		PO Box 171 Desert Center #73
GERALD GRAY	#145	P.O. BOX 313 DESERT Cte
Cynthia Walker	#95	POBOX 391 DC Ca
William Eskew	#33	PO Box 25 Desert Center
Wally White	Wally White	Laketamarisk #52
CARL MATTSON	#72	PO BOX 5 DESERT CENTER
LeAnn Kingsley	#36	P.O. Box 396 Desert center
ANN Godsey	#11	P.O. Box 94 DC CA 92239
Kay Haisch	#1	PO Box 345 DC 92239
Marta Sneddon	Marta Sneddon	17741 OAK ST F.V. Calif #132
DON SNEDDON		26250 PARKVIEW DR LAKE T. D.R #137
LYNN LEWIS	#35	26250 PARKVIEW #35 LAKE TDR #35
L.E. TILGNER		26250 Parkview #16
MIKE MANSFIELD		26250 PARKVIEW DR #56
Beverly Mallett		
Mark Binion	Mark Binion	26250 Parkview #44
Teena Binion	Teena Binion	26250 Parkview #44
EDDIE MENDOZA		44020 Shadow Way

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

63

B3-14 (cont'd)

6



SAVE LAKE TAMARISK OASIS

PETITION FOR MORATORIUM TO STOP ALL PERMITTING AND RIGHT OF WAYS FOR THE DEVELOPMENT OF INDUSTRIAL SOLAR FARMS WITHIN 5 MILES AROUND LAKE TAMARISK COMMUNITY, UNTIL THE REVISION OF THE 2012 BUREAU OF LAND MANAGEMENT WESTERN SOLAR PLAN DEFINES SET BACKS AND EXCLUSION ZONES AROUND COMMUNITIES AND IS FINALIZED.

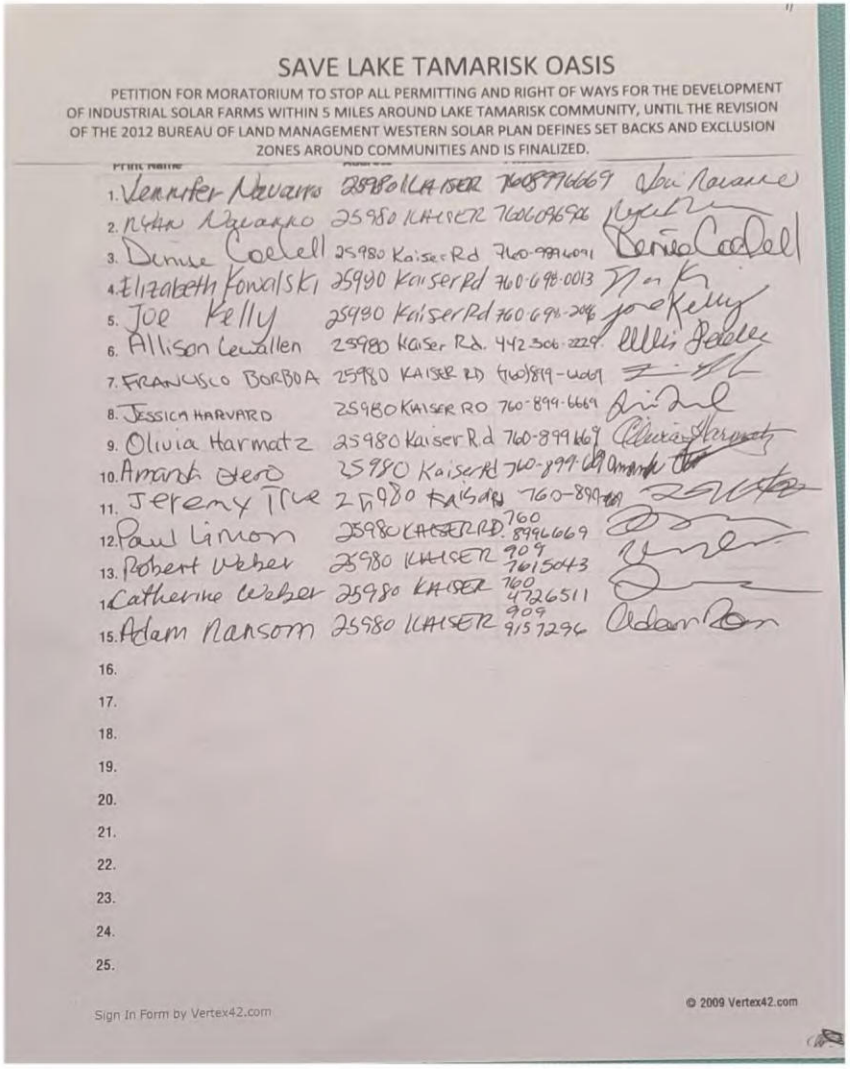
NAME	SIGNATURE	ADDRESS
Diane Pierce	Diane Pierce	26250 Parkview Dr Lot 47 Desert Center CA
Vicki Bucklin	Vicki Bucklin	Cathlamet, WA 98612 103 N. Welcome Slough
Beverly Haynes	Beverly Haynes	Hughwood Dr Rosaburg OR
Tammie Castor	[illegible]	43411 Tamarisk Dr. Desert Center CA 92239
Renee w Castor	[illegible]	43591 Tamarisk Dr Desert Center CA 92239
Maria Ramos	Maria Ramos	PO Box 152 Desert Center, CA 92239
[illegible]	[illegible]	P.O. Box 475 D.C. CA 92239
Shawna Petersen	[illegible]	81853 Argre La Quinta, CA 92253
Mariana Ordaz	Maria Ordaz	PO Box 554 Desert Center, CA 92239
Mariana Ordaz	[illegible]	PO Box 554 Desert Center, CA 92239
Francisco Ordaz	Francisco Ordaz	PO Box 554 Desert Center, CA 92239
Greg Sacks	[illegible]	6634 E. [illegible] Phoenix AZ 85253
Glenn Castor	[illegible]	43591 Tamarisk Dr Desert Center CA 92239
June McArthur	June McArthur	Box 301 Desert Center CA 92239
Ken Gieseke	Ken Gieseke	26250 Parkview Dr Lot 92 Desert Center
Berrice Sayre	Bernice Sayre	Box 73
MELVIN SAYRE	[illegible]	BOX 73 DESERT CENTER
Patrick Kearn	Patrick Kearn	Box 755 Desert Center
Myra Kearn	Myra Kearn	Box 755 Desert Center CA

6

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

64

B3-14 (cont'd)



SAVE LAKE TAMARISK OASIS

PETITION FOR MORATORIUM TO STOP ALL PERMITTING AND RIGHT OF WAYS FOR THE DEVELOPMENT OF INDUSTRIAL SOLAR FARMS WITHIN 5 MILES AROUND LAKE TAMARISK COMMUNITY, UNTIL THE REVISION OF THE 2012 BUREAU OF LAND MANAGEMENT WESTERN SOLAR PLAN DEFINES SET BACKS AND EXCLUSION ZONES AROUND COMMUNITIES AND IS FINALIZED.

Print Name

1. Jennifer Navarro 25980 KAISER 7608796669
2. Ryan Navarro 25980 KAISER 7606076926
3. Denise Coelell 25980 Kaiser Rd 760-999-4091
4. Elizabeth Konalski 25990 Kaiser Rd 760-698-0013
5. Joe Kelly 25990 Kaiser Rd 760-698-3096
6. Allison Lewallen 25980 Kaiser Rd. 442-306-2229
7. FRANCISCO BARBOA 25980 KAISER RD (760)899-6669
8. JESSICA HARVARD 25980 KAISER RD 760-899-6669
9. Olivia Harmatz 25980 Kaiser Rd 760-899-6669
10. Amanda Hero 25980 Kaiser Rd 760-899-6669
11. Jeremy True 25980 Kaiser 760-899-6669
12. Paul Limon 25980 KAISER RD 760 899 6669
13. Robert Weber 25980 KAISER 909 761 5043
14. Catherine Weber 25980 KAISER 760 472 6511
15. Adam Ransom 25980 KAISER 909 915 7296
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Comment Set B3 – Active Communities/Desert Center (continued)

65

B3-14 (cont'd)

12

SAVE LAKE TAMARISK OASIS

PETITION FOR MORATORIUM TO STOP ALL PERMITTING AND RIGHT OF WAYS FOR THE DEVELOPMENT OF INDUSTRIAL SOLAR FARMS WITHIN 5 MILES AROUND LAKE TAMARISK COMMUNITY, UNTIL THE REVISION OF THE 2012 BUREAU OF LAND MANAGEMENT WESTERN SOLAR PLAN DEFINES SET BACKS AND EXCLUSION ZONES AROUND COMMUNITIES AND IS FINALIZED.

NAME Lot #	SIGNATURE	ADDRESS
Randall Miller # 98	Randall Miller	26250 Parkview Drive Desert Center, CA 92239
Richard Armstrong #99	Richard Armstrong	Lot 99
SHARRON HILL #54	S. Hill	Lot 54
DONALD PARKER	Don Parker	
Carolyn White	Carolyn White	Lot 52
Mary Thomson	Mary Thomson	Lot 47
Nancy Rothwell	Nancy Rothwell	Lot #34
Ken Riley	[illegible]	Lot #79
William D. Carver		Lot 26
Cynthia A Carver		✓
CHRISTIAN IRIARTISTA	[illegible]	2373 SPRING OAK WAY SD CA
Jericho Bacolod	[illegible]	7654 NEW SALEM ST SD CA 92126
BENI SUNDA	[illegible]	8592 PARKDALE 92126
Robert Prince	Robt Prince	18354 GLASS MTN. Dr. Riverside
DAN McCORMACK	[illegible]	25300 RICE RD. Desert Center W Lake Tamarisk
Christine Lozer	[illegible]	8413 Aspen Ave Cal City CA 93501
Russel Kies	Russel J. Kies	4806 Piute Pass, Mojave, CA 93501

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

66

B3-14 (cont'd)

10

SAVE LAKE TAMARISK OASIS

PETITION FOR MORATORIUM TO STOP ALL PERMITTING AND RIGHT OF WAYS FOR THE DEVELOPMENT OF INDUSTRIAL SOLAR FARMS WITHIN 5 MILES AROUND LAKE TAMARISK COMMUNITY, UNTIL THE REVISION OF THE 2012 BUREAU OF LAND MANAGEMENT WESTERN SOLAR PLAN DEFINES SET BACKS AND EXCLUSION ZONES AROUND COMMUNITIES AND IS FINALIZED.

NAME	SIGNATURE	ADDRESS
William R. Hakala	William R. Hakala	28750 C.R. 331 Buena Vista, CO 81211
Bob & Judy Walston	Judy Walston	PO Box 72 Desert Center, CA 92239
Cal Roden	Cal Roden	PO Box 122 Desert Center CA 115
NANCY A SMITH	Nancy A Smith	26250 Parkview Dr Desert Center, CA 92239 #85
JESSE J SMITH	Jesse J. Smith	26250 Parkview Dr Desert Center CA 92239 #85
MISHELLE A-DAVIS	[signature]	26250 PARKVIEW DR DESERT CENTER CA 92239 #142
MICHAEL R. DAVIS	[signature]	26250 PARKVIEW #143 DESERT CENTER, CA 92239
Jim Coy	[signature]	26225 Parkview Dr Desert Center #87
Penny Jacks	Penny Jacks	26250 Parkview Dr. Desert Ctr CA 92239 #90
Diane Pointon	Diane Pointon	26250 PARKVIEW DR # DESERT CENTER CA #89
[illegible]	Kenneth Jacks	26250 Parkview Spc 90 Desert Center CA.
Brom Hagman	Brom Hagman	Lake Tamarisk, CA
Rhonda McAuley	Rhonda McAuley	" " "
Ron Simmons	Ron Simmons #7	Lake Tamarisk
Fawn Weisgerber	Fawn Weisgerber #64	Lake Tamarisk

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

67

14

SAVE LAKE TAMARISK OASIS

PETITION FOR MORATORIUM TO STOP ALL PERMITTING AND RIGHT OF WAYS FOR THE DEVELOPMENT OF INDUSTRIAL SOLAR FARMS WITHIN 5 MILES AROUND LAKE TAMARISK COMMUNITY, UNTIL THE REVISION OF THE 2012 BUREAU OF LAND MANAGEMENT WESTERN SOLAR PLAN DEFINES SET BACKS AND EXCLUSION ZONES AROUND COMMUNITIES AND IS FINALIZED.

NAME	SIGNATURE	ADDRESS
Randy Alvarez	Randy Alvarez	Desert Center CA Crystal Way 92239
Mindy Alvarez	Mindy Alvarez	Crystal Way 92239
Montana Alvarez	Montana Alvarez	Crystal Way 92239
Shannon Hovis	[illegible]	25300 Rice rd
Wendi Batchelor	Wendi Batchelor	26501 Green Vale Way 92239
Rich Houis	[illegible]	25300 Rice Rd 92239
Robert Lockhart	Robert Lockhart	43940 Shrawdeer Way 92239
Logan Buckner	[illegible]	26501 Green Vale Way 92239
TO DD Add 9 [illegible]	[illegible]	26505 Green Vale 92239
Oliver Li	[illegible]	1100 Synergy 1532, Irvine, CA
Minshi Yang	[illegible]	1100 Synergy 1532, Irvine CA
Charlie Stalland	Charlie Stalland	25950 Rice rd, CA

B3-14 (cont'd)

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

68

B3-14 (cont'd)

8

SAVE LAKE TAMARISK OASIS

PETITION FOR MORATORIUM TO STOP ALL PERMITTING AND RIGHT OF WAYS FOR THE DEVELOPMENT OF INDUSTRIAL SOLAR FARMS WITHIN 5 MILES AROUND LAKE TAMARISK COMMUNITY, UNTIL THE REVISION OF THE 2012 BUREAU OF LAND MANAGEMENT WESTERN SOLAR PLAN DEFINES SET BACKS AND EXCLUSION ZONES AROUND COMMUNITIES AND IS FINALIZED.

NAME	SIGNATURE	ADDRESS
Andrayah Mendoza	Andrayah Mendoza	44620 Sherlow way Desert Center, Ca 92239
ROBERT C. MITCHELL	RM	SPACE 24
Mark Cavanaugh	#48	26250 Parkview Dr Desert Center
Jim cochran	John Cochran	44141 clovervee Ct
Easy Workhouse		#144 26250 Parkview Dr
John WILMOTH	John T. Wilmoth	#84 26250 PARKVIEW DR
Walt Gambales	W Gambales	#41 26250 Parkview DR.
KATHY SCHOFIELD	K. Schofield	#123, 26250 Parkview Dr.
BOB BROOKS	Bob Brooks	#60, 26250 PARKVIEW DR. CDR
Lelard Womack	Womack	44081 Shasta Dr.
Margaret Womack	Womack	44081 Shasta Dr
Francesca BARGHETZI	M F Barghetzi	44161 Crystal Way
Tracy Brooks		#60, 26250 Parkview Dr
Holly James		#120- Desert Center
Bruce James		✓
ROSE BLAIR	Rose Blair	#62 26250 PARKVIEW DR
DAVID BLAIR		62 - 26250 PARKVIEW DR

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

69

B3-14 (cont'd)

13

SAVE LAKE TAMARISK OASIS

PETITION FOR MORATORIUM TO STOP ALL PERMITTING AND RIGHT OF WAYS FOR THE DEVELOPMENT OF INDUSTRIAL SOLAR FARMS WITHIN 5 MILES AROUND LAKE TAMARISK COMMUNITY, UNTIL THE REVISION OF THE 2012 BUREAU OF LAND MANAGEMENT WESTERN SOLAR PLAN DEFINES SET BACKS AND EXCLUSION ZONES AROUND COMMUNITIES AND IS FINALIZED.

NAME	SIGNATURE	ADDRESS
ULISES MORAN		2621 SWEETWATER RD
Esteban Moran		2621 Sweetwater Rd.
Samantha Steigely		40210 Dunomure Ct
Orald Steigely		40210 Dunomure Ct
Bobby Loo		2650 Quail Knoll Way
Anthony Nobbe		844 County Club Dr. Chula Vista
CONNER WAITE		37570 EARLY LN MURRIETA 92563
SYLVIA HOUSTON		24641 RIO VERDE DR RAMONA
Claudia Verduzco		6987 Kuchlesa Way SD 92114
Alfredo Verduzco	Al Verduzco	Same
Scott Brown		5221 Worrey Rd SD 92120
Randy Sadler		98 E DONAHOE 91911
Alex Lavoys		
James Vandegrift		2439 Hikers Trail 91915
Martin Cummings		207 Oxford Ct CVCA 91911
Samuel Medford		34311 Woodward Lake Elsinore Ct
Tim Fritz		45701 Sierra Ct Temecula CA
Jeanne Valenzuela		293 Shasta St Chula Vista 91915

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

70

B3-14 (cont'd)

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Responses to Comment Set B3 – Active Communities/Desert Center

B3-1 The commenter's opposition to the proposed Project and alternatives that do not meet the "minimum design of the Respect Lake Tamarisk Alternative (RLTA)" is noted. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR, General Response GR-8, and to General Response GR-1.

Please see Responses to Comments B3-13 and D5-2 through D5-19 regarding the Respect the Lake Tamarisk Alternative description, and Responses to Comments B3-14 and D5-20 through D5-49, which address the Lake Tamarisk Desert Resort's comments submitted during the NEPA scoping period.

B3-2 The commenter states the requirements for alternatives under the California Environmental Quality Act (CEQA) and lists the project objectives from the Draft EIR. The commenter states that the commenter-proposed "Respect Lake Tamarisk Alternative" to the Easley Solar Project meets or exceeds all Project objectives identified in the Draft EIR while significantly reducing the negative impacts on the environment. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR, General Response GR-8, and to General Response GR-1. The commenter-proposed "Respect Lake Tamarisk Alternative" has been analyzed in the Partially Recirculated Draft EIR as Alternative C, Further Reduced Footprint Alternative with Berms.

B3-3 The commenter describes Board of Supervisor Policy B-29 as explained in Section 1.5 (Summary of the Project Evaluated in this EIR) of the Draft EIR.

The commenter is correct that Development Agreement (DA 2200016) would need to be signed between the Applicant and Riverside County in accordance with Board of Supervisors' Policy B-29 to compensate the County for the use of its real property.

B3-4 The commenter's opposition to the proposed Project and Lake Tamarisk Alternative is noted. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1

B3-5 Please see Responses to Comments D5-2 to D5-85, which address the 17 requested requirements and the linked reference documents, as well as General Response GR-8.

B3-6 The commenter provides a photo of Lake Tamarisk Desert Oasis Community and a link to comments submitted to BLM during its NEPA scoping period (October 2023).

Responses to Comments D5-20 through D5-49 address the same scoping letter submitted by Lake Tamarisk Desert Resort during the NEPA scoping period. See also General Response GR-8.

B3-7 Please see Comment and Response to Comment D5-50, which includes the Desert Center Area Plan referenced here.

B3-8 The commenter suggests that it is inappropriate to apply the BLM's Visual Resources Management (VRM) Class IV management objective, which is the least restrictive management objective because it is not consistent with the guidance of the County General Plan. The commenter also states that the Project can be fully mitigated with the implementation of the commenter-proposed "Respect Lake Tamarisk Alternative (RLTA)."

The Draft EIR refers to VRM Class IV because that is the Management Classification that the Bureau of Land Management (BLM) has assigned to the BLM-administered lands affected by the

Project, which is outside of the jurisdiction of Riverside County and the CEQA analysis. CEQA and the goals and policies of the Riverside County General Plan pertain to the non-federal lands affected by the proposed Project. As noted in Section 3.2 (Aesthetics) of the Draft EIR, although the Project would be consistent with the applicable BLM VRM Class IV management objective (for BLM lands), it would result in significant and unavoidable aesthetics impacts (under CEQA) with respect to the affected non-BLM lands.

Potential aesthetic impacts of Alternative C (Further Reduced Footprint Alternative with Berms), which incorporates requested components of the RLTA, are addressed in Section 5.2.6.1 of the Partially Recirculated Draft EIR. While it is true that the aesthetics impacts on Lake Tamarisk Desert Resort would be substantially mitigated by Alternative C, this alternative would not mitigate the significant aesthetics impacts that would be experienced at other public viewing locations, such as along State Route 177/Rice Road.

B3-9 The commenter provides a photo of the surrounding desert area and describes potential future development, including a truck stop/charging station, and expansion in the Lake Tamarisk and Desert Center area.

Riverside County is not aware of a permit application by Desert Center Development Corporation for development of a truck stop/charging station with restaurants and amenities. Therefore, no revisions have been made to the cumulative scenario in the Final EIR.

Please see Comment Set D12, which was submitted by the Phase II developer, Allen Grant, and addresses Phase II. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR, General Response GR-8, and to General Response GR-1. The commenter-requested 1-mile buffer around the Lake Tamarisk community, relocated onsite substation, and screening berms have been analyzed in the Partially Recirculated Draft EIR as Alternative C, Further Reduced Footprint Alternative with Berms.

B3-10 The commenter states that the proposed Chuckwalla National Monument will require tourist and housing needs. Please see Response to Comment D5-20.

The commenter's support for the commenter-proposed "Respect Lake Tamarisk Alternative" is noted.

B3-11 The commenter states that the Desert Center area can be a gateway to the proposed Chuckwalla National Monument and Lake Tamarisk can provide overnight amenities for visitors. Potential expansion plans at locations in the vicinity are noted (e.g., Chuckwalla Raceway, Eagle Mountain-related developments). The commenter notes that the Draft EIR quotes the DACP, saying little development is expected in the area. The commenter notes that the County will benefit greatly from all of these plans, including responsible utility-scale solar development.

The proposed Easley solar project is not within the boundaries of the proposed Monument and would not impede access to the Monument, should it be designated. The statement regarding little development being expected in the County's DACP (Revised 2021) is accurate; while there are proposals to undertake some expansion at particular sites, overall, there is little development envisioned in the area under County jurisdiction within the DACP area. Development of solar facilities on BLM land designated as suitable for such development is outside of County jurisdiction. The County agrees with the comment that there would be benefits from both planned development and utility-scale solar development.

B3-12 The commenter states that the commenter-proposed "Respect Lake Tamarisk Alternative" would meet or exceed all project objectives and the proposed Project and Lake Tamarisk Alternative

(now called Alternative B, Reduced Footprint Alternative, in the Partially Recirculated Draft EIR) would negatively impact the community's future. The commenter includes links to two figures showing the requested buffer area and showing two potential sites east of State Route 177/Rice Road where solar panels could be relocated. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR, General Response GR-8, and to General Response GR-1.

The commenter states that the County cannot dictate whether the Project is built on federal lands, but will need to certify the EIR, which evaluates the whole of the project. The Draft EIR rightly analyzes impacts of the whole project on both private and BLM-administered public land.

The commenter points to two articles about renewable energy, and includes a quote in one from Sheldon Kimber, CEO of Intersect Power.

The Brookview example was linked as a Reference Article later in this comment letter. Please see Response to Comment B3-38. The Bloomberg Law article was also linked later in the letter as a Reference Article. Please see Response to Comment B3-41.

B3-13 The commenter includes 11 links to additional requested requirements for implementation of the commenter-proposed Respect Lake Tamarisk Alternative, which are each addressed below and in the remainder of Comment Set B3.

"Berm Construction" and *"Substation Relocation"* - The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR, General Response GR-8, and to General Response GR-1.

"Water Resources," "Fugitive Dust Management," and *"Land Use Element"* - Please see General Responses GR-2 and GR-3 and Responses to Comments B3-17, B3-18, B3-20, B3-21, and D5-2, which address the same links/attachments to the Respect the Lake Tamarisk Alternative as Fugitive Dust Management, Water Resources, and Land Use Element.

"RLTA Outline" - Please see Responses to Comments D5-2 to D5-85, which address the 17 requested requirements and the linked reference documents, several of which area also included in this comment.

"Supplemental Comments" - The commenter includes a link to Supplemental Comments, which are addressed in Response to Comment B3-23 and responded to in Comment Set D11 (Bob Brooks).

"Comment Letters" - The commenter includes a link to Comment Letters from residents of the Lake Tamarisk Desert Resort, which are addressed in Responses to Comments B3-24 through B3-36.

"Pictures" - The pictures of the Lake Tamarisk Desert Resort and surrounding area are addressed in Response to Comment B3-37.

"Reference Articles" - The Reference Articles are discussed in Response to Comments B4-38 to B3-51.

B3-14 Responses to Comments D5-20 through D5-49 address the Lake Tamarisk Desert Resort's comments submitted to the BLM during the NEPA scoping period. These comments do not concern the adequacy of the County's EIR.

The enclosed photos of the existing facilities in the area surrounding the Easley site are noted.

The analysis of Aesthetics has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.2 of the Partially Recirculated Draft EIR and to General Response GR-1. Please see Response to Comment D5-49, which addresses the same photographs.

Finally, please also see Response to Comment D5-49 regarding the Save Lake Tamarisk Oasis petition, which has been noted by the County.

B3-15 The commenter submits three attachments depicting a "Phase II" development of the Lake Tamarisk Desert Resort. Please see Comment Set D12, which was submitted by the Phase II developer, Allen Grant, and addresses Phase II.

B3-16 The comment requests installation of two berms to address visual impacts of the Project to the Lake Tamarisk Desert Resort. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1 The requested two earthen berms have been fully evaluated under Alternative C, Further Reduced Footprint Alternative with Berms, as described in Section 2.8, and fully analyzed in Chapter 5 of the Partially Recirculated Draft EIR and Final EIR.

B3-17 The commenter states the Chuckwalla Valley Groundwater Basin (CVGB) is an overdrafted groundwater basin and is concerned about the impacts the additional withdraw of groundwater for the proposed Easley Solar Project (Project) may have on the CVGB. The commenter's concerns include detrimental impacts to drinking water (availability and quality). The commenter indicated groundwater pumping for the construction of a cumulative project (Oberon Solar Project) in the CVGB resulted in a localized lowering of groundwater levels and degradation of groundwater quality observed in select nearby wells. The commenter requests the Colorado River and the Eagle Mountain Pumping Station be evaluated as alternative sources of water for the Project. The commenter includes references to a letter statement from Mr. Kent Madison dated February 9, 2024. Mr. Madison communicates similar sentiments as the commenter and included links to a PowerPoint slide deck on development of a CVGB groundwater budget using modeled groundwater recharge presented by U.S. Forest Service and BLM staff at the Arizona Hydrological Society 2021 Annual Symposium, a Lake Tamarisk Community Formal Scoping Input Document for the Sapphire Linear Facility Routes (dated January 25, 2024), California Sustainable Groundwater Management Act (SGMA) Code, and an article discussing the use of solar powered groundwater pumps and impacts to groundwater as a result of low-cost pumping (dated March 9, 2024).

The analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR, the revised WSA at Appendix G, General Response GR-1, as well as General Response GR-3.

B3-18 This comment appears as "Attachment 4" to Comment Set B3 under the subtitle, "Minimum Requirements for the Implementation of the Respect Lake Tamarisk Alternative for the Easley Solar Project." The comment outlines a request for "minimum requirements" of a fugitive dust management plan.

The "Minimum Requirements" of this comment are also generally similar to Comments D5-51 to D5-55 (Comment Set D5, Mark Carrington). This Final EIR includes Responses to Comments D5-32, D5-33, and D5-51 through D5-55 to address the commenter's concerns regarding a fugitive dust management plan, fugitive dust monitoring, disturbed soils and stabilization, silica

exposure due to fugitive dust, and some of the commenter's concerns related to Valley Fever risks related to fugitive dust.

The comment includes a link to scoping comments submitted from U.S. EPA to BLM on October 23, 2023. Please see Responses to Comment D5-67, et al., in Comment Set D5 for a discussion of the U.S. EPA scoping comments.

The "Site Preparation" and "Construction" portions of this comment requests, among other things, multiple air quality monitors, site preparation techniques such as avoiding scarification and rolling, consideration of mulches as potentially effective soil stabilizers, and establishing work stoppage practices and punitive fines to manage fugitive dust. The site preparation techniques for the Project would include mowing and rolling vegetation to a height of 12 inches (EIR Section 2.4.4.1); this partial removal would be a means of preserving vegetation and avoiding ground disturbance. Scarification would only occur as part of restoration of compacted areas during decommissioning of the Project (EIR Section 2.6, Decommissioning and Repowering). This Final EIR (Section 3.4, Air Quality) includes additional contingency dust control measures in MM AQ-1 for "high wind" conditions that include potential work stoppages.

The comment notes several residents of Lake Tamarisk, including those with illnesses, are sensitive to air pollution. Receptors representing the seniors and children of Lake Tamarisk are considered to be sensitive, and EIR Impact AQ-3 discusses the potential for increased health risk and hazards.

General Response GR-2 addresses concerns related to fugitive dust and silica dust, with a consideration of an area-wide monitoring network. General Response GR-2 also describes how the Project is subject to an ambient particulate matter (PM10) standard determined by simultaneous sampling of upwind and downwind PM10, under SCAQMD Rule 403(d)(3), at the discretion of the SCAQMD Executive Officer.

General Response GR-2 details the consideration of steps taken to avoid airborne dust and wind-driven soil erodibility. The full scope of dust control includes efforts to protect natural vegetation and habitat by reducing the Project's ground disturbance and avoiding the removal of vegetation, as well as use of site watering and dust suppressants. Mulches may be considered (EIR Section 2.4.4.1), if available and demonstrated to be effective, consistent with MM AQ-1.

The commenter expressed concern on the effects of past projects in the area and submitted links to an informational article and video on biodiversity and human health effects of development. The article presents information on the habitat, community, and soils of the Mojave Desert; renewable energy development and economic growth; and silica, Valley Fever, and fugitive dust; and a discussion of how renewable energy development contributes to an increased risk of contracting Valley Fever for Mojave Desert residents. The video provides information on Valley Fever and its spread in soils of the western United States. This video was reviewed and noted.

B3-19 The commenter suggests an alternative substation location along State Route 177/Rice Road to the northeast of the substation location included as part of the Lake Tamarisk Alternative (called Alternative B, Reduced Footprint Alternative in the Partially Recirculated Draft EIR). The relocated onsite substation and overhead 500 kV gen-tie alignments have been incorporated into and evaluated as part of Alternative C (Further Reduced Footprint Alternative with Berms), which is described in Section 2.8 and fully analyzed by each issue area in Chapter 5 of the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapter 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

B3-20 The commenter lists several County land use policies and what the commenter feels are the benefits of a "Respect Lake Tamarisk Alternative" (RLTA). A principal feature of the commenter-proposed RLTA would be a buffer separating the proposed solar project and the Lake Tamarisk community. The commenter states that only the RLTA meets County policies. The commenter acknowledges that the RLTA would reduce the solar project output by as much as 100 MW and suggests alternative locations for some proposed project facilities. The buffer shown in the commenter-proposed RLTA was incorporated into Alternative C (Further Reduced Footprint Alternative with Berms), which is described in Section 2.8 and fully analyzed by each issue area in Chapter 5 of the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapter 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

Note that following publication of the Partially Recirculated Draft EIR, the Applicant performed additional preliminary engineering of Alternative C. Based on constraints, the Applicant determined that the loss of 530 acres of development under Alternative C would result in a loss of 80 MW to 110 MW, as compared to the proposed Project, for a total maximum output between 290 MW to 320 MW. EIR Section 2.8.4 has been updated in the Final EIR to reflect the updated potential output of Alternative C.

B3-21 The commenter cites several general plan land use policies regarding aesthetic and visual resources and expresses the opinion that only the RLTA can meet the requirements of those policies. Specifically, the commenter references a County land use policy (LU 4.1) requiring developments visually enhance, not degrade the character of the surrounding area through consideration of applicable design standards; zoning, building, and other code and regulatory requirements; and preserve natural features and vegetation wherever possible. Additional land use policies are cited regarding open space preservation, outstanding vistas and visual features, scenic highway corridors, location of electric distribution lines, grading and contours, and impact on open space and rural character. The commenter notes that the BLM's Visual Resource Management Class IV management objective is used when considering visual impacts on BLM-administered land and feels this is the opposite of County's General Plan identification of "high scenic value" for the area. The commenter states a belief that few of the "less than significant impact" conclusions in the Draft EIR are valid and that the RLTA would mitigate many of these impacts.

The analysis of Project Alternatives and Aesthetics has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 (Alternatives) and Section 3.2 (Aesthetics) of the Partially Recirculated Draft EIR and to General Response GR-1.

B3-22 The commenter has included "Addendum A. 'Respect Lake Tamarisk Alternative' Outline," which was also submitted in Comment Set D5. Please see Responses to Comments D5-2 to D5-85, which addresses the 17 requested requirements and the linked reference documents.

B3-23 The commenter has included the same comments submitted by Bob Brooks. See Responses to Comment Set D11 (Bob Brooks).

B3-24 The commenter included a link to a comment letter submitted by Allen Grant, which is included herein as Comment Set D12.

B3-25 The commenter included a link to a comment letter submitted by Lynne Miller, which is included herein as Comment Set D8.

B3-26 The commenter included a link to a comment letter submitted by Mark Goddard, which is included herein as Comment Set D1.

B3-27 The commenter included a link to a comment letter submitted by Vicki Bucklin, which is included herein as Comment Set D6.

B3-28 The commenter included a link to a comment letter submitted by Bob and Tracy Brooks, which is included herein as Comment Set D4.

B3-29 The commenter included a link to a comment letter submitted by Julie and Lars Anderson, which is included herein as Comment Set D2.

B3-30 The commenter included a link to a comment letter submitted by Patti Cockcroft and Ken Stamp, which is included herein as Comment Set D3.

B3-31 The commenter included a link to a comment letter submitted by Teresa Pierce, which is included herein as Comment Set D10.

B3-32 The commenter included a link to a comment letter submitted by Rick Thomson.

See Responses to Comments B3-33 through B3-36, as well as Comment Set D9 submitted by Rick and Dalene Thomson.

B3-33 The commenter provides a detailed history of Lake Tamarisk Desert Resort (LTDR), including its community make-up and the range of activities available. The commenter states that the Easley Project would be acceptable if there were a 1-mile buffer between the community and the project, various environmental plans and monitoring were in place and accommodations provided for those affected by construction, and a property devaluation plan was in place. The commenter feels that the community will be uninhabitable at times based on air quality during construction.

The conditions the commenter identifies as needed to not oppose the project are noted and recorded. Air quality impacts and mitigation are addressed in EIR Section 3.4. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR and includes analysis of the RLTA's requested buffer as part of Alternative C. Please refer to the revised analysis at Chapter 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

B3-34 The comment letter states that the covenant of being a "Designated Desert Resort" has been broken if Easley is allowed to build to the Lake Tamarisk Desert Resort's property lines.

The commenters' opposition to the proposed Project is noted.

Rick Thomson's letter states that during this past year, property listings have more than doubled, values have dropped, and sales have considerably slowed. Please see Response to Comment D5-26, which addresses similar concerns about property values.

The comment states that once construction begins, the resort will be uninhabitable at certain times based on air quality alone. Air quality impacts are analyzed in Section 3.4 of the EIR. Please see General Response GR-2 regarding fugitive dust. Please also see Response to Comment D10-1 regarding construction nuisances.

B3-35 The commenter included reference to articles discussing land subsidence as result of aquifer depletion and shifting of the earth's rotational axis as a result of groundwater pumping. The analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR, the revised WSA at Appendix G, and to General Response GR-1.

The commenter states that large solar reflection areas are contributing to increasing surface temperatures. Regarding the heat island effects of solar development, the analysis of Biological

Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR, General Response GR-6, and to General Response GR-1.

B3-36 The commenter's support for solar power but opposition to the proposed Project is noted. The commenter expresses concerns about dust and electromagnetic radiation.

The analysis of Project alternatives has been revised and recirculated in the Partially Recirculated Draft EIR and includes analysis of a buffer as part of Alternative C. Please refer to the revised analysis at Chapter 5 of the Partially Recirculated Draft EIR, General Response GR-8, General Response GR-2, and to General Response GR-1.

See Response to Comment D10-1 regarding construction nuisances and Response to Comment D9-3 regarding concerns about Electric and Magnetic Fields (EMF).

B3-37 The photographs of the Lake Tamarisk Desert Resort and surrounding area and desert landscape are noted and are in line with the description of the Project area contained in the Draft EIR and Partially Recirculated Draft EIR. See also Response to Comment D5-49.

B3-38 The commenter includes reference to several articles discussing solar development, low-cost groundwater pumping, and depletion of groundwater, as addressed below.

Attachment 11a. Solar-Powered Farming is Quickly Depleting the World's Groundwater Supply

This article highlights the rapid adoption of using solar-powered pumps to extract groundwater in India and other regions. The article states that, while this practice reduces reliance on fossil fuels, it also enhances agricultural productivity, leading to the depletion of groundwater reserves. The article states that this practice threatens food security and risks significant drops in water tables. The article states that policies should be implemented that don't exacerbate water scarcity.

The Project will not be using solar-powered groundwater pumps to extract water for agricultural use. The analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR, the revised WSA at Appendix G, General Response GR-3, and to General Response GR-1.

Attachment 11b. Across America, clean energy plants are being banned.

The article highlights a challenge in the U.S.'s shift to green energy: that local governments are increasingly obstructing the construction of large-scale solar and wind projects, even though the country is aiming to reach the goal of 100% clean energy by 2035. Opposition and regulatory hurdles at the county level are complicating the process and raising questions about the feasibility of meeting clean energy targets.

This comment explains the difficulties of finding a site that is suitable for solar development. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

Attachment 11c. Controversial Solar Project Near Gettysburg Loses Again

This article reports on a solar project in Adams County, PA, that was refused permitting based on local zoning laws. The court found deficiencies in the project's application regarding stormwater management, access roads, and maximum lot coverage. Mount Joy Township has since passed an ordinance banning solar development on prime farmland and increased regulations for solar projects.

The comment demonstrates the ways that local regulations are complicating solar development. The proposed Project is not located on designated Prime Farmland, and the site was chosen due to its designation of DFA in the BLM's DRECP or proximity of private lands to designated DFA lands.

Attachment 11d. Humans are Depleting Groundwater

This article reports on the global issue of groundwater depletion in heavily farmed arid zones. The article also reports on several successful efforts to reverse this trend around the globe such as alternative water supplies, adopting policies to reduce groundwater demand, and enhancing aquifer recharge.

The analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR, the revised WSA at Appendix G, and to General Response GR-1, as well as General Response GR-3.

Attachment 11e. Drone Video of Colorado River Water Flowing into Palm Springs

Video shows the Colorado river and shows the process that takes place to import water from the Colorado River to serve the half a million people that live in the 9 cities in the Coachella Valley. Since 1973 more than a trillion gallons of water have been imported. The water is diverted to large percolation ponds where the water seeps into the ground and refills the underground aquifer.

The analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR, the revised WSA at Appendix G, and to General Response GR-1, as well as General Response GR-3.

B3-39 **Attachment 11f. Environmentalists ask California Energy Commission to consider public health impacts - Courthouse News Service**

The article states that environmental justice organizations have petitioned the California Energy Commission to adhere to state laws by considering environmental and public health impacts---such as air quality and water quality impacts-- in its clean energy policy decisions, especially in disadvantaged communities. The groups also highlighted the negative implications, such as reduced incentives, of the states rooftop solar policies. The petition urges the commission to consider a broader array of impacts beyond mere energy generation and to initiate a rulemaking process to better integrate these considerations into California's energy planning.

In accordance with CEQA, the EIR analyzes potential impacts on air quality, water quality, and environmental resources with the potential to affect public health and considers potential alternatives to the Project.

Attachment 11g. Intensifying Atmospheric Rivers Are Leading to a Surge in Valley Fever

The article states that a surge in Valley Fever is due to fluctuating weather patterns, including periods of heavy rain followed by drought, which, the article states, create the ideal conditions for the fungus responsible for Valley fever. Climate change has been cited as a significant factor in the disease's increased prevalence and geographical spread to areas beyond its traditional confines. Researchers warn that ongoing climate shifts and human development could further increase Valley fever incidents, posing a growing public health challenge.

The EIR addresses the risk of Valley Fever and provides data confirming that it is a rising state-wide concern (EIR Section 3.4, Air Quality, and Section 3.10, Hazards and Hazardous Materials).

The risks of Valley Fever can be reduced by minimizing fugitive dust emissions at construction sites. The Project would be subject to SCAQMD Rule 403 which requires implementation of dust control measures. General Response GR-2 provides additional information on the mitigation for minimizing airborne dust.

Please see Response to Comment D1-1 regarding Valley Fever. For issues related to dust, please see General Response GR-2, Fugitive Dust Control and Site Preparation.

B3-40 **Attachment 11h. Newsom limits appeals of controversial desert solar project (desertsun.com)**

This article reports on Easley's SB-7, or Environmental Leadership Development Project (ELDP) certification. A certified ELDP project is subject to expedited judicial review if challenged by a lawsuit under CEQA. The Easley Project is the first renewable energy project to go through this process and be certified by the Governor. The article states that the project is facing opposition from the local residents, although the State of California has emphasized the importance of the project's role in achieving climate goals.

Section 1.1 of the EIR discusses that the project was certified as an Environmental Leadership Development Project (ELDP) by Governor Newsom in March 2024. As an ELDP, the project is eligible for a streamlined judicial review.

Attachment 11i. Nevada Supreme Court Rules Surface Water and Groundwater Are One And The Same (CleanTechnica)

The article summarizes a decision by the Nevada Supreme Court that rules that the state can limit new groundwater pumping to protect existing water users and wildlife. This is a shift in water management, because it recognizes surface and ground water as a single source. The ruling came in response to the severe drought in Nevada and depletion of aquifers, requiring a reevaluation of groundwater basin boundaries and interconnected water sources. The ruling came from a dispute over a development and could result in significantly less water available for development. The article states that this precedent supports actions based on scientific understanding of water resources, aiming to ensure sustainable water management and protect senior water rights holders and the environment.

Regarding groundwater, the analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR, the revised WSA at Appendix G, and to General Response GR-1, as well as General Response GR-3.

Attachment 11j. Aridity Could Dry Up Southwestern Mine Proposals - Inside Climate News

The article highlights the State of Arizona's insufficient groundwater protections and the potential water consumption of mining operations. The broader issue in the Southwest involves the tension between the need for critical minerals for clean energy transitions, such as lithium and copper, and the region's dwindling water resources. Environmental and tribal groups have raised concerns about the impacts of mining on water availability, sacred sites, and local ecosystems. The article states that the challenges are exacerbated by the mining law of 1872 which allows mining without royalties on federal lands and prioritizes mining over conservation and recreation without sufficient consideration of environmental impacts.

The proposed Project is not a mining operation. Regarding groundwater, the analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR, the revised WSA at Appendix G, and to General Response GR-1, as well as General Response GR-3.

B3-41 Attachment 11k. Bloomberg: Clean Energy Traffic Jam Snarls Grid Access in Key Solar Market (bloomberglaw.com)

The article discusses the challenges that are arising for renewable energy developers across California because of the California Independent System Operator's (CAISO) interconnection and study process. The interconnection process for many projects has been delayed due to an overwhelming number of grid connection applications to CAISO, caused by a surge in renewable energy project proposals. Efforts to streamline CAISO's process are in motion, yet local opposition and the challenge of connecting large-scale projects to the grid persist. CAISO aims to prioritize viable projects and direct developers towards areas with planned transmission expansions to meet the high demand for clean energy and support California's clean power goals.

As stated in Section 2.1, the Project proposes to interconnect to the CAISO grid via an existing substation on the Oberon site, then to the SCE Red Bluff Substation, via the existing Oberon 500 kV gen tie line. The Project site was chosen due to its close proximity to transmission lines and substations that have the capacity to transmit the proposed Project's electricity to the grid.

B3-42 Attachment 11l. Can the Tortoise Win This Race – KNPR

The commenter included a link to an NPR article discussing impacts to desert tortoise from solar development. The article details and discusses the potential impacts to desert tortoise from proposed solar projects in undisturbed desert ecosystems in California and Nevada.

The Project has been proposed in a BLM DRECP Development Focus Area (DFA) designated for renewable energy development and has been strategically designed to avoid and buffer microphyll woodlands except for minor incursion or where there is existing intervening infrastructure, in compliance with DRECP Conservation Management Actions (CMAs), to maximize opportunities for preservation of desert tortoise habitat and movement.

The Project site is also outside of desert tortoise critical habitat no live desert tortoises or active signs of tortoises were found during surveys. The gen-tie line (up to 7 structures) would cross desert tortoise critical habitat in the southeastern portion of the adjacent Oberon Project site. Regarding project impacts to desert tortoise, the analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR, EIR Appendix P (Desert Tortoise Protection and Translocation Plan), EIR Appendix Q (Raven Management Plan), and to General Response GR-1.

B3-43 Attachment 11m. Pumped Storage Hydro Could be Key to the Clean Energy Transition. But Where Will the Water Come From? - Inside Climate News

This article concerns the proposed White Pines Pump Storage project, near Ely, Nevada, which is aimed at enhancing clean energy storage, but opponents say that it threatens the local environment and cultural sites. The project requires constructing two large reservoirs, potentially harming wildlife, depleting groundwater, and impacting tourism. Locals and environmentalists oppose the project, citing its environmental and cultural costs.

The Easley Solar Project is not a pumped storage project. R The analysis of Biological Resources, Cultural and Tribal Cultural Resources, and Hydrology and Water Quality for the Easley Project has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 (Biological Resources), Section 3.6 (Cultural and Tribal Cultural Resources) and Section 3.11 (Hydrology and Water Quality) of the Partially Recirculated Draft EIR, the revised WSA at Appendix G, and to General Response GR-1.

Attachment 11n. Proposed Utility Tax would increase electricity bills for millions, undermine rooftop solar, and discourage conservation (solarrights.org)

This article states that California's Legislature passed AB 205, removing a $10 monthly cap on Utility Taxes and mandating an uncapped Utility Tax for all residential ratepayers, leading to proposals for the highest Utility Tax in the U.S. of $30 to $70 per month. The article states that this move has sparked significant opposition from the Solar Rights Alliance, other organizations, and Californians due to concerns it would disproportionately affect those living in smaller homes, with solar panels, or who conserve energy. In response, state legislators introduced AB 1999, proposing a $10/month cap on the Utility Tax, though a loophole remains that could leave some ratepayers vulnerable. Critics argue that the Utility Tax does not address the underlying issues of high electricity costs and could discourage energy conservation and the use of rooftop solar and batteries, which are seen as essential for reducing grid reliance and costs.

The actions of the California Legislature and the Utility Tax are beyond the scope of this EIR.

Attachment 11o. Turning mine waste into healthy soil - Canadian Light Source

This article states that researchers at the University of Queensland have developed a method to transform harmful mining tailings into healthy soil, potentially saving billions of dollars and offering environmental benefits. Tailings, which can be biologically hostile due to soluble salts and metals, are currently a costly and risky burden due to their long-term storage needs. The team's process accelerates natural soil formation, using specific microbes and plant mulch from agricultural and urban green waste to convert tailings into a medium suitable for plant growth and microbial activity within as little as 12 months. This technique, validated through field and greenhouse trials, could also rejuvenate soils damaged by over-farming and climate change. The discovery, supported by the Canadian Light Source facility, awaits industrial application to mitigate mining's environmental impact and improve agricultural practices.

The proposed Project is a solar generation and energy storage project and would not produce mining tailings and therefore this comment is outside of the scope of the EIR. Impacts to soils are addressed in EIR Section 3.8 (Geology, Soils, and Mineral Resources).

B3-44 **Attachment 11p. A desert fungus that infects humans is spreading (youtube.com)**

This video discusses the fungus that causes Valley Fever, and what is not understood about it, such as where it is, how it spreads in the soil, and where it is going next. The video discusses the symptoms and the illness that can be caused by the fungus. The fungus is mostly present in CA and AZ, although Texas does not report Valley Fever and thus the cases of Valley Fever are thought to be underreported. There are three systems that are driving the spread of the fungus. These include how the fungus can be dormant in humans and animals, as well as the changing weather patterns due to climate change. Difficulties in finding the fungus in the wild due to unreliable tests and lack of scientific studies are cited as reasons there is a lack of information about it.

Please see Response to Comment D1-1 regarding Valley Fever, as the commenter referenced the same informational video.

The EIR addresses the risk of Valley Fever (EIR Section 3.4, Air Quality, and Section 3.10, Hazards and Hazardous Materials), and General Response GR-2, Fugitive Dust Control and Site Preparation, provides additional information on the mitigation for minimizing airborne dust.

B3-45 **Attachment 11q. Groundwater (ca.gov)**

This article states that groundwater is crucial for California, supplying up to 60% of the state's water during dry periods and serving as a key drought buffer. It is sourced from aquifers below

ground and supports about 83% of Californians. However, the article states that excessive extraction can lead to problems like land subsidence, posing risks to infrastructure. The Sustainable Groundwater Management Act (SGMA) of 2014 requires local plans to prevent overdraft and balance groundwater recharge. Groundwater recharge can be natural or engineered, but replenishing deep aquifers may take years. Groundwater and surface water are interconnected, highlighting the need for integrated management approaches.

Regarding groundwater, the analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR, the revised WSA at Appendix G, and to General Response GR-1, as well as General Response GR-3.

Attachment 11r. Solar Is Booming in the California Desert, if Water Issues Don't Get in the Way - Inside Climate News

This article states that in Desert Center, California, the expansion of solar farms is threatening local groundwater supplies and that insufficient data on the Chuckwalla Valley Groundwater Basin's (CVGB) capacity has raised concerns about over drafting the aquifer. The article states that this situation underscores the tension between advancing renewable energy initiatives and preserving vital water resources in drought-stricken regions.

Regarding groundwater, the analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR, the revised WSA at Appendix G, and to General Response GR-1, as well as General Response GR-3.

For issues related to dust, please see General Response GR-2, Fugitive Dust Control and Site Preparation.

B3-46 **Attachment 11s. Biden's Solar Push Is Destroying the Desert and Releasing Stored Carbon – MishTalk**

This article states that desert soils capture significant carbon underground, a process crucial for carbon sequestration but often overlooked. It further posits that construction of solar farms, such as the Yellow Pine Solar Project in Nevada, threatens this carbon storage by potentially destroying vegetation vital for capturing and storing carbon.

For issues related to dust control and site preparation, including impacts of disturbance, please see General Response GR-2, Fugitive Dust Control and Site Preparation.

Regarding groundwater, the analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR, the revised WSA at Appendix G, and to General Response GR-1, as well as General Response GR-3.

Regarding impacts to habitat and species, the analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1, as well as General Response GR-4.

Regarding alternatives to the Project, The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

The EIR analyzes the potential for the Project to cause a loss in carbon sequestration (EIR Section 3.9.5, Impact GHG-1) and quantifies the GHG emissions as an adverse effect of land use

conversion (EIR Table 3.9-1). See Response to Comment B2-27 for additional information in response to comments on carbon storage in desert soils.

B3-47 **Attachment 11t. Interior Department Proposes Rule to Bolster Solar and Wind Development on Public Lands, Continue Progress on Efficient and Responsible Permitting | U.S. Department of the Interior (doi.gov)**

This article describes the U.S. Department of the Interior's proposal to update renewable energy regulations to foster solar and wind energy development on public lands, aiming to reduce fees by 80% and streamline processes. The proposed regulations were finalized in May 2024.

The East Riverside DFA where the Easley Project is located is an area that BLM identified for renewable energy development under DRECP LUPA, and renewable energy development has been concentrated in this target area. The Easley Project is utilizing the federal land designated for renewable energy development.

Attachment 11u. What's the impact of solar development on water resources? | Pahrump Valley Times (pvtimes.com)

This article discusses the Pahrump Valley in Nevada, where concerns are rising over the potential impact of 10 proposed solar projects on the local aquifer. The aquifer discussed in the article would not be affected by the Project.

Regarding groundwater and water supply for Easley, the analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR, the revised WSA at Appendix G, and to General Response GR-1, as well as General Response GR-3.

Attachment 11v. Researchers discover solar heat island effect caused by large-scale solar power plants (phys.org)

This article concerns a study led by Mitchell A. Pavao-Zuckerman, which found that solar power installations can increase local temperatures, creating a "heat island" effect, with temperatures around solar plants being 5.4-7.2 °F warmer than nearby natural areas. The heat island effect is addressed in the EIR's analysis of biological resources, which has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1, as well as General Response GR-6 regarding the "Heat Island Effect".

Attachment 11w. A company is pumping 'unlimited' water in drought-stricken Arizona to grow crops for Saudi Arabia: 'It is a scandal' (msn.com)

This article states that a Saudi company, Fondomonte Arizona, is using state groundwater to grow water-intensive alfalfa in Arizona for export to Saudi Arabia, despite the state's severe drought conditions. According to the article, the situation has raised concerns about water scarcity, potential increases in water prices, and the need for restrictions, and Arizona's Attorney General is seeking to cancel the company's land leases to conserve water, while a federal bill proposes taxing water-intensive crops grown by foreign entities in drought-stricken areas.

The proposed Project is not an agricultural development. Regarding groundwater, the analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR, the revised WSA at Appendix G, and to General Response GR-1, as well as General Response GR-3.

B3-48 Attachment 11x. Solar Panel Farms Affecting Communities -Facebook

The County is unable to access this article at the link provided. Based on the title, please see Response to Comment D10-1 regarding concerns about construction nuisances (e.g., dust, noise, traffic, etc.) to nearby communities.

Attachment 11y. Ignored and Unrepresented: Lake Tamarisk Desert Resort Residents Say Elected Officials and Government Agencies Are Not Paying Attention to Their Plight

According to the article, residents of Lake Tamarisk Desert Resort, facing encroachment by industrial-scale solar projects, are reporting that they are having trouble selling their homes due to the proximity of these installations. The article states that studies suggest such projects can significantly lower property values and that the community is also concerned about health impacts, loss of natural desert aesthetics, potential temperature increases, and potential strain on the local aquifer. The article states that despite repeated attempts to raise these issues with government officials and agencies, the residents feel ignored and left to deal with the consequences of the solar expansion on their own.

Regarding alternatives to the project, the analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

Regarding groundwater and water supply, the analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR, the revised WSA at Appendix G, and to General Response GR-1, as well as General Response GR-3.

The "Heat Island Effect" is discussed in the EIR's analysis of biological resources, which has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1, as well as General Response GR-6.

Please see Response to Comment D2-4, which addresses the proximity of solar installations to homes and includes a discussion related to visual/aesthetic impacts.

A discussion of perceived property value impacts related to nearby solar installations is included in Section 4.5.1 (Property Values) of the Draft EIR.

Health impacts related to Valley Fever and fugitive dust are discussed in General Response GR-2 and Response to Comment D1-1. Other health impacts, including EMF and electromagnetic hypersensitivity are discussed in Responses to Comments B3-36, B3-51, D5-31, and D9-3.

Attachment 11z. Newsome Proposes CEQA Reform to Speed Clean Energy Projects

This article states that Governor Gavin Newsom proposed significant reforms to the California Environmental Quality Act (CEQA) during a visit to a solar energy project site in the Central Valley. According to the article, the reforms aim to expedite the construction of clean energy projects by creating a "strike team" and introducing legislation to streamline regulations, and Newsom emphasized the importance of these reforms in achieving California's climate goals and utilizing federal infrastructure funds. According to the article, he proposed changes received support from Republicans, including Senate Minority Leader Brian Jones

The Easley Project is participating in a judicial streamlining process under Senate Bill 7. Section 1.1 of the EIR discusses that the project was certified as an Environmental Leadership Development Project (ELDP) by Governor Newsom in March 2024. As an ELDP, the project is eligible for a streamlined judicial review, if subject to a lawsuit under CEQA.

Attachment 11za. How solar farms took over the California desert: 'An oasis has become a dead sea' | California | The Guardian

According to this article, the expansion of solar power plants in the Mojave Desert, particularly in the Chuckwalla Valley, is causing concern among local residents and environmentalists. The article states that the area is now surrounded by industrial-scale solar projects, leading to concerns regarding health issues from dust, threats to local wildlife and ecosystems, and potential damage to ancient Indigenous cultural sites. Despite the significant role these solar farms play in the U.S. green energy revolution, the impact on the local environment and communities raises questions about the sustainability of such projects. The article states that residents are fighting back against the encroachment, emphasizing the need for careful consideration of where and how renewable energy projects are implemented, with critics suggesting exploring alternatives like rooftop solar to avoid disturbing untouched landscapes and habitats.

The analysis of Project Alternatives, Biological Resources, and Cultural and Tribal Cultural Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 (Alternatives), Section 3.5 (Biological Resources), and Section 3.6 (Cultural and Tribal Cultural Resources) of the Partially Recirculated Draft EIR and to General Response GR-1.

For issues related to dust, please see Section 3.4 (Air Quality) in the Draft EIR and General Response GR-2, Fugitive Dust Control and Site Preparation.

Attachment 11zb. Solar-powered warehouse rooftops could power nearly 19.4M US homes: report | The Hill

This article concerns a report which found that if solar panels were installed on all American warehouse rooftops, they could power nearly 19.4 million U.S. households annually. The report highlights California, Florida, Illinois, Texas, and Georgia as states with the highest solar potential and suggests businesses and government implement solar-friendly policies to maximize this renewable energy source, benefitting the environment, businesses, and the community.

The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

Attachment 11zc. Does Solar in the Desert Add Up

This article states that the California desert, often misperceived as barren, actually possesses high biodiversity and significant carbon sequestration capabilities and that challenges in measuring its carbon storage, especially below ground and in calcite deposits, have led to underappreciation of its ecological value. The article references a technical report that recommends preserving intact desert lands and situating solar projects only on previously disturbed areas to protect the desert's carbon sink capacity and biodiversity.

For impacts related to carbon sequestration, please see Response to Comment B2-27. The analysis of Project alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

B3-49 **Attachment 11zd. California's role in 30x30**

The article states that the desert's carbon storage process is distinct and differs significantly from more widely understood sectors such as forests, grasslands, chaparral, and wetlands. The article recommends that the desert ecosystem be left undisturbed to maximize the desert sector's contribution to carbon emission reduction.

This comment pertains to California land conservation goals expressed by Executive Order N-82-20 (October 2020), also known as the "30x30" goal. Executive Order N-82-20 focuses on promoting enduring conservation measures, and notes that: "*addressing the biodiversity crisis and accelerating nature-based solutions requires inclusive partnerships and collaboration among federal, state and local governments [. . .]*" The proposed Project falls within an example of prior agency partnership and collaboration for establishing conservation goals. The Desert Renewable Energy Conservation Plan (DRECP) was developed in a collaboration between the BLM, California Energy Commission, California Department of Fish and Game, and the U.S. Fish and Wildlife Service. As disclosed in the EIR Section 3.12 (Land Use and Planning), the portion of the Project that would be located on BLM land is designated as a Development Focus Area targeted for renewable energy development.

For impacts related to carbon sequestration, please see Response to Comment B2-27.

B3-50 Attachment 11ze. Desert Center Intaglio & Snake Intaglio/Geoglyph – YouTube

The comment includes a video that shows an aerial view of two intaglio sites.

- Site 1: Desert Center Intaglio: The largest pattern is a possible dance path that has an ovoid or eggplant shape. It measures about 150-feet by 103-feet wide. Connected to the western edge of the path is an intaglio/geoglyph measuring about 60-feet by 26-feet wide.
- Site 2: Possible Snake Intaglio: This has been described as an irregular dance path. A Harry Casey and Anne Morgan book, Geoglyphs of the Desert Southwest described it as a possible snake geoglyph.

The exact locations of the possible intaglios are not provided in the video. No intaglios were identified during the Easley cultural resources surveys, and there are no known intaglios near Desert Center, California. The analysis of Cultural and Tribal Cultural Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.6 of the Partially Recirculated Draft EIR and to General Response GR-1.

B3-51 Attachment 11zf. Colorado River: Can feds legally cut IID, other rural water district allotments? (desertsun.com)

This article states that federal officials announced potential across-the-board cuts to Colorado River water allocations due to unprecedented low levels in Lake Mead and Lake Powell, threatening the supply to states like those served by the Imperial Irrigation District (IID).

The proposed Easley Project does not propose using Colorado River water. Regarding groundwater, the analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR, the revised WSA at Appendix G, and to General Response GR-1, as well as General Response GR-3.

Attachment 11zg. Mixed feelings over solar in Desert Center (desertsun.com)

This article states that Desert Center, a once-bustling town on the old U.S. Route 60, now grapples with decline and vandalism, including a recent hit-and-run that injured a local. The article explains that the community, a mix of full-timers and snowbirds, experienced challenges like economic stagnation due to corporate land interests blocking development and that efforts like solar projects offer mixed economic benefits but may disrupt the desert and community fabric. The article states that residents hope for a sustainable future, holding onto the town's unique history, including its role in the birth of Kaiser Permanente health system, even as they face an uncertain path forward.

The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

Please see Response to Comment B4-7 regarding economic factors.

Attachment 11zh. Easy Being Green: Biden Approves Campaign Donors' Solar Project Over Environmentalist Objections (freebeacon.com)

The article states that the Biden administration approved a large solar farm project in Southern California by Intersect Power, despite environmental concerns and local opposition. The article states that the company's CEO, a major fundraiser for Biden's campaign, contributed significantly to his election efforts and states that critics argue the project threatens desert ecosystems and wildlife, highlighting the administration's pattern of supporting green energy initiatives linked to political donors.

The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 5 of the Partially Recirculated Draft EIR and to General Response GR-1, as well as General Response GR-8.

Attachment 11zi. Tell BLM to extend the comment deadline for the Western Solar Plan Revision to April 1st (constantcontact.com)

The article states that the Bureau of Land Management (BLM) is updating its solar energy development plan on public lands to meet a goal of deploying 25 GW of green energy by 2025 and asks readers to request a comment period extension on the proposed plan. The East Riverside DFA where the Easley Project is located is an area that BLM identified for potential renewable energy development under DRECP LUPA, and renewable energy development has been concentrated in this target area. The Easley Project is utilizing the federal land designated for renewable development. The Project has been designed to comply with DRECP Conservation Management Actions (CMAs) to prevent environmental impacts. The BLM's Western Solar Plan update would not affect solar development within the DRECP.

See Response to Comment D5-49 regarding the update to the Western Solar Plan.

Attachment 11zj. EAGLE MOUNTAIN: Giant desert landfill plan scrapped – Press Enterprise

The article states that the Eagle Mountain landfill project, intended to import up to 20,000 tons of trash daily from Los Angeles County to a site near Joshua Tree National Park, was dropped after 13 years due to environmental concerns and bankruptcy filings by the property owner.

A landfill project is different from a solar PV project. General Response GR-2 discusses fugitive dust control and site preparation, which addresses pollution concerns. The analysis of Project Alternatives and Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 (Alternatives) and Section 3.5 (Biological Resources) of the Partially Recirculated Draft EIR and to General Response GR-1, as well as GR-8.

Attachment 11zk. Building ties and strengthening bonds in the California desert • CALWILD

This article concerns an outing to the Colorado desert, including visits to Dos Palmas Preserve and Mecca Hills Wilderness, offered participants a unique connection to nature and each other. According to the article the group on the outing explored lush oases, admired endangered wildlife like the desert pupfish and a desert tortoise, and navigated the challenging Ladder Canyon, and these experiences in the desert's diverse landscapes highlighted the region's ecological

importance and turned strangers into a community with shared stories, showcasing the desert's power to unite and inspire.

This comment is not about the Easley Project, but generally focuses on the community aspect of the desert. See Response to Comment D2-4 which responds to the concerns of the Lake Tamarisk Desert Resort located near the Project.

Attachment 11zl. Desert Apocalypse – Facebook

"Desert Apocalypse" is a documentary series exploring the impact of renewable energy development on Nevada's public lands, particularly the Mojave and Great Basin ecosystems. The documentary series generally discusses the environmental impacts that may occur as a result of renewable energy development. The Easley Project would be located in the East Riverside DFA, an area that BLM identified for renewable energy development under DRECP LUPA.

Attachment 11zm. Causes, Effects and Solutions to Combat Desertification - Conserve Energy Future (conserve-energy-future.com)

The article states that desertification, the degradation of land in dry regions due to human activity and climate change, turns fertile areas into deserts. The article states that causes include overgrazing, deforestation, poor farming practices, and urbanization and that desertification leads to biodiversity loss, reduced crop yields, water scarcity, and increased poverty. The article states that solutions involve policy changes, education, technological advances, and sustainable practices like reforestation, and that addressing desertification is vital for ecosystem preservation and community livelihoods.

Desertification is typically caused by the reduction of biological productivity of drylands (arid and semiarid land), however as discussed in Response to Comments B2-4 and B2-6, while some grading and ground disturbance would occur during Project development, the desert dry wash woodlands would be avoided, the solar areas would not be subject to mass grading, most hydrologic patterns would be maintained, and mitigation measures would be implemented to reduce impacts to existing vegetation and revegetate temporarily impacted sites. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

Attachment 11zn. 'It's Armageddon': Media Silent on Biden Admin Plan to Snatch Public Land For Solar Farms (freebeacon.com)

This article states that the media has largely ignored the Biden administration's plan to build solar farms on public lands in 11 Western states. The article states that this is in contrast with the critical coverage of Trump's land use proposals.

The BLM's Western Solar Plan update would not affect solar development within the DRECP, such as the proposed Project.

Attachment 11zo. Oasis No More: Residents of Lake Tamarisk and Desert Center Worry About the Proliferation of Utility-Scale Solar Installations – Coachella Valley Independent (cvindependent.com)

This article states that Desert Center's Lake Tamarisk Desert Resort faces threats from nearby utility-scale solar installations. With 14 solar projects approved, the article states that residents are concerned about environmental damage, health risks from dust and electromagnetic fields, water supply depletion, and increased wildfire risks due to new transmission lines. According to the article, despite expressing their concerns, the development of these solar projects

continues, highlighting the challenges of balancing renewable energy expansion with community and environmental preservation.

For issues related to dust, please see General Response GR-2, Fugitive Dust Control and Site Preparation.

The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1, as well as General Response GR-8.

Please see Response to Comment D5-17 regarding the Project's required mitigation monitoring and reporting program (Appendix L in the Final EIR), as well as EIR mitigation measures that would require notification and coordination with the Lake Tamarisk community.

See Section 3.10.1.10 (Electric and Magnetic Fields) in the Draft EIR and Response to Comment D9-3 for a discussion about health effects related to Electric and Magnetic Fields.

As discussed in EIR Section 3.19, Wildfire, MM FIRE-1 (Fire Safety) would include safety measures in addition to the Project's Fire Management and Prevention Plan to reduce the risk of fire during operation of the solar facility.

The analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR, the revised WSA at Appendix G, and to General Response GR-1, as well as General Response GR-3.

Attachment 11zp. Feds may expand solar and wind across the West, including the CA desert (desertsun.com)

The article states that residents of Lake Tamarisk Resort in Desert Center, including 72-year-old Mark Carrington, are facing the disruption of their desert retirement due to nearby large-scale solar projects like Oberon. According to the article, the community is concerned about environmental damage, such as increased dust and depleted water supplies, as the U.S. Bureau of Land Management and Riverside County approve thousands of acres for solar development. The article states that despite industry claims of minimizing conflict, residents feel their lifestyle and community identity are being eroded by the expanding solar farms and advocate for protective measures.

For issues related to dust, please see General Response GR-2, Fugitive Dust Control and Site Preparation.

Regarding groundwater, the analysis of Project Alternatives and Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 (Alternatives) and Section 3.11 (Hydrology and Water Quality) of the Partially Recirculated Draft EIR, the revised WSA at Appendix G, and to General Response GR-1, as well as General Response GR-3.

Please see Response to Comment D5-17 regarding the Project's required mitigation monitoring and reporting program (Appendix L in the Final EIR), as well as EIR mitigation measures that would require notification and coordination with the Lake Tamarisk community.

Attachment 11zq. Not-So-Green Energy: CVindependent

That article states that the Bureau of Land Management approved Intersect Power's Oberon Renewable Energy Project in Desert Center, sparking concerns among environmentalists and locals about the impact of large-scale solar farms on biodiverse desert ecosystems and carbon sequestration. The article states that critics argue that such projects, while aiming for renewable

energy goals, could harm the environment by releasing stored carbon and destroying habitats. According to the article. they advocate for smarter clean energy solutions, such as rooftop solar, to protect desert lands.

The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1, as well as General Response GR-8.

For impacts related to carbon sequestration, please see Response to Comment B2-27.

Attachment 11zr. Hidden Impact of Massive Solar Farms: Residents and Wildlife Affected, Aquifers Threatened The Epoch Times

The article states that California's push for renewable energy through solar panel installations is criticized for harming wildlife, residents' health, property values, and tribal lands. According to the article, environmental concerns include ecosystem damage, water depletion, and animal displacement, and residents report health issues like Valley Fever and increased dust exposure. The article states that communities seek a moratorium on new solar farms near homes and that efforts to address these issues continue.

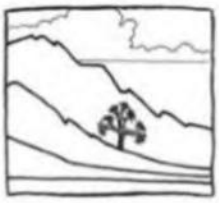
Please see Response to Comment D1-1 regarding Valley Fever. For issues related to dust, please see General Response GR-2, Fugitive Dust Control and Site Preparation.

Please see Response to Comment D2-4, which addresses the proximity of solar installations to homes. A discussion of perceived property value impacts related to nearby solar installations is included in Section 4.5.1 (Property Values) of the Draft EIR.

The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1, as well as General Response GR-8.

As described in Section 4.5.2 (Solar Moratorium) in the Draft EIR, establishing a moratorium or buffer is beyond the scope of the CEQA review for the proposed Project. See Response to Comment D5-49 for more details.

Comment Set B4 – Basin and Range Watch



Basin and Range Watch

March 8th, 2024

To: Riverside County Planning Department

Attn: Tim Wheeler, Principal Planner (CUP 220021)
P.O. Box 1409
Riverside, CA 92502-1409
TWheeler@RivCo.org

re: Comments on the Environmental Impact Review for the Easley Solar Project: Draft EIR (CUP 220021/PUP 230002/VAR 230003/DA 2200016/SCH 2022110240)

Basin and Range Watch is a 501(c)(3) non-profit working to conserve the deserts of Nevada and California and to educate the public about the diversity of life, culture, and history of the ecosystems and wild lands of the desert. B4-1

Intersect Power LLC, proposes to construct, operate the Easley Renewable Energy Project on approximately 2,700 acres of BLM-managed public lands and 990 acres of private lands north of Desert Center on I-10. If approved, the project could generate and store up to 400 megawatts of photovoltaic solar energy.

Inadequate Scoping Meeting:

The public scoping meeting held on October 4th did not accept any public comments and there was no court recorder available. This could possibly eliminate potential commenters with disabilities who can not write letters. The scoping period should be extended two weeks to correct this.

Comment Set B4 – Basin and Range Watch

Easley Solar Will Impact Significant Resources B4-2

The Easley Solar Project will be built on 3,900 acres, 2,700 acres or 4.2 square miles of that is BLM Land. That much development will inflict significant impacts on the regions. The BLM and Riverside County have been streamlining large-scale solar applications in DRECP Development Focus Areas with inadequate Environmental Assessments, but the DRECP review was flawed and did not cover all the regional details. The DRCCP failed to consider community impacts and how specific issues like dust and water use would hurt these communities.

The impacts to the community of Lake Tamarisk cannot be mitigated. A good example is that Intersect Power had offered the community 6 trees to block the view of the project because they are aware their project will permanently change the view for the worse.

The Project site includes a desert tortoise linkage area as defined in the DRECP, the Pinto Wash Linkage.

The Project is located within the Chuckwalla Valley Groundwater Basin (CVGB), which is located in eastern Riverside County and encompasses an area of approximately 904 square miles.

Joshua Tree National Park boundary is located approximately 4 miles northeast of the Project site.

Two special status plant species, Emory's crucifixion thorn (*Castela emoryi*) and desert unicorn plant (*Proboscidea althaeifolia*), were identified as having a high potential for occurrence due to previous documented occurrences and suitable habitat on the Project site.

Burro deer likely move through the Project site and its vicinity to access artificial water sources from nearby agriculture and aquaculture farms. Burro deer scat and tracks were observed throughout the Project.

Sand transport for Mojave fringe-toed lizards will be disrupted.

Wildlife Movement - Movement between habitat areas is a typical part of wildlife activities and may be needed for long-term population sustainability. Land use changes can impact wildlife movement across the landscape, leading to habitat fragmentation and population isolation. Broad habitat linkages were identified in the Desert Linkage Network, and the most prominent linkage in the Project vicinity extends from the southern base of the Coxcomb Mountains south along the foothills of the Eagle Mountains and across the I-10 into the Chuckwalla and Orocopia Mountains.

Need for Easley Solar? B4-3

Comment Set B4 – Basin and Range Watch

The goal of the EIR should protect the community from industrial solar development as well as protect the environment and associated species from industrial scale solar development. B4-3 (cont'd)

The Need for the project should be analyzed by examining distributed energy alternatives. The nation of Vietnam deployed 9 GW of rooftop solar on their grid in 2020.[1] That is nearly 20 times the amount of power Easley Solar would produce.

The Inefficiency of This Utility-scale Solar Project Should Be Analyzed

In addition to poor efficiency of the project to cool Lithium battery containers, the applicant stated that to avoid large washes of microphyll, the project would be crammed into around 2,700 acres between the dry wash habitats, yet maintain a 500 MW rating. How would this be accomplished? The applicant states that the solar panels would be squeezed together more than usual, and this would result in overlap and shading of panels during the morning and afternoon hours. 400 MW would only be produced at peak time of day when the sun is overhead.

This is also unacceptable, to use high-value Colorado Desert ecosystems as places to build highly inefficient large-scale solar projects, as if these public lands are a renewable resource themselves—there is not enough land in the California Desert to achieve a 100% RPS, and lands should be maximized for resource conservation and the most efficient use for energy production. This argues for a much more efficient Distributed Energy Resource alternative and No Action, where rooftop and parking lot solar in a distributed urban environment could best maximize efficiencies of land use, and battery cooling in already air-conditioned structures, or coastal cities where summer temperatures would not result in parasitic loads simply to cool batteries.

Alternatives: B4-4

According to CEQA, an EIR must describe a reasonable range of alternatives to a proposed project that could feasibly attain most of the basic project objectives and would avoid or substantially lessen any of the proposed project's significant effects. Additionally, a "No Project" alternative must be analyzed. Because environmental factors must be considered when selecting alternatives, we would like to request the following alternatives with less environmental impacts.

Because environmental factors can define the selection of alternatives, the **No Project Alternative** is the most environmental of any alternatives BLM can select. This is because large-scale solar projects have inflicted multiple impacts on the East Riverside region, Chuckwalla Valley and Lake Tamarisk/Desert Center area. A No Action Alternative can be justified by

[1] Vietnam rooftop solar records major boom as more than 9GW installed in 2020 - PV Tech (pv-tech.org)

Comment Set B4 – Basin and Range Watch

distributed energy numbers that are already calculated. The nation of Turkey seeks to build 14 GW of rooftop solar by 2035[2]

The United States has enough usable rooftop space to deploy an amount of solar equal to its current nationwide generation levels, according to recent research on global photovoltaic potential. Researchers at Ireland's University of Cork leveraged big data, machine learning, and geospatial analysis to reach their findings, which were published in *Nature Communications*.

In the report, about 77,000 square miles of rooftop area worldwide was demarcated as usable PV surface area (for context, the state of Florida is roughly 65,000 square miles). The researchers said this area could result the production of 27 petawatt-hours, or 27 million GWh, if completely covered by conventional photovoltaics.[3]

Reduced Footprint Alternatives:

Reduce the project footprint to 300 MW or even 200 MW and only review a 1,500-acre project. Intersect Power has already developed and impacted a significant portion of the region, and it would be fair to reduce their Easley Solar footprint proposal on public lands by half or less. A large-scale solar developer can still make a profit off a 1,500 acre to 2,000-acre project. Project footprints are almost always reduced in final solar alternatives. Good examples are the Desert Sunlight Project, California, Yellow Pine Project, Nevada, Silver State South Project, Nevada.

Review alternatives that create buffers around the community of Lake Tamarisk. Buffers considered in alternatives should be at least one mile and up to 5 miles.

B4-4 (cont'd)

Other Alternative:

Move the whole project east of Hwy 177, east of the proposed Lycan Project which would avoid natural desert lands that have not been impacted by projects 5 miles north of Lake Tamarisk.

B4-5

Riverside County should work with BLM and Support a Land Use Plan Amendment Alternative:

The Desert Renewable Energy Conservation Plan (DRECP) is an amendment of the California Desert Conservation Area plan and is the dominant Land Use Plan of the region. The Desert Renewable Energy and Conservation Plan (DRECP) is a landscape-scale planning effort covering 22.5 million acres in seven California counties--Imperial, Inyo, Kern, Los Angeles, Riverside, San Bernardino, and San Diego. The California Energy Commission, U.S. Bureau of Land

[2] Türkiye can expand solar by 120 GW through rooftops | Ember (ember-climate.org)
[3] High resolution global spatiotemporal assessment of rooftop solar photovoltaics potential for renewable electricity generation | Nature Communications

Comment Set B4 – Basin and Range Watch

B4-5 (cont'd)

Management, California Department of Fish and Wildlife, and the U.S. Fish and Wildlife collaborated to develop the DRECP across jurisdictional boundaries.

In order to establish the DRECP, the BLM had to amend the original California Desert Conservation Area plan as well as local BLM land use plans.

The Federal Land Policy and Management Act (FLPMA) requires the BLM to maintain on a continuing basis an inventory of all public lands and their resources and other values (Inventories, Section 201).

Planning, per FLPMA Section 202, instructs that the Secretary of the Interior shall, with public involvement and consistent with the terms and conditions of the Act, develop, maintain, and, when appropriate, revise land use plans which provide tracts or areas for the use of the public lands.

The purpose of a Resource Management Plan (RMP) is to:

1. Allocate resources and determine appropriate multiple uses for the public lands;

2. Provide a strategy to manage and protect resources;

3. Establish systems to monitor and evaluate the health of resources and effectiveness of practices. RMPs are like a public lands version of municipal zoning. The Bureau of Land Management evaluates and amends or revises its land-use plans in response to changing conditions and demands on the public lands, or when new components are added to the National Conservation Lands that it manages. Keeping a plan up-to-date helps ensure that the BLM manages the public lands in ways that meet the multiple-use and sustained yield goals that Congress has set for these lands.

The DRECP Lands have been divided up inro the categories of conservation lands and Development Focus Areas.

The **DRECP failed to consider how renewable energy would impact communities** and failed to create a Conservation and Management Actions (CMAs) that buffers communities from renewable energy impacts. Under the National Environmental Policy Act, Environmental Justice and Socio-economic impacts are required to be analyzed. The DRECP has a surprising lack of these kind of impacts described and fails to include required setbacks to local communities.

The Easley Solar Project is being proposed very close to the community of Lake Tamarisk. A section of the project would be located only a few feet from the community.

The BLM should be proposing alternatives that create a buffer around the community. With a Land Use Plan Amendment, the BLM could create a permanent protected buffer on the federal land just north of Lake Tamarisk. BLM should consider a buffer up to 5 miles but could also designate the section north of Lake Tamarisk as a "Solar Exclusion Zone:

Comment Set B4 – Basin and Range Watch

A Land Use Plan Amendment could offer a number of actions that could be added to the DRECP Conservation Management Actions for the area. For example, all DRECP Development Focus Areas on BLM lands have been downgraded to Visual Resource Management (VRM) Class IV to help expedite approval of solar projects. The objective of VRM Class IV is to*: provide for management activities which require major modification of the existing character of the landscape. Allowed Level of Change: The level of change to the characteristic landscape can be high. Management activities may dominate the view and may be the major focus of viewer attention.*[4] B4-5 (cont'd)

This is an oversight of the DRECP in the Lake Tamarisk and Desert Center area and a LUPA could potentially upgrade the VRM Class on a buffer zone to VRM Class II which has the objective is*: to retain the existing character of the landscape. Allowed Level of Change: The level of change to the characteristic landscape should be low. Management activities may be seen, but should not attract the attention of the casual observer.*

Community Setbacks: B4-6

The DRECP has seemingly countless "conservation management actions" to protect biological and cultural resources in the area. Many of these are listed in the CMA's as "BIO 1 and CUL 1 for example. We would like to request a Land Use Plan Amendment that creates a CMA Mitigation category called **"Community Setbacks"** and these could be justified under the CEQA review for Socio-economics.

Community setbacks would potentially create long term solutions for communities that are facing large-scale solar plans coming up to their doorstep.

In the case of Easley Solar, a one to 5 mile buffer could be created specific to Lake Tamarisk but would not require a full-scale change to the entire DRECP Plan.

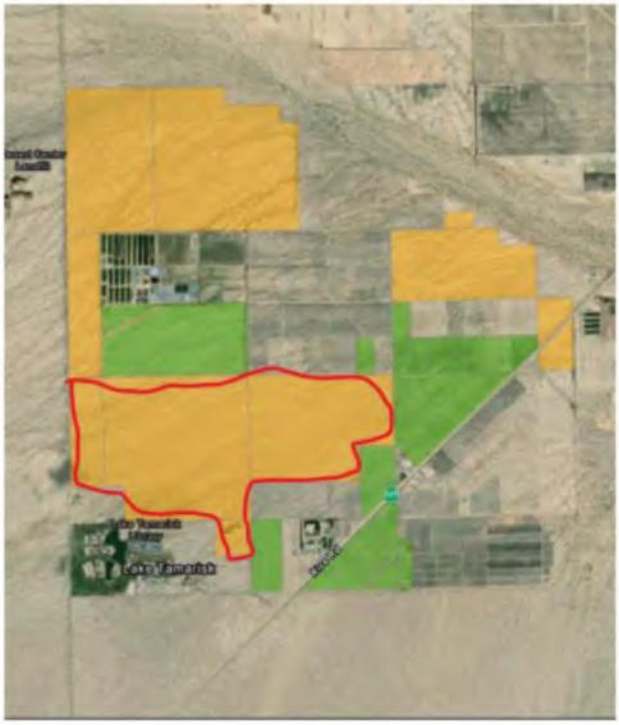
A Community Setback would protect property values, air quality, visual resources, groundwater, cultural and biological resources.

The DRECP as a major Land Use Plan would probably not be ripe for a holistic revision for 10 to 20 years. This is far too long for local desert communities to wait as conditions on the ground change and their quality of life is threatened. A small, local LUPA is therefore entirely reasonable and justified. Equally, Riverside County can create their own "community setbacks".

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

Comment Set B4 – Basin and Range Watch

B4-6 (cont'd)



^In red, a potential solar exclusion zone which would protect the community of Lake Tamarisk as well as biological resources.

It should be noted that several environmental organizations requested that the entire DRECP be removed from the new update to the Western Solar Plan Programmatic Environmental Impact Statement and the BLM listened to them. A disadvantage to this is that the oversights to the DRECP regarding communities can't be included in this review, but it could be partially resolved in a Land Use Plan Amendment for the Easily Solar Project.

B4-7

Affected Environmental/ Environmental Consequences:

This environmental review needs an entire section on how the communities of Desert Center and Lake Tamarisk have been impacted by large-scale solar and how the communities will be impacted by a future full build-out scenario. This can be justified under the CEQA categories of

Comment Set B4 – Basin and Range Watch

socioeconomics and environmental justice. The impacts should include public health, property values, quality of life and long-term negative impacts of living next to large-scale energy projects.

B4-7 (cont'd)

Fugitive Dust:

B4-8

Large-scale solar projects have a poor record in violating air quality controls, as we have recorded in photographs such as at the 800-acre Sunshine Valley Solar Project in Amargosa Valley. This mowed-vegetation project repeatedly had fine particulate whirlwinds, and dust clouds emerging from disturbed desert surfaces in construction zones. Despite water trucks attempting to water-down loose dirt, the solar project was too large to control all dust. Construction continued on windy days, yet even on mild breezy days we saw wind-blown dust and clouds of fine particulates from disturbed ground in the construction site. Construction, especially on windy days, would create huge dust black-outs and greatly impact visibility. Removal of stabilized soils and biological soil crust creates a destructive cycle of airborne particulates and erosion. As more stabilized soils are removed, blowing particulates from recently eroded areas act as abrasive catalysts that erode the remaining crusts, thus resulting in more airborne particulates.

We are concerned that industrial construction in the region will compromise the air quality to the point where not only visual resources, but public health will be impacted. Epidemiologists 16 investigated an outbreak of valley fever that had sickened 28 workers at two large solar power construction sites in San Luis Obispo County.[5]

[5] 28 solar workers sickened by valley fever in San Luis Obispo County - Los Angeles Times (latimes.com)

Comment Set B4 – Basin and Range Watch

B4-8 (cont'd)



^ Photo of the fugitive dust caused by the Sunshine Valley Solar Project, Amargosa Valley, Nevada in summer of 2019.



^Oberon Solar Project - 2022

Comment Set B4 – Basin and Range Watch



^Desert Sunlight Solar Project 2010

B4-8 (cont'd)

Heat Island Effect:

B4-9

A recent study[6] showed that covering 20 percent of the Sahara Desert with solar farms raises local temperatures in the desert by 1.5 degrees Celsius, according to a model. At 50 percent coverage, the temperature increase is 2.5 degrees Celsius. This warming is eventually spread around the globe by atmosphere and ocean movement, raising the world's average temperature by 0.16 degrees Celsius for 20 percent coverage, and 0.39 degrees Celsius for 50 percent coverage. The global temperature shift is not uniform, though — the polar regions would warm more than the tropics, increasing sea ice loss in the Arctic. This could further accelerate warming, as melting sea ice exposes dark water which absorbs much more solar energy.

[6] Impacts of Large-Scale Sahara Solar Farms on Global Climate and Vegetation Cover
Zhengyao Lu, Qiong Zhang, Paul A. Miller, Qiang Zhang, Ellen Berntell, Benjamin Smith
First published: 11 December 2020
https://doi.org/10.1029/2020GL090789

Comment Set B4 – Basin and Range Watch



B4-9 (cont'd)

^Tornado over the Desert Sunlight Solar Project. Did a heat island effect create a local weather anomaly that caused this?

Mowing and Traditional Methods of Site Construction Need to Be Analyzed

B4-10

How much of the project is proposed to be mowed or "drive and crushed"? This should be mapped, and discussion of which areas are going to be developed using traditional disk and roll grading methods.

Comment Set B4 – Basin and Range Watch



B4-10 (cont'd)

^Photo showing the "drive and crush" method of construction at Sunshine Valley Solar Project in Amargosa valley, Nevada, a newer method which is supposed to be "less impactful" than traditional construction methods. We do not think this is a low-impact method, but highly degrades and destroys Mojave Desert habitats, biological soil crusts, crushes animal burrows, releases Carbon sequestered in roots and caliche soils, causes air quality problems, erosion, and pollinator disruption. These areas are subsequently mowed to keep the vegetation down. This extreme surface disturbance often results in invasive weed increase. This all needs analysis.

Groundwater:

B4-11

Large-scale solar projects in desert areas have no choice but to use up unsustainable amounts of groundwater to control fugitive dust because the projects require so much land to be economically viable.

The project could use over 1,000-acre feet of water for construction and additional water each year for panel washing. The perennial yield of the region is about 100-acre feet. Two wells have been reported as very low near the Intersect Power well for Oberon Solar.

The project groundwater analysis suggests that the multiple dry year analysis shows that a repeat of the longest consecutive dry period on record, with all cumulative projects in place, would result in a total groundwater deficit of approximately 102,900 AF. The Project would

Comment Set B4 – Basin and Range Watch

contribute 1,500 AF, approximately 1 percent, to this deficit. No water from the Chuckwalla aquifer should be allowed to be used for this project. B4-11 (cont'd)

Emotional Abuse of Local Residents B4-12

Most people who are forced to live next to a massive new energy project experience emotional trauma, depression and other negative psychological impacts. In fact, many of us believe the stress caused from the Desert Sunlight Solar Project killed our friend Donna Charpied who was forced to live on a farm surrounded on 3 sides from the project. The project destroyed the view, caused bad dust, killed wildlife and created noise. There are several others going through the same stress.

Sand Transport Corridors Should Be Analyzed B4-13

Maps, impacts of fences and sand piling up on fences, and impacts to the sensitive species Mojave fringe-toed lizard (Uma scoparia) should be analyzed. Cumulative impacts to this sand endemic lizard have been considerable in the Chuckwalla Valley, with the construction of the Desert Sunlight Solar Farm, Desert Harvest Solar Project, Palen Solar Project, Genesis Solar Energy Project, Blythe Solar Project, McCoy Solar Project, and proposed Crimson Solar Project, Arica and Victory Solar Projects, and Desert Quartzite Solar Project, along with new transmission and substation infrastructure. The cumulative significant impacts of these developments on removing fringe-toed lizard habitat, disturbance and blockage of sand flows, and the increase of invasive weeds, needs to be analyzed, as this group of populations could be a new undescribed taxon when finer genetic studies are undertaken in the future.

Avian-Solar Impacts Should Be Analyzed B4-14

As other large-scale solar projects in the DFA have resulted in the mortality due to "lakeeffect" impacts, resulting in collisions, this important concern should be fully analyzed and mitigation measures enumerated, including those not tiered to in the DRECP. This is a growing concern with waterbirds that fly across the desert from the Salton Sea and Gulf of California to Colorado River water bodies.

Data from 7 solar projects in California has revealed 3,545 bird

kills from 183 species from 2012 to 2016.[7] This can be referenced from the 2016 Multi-Agency Avian Solar Working Group conference from 2016.

Desert Tortoise: B4-15

[7] http://blmsolar.anl.gov/program/avian-solar/docs/Avian Solar_CWG_May_2016_Workshop_Slides.pdf

Comment Set B4 – Basin and Range Watch

B4-15 (cont'd)

The Mojave Population of the Agassiz's desert tortoise was listed as Threatened by the US Fish and Wildlife Service (USFWS) in 1990 followed by the designation of critical habitat in 1994. In 2000, the USFWS began systematically surveying tortoise populations in critical habitat and recovery unit areas to determine population trends. Based on their findings (USFWS 2015), which are briefly summarized in the chart, we convinced that the Mojave Population of the Agassiz's desert tortoise should be federally listed as Endangered rather than Threatened.

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

^The table includes the area of each Recovery Unit and Tortoise Conservation Area (TCA), percent of total habitat, density (number of breeding adults/km2 and standard errors = SE), and the percent change in population density between 2004 and 2014. Populations below the viable level of 3.9 breeding individuals/km2 (10 breeding individuals per mi2) (assumes a 1:1 sex ratio) and showing a decline from 2004 to 2014 are in red.

The Easley Project site overlaps a desert tortoise linkage (Pinto Wash Linkage) as defined in the DRECP Land Use Plan Amendment (LUPA). A DRECP Desert Tortoise Conservation Area (TCA) is adjacent to the Project area across Kaiser Road. The Project site is outside of but adjacent to desert tortoise critical habitat, which is located approximately 0.8 mile west of Kaiser Road, extending to the west into Joshua Tree National Park and to the south, south of the I-10 freeway into the Chuckwalla Mountains. The TCA includes this critical habitat. The gen-tie line

Comment Set B4 – Basin and Range Watch

would cross desert tortoise critical habitat in the TCA south of BLM Open Route DC 379 and a DRECP multi-species linkage to interconnect to the Oberon Substation. B4-15 (cont'd)

The BLM approved development of the Oberon Solar Project on 600 acres of Desert Tortoise Critical Habitat. Tortoises use desert dry wash woodlands and eat the leaves and flowers of desert ironwood trees. Several desert dry wash woodlands cut through the site. Avoiding the washes will not avoid all tortoise habitat.

The Multispecies Wildlife Corridor Should Be Avoided B4-16

The Riverside East DFA Multispecies Wildlife Linkage should be discussed in detail with overview maps discussing what landscape blocks are being connected, between which 10 mountain ranges regionally, and which species depend on this linkage for genetic connectivity and dispersal.

This corridor should also be analyzed for use by Burro deer (*Odocoileus hemionus eremicus*), a Colorado Desert, California endemic. Solar fields next to washes and microphyll habitats may inhibit the movement of these uncommon desert deer, which favor ironwood thickets.

Cultural Impacts Should Be Better Analyzed B4-17

The DRECP did not analyze significant impacts to many regional cultural resources and concerns by local rural communities, including those of People of Color, low income communities in the desert, and native tribal cultural landscapes. This needs much broader outreach and analysis.

The area has been visually compromised by energy development but has been referred to as a "cultural landscape" by Native American tribes. The BLM should analyze how the cumulative impacts from all of the solar projects have degraded the cultural landscape.

Visual Resources: B4-18

The BLM Plan of Development Visual Simulations are not situated in enough locations to show the full impacts of the project.

Visual simulations should be situated from 3 additional locations in Lake Tamarisk and there should be simulations from higher elevations on Joshua Tree National Park.

Conclusion: B4-19

The most environmentally sane alternative for this project would be No Project, but the county needs to consider the community over the desires of the solar industry. This community has really taken one for the team. It appears that the solar industry and Interior Department have no limits on how much of this area can be sacrificed. The least BLM could do is amend the

Comment Set B4 – Basin and Range Watch

DRECP and create a Community Buffer around Lake Tamarisk. A small amendment would not create too much work for BLM and could go a long way in protecting people from this land rush of energy that is destroying our public lands. **B4-19 (cont'd)**

Thanks,

Kevin Emmerich

Basin and Range Watch

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Beatty, NV 89003

Responses to Comment Set B4 – Basin and Range Watch

B4-1 The commenter states that the public scoping meeting held on October 4, 2023, was inadequate as no public comments were accepted.

The meeting held on October 4 was led by the U.S. Bureau of Land Management (BLM) for the environmental review process under the National Environmental Policy Act (NEPA). The NEPA process, including its scoping period, is separate from the California Environmental Quality Act (CEQA) process being undertaken here by Riverside County.

As described in Section 1.6.2 (Public Scoping Meeting) of the Draft EIR, Riverside County held a CEQA scoping meeting on December 5, 2022, and accepted public comments at the time.

B4-2 The commenter states that the Project will inflict significant impacts on the region, and that the DRECP review was flawed since it failed to consider community impacts and how specific issues like dust and water use would hurt these communities.

The DRECP review was conducted by BLM and is outside of the scope of CEQA. The Draft EIR concludes that there would be significant and unavoidable impacts from the proposed Project. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1. The Partially Recirculated Draft EIR concludes that there would be significant and unavoidable impacts from the proposed Project, Reduced Footprint Alternative, and Further Reduced Footprint Alternative with Berms to Aesthetics, and cumulatively considerable impacts to Aesthetics and Cultural and Tribal Cultural Resources.

The EIR properly considers impacts to nearby sensitive receptors and communities. See General Responses GR-2 and GR-3, which address fugitive dust and groundwater impacts, respectively. Please see Response to Comment D10-1 regarding concerns about construction nuisances (e.g., dust, noise, traffic, etc.) to nearby communities.

The commenter states that Intersect Power had offered the community 6 trees to block the view of the Project. Offers to the community to reduce Project impacts and discussions between Intersect Power and the Lake Tamarisk Desert Resort that are outside of the CEQA process have not been considered in the EIR analysis but may be considered by decisionmakers. The analysis of Aesthetics has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.2 of the Partially Recirculated Draft EIR and to General Response GR-1, as well as General Response GR-8.

The comment correctly states that the Project site includes a desert tortoise linkage area as defined in the DRECP, the Pinto Wash Linkage. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

The commenter states that the Project is located within the Chuckwalla Valley Groundwater Basin (CVGB), which is located in eastern Riverside County and encompasses an area of approximately 904 square miles. Joshua Tree National Park boundary is located approximately 4 miles northeast of the Project site. The analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR, the revised WSA at Appendix G, and to General Response GR-1, as well as General Response GR-3.

The commenter states that two special status plant species, Emory's crucifixion thorn (*Castela emoryi*) and desert unicorn plant (*Proboscidea althaeifolia*), were identified as having a high

potential for occurrence due to previous documented occurrences and suitable habitat on the Project site.

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

One live Emory's crucifixion thorn was observed during surveys within an area of desert dry wash (microphyll) woodland that would not be impacted by the Project. Desert unicorn plants are present on the Project site (224 locations) and are not very threatened in California. Impacts to native vegetation would be addressed through implementation of biological mitigation measures recommended Section 3.5.7 in the PRDEIR and Final EIR.

The commenter states that burro deer likely move through the Project site and its vicinity to access artificial water sources from nearby agriculture and aquaculture farms. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1

The commenter states that sand transport for Mojave fringe-toed lizards will be disrupted. No aeolian sand deposits were observed on the Project site (see BRTR Figure 4 in EIR Appendix C). There is a low potential for Mojave fringe-toed lizard to occur on the Project site. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

Note that a portion of the original Easley application area was removed from the proposed Project following biological resources surveys, which mapped the area within an active sand corridor. These lands are analyzed in the Partially Recirculated Draft EIR under Alternative D, Offsite Alternative (see Partially Recirculated Draft EIR Section 2.8 and Section 5.2.7).

Finally, the commenter expresses concerns about impacts to wildlife movement The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

B4-3 The commenter's support for distributed solar generation and the No Project Alternative are noted. Please see Response to Comment B2-26 for a discussion about distributed solar generation as an alternative to the Easley Project. Alternative E (Distributed Commercial and Industrial Rooftop Solar Alternative) fully analyzes distributed solar under each issue area in Chapter 5 of the Partially Recirculated Draft EIR.

California climate policies promote demand for renewable energy. Development of the Easley Project would serve this demand and make renewable energy available to the load serving entities that are required to procure renewable energy in compliance with California's climate programs.

The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

Furthermore, the No Project Alternative (Alternative A1) would not realize the beneficial impacts of the Project relating to long-term air quality benefits and reduction of greenhouse gas emissions with the use of renewable energy generation. Additionally, site remediation of

existing contamination would not occur under the No Project Alternative. The No Project Alternative does not have the potential to meet any of the Project objectives.

B4-4 The commenter states that the EIR must describe a reasonable range of alternatives, including the No Project Alternative, distributed solar, and reduced footprint alternatives, such as alternatives that would create buffers. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

B4-5 The commenter states that the Project should be moved east of State Route 177/Rice Road. General The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapter 5 of the Partially Recirculated Draft EIR and to General Response GR-1, as well as General Response GR-8.

The commenter also describes the DRECP Land Use Plan Amendment (LUPA) process and states that Riverside County should work with BLM and support a LUPA Alternative that would create a buffer around the Lake Tamarisk community. A buffer is analyzed in the PRDEIR's analysis of Alternative C.

The designation of a portion of the Project area as a solar development exclusion zone would be a separate DRECP and California Desert Conservation Area (CDCA) land use plan amendment process outside the scope of the Easley CEQA analysis.

B4-6 The commenter states that "community setbacks" should be considered in the DRECP LUPA and includes a map showing a suggested buffer area on BLM-administered land. BLM's land use planning process is outside the scope of the County's CEQA analysis for the Project.

Please see Response to Comment B4-5 for a discussion about amendments to the DRECP LUPA. A buffer is analyzed in the PRDEIR's analysis of Alternative C. Please refer to the revised analysis at Chapter 5 of the Partially Recirculated Draft EIR and to General Response GR-1

The commenter is correct that the DRECP Planning Area has been removed from the update to the Western Solar Plan Programmatic Environmental Impact Statement (EIS). A footnote to Table 1-1 (Scoping Issues Identified) in Section 1.7.2 of the Draft EIR states that in February 2023, BLM announced that it chose not to include the area under the DRECP in its update to the 2012 Western Solar Plan, as "the BLM continues to believe the DRECP supports an acceptable balance between conservation and renewable energy opportunities within its planning area boundary."

B4-7 The commenter states that the environmental review should include a discussion of how communities such as Desert Center and Lake Tamarisk have been impacted by large-scale solar and how the communities would be impacted by a full build-out scenario. The commenter feels this is justified under CEQA for socioeconomics and environmental justice and should include public health, property values, quality of life, and impacts of living next to large-scale energy projects.

CEQA focuses on the potential physical impacts of a project. Economic and social effects may be considered under CEQA, but by themselves, are not treated as significant effects on the environment. The economic effects of a project need only be considered if those effects themselves would cause significant physical impacts on the environment. Such secondary effects are typically difficult to predict, and an EIR is not required to speculate about such secondary impacts.

A discussion of perceived property value impacts related to nearby solar installations is included in Section 4.5.1 (Property Values) of the Draft EIR. Although it is conceivable that there could be some reduction in property value due to the proximity of a large-scale solar project, based on the LBNL study, the effect on properties in California appears to be small, if any. Given the CEQA

guidance regarding social and economic impacts, this would not be considered a significant effect on the environment.

The public health-related impacts of the project are considered in the EIR's analysis of impacts related to various environmental resources environmental resources, including resources such as air, noise, and water, that may, in turn, affect public health. For example, Section 3.4 (Air Quality) addresses attainment of air quality standards, particulate matter, and Valley Fever.

B4-8 The commenter identifies concerns about wind-driven visible dust and Valley Fever. The comment includes photos of a project in the Amargosa Valley, Nevada, and other solar development nearer to the Project site, which may or may not have implemented emissions controls strategies similar to those that would be required of the Project. The text of this Final EIR (Section 3.4, Air Quality) includes additional contingency dust control measures for "high wind" conditions, and additional background information on the incidence rates of Valley Fever in Riverside County. See also General Response GR-2, Fugitive Dust Control and Site Preparation.

B4-9 The commenter cites a study that shows increasing global temperatures with increased coverage of solar farms. The commenter states that this warming spreads around the globe through atmospheric and oceanic movements. The study states that global change is not uniform with polar regions warming more than the tropics, resulting in loss of sea ice and accelerated warming due to increases in dark water that absorbs more solar energy.

The primary objective of the Project is to produce renewable energy to help achieve the necessary greenhouse gas reduction goals to combat climate change.

The referenced study, "Impacts of Large-Scale Sahara Solar Farms on Global Climate and Vegetation Cover," is based on modeling of solar generation to meet the energy demand for the entire world, which is beyond the scope of the Easley Project and CEQA. Heat island effects are analyzed in the Partially Recirculated Draft EIR's revised and recirculated analysis of biological resources. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1, as well as General Response GR-6.

B4-10 The commenter asks how much of the project is proposed to be mowed or "drive and crushed" and which areas are going to be developed using traditional disk and roll grading methods and recommends a map. The commenter is concerned about impacts to habitats, biological soil crusts, crushing animal burrows, release of carbon sequestered in roots and caliche soils, air quality problems, erosion, and pollinator disruption.

Section 2.4.4.1 (Construction-Related Grading and Vegetation Management) of the Draft EIR details the locations of specific ground treatments for the Project components shown in Figure 2-3 (Easley Renewable Energy Project Preliminary Engineering), such that an additional map is not necessary. The Project site would not be mass graded – panel areas would be mowed and rolled, leaving root balls intact, and areas that would comprise the foundation of the substation, BESS, inverters, and roads would require some grading and compaction. The EIR conservatively assumes that all land within the solar and BESS facility fence line would be impacted.

The analysis of biological resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapter 3.5 of the Partially Recirculated Draft EIR, EIR Appendix N (Integrated Weed Management Plan), EIR Appendix S (Vegetation Resources management Plan), and to General Response GR-1. Impacts to soils, including desert pavement and related to erosion, are discussed in Section 3.8 (Geology, Soils, and Mineral Resources). Impacts related to air emissions are discussed in Section 3.4 (Air Quality) of the Draft EIR.

See Response to Comment B2-27 related to carbon sequestration. The Project includes biological resources measures for minimizing vegetation and habitat impacts (see EIR Section 3.5.7, Mitigation Measures), integrated weed management, and preventing the loss of desert pavement, which promotes maintenance of native plants and soils. These practices would minimize the potential loss of carbon sequestration due to land use conversion.

B4-11 The commenter states that large-scale solar projects require unsustainable amounts of groundwater for dust control during project construction. The commenter states that water levels in two wells located near the Oberon Solar Project (a cumulative project within the Chuckwalla Valley Groundwater Basin [CVGB]) lowered significantly, potentially as a result of Oberon Solar Project groundwater pumping.

The analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR, the revised WSA at Appendix G, and to General Response GR-1, as well as General Response GR-3.

B4-12 The commenter states that most people who are forced to live next to a massive new energy project experience emotional trauma, depression, and other negative psychological impacts.

The potential causes of stress identified in the comment have been analyzed in the following sections of the Draft EIR, respectively: Section 3.2 (Aesthetics as revised and recirculated in the Partially Recirculated Draft EIR), Section 3.4 (Air Quality), Section 3.5 (Biological Resources as revised and recirculated in the Partially Recirculated Draft EIR), and Section 3.13 (Noise and Vibration). Please also refer to Response to Comment D10-1, which details the mitigation measures recommended to reduce construction disturbance to nearby sensitive receptors.

B4-13 The commenter states that impacts to Mojave fringe-toed lizard should be analyzed and that impacts due to construction of many solar projects in the area and removal of habitat, disturbance and blockage of sand flows, and increase in weeds should be analyzed. The commenter states that the group of populations of lizards could be a new undescribed taxon when future genetic studies are undertaken.

Please refer to EIR Sections 3.5.1 and 3.8.1.7 for a discussion of sand transport and migration. Mojave fringe-toed lizard is discussed in Appendix A of the BRTR as having low potential to occur due to marginally suitable soils on the Project site. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1

B4-14 The commenter states that the "lake effect" impact should be fully analyzed and mitigation measures included, including those not tiered to the DRECP, and references the 2016 Multi-Agency Avian Solar Working Group Conference that documented fatalities at solar projects in California. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

Refer to General Response GR-7 regarding impacts due to the "lake effect."

B4-15 The commenter states that the Mojave population of desert tortoise should be federally listed as endangered rather than threatened. The commenter presents a table of population declines in Critical Habitat Units and describes the Project's proximity to desert tortoise linkages, TCAs, and critical habitat. The commenter states that tortoises use desert dry wash woodland that cuts through the site, and that avoiding washes will not avoid all tortoise habitat.

Designation of wildlife as endangered is under the jurisdiction of wildlife agencies and is outside the scope of this CEQA document and the County's jurisdiction. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

B4-16 The commenter requests that the Riverside East DFA Multispecies Wildlife Linkage be discussed in detail and analyzed for use by endemic burro deer.

The gen-tie line would cross through the Oberon Project site, and overlap with the multispecies linkage; however, the gen-tie right-of-way would not be fenced, so the gen-tie line would not restrict wildlife movement in the area. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1

B4-17 The commenter states that the DRECP needs much broader outreach and analysis to examine significant impacts to many regional cultural resources and concerns by local rural communities. The commenter mentions People of Color, low-income communities in the desert, and native tribal cultural landscapes as topics that should generally be analyzed as part of the DRECP process.

The analysis of Cultural and Tribal Cultural Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.6 of the Partially Recirculated Draft EIR and to General Response GR-1.

B4-18 The commenter states that more visual simulations are needed from Lake Tamarisk Desert Resort and that simulations from higher elevations in Joshua Tree National Park should be provided. The analysis of Aesthetics has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.2 of the Partially Recirculated Draft EIR, EIR Appendix I (Visual Analysis Report and Glare Assessment), and to General Response GR-1.

B4-19 The commenter's support for the No Project Alternative and an amendment to the DRECP LUPA to add a community buffer is noted.

Please see Response to Comment B4-3 regarding the No Project Alternative. See Response to Comment B4-5 regarding an amendment to the DRECP LUPA and Response to Comment B4-6 regarding a community buffer.

Comment Set B5 – California Native Plant Society and Defenders of Wildlife

March 11, 2024

County of Riverside
TLMA Planning Department
Attn: Tim Wheeler
4080 Lemon Street, 12th Floor
Riverside, California, 92502-1409

Submitted via email to: TWheeler@rivco.org

Re: Comments on Easley Renewable Energy Project

Dear Mr. Wheeler:

B5-1

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Easley Renewable Energy Project (Project). The following comments are submitted on behalf of the California Native Plant Society (CNPS) and Defenders of Wildlife (Defenders).

CNPS is a non-profit environmental organization with over 12,500 members in 36 Chapters across California and Baja California, Mexico. CNPS's mission is to protect California's native plant heritage and preserve it for future generations through the application of science, research, education, and conservation. We work closely with decision-makers, scientists, and local planners to advocate for well-informed policies, regulations, and land management practices.

Defenders has 2.1 million members and supporters in the United States, 316,000 of which reside in California. Defenders is dedicated to protecting all wild animals and plants in their natural communities. To that end, Defenders employs science, public education and participation, media, legislative advocacy, litigation, and proactive on-the-ground solutions to prevent the extinction of species, associated loss of biological diversity, and habitat alteration and destruction.

The proposed solar photovoltaic facility would generate up to 400 MW of solar energy and store up to 650 MW on approximately 3,735 acres in Riverside County. The land is comprised of approximately 990 acres of private land and approximately 2,745 acres of public land administered by the US Bureau of Land Management (BLM). The public lands are located within a Development Focus Area (DFA) of the Desert Renewable Energy Conservation Plan (DRECP). DFAs are areas of public land determined suitable for renewable energy project siting and development, and projects located in these areas typically receive expedited environmental review and permitting.

Comment Set B5 – California Native Plant Society and Defenders of Wildlife (continued)

The Project is located in the Chuckwalla Valley, 2 miles north of the town of Desert Center. The existing Desert Sunlight and Desert Harvest solar projects are located to the north of the project, and the Athos Renewable Energy Project is located to the east. The Oberon Renewable Energy Project is under construction to the southeast and the Arica and Victory Pass Solar Projects to the southeast. The proposed Sapphire Solar Project is adjacent to the northern area of the project. **B5-1 (con't)**

Defenders, CNPS and other conservation organizations have a long history of advocating for the protection and conservation of resources within the California Desert Conservation Area (CDCA). Collectively, we have met with representatives from Intersect Power, the Project applicant, several times and are familiar with the previous modifications made in response to our recommendations and the applicant's intent to fully comply with the required Conservation Management Actions (CMAs) in the DRECP. We thank the staff of Intersect Power for their open dialogue, and we encourage continued commitment to altering the project to ensure the Project avoids sensitive resources in the CDCA.

While CNPS and Defenders are generally supportive of renewable energy projects, these developments need to be carefully planned to avoid significant impacts to habitat and natural resources. The DEIR for this project failed to incorporate analysis of special status species found on site during biological surveys. These surveys did not use an accurate list of species with the potential to occur on the project site and did not follow current guidelines to ensure that they would be effective at identifying these special status species. The DEIR also did not consider species protected by the California Desert Native Plant Act (CDNPA), many of which are found on the project site and would require permitting for removal. Given the permanent and substantial impacts of the project to biological resources, the mitigation measures that only entail the avoidance and minimization of impacts need to include compensatory mitigation measures to offset the habitat lost to development. Given the great amount of information from the Biological Resources Technical Report (BRTR) that is not included in the DEIR, the inaccurate desktop review and outdated survey methods outlined in the BRTR, the lack of consideration for the CDNPA, the lack of alternatives that meet the intent of the California Environmental Quality Act (CEQA), and the insufficiency of the mitigation measures, we strongly recommend that additional surveys be performed to ensure that all special status species with the potential to occur are identified using 2018 California Department of Fish and Wildlife (CDFW) Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (Protocols)[1], and that a revised DEIR incorporating all of this information be prepared and circulated for public review. **B5-2**

Special Status Plant Surveys

The list of special status species with the potential to occur on this project site should include all species with known records from the USGS quads occupied by the project footprint and all adjacent quads. The list of forty-two special status plant species listed in Appendix B of the

[1] California Department of Fish and Wildlife. 2018. *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities.*

Comment Set B5 – California Native Plant Society and Defenders of Wildlife (continued)

BRTR did not include several species with the potential to occur onsite. A CNPS Rare Plant Inventory query of the relevant quads showed that there are an additional 15 special status species with the potential to occur on or adjacent to the project site. Three of these have a California Rare Plant Rank of 1B, including one federally endangered species, the triple-ribbed milkvetch (*Astragalus tricarinatus*). B5-2 (con't)

Section 3.4 Special Status Plants of the BRTR mentions the use of reference sites to ensure that most special status plant species with the potential to occur would be identifiable; however, reference sites were used for only the fall 2019 and spring 2020 surveys, and reference populations were only identified for two species with the potential to occur for fall surveys and for three species with the potential to occur for the spring surveys. A reference site should have been used to validate the ability to detect all species with the potential to occur, especially given the lack of substantial rain prior to both the 2019 and 2021 fall surveys. In desert ecosystems there is a large amount of annual variability of plant species present depending on climatic conditions. Many annual species may not germinate in years of low rainfall and many perennial species may remain dormant if suitable precipitation does not occur during their typical growth cycle.

The BRTR states that the survey methodology was consistent with several guiding documents, including the California Department of Fish and Game Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities from 2000. The surveys should have followed the CDFW Protocols. These protocols guide the timing and number of surveys needed, use of reference sites, and include guidance on how climatic conditions may have affected survey results.

> "Adverse conditions from yearly weather patterns may prevent botanical field surveyors from determining the presence of, or accurately identifying, some special status plants in the project area. Disease, drought, predation, fire, herbivory, or other disturbance may also preclude the presence or identification of special status plants in any given year. Discuss all adverse conditions in the botanical survey report.
>
> The failure to locate a known special status plant occurrence during one field season does not constitute evidence that the plant occurrence no longer exists at a location, particularly if adverse conditions are present. For example, botanical field surveys over a number of years may be necessary if the special status plant is an annual or shortlived plant having a persistent, long-lived seed bank and populations of the plant are known to not germinate every year. Visiting the project area in more than one year increases the likelihood of detecting special status plants, particularly if conditions change. To further substantiate negative findings for a known occurrence, a visit to a nearby reference site may help ensure that the timing of botanical field surveys was appropriate."

The CDFW Protocols also offer guidance for preparation of a Botanical Survey Report and the information that should be included. The Botanical Survey Report in the BRTR did not include the following information as guided by CDFW Protocols: B5-3

- Total person-hours spent;
- Description(s) of reference site(s), if visited, and the phenological development of special

Comment Set B5 – California Native Plant Society and Defenders of Wildlife (continued)

status plant(s) at those reference sites;

- A list of all plant taxa occurring in the project area, with all taxa identified to the taxonomic level necessary to determine whether or not they are a special status plant;
- A discussion of the potential for a false negative botanical field survey;
- A discussion of how climatic conditions may have affected the botanical field survey results; and
- A discussion of how the timing of botanical field surveys may affect the comprehensiveness of botanical field surveys.

B5-3 (con't)

Wildlife Protocol Level Surveys

B5-4

Adequate biological surveys are vital to ensuring accurate results to establish the likelihood of occurrence, associated impacts and the appropriate avoidance, minimization and mitigation measures for each species. It is folly to proceed without conducting the appropriate species-specific surveys that fully adhere to protocol and wildlife agency guidelines, as it is impossible to fully identify the risk of significant impacts.

Crotch's bumble bee (CBB) is a candidate species for listing under the California Endangered Species Act and, as such, it receives the same protection as if it were listed. The BRTR acknowledges CBB suitable habitat occurs on the Project site. Despite the potential for the species, no CBB-specific surveys were conducted, and it was determined that no CBB were observed during wildlife or plant surveys. It is premature to state no individuals of this species were observed when protocol-level species-specific surveys were not conducted. We request CBB surveys be conducted in accordance with the CDFW methods as outlined in *Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species.*[2]

According to the BRTR, Desert Tortoise (DT) surveys were conducted in 2019-2022. US Fish and Wildlife Service (USFWS) guidelines state that if survey data is over a year old, the project proponent should contact USFWS to assess the circumstances under which the data was collected to determine whether additional surveys would be appropriate.[3] The DEIR fails to mention any discussions with USFWS to determine if the outdated surveys are still considered valid. Additionally, CDFW has previously recommended during the commenting process of other solar projects located within desert tortoise habitats that surveys be conducted within a year of the start of ground-disturbing activities during the appropriate survey period.[4] We request new DT protocol-level surveys be conducted to adhere to USFWS protocols within one year prior to ground disturbance to determine presence.

Information Not Incorporated Into the DEIR

B5-5

Several species discovered during the biological surveys, listed in the BRTR, were not included for analysis of impacts in the DEIR. Page 3.5-25 of the DEIR states that "No other special status-plant species were observed" but Table C 4. Noteworthy Plant Observations of the BRTR on

[2] California Department of Fish and Wildlife. 2023. *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species.*
[3] US Fish and Wildlife Service. 2019. *Preparing for any action that may occur within the range of the Mojave desert tortoise (Gopherus agassizii).*
[4] California Department of Fish and Wildlife. 2020. *BigBeau Solar Project (Project) Draft Environmental Impact Report (DEIR) SCH No. 2019071059.*

CNPS and Defenders Comments on Easley Renewable Energy Project 4

Comment Set B5 – California Native Plant Society and Defenders of Wildlife (continued)

page C-20 lists an occurrence of *Wislizenia refracta* ssp. *refracta* (jackass-clover), a 2B.2 listed species. The presence of the species is not acknowledged in the DEIR, nor is any additional information regarding the location of this occurrence, whether it would be avoided during construction and maintenance, or how impacts to this species would be mitigated. This is an annual herb that would be expected to senesce after completing its life cycle. The fact that the observed individual was dried does not preclude the need to analyze potential impacts. The fact that the observed individual had set fruit indicates that the live seeds enclosed would lead to this species germinating following suitable precipitation with the potential of several more individuals than were observed during the surveys, and potentially over a larger area. In Table D 2. Incidental Plant Species Observed of the BRTR lists *Euphorbia abramsiana* (2B.2) on page D-7, and *Bouteloua trifida* (2B.3) on page D-8 and impacts to these species must be analyzed and disclosed in the DEIR. *Chaenactis carphoclinia*, listed on page D-4 should have been identified to the variety level to ensure that the individuals present were not var. *peirsonii*, which is a 1B.3 listed taxon and has a high probability of being present given a California Consortium of Herbaria record of this taxon just south of the project site. B5-5 (con't)

The DEIR also did not include any analysis of species protected under the CDNPA. Several of these species are found on the project site, as indicated in the BRTR, and would require permitting for removal, which may require the development of plans to salvage, transplant, manage and monitor plants that would be impacted by project activities. These include: B5-6

- *Cylindropuntia echinocarpa*, golden cholla, unknown number of individuals
- *Cylindropuntia ramosissima*, branched pencil cholla, unknown number of individuals
- *Echinocereus engelmannii*, Engelmann's hedgehog cactus, 10 individuals
- *Echinocactus polycephalus*, cotton top cactus, 1 individual
- *Ferocactus cylindraceus*, barrel cactus, 4 individuals
- *Fouquieria splendens*, ocotillo, 3 individuals
- *Mammillaria tetrancistra*, fishhook cactus, 4 individuals
- *Olneya tesota*, desert ironwood, unknown number of individuals
- *Opuntia basilaris*, beavertail cactus, unknown number of individuals
- *Parkinsonia florida* (*Cercidium floridum*), blue palo verde, unknown number of individuals
- *Prosopis glandulosa*, honey mesquite, unknown number of individuals
- *Psorothamnus spinosus* (*Dalea spinosa*), smoke tree, unknown number of individuals
- *Senegalia greggii* (*Acacia greggii*), catclaw, unknown number of individuals

Mitigation Measures B5-7

1. **Special Status Plant Species**
   Additional mitigation measures are needed to address impacts to special status species included in the BRTR not evaluated in the DEIR.

2. **Dry Desert Wash Woodlands** B5-8
   Mitigation measures should require post-construction monitoring of dry desert wash woodland (DDWW) habitats throughout the project site to ensure that grading during construction or operations of the facility do not have a future impact on habitat that was avoided during construction. Compensatory mitigation measures should be included to offset the loss of any DDWW impacted by construction or future losses of DDWW due to changes in the hydrology these vegetation communities rely on.

CNPS and Defenders Comments on Easley Renewable Energy Project 5

Comment Set B5 – California Native Plant Society and Defenders of Wildlife (continued)

3. **Authorized Desert Tortoise Biologist** B5-9
Mitigation Measure (MM) Bio-1 states that during operation and maintenance, the Applicant's compliance manager may perform the duties of the Lead Biologist to ensure compliance with biological mitigation measures and shall conduct quarterly compliance inspection and reporting. We request the compliance manager also be required to be on-site during panel washing to ensure no impacts to DT occur.

4. **DT Buffers** B5-10
MM Bio -7 states that if a tortoise or occupied burrow is observed during surveys, work activities will adhere to a suitable buffer area, but fails to provide the specific buffer distance. The CDFW Incidental Take Permit for the nearby Oberon Renewable Energy Project required a 100-foot buffer during the non-active season and at least a 250-foot buffer during the active season (September-October and April-May). We recommend including the parameters of a 100-foot buffer during the non-active season and a 250-foot buffer during the active season within the MM.

5. **Exclusion Fencing Inspections** B5-11
Any desert tortoise exclusion fence should be inspected to ensure that DT is not exhibiting fence-pacing behavior following installation. MM Bio-7 states the exclusion fencing shall be inspected at least monthly and following all rain events but fails to require inspection directly following fence installation. We request the requirement of an inspection directly following installation to ensure there is no fence-pacing behavior.

6. **Burrowing Owl Buffers** B5-12
MM Bio-10 requires, if any burrowing owl (BUOW) or active burrows are observed during surveys, the lead biologist to coordinate with the construction contractor to implement avoidance and set-back distances. However, MM Bio-10 fails to provide guidance on the appropriate buffers. We recommend adherence to the avoidance buffers listed below, as established within the Staff Report on Burrowing Owl Mitigation.[5]

Table 1: Burrowing Owl Avoidance Buffers

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting Sites	April 1-Aug 15	200 meters	500 meters	500 meters
Nesting Sites	Aug 16-Oct 15	200 meters	200 meters	500 meters
Nesting Sites	Oct 16-Mar 31	50 meters	100 meters	500 meters

7. **Burrowing Owl Passive Relocation** MM Bio-10 requires the preparation and implementation of a BUOW avoidance and relocation plan. The MM specifies the plan will include detailed methods for passive relocation of BUOW, but it does not require B5-13

[5] California Department of Fish and Game. 2012. *Staff Report on Burrowing Owl Mitigation*.

CNPS and Defenders Comments on Easley Renewable Energy Project 6

Comment Set B5 – California Native Plant Society and Defenders of Wildlife (continued)

protection of habitat. It is discouraged to use passive relocation to artificial burrows without the protection of adjacent foraging habitat. We request the MM include the requirement to protect adjacent foraging habitat for passive relocation. Furthermore, the MM fails to provide the inclusion of a ratio for artificial burrow installation. We request that artificial burrows are installed at a ratio of 1:1, in accordance with BUOW guidelines.[6] Of note, CDFW does not encourage passive relocation if it can be avoided. We recommend utilizing exclusion and passive relocation only when necessary. B5-13 (con't)

Compensatory Mitigation B5-14

The proposed Project would result in the permanent conversion of 3,735 acres that provide habitat for several special status species, including DT and BUOW. Despite the Project resulting in this permanent conversion of habitat, compensatory mitigation lands are not provided. Given that BUOW's potential to occur was categorized as high due to the observation of two live individuals and eight burrows with BUOW sign, it is evident that the species will be impacted. We strongly recommend the Project applicant consult with CDFW to establish an appropriate ratio for BUOW habitat management lands.

The Project site is located within the Colorado Desert Recovery Unit for DT and is adjacent to USFWS-designated DT critical habitat. Furthermore, the Pinto Wash Linkage, identified as an interconnection between the Joshua Tree Tortoise Conservation Area (TCA) and the Chuckwalla TCA, overlaps with the northernmost portion of the Project site. Given the proximity of DT critical habitat and linkages, it is likely the Project will impact the species. Furthermore, the species was identified as having a low to moderate potential to occur within the Project site. In comments on the Lockhart Solar II Project, CDFW states "[f]or desert tortoise... compensatory mitigation ratios from 1:1 to 5:1 of mitigation acres to impacted areas are most typical. The higher mitigation ratios are often used for impacts that most affect the species, such as impacts of high quality, connected, other important habitat areas, and impacts to areas with greater distribution and presence of the species. The low mitigation ratios are often used for impact areas with low habitat value and low to very low presence of the species." Furthermore, the compensatory mitigation ratios for the loss of DT habitat are specified within the DRECP as 1:1 in non-critical habitat and 5:1 for critical habitat. We recommend consultation with CDFW and USFWS to assign adequate ratios for DT compensatory mitigation.

Any dry desert wash woodland or special status plant species that could be impacted by project activities should have a compensatory mitigation plan. We recommend that:

- Restoration plans be developed for all special status plants and Dry Desert Wash Woodland habitat with the potential to be impacted, including detailed criteria for determining the success of compensatory mitigation. Areas identified as potential recipient sites must be surveyed following CDFW Protocols to ensure that compensatory mitigation efforts would not cause harmful impacts to existing botanical resources. Low conflict areas that have been degraded by previous land uses should be prioritized for restoration, leaving intact natural habitat undisturbed by restoration efforts.
- While on site mitigation is preferred, if contiguous acreage to achieve mitigation needs is not present on the project site, restoration activities may be implemented offsite.
- Maintenance and monitoring of compensatory mitigation sites should occur each year for the first five years of the mitigation term. After five years of maintenance, yearly

[6] California Burrowing Owl Consortium. 1993. *Burrowing Owl Survey Protocol and Mitigation Guidelines.*

CNPS and Defenders Comments on Easley Renewable Energy Project 7

Comment Set B5 – California Native Plant Society and Defenders of Wildlife (continued)

B5-14 (con't)

monitoring of the site should demonstrate a self-sustaining area of occupation and population numbers with no management actions for years 6-8.

- If monitoring shows stable populations after three years with no maintenance, the populations should be monitored every two years in perpetuity.
- If the populations are not demonstrating stability after the initial five year maintenance and monitoring period, after three years without maintenance, or if subsequent monitoring shows loss or decline of populations, as determined by the required compensatory mitigation ratio, then yearly maintenance and monitoring shall be resumed for a five year period, again requiring that yearly monitoring show self-sustaining populations for three years post-maintenance before returning to a two year monitoring cycle.

The compensatory mitigation lands for all species must contain suitable habitat, including foraging habitat, and be managed in perpetuity by a qualified conservation organization, as defined by CA Civil Code Section 815.3. Alternatively, credits could be purchased in a CDFW-approved mitigation bank.

B5-15

Desert Tortoise Translocation Plan

The DEIR states, "[d]esert tortoise individuals within the solar facility fence line would be actively translocated to an approved site pursuant to an approved Translocation Plan to be developed in consultation with USFWS and the CDFW." Translocation of DT has an unproven track record of success; therefore, any translocation plan included as a mitigation strategy should be available as a part of the DEIR for decision-maker and public review.[7] The DT translocation plan is cited throughout the DEIR and is included in the list of references. Furthermore, it can be found on the BLM National NEPA Register for the Easley Solar Project. Any additional plan included as mitigation strategy should be available as a portion of the DEIR for public analysis and review and should not require the reviewer to find the plan elsewhere. As a recent court case stated, "[t]he point of an EIR is to inform decisionmakers and the public about the environmental consequences of a project before approving it."[8] It is impossible for decision-makers and the public to be fully informed on a project if key plans that aim to mitigate the environmental consequences are not available within the administrative record. We request that the DT translocation plan be included within the EIR for public and decision-maker review.

B5-16

Wildlife-Friendly Fencing

Wildlife-friendly fencing allows portions of the Project site to continue functioning as connectivity habitat for sensitive wildlife species. The DEIR states the applicant may elect to utilize wildlife-friendly fencing on the undeveloped portions of the Project that overlap the Pinto Wash Linkage, despite acknowledging the Project would have long-term impacts on 594 acres of the Pinto Wash Linkage. We recommend that wildlife-friendly fencing be required for this portion of the project, rather than optional at the discretion of the applicant. The wildlife-friendly fencing should allow DT connectivity through the Pinto Wash Linkage and DDWW and should prevent DT from accessing developed project areas where herbicides will be used to control invasive vegetation species.

Alternative Analysis

[7] Mack, J. S., and K. H. Berry. 2023. Drivers of survival of translocated tortoises. Journal of Wildlife Management 87:e22352. https://doi.org/10.1002/jwmg.22352
[8] *Make UC a Good Neighbor v. Regents of the University of California* (February 24, 2023) 88 Cal.App.5th 656.

Comment Set B5 – California Native Plant Society and Defenders of Wildlife (continued)

The DEIR did not meet the intent of CEQA § 15126.6. to evaluate a range of reasonable alternatives for this project that could "feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project." Due to the significant impacts described in section 3.5.5 of the DEIR, an alternative that would avoid all impacts to DDWW. Further, desert pavement should have been analyzed for this project. Given the extremely high ecological values of these vegetation types and the relatively small proportion of the project area, an alternative to analyze whether project objectives could have been achieved while avoiding these vegetation types should be considered in a revised DEIR, noting that CEQA § 15126.6. requires that an alternative achieve most, but not all, of the basic project objectives. **B5-17**

Project Decommissioning **B5-18**

The DEIR states that at the end of the Project's useful life, it will be decommissioned, and the land will return to its pre-project condition. Due to California's aggressive renewable goals[9], it is unlikely the project will be decommissioned in the foreseeable future. In the event the project is decommissioned, it is still unlikely that the project site will return to agricultural use, since industrial-scale infrastructure will already be constructed to serve the site, and the lands will have already been disturbed. Once the habitat and wildlife are destroyed, the land will not return to its current state. It is imperative to recognize the Project will reasonably foreseeably result in a permanent change to the site and not return to the pre-project condition.

In conclusion, we would recommend that a revised DEIR be prepared to include all special status species encountered during biological surveys as well as additional mitigation measures and an analysis of additional alternatives that could reduce the Project's environmental impacts. Thank you for the opportunity to comment on this project and please contact us with any questions.

Sincerely,

Brendan Wilce
Conservation Program Coordinator
California Native Plant Society
bwilce@cnps.org

Sophia Markowska
Senior California Representative
Defenders of Wildlife
smarkowska@defenders.org

[9] See https://www.energy.ca.gov/sb100

CNPS and Defenders Comments on Easley Renewable Energy Project 9

Responses to Comment Set B5 – California Native Plant Society and Defenders of Wildlife

B5-1 The commenter describes the California Native Plant Society and Defenders of Wildlife organizations and summarizes the Easley Project and its surrounding area. The commenter notes its support for renewable energy, gratitude towards Intersect Power for their open dialogue, and desire for a continued commitment to altering the Project to ensure the Project avoids sensitive resources in the California Desert Conservation Area (CDCA) and complies with the Desert Renewable Energy Conservation Plan (DRECP) Conservation and Management Actions (CMAs).

B5-2 The commenter states that the Draft EIR failed to incorporate analysis of special-status species found during biological surveys and that the surveys did not use an accurate list of species. The commenter states that the DEIR did not consider species protected by the California Desert Native Plant Act (CDNPA) that are found on the Project site and require permitting for removal. The commenter states that the Project needs to include compensatory mitigation for loss of habitat. The commenter recommends that additional surveys be performed to ensure all potential species are identified using 2018 CDFW protocols. The commenter states that a revised DEIR should be recirculated.

The commenter states that the list of special-status plants in the BRTR did not include several species with potential to occur. The commenter states that a reference site should have been used to validate all species with potential to occur, given lack of substantial rain prior to surveys. The commenter states that the surveys should have followed CDFW protocols.

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

B5-3 The commenter states that CDFW Protocols provide guidance for Botanical Survey Reporting.

Botanical surveys conducted for the Project were completed in accordance with CDFW plant protocols and covered the entirety of the Project site, with systematic parallel transects. Results are presented in the BRTR (EIR Appendix C). Reference populations for plants that have some potential to occur were visited for those that were not perennials. Plants observed were identified to the taxonomic level with the exception of select plants that were at minimum, identified not to be the rare plants in question due to habitat or identifying characteristics. The BRTR and the EIR's analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

B5-4 The commenter states that the BRTR acknowledges that Crotch bumble bee suitable habitat is present in the Project area, but that no species-specific surveys were conducted. The commenter states that the Project should not state that none were observed if protocol-surveys were not performed. The commenter requests CDFW protocol surveys be conducted for Crotch bumble bee.

The commenter states that the DEIR fails to mention any discussions with USFWS on desert tortoise surveys that are over a year old, and that CDFW previously recommended that surveys be conducted within a year of the start of ground-disturbing activities during the appropriate survey period. The commenter requests new desert tortoise protocol-level surveys be conducted per USFWS protocols within one year prior to ground disturbance to determine presence.

The BRTR and the EIR's analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially

Recirculated Draft EIR, EIR Appendix P (Desert Tortoise Protection and Translocation Plan), and to General Response GR-1

B5-5 The commenter states that several plants species listed in the BRTR were not included for analysis of impacts in the DEIR.

Regarding the discrepancy in the BRTR related to 3 plants: *Wislenzia refracta* spp *refracta*, *Bouteloua trifida*, and *Euphorbia abramsiana* were not observed on the Project site. These were data entry errors that were corrected with botanists during QA/QC when figures and analysis were produced, but the same errors were not revised on specific tables and lists. The errors have been rectified in the revised and recirculated BRTR (EIR Appendix C).

The analysis of Biological Resources has also been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1

B5-6 The commenter states that the Draft EIR did not include an analysis of species protected under the CDNPA, which require permitting for removal and salvage, transplant, and monitoring plan.

Refer to the Response to Comment B5-2 regarding the CDNPA. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1

Refer to MM BIO-5, which requires cactus salvage requirements and required coordination with CDFW, CNPS, and the California Botanic Garden.

B5-7 The commenter states that additional mitigation measures are needed to address impacts to special-status species that are included in the BRTR and not in the Draft EIR.

Refer to Response to Comment B5-5. The BRTR and the EIR's analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR, EIR Appendix S (Vegetation Resources Management Plan), and to General Response GR-1.

B5-8 The commenter states that mitigation measures should require post-construction monitoring of desert dry wash woodlands to ensure construction does not have a future impact on habitat avoided during construction. The commenter states that compensatory mitigation should be included to offset impacts to desert dry wash woodland.

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

B5-9 The commenter requests the MM BIO-1 be updated to require that the compliance manager be on-site during panel washing to ensure that no impacts to desert tortoise occur. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

B5-10 The commenter recommends that specific buffers be added to MM BIO-7 for desert tortoise protection. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

B5-11 The commenter requests that MM BIO-7 be revised to include desert tortoise exclusion fence inspections following installation to ensure desert tortoise are not exhibiting fence-pacing

behavior. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

Text was added in MM BIO-7 in the Final EIR, as suggested.

B5-12 The commenter recommends that adherence to burrowing owl avoidance buffers, as established in the CDFW Staff Report on Burrowing Owl Mitigation (CDFW, 2012), be added to the burrowing owl mitigation measure. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

B5-13 The commenter requests that the burrowing owl mitigation measure include a requirement to protect adjacent foraging habitat for passive relocation and a ratio for artificial burrow installation of 1:1, per CDFW burrowing owl mitigation guidelines. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

B5-14 The commenter recommends that CDFW and USFWS be consulted to establish appropriate mitigation ratios and compensation for impacts to habitat and species. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

B5-15 The commenter states that the Desert Tortoise Translocation Plan should be available as part of the DEIR for public review. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1. The Desert Tortoise Protection and Translocation Plan is appended to the PRDEIR as Appendix P.

Refer to General Response GR-4 regarding mitigation plans.

B5-16 The commenter recommends that wildlife-friendly fencing be required for the portions of the project that overlap the Pinto Wash Linkage.

Pending results of wildlife-friendly fencing on the Oberon Project, successful revegetation of disturbance areas, and addressing Federal Energy Regulatory Commission (FERC) security considerations, the Applicant has stated that it would coordinate with USFWS and implement wildlife-friendly fencing on the portion of the Easley Project that overlaps with the Pinto Wash Linkage beginning in year 3 of operations or once vegetation has re-established.

Impacts to wildlife movement are described in EIR Section 3.5.5, Impact BIO-3. Section 2.5.4 of the Draft EIR explains the Applicant's proposal to use wildlife-friendly fencing. See Response to Comment PRB10-12 regarding details on wildlife-friendly fencing.

B5-17 The commenter states that the Draft EIR did not meet the intent of CEQA § 15126.6. to evaluate a range of reasonable alternatives for this project that could "feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project." The commenter states that due to the significant impacts described in Section 3.5.5 of the Draft EIR, an alternative should be considered that would avoid all impacts to desert dry wash woodland. Further, desert pavement should have been analyzed for this project. The commenter suggests an alternative to analyze whether project objectives could have been achieved while avoiding these vegetation types.

The analysis of Project Alternatives and Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 (Alternatives) and Section 3.5 (Biological Resources) of the Partially Recirculated Draft EIR and to General Response GR-1. In addition to Section 3.5, desert pavement is also addressed in EIR Section 3.8 (Geology, Soils, and Mineral Resources).

B5-18 The commenter states that the EIR should recognize that it is reasonably foreseeable that the Project will result in a permanent change to the site and not return to the pre-project condition.

Section 2.1 (Introduction) and Section 2.6 (Decommissioning and Repowering) of the Partially Recirculated Draft EIR state that at the end of the Easley Project's useful life, the Project would be decommissioned, and the land returned to its pre-Project conditions. Revegetation would be conducted in accordance with the Decommissioning and Revegetation Plan, or such condition as appropriate in accordance with County and BLM policies at the time of decommissioning.

Please see Responses to Comments B5-2 though B5-17, which address the commenter's specific concerns regarding biological resources and alternatives.

See General Response GR-1 and Response to Comment B9-1 regarding recirculation of the Draft EIR.

Comment Set B6 – Morongo Basin Conservation Association

MBCA
morongo basin conservation association

Post Office Box 24, Joshua Tree CA 92252 – www.mbconservation.org
MBCA is a 501(c)3 non-profit, community based, all volunteer organization since 1969

March 11, 2024

RIVERSIDE COUNTY PLANNING DEPARTMENT
Attn: Tim Wheeler, Project Planner
PO Box 1409; Riverside,
CA 95202-1409
TWheeler@rivco.org

Comments In response to the:
DRAFT Environmental Impact Report for IP Easley LLC's Easley Renewable Energy Project
(SCH No. 2022-11-0240)
Conditional Use Permit No. 220021 Public Use Permit No. 230002 Variance No. 230003 Development Permit No. 2200016

Dear Mr. Wheeler,

The Morongo Basin Conservation Association is an advocate for responsible renewable energy development that preserves the economic and environmental welfare of desert communities while working to meet the federal and state climate change goals. B6-1

Please incorporate the Respect Lake Tamarisk Alternative and the extensive research supporting this plan into the following MBCA comment.

As currently planned, the Easley Renewable Energy Project impinges on the historic Lake Tamarisk Community that includes 80 homes consisting of families with and without children and 150 homes occupied by 55 year and older people. To protect their history, lifestyle, scenic vistas, and monetary investment, the Lake Tamarisk Desert Oasis Community has submitted the Respect Lake Tamarisk Alternative which meets all the state and federal goals of the Easley Renewable Energy Project while protecting the community and surrounding desert.

Biological Resources B6-2
We have all learned that solar fields mimic water and attract birds, frequently to their death. Lake Tamarisk is a bird watcher's haven. We don't have to guess this value since Cornell University's worldwide checklist https://ebird.org/hotspots has the data. As of March 11, 2024, 304 species have been seen with checklists submitted by 2058 birders https://ebird.org/hotspot/L419660 . Figure 1 below shows the strategic location of Lake Tamarisk on the 90-mile journey from the Colorado River to the Salton Sea. If there was a sea of solar panels only 600 feet from the boundary of Lake Tamarisk migrating birds looking for rest and refreshment could be confused and land on the panels (Figure 2). A mile buffer allows the surrounding ponds and the community's lawns, shrubbery, and trees to be seen by birds for landing and feeding (Figure 3).

Comment Set B6 – Morongo Basin Conservation Association (continued)

B6-2 (cont'd)

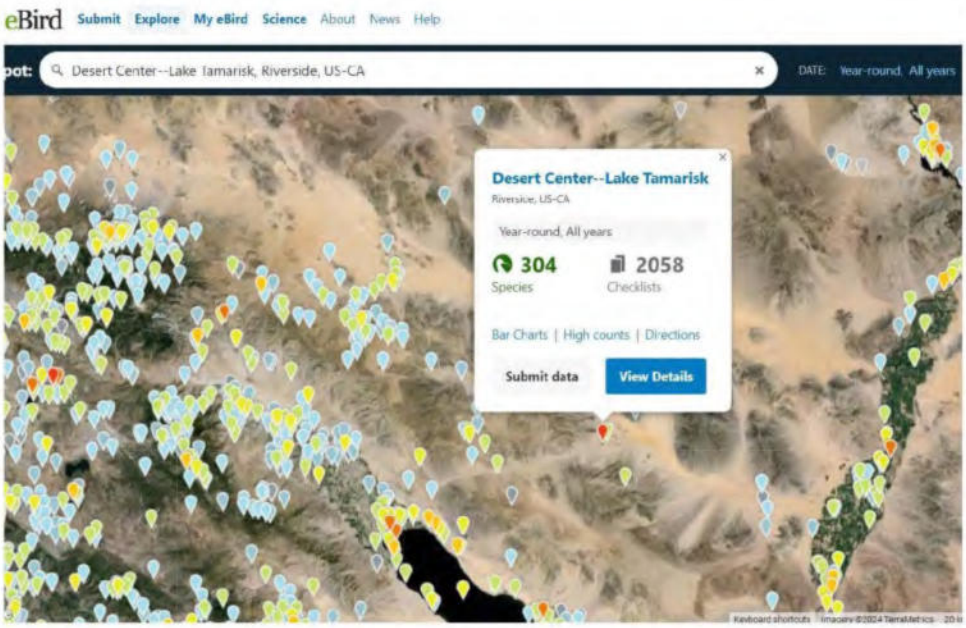


Figure 1: eBird map showing Lake Tamarisk and Salton Sea hotspots.

B6-3

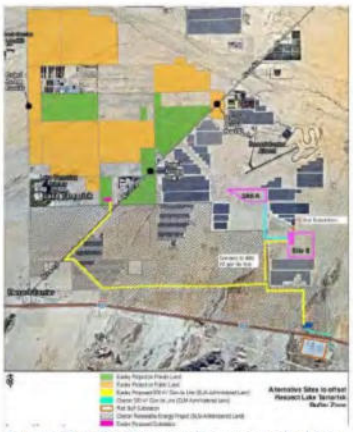


Figure 2: Lake Tamarisk surrounded by proposed and existing solar projects on BLM and private land.

Figure 4: Lake Tamarisk – a bird refuge



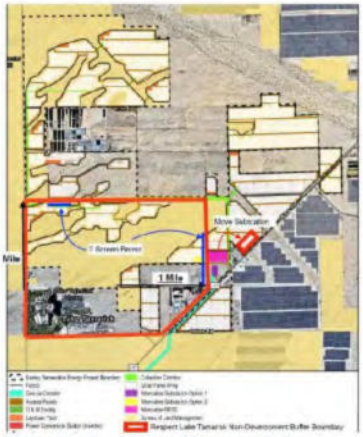


Figure 3: Boundary of Respect Lake Tamarisk Alternative in red.

Comment Set B6 – Morongo Basin Conservation Association (continued)

Thank you for adding this observation to the research provided by the Lake Tamarisk Desert Oasis Community.

Sincerely.

Pat Flanagan

Pat Flanagan, Board Member MBCA

Cc:

Riverside County District 4 Supervisor V.
Manuel Perez
4080 Lemon St. 5th floor
Riverside CA. 92501
district4@rivco.org

Responses to Comment Set B6 – Morongo Basin Conservation Association

B6-1 The commenter's support for responsible renewable energy development and the commenter-requested "Respect Lake Tamarisk Alternative" is noted.

Please refer to Responses to Comment Sets B3 (Active Communities/Desert Center) and D4 (Mark Carrington), which address the specifics of the "Respect Lake Tamarisk Alternative." See also General Response GR-8.

B6-2 The commenter states that solar fields mimic water bodies, which attracts birds to their death. The commenter notes that Lake Tamarisk is a migratory stopover between Salton Sea and the Colorado River, and that the solar arrays would confuse migrating birds. The commenter notes that a 1-mile buffer would allow for birds to see the ponds and lawns, shrubbery, and trees for landing. The analysis of Project Alternatives and Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 (Alternatives) and Section 3.5 (Biological Resources) of the Partially Recirculated Draft EIR and to General Response GR-1.

Refer to General Response GR-8 regarding alternatives and General Response GR-7 regarding impacts due to the "lake effect."

B6-3 The commenter includes a photo of Lake Tamarisk and two figures that were submitted as part of the commenter-requested "Respect Lake Tamarisk Alternative," which illustrate the requested minimum 1-mile natural buffer, two screening berms, onsite substation relocation, and alternative parcels east of State Route 177/Rice Road.

The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1, as well as General Response GR-8.

Comment Set B7 – EDF Renewables Development Inc (EDFRD) on behalf of Sapphire Solar LLC

Email: Easley Renewable Energy Project

From: Katie Kuplevich <Katie.Kuplevich@edf-re.com>
Sent: Monday, March 11, 2024 4:03 PM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Cc: Christa Hudson (Consultant) <Christa.Hudson.Consultant@edf-re.com>; Devon Muto <Devon.Muto@edf-re.com>; Neve Stearns <neve@intersectpower.com>; Camille Wasinger <camille@intersectpower.com>
Subject: EDFR Comment on IP Easley Renewable Energy Project Draft Environmental Impact Report

Good afternoon Mr. Wheeler,

EDF Renewables Development, Inc. (EDFRD), on behalf of Sapphire Solar, LLC, appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Intersect Power Easley Renewable Energy Project. As relevant to the Easley DEIR's cumulative impacts analysis, I write to provide the estimated groundwater consumption and construction workforce numbers for the Sapphire Solar Project, which will be used in the Sapphire Project's forthcoming California Environmental Quality Act and National Environmental Policy Act documents. B7-1

Groundwater Consumption

The Sapphire Solar Project's Water Supply Assessment (WSA) conservatively estimates that the Sapphire Project would require up to 300 acre-feet of water during construction (12 – 18 months) and approximately 9 acre-feet per year during operations. The Easley WSA estimates that Sapphire would use 500 acre-feet per year during a two-year construction period and 50 acre feet per year during operations. Accordingly, the Easley WSA and DEIR's analysis of cumulative groundwater consumption is conservative in its significant overestimate of Sapphire's anticipated groundwater usage. Cumulative groundwater impacts therefore are likely to be lower than indicated in the Easley DEIR.

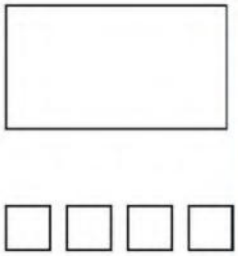
Construction Workforce

The Sapphire Project would have a maximum daily workforce of 250 employees. The Easley DEIR overestimates this workforce at 322 (Table 3.18-1), rendering the Easley DEIR's estimate of cumulative construction trip generation conservative. Accordingly, cumulative construction Vehicle Miles Traveled and Level of Service impacts likely will be lower than indicated in the Easley DEIR.

EDFRD does not believe it is necessary that the above estimates be updated in the Easley Final EIR because they overstate rather than understate potential groundwater and construction workforce-related impacts.

Thank you for the opportunity to provide this information in support of the Easley DEIR's cumulative impacts analysis. Please do not hesitate to contact me if you have any questions.

Comment Set B7 – EDF Renewables Development Inc (EDFRD) on behalf of Sapphire Solar LLC



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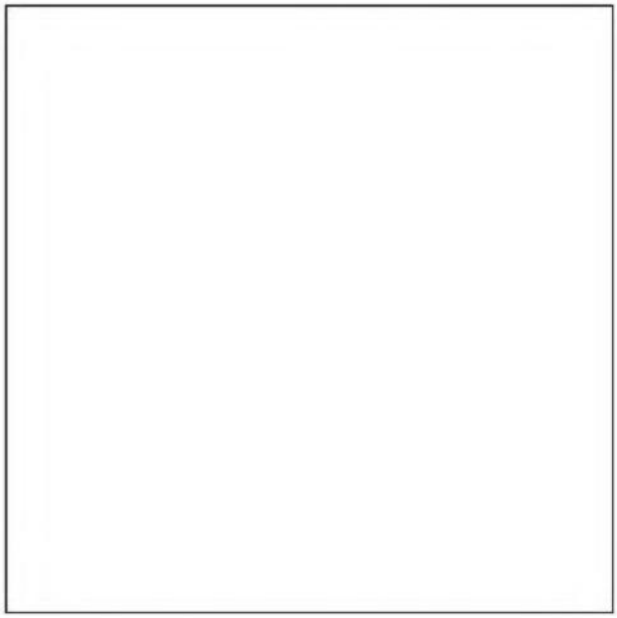


Disclaimer: *This email and any attachments sent to EDF employees or their intended recipients should be considered confidential, may contain legal, professional and/or other privileged information, and intended solely for the addressee. If you are not the intended recipient, do not use the information in this email in any way; delete and notify the sender.*

Responses to Comment Set B7 – EDF Renewables Development, Inc.

B7-1 The commenter states that the Easley Water Supply Assessment (WSA)(Appendix G in the Draft EIR) conservatively assumed that the Sapphire Solar Project would use 500 acre-feet per year during a 2-year construction period and 50-acre feet per year during operations, when in fact the Sapphire WSA estimates that the Sapphire Project would require up to 300 acre-feet of water during construction (12 – 18 months) and approximately 9 acre-feet per year during operations. Likewise, the commenter states that the construction workforce estimates for the Sapphire Project in the Transportation and Traffic analysis in Section 3.18 of the Easley Draft EIR overestimate the proposed number of workers.

The commenter does not believe it is necessary that the Sapphire water usage and construction workforce estimates be updated in the Easley Final EIR, because they overstate rather than understate potential groundwater and construction workforce-related impacts.

The analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR, the revised WSA at Appendix G, and to General Response GR-1.

Comment Set B8 – Chiriaco Summit

Email: Easley Renewable Energy Project

From: Margit F. Chiriaco Rusche <mchiriacor@aol.com>
Sent: Monday, March 11, 2024 4:21 PM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Cc: mchiriacor@aol.com
Subject: CUP220021

Dear Mr. Wheeler:

I am writing to you on behalf of our community of Chiriaco Summit, est in l933, and wish to share some of our thoughts on the Intersect Power"s Easley Solar project. Being the closest neighbor to the Lake Tamarisk, Desert Center community, we understand some of their issues with the advance of the solar fields surrounding their homes. And indeed they are, and no stopping this freight train, however, I believe there must be serious discussion on ways to provide financial consideration for the needs of the community and inclusive of 501-C-3's in the area which could help resolve some of the serious concerns by the homeowners. I believe Intersect Power will be a good neighbor and responsible to their commitments to mutually agreed community projects, which could be support for the youth in the area , including the youth programs, library and museums., Lions club and other churches ...as well as other projects deemed necessary by all in the community. however I would oppose any projects that are already funded well through the state and county taxes. There should be a committee to monitor and disperse the money set aside, with representatives from several areas of the community.
Solar is here and becoming a part of the desert landscape and power grid for California but it is still not advanced enough as there is much to do to harness the sun with smaller panels, less area and increased power. I'm sure down the road the solar farms will be a thing of the past and I hope this is truly what will happen...our desert land is precious to us and very beautiful and just because there is not dense habitation here, does not mean that it up for grabs to become a vast wasteland for power hungry money investors.
But we have the fields now, so we need to create a climate of cooperation and care and move forward in a positive way that is inclusive of all interests....or I cannot support. -

B8-1

Margit F. Chiriaco-Rusche
(760) 485-1576 Mobile
62450 Chiriaco Rd.
Chiriaco Summit, Ca 92201

Responses to Comment Set B8 – Chiriaco Summit

B8-1 The commenter is a resident of Chiriaco Summit, a community approximately 20 miles west of Desert Center. The commenter states the belief that Intersect Power will be a good neighbor and responsible to its commitments for community projects.

Financial commitments and community projects between the local community and Intersect Power are outside of the scope of CEQA. Please see Response to Comment D5-17 regarding the Project's required mitigation monitoring and reporting program (Appendix L in the Final EIR), as well as EIR mitigation measures that would require notification and coordination with the local community.

The commenter's opposition to projects that are already funded well through state and county taxes is noted. Alternative E (Distributed Commercial and Industrial Rooftop Solar Alternative) fully analyzes distributed solar under each issue area in Chapter 5 of the Partially Recirculated Draft EIR.

As described in Section 1.5 (Summary of the Project Evaluated in this EIR) of the Draft EIR, the proposed Project is subject to Riverside County Policy B-29, and the developer would need to enter into a development agreement with the County. The purpose of Policy B-29 is to ensure that the County does not disproportionately bear the burden of solar energy production and ensure the County is compensated in an amount it deems appropriate for the use of its real property. The policy states that the solar power plant owner shall annually pay the County $150 for each acre of land involved in the power production process with an annual 2% escalation since the policy was implemented in 2013. It also lists requirements for solar power plant owners relating to sales and use taxes payable in connection with the construction of a solar power plant. Once the development agreement is enacted, the proposed Project would comply with this policy.

Comment Set B9 – Active Communities-Desert Center #2

ANGEL LAW

2601 Ocean Park Blvd., Suite 205
Santa Monica, CA 90405-5269
Tel: (310) 314-6433
fangel@angellaw.com

March 11, 2024

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

Via email to TWheeler@rivco.org

Re: IP Easley Renewable Energy Project Draft Environmental Impact Report (CUP220021 / PUP230002 / VAR230003 / DA2200016 / SCH 2022110240)

Dear Mr. Wheeler:

Angel Law submits the following comments on the draft environmental impact report (**DEIR**) for the Easley Renewable Energy Project (**Easley Project** or **Project**). We are legal counsel for and write on behalf of Active Communities/Desert Center (**AC/DC**), a key stakeholder in the environmental review and decision-making process for the Project.[1] **B9-1**

Discretionary entitlements for the Project are being applied for with the County of Riverside (**County**) by a Delaware limited liability company, IP Easley, LLC, a subsidiary of Intersect Power,

[1] AC/DC works to prevent the significant direct, indirect, and cumulative adverse impacts on the environment (including but not limited to loss of desert landscape aesthetics, biodiversity, and unsustainable groundwater withdrawals), and attendant human health and welfare effects, associated with overconcentration of large-scale, industrial solar energy development in the Lake Tamarisk, Desert Center and larger Chuckwalla Valley areas.

AC/DC advocates for responsible and innovative site planning of utility-scale renewable energy projects that leaves room for adequate development buffers from human habitation and ecologically significant wildlife habitat, and for early and meaningful community involvement, equity, transparency, dissemination of objective environmental information and analysis, as well as fair and independent decision-making processes, concerning those projects.

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 2

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.

B9-1 (cont'd)

***

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.

B9-2

The Community of Lake Tamarisk is currently surrounded by "Surrounding Renewable Energy Projects." (DEIR Figure 2-1; see also Figure 2-4.) With the Easley Project, Intersect will be closing in on this human community on three sides. If the Project is approved as proposed, the community will be literally sandwiched between Intersect's Oberon Project (to the south) and Intersect's Easley

[2] We will hereafter refer to the Project applicant as "**Intersect**."

[3] Unlabeled statutory references in this comment letter are to the Public Resources Code. We will refer to the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) as the "**CEQA Guidelines**."

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 3

Project (to the north and the northeast), with additional Easley solar arrays, the Easley Substation and the Easley Battery Energy Storage System (**BESS**) immediately to the east. The level of disrespect Intersect shows for this Riverside County community is unprecedented.

B9-2 (cont'd)

Unquestionably, the utility-scale solar tsunamis the Chuckwalla Valley area has been experiencing over the past decade disproportionately impact neighboring human communities. They're exposed to sand and dust storms blowing massive quantities of soil particles from desert lands scraped or graded for solar farms, toxic soot and smog from diesel motors, exhaust from transportation of oversize/overweight loads and construction traffic, and the pounding sounds of pile drivers, among myriads of other sources of noise. They witness distressing incremental losses of desert biodiversity and landscape aesthetics.

Yet they're not saying no to responsible renewable energy development. They know that the County's decision makers must balance competing interests when faced with renewable energy projects.[4] It is in that spirit, to allow the County's decision makers to strike a reasonable balance, that AC/DC has put forth a meaningful, feasible Project alternative that achieves all basic Project objectives -- the Respect Lake Tamarisk Alternative.[5] Importantly, even if the Respect Lake Tamarisk Alternative results in increased expenses or diminished profitability for Intersect, that won't justify its rejection. Any additional costs or lost profitability would have to be " 'sufficiently severe as to render it impractical to proceed with the project.' (*Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, 1181 (*Goleta I*).)" (*Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336, 1352 (*Preservation Action*).) To this point, note that there are many profitable utility-scale photovoltaic solar energy facilities in California, including in Riverside County, that generate substantially less than 400 MW (the Easley Project's maximum generation capacity target), or are located on lands receiving lower levels of insolation than the County's Sonoran Desert region.

***

We are guided in our comments and questions on the DEIR by CEQA's foundational requirement that EIRs and EIR review serve to foster informed decision-making and public participation, and that to do so, an EIR " 'must contain facts and analysis, not just the agency's [or the EIR drafters'] bare conclusions or opinions.' [Citations.]" (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 404 (*Laurel Heights I*.) "An EIR must include detail

[4] The comments of citizens Bruce and June McArthur are illustrative: "It is obvious that the State of California and the Federal Government have decided that our area will be one of the areas sacrificed for the movement towards environmentally friendly electric power. We have no problem with solar power in our area, but we ask that you respect our request to leave a one mile buffer zone around our community." (03-04-2024 email to Tim Wheeler.)

[5] Context and justification for this alternative is provided below.

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 4

sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project." (*Ibid.*)[6]

B9-2 (cont'd)

PROJECT DESCRIPTION

B9-3

Our comments concerning the DEIR's Project description are premised on the logic that incomplete, vague, confusing, enigmatic, or conflicting descriptions of a project or its components corrupt the impact analysis. (See *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 654-656 & fn. 4, 672 (*Merced*); *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 734 (*Stanislaus*).) Omissions, inaccuracies, or lack of clarity and ambiguities in descriptions of the baseline physical conditions against which environmental impacts must be measured, such as not or not clearly identifying baseline assumptions relevant to required areas of environmental inquiry (aesthetics, agricultural resources, air quality, etc.; DEIR, § 3.2 et seq.), likewise, skew the impact analysis. (*Merced*, 149 Cal.App.4th at pp. 656-659; *Stanislaus*, 27 Cal.App.4th at pp. 723-724.)

The DEIR (at 2-1) states that depending on the timing of its interconnection agreement, the Easley Project "could be operational as early as late 2025." (DEIR at 2-1.) This is speculation.[7] What *is* the timing of the interconnection agreement Intersect will require, and what factors will affect it? Have Phase-I and Phase-II interconnection studies been submitted? Has Intersect secured power purchase agreements? If so, with what load serving entities and for what procurement amounts?[8] Responsive information to these questions is further relevant because the timing of Project operation affects achievement of the horizon dates provided in the Project objectives for a decarbonized energy grid (promised Project benefits). We understand curtailments of renewable

[6] Accord, *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 510, 522; *Natural Resources Defense Council, Inc. v. City of Los Angeles* (2023) 98 Cal.App.5th 1176, 1201, 1204; *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 869 (*King & Gardiner*); *Preservation Action*, *supra*, 141 Cal.App.4th at pp. 1351, 1353.)

[7] Considering the 20-month timeframe for the Project's construction phase (DEIR at 2-12, 3.4-9), it is safe to say that Intersect itself does not believe in the late 2025 online date. (Daniel Moore, *Clean Energy Traffic Jam Snarls Grid Access in Key Solar Market*, Bloomberg Law (Dec. 4, 2023), available at <https://news.bloomberglaw.com/environment-and-energy/solar-energy-traffic-jam-snarls-access-to-california-power-grid> (**Bloomberg Law**)).

[8] The levels of severity of the cumulative environmental effects of a new industrial project's construction phase depend on the timing of the construction phase. For example, when the construction phases of the Easley Project and other probable future solar projects in the Riverside East Solar Energy Zone overlap in time, the cumulative effects of concurrent construction phase emissions of ground-level ozone precursors nitrogen oxide (**NOx**) and volatile organic compounds (**VOC**), as well as fugitive dust (**PM10** and **PM2.5**), carbon monoxide (**CO**), and sulfur oxides (**SOx**), is substantially more severe than in a scenario of consecutive construction phases, where the Easley Project would be operational as early as late 2025, before the related Sapphire Project and other reasonably probable development in the Mojave Desert Air Basin.

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 5

energy generation have been steadily increasing due to oversupply originating in the Riverside East Solar Energy Zone and regionwide transmission and interconnection capacity constraints. The California Independent System Operator (**CAISO**) is reported to have imposed "a one-year delay to study results of recently proposed power plants seeking to connect to the state's electrical grid." (Bloomberg Law, *supra*.) "CAISO says an unprecedented surge in interest from developers like Kimber [Intersect/Easley] have overwhelmed the operator's ability to move the projects through the grid-connection study process." (*Id.*)[9] To this point: **B9-3 (cont'd)**

What specific *offsite* network transmission infrastructure development does bringing the Easley Project online call for -- e.g., upgrades to the Southern California Edison Red Bluff Substation and upgrades in the 500 kV transmission corridor on the Interstate 10 (**I-10**), part of CAISO's SCE Eastern Planning Zone)?[10] What are the environmental impacts of offsite infrastructure development in terms of both Project-induced direct impacts and cumulative impacts, accounting for the related solar projects identified in Table 3.1-1? Where are these offsite impacts and their effects expected to occur or be felt? **B9-4**

The DEIR estimates the Project operation phase to be a "minimum of 35 years and up to 50 or more years." (DEIR at 2-1.) This Project description is far too vague for an accurate assessment of the environmental impacts of the operation phase (e.g., impacts on the groundwater resource). The level of significance of an adverse impact on any given environmental resource obviously depends on the length of time the impact persists. **B9-5**

Even assuming a useful life of no more than 35 years, that's long enough for the DEIR to disclose and assess direct and cumulative Project-related effects on resources specifically identified in the legislation that will establish the Chuckwalla National Monument (**CNM**). The CNM will be in existence decades before the Project is decommissioned.[11] Portions of the CNM are in close **B9-6**

[9] See also Lawrence Berkeley National Laboratory. April 2023. Queued Up: Characteristics of Power Plants Seeking Transmission Interconnection, available at <https://emp.lbl.gov/queues>.

[10] Standing in the shoes of an interconnection customer vis-à-vis CAISO, Intersect must have that information. It will be required to bear its fair cost allocation share in financing the network upgrades to move through CAISO's inundated interconnection queue toward an interconnection agreement.

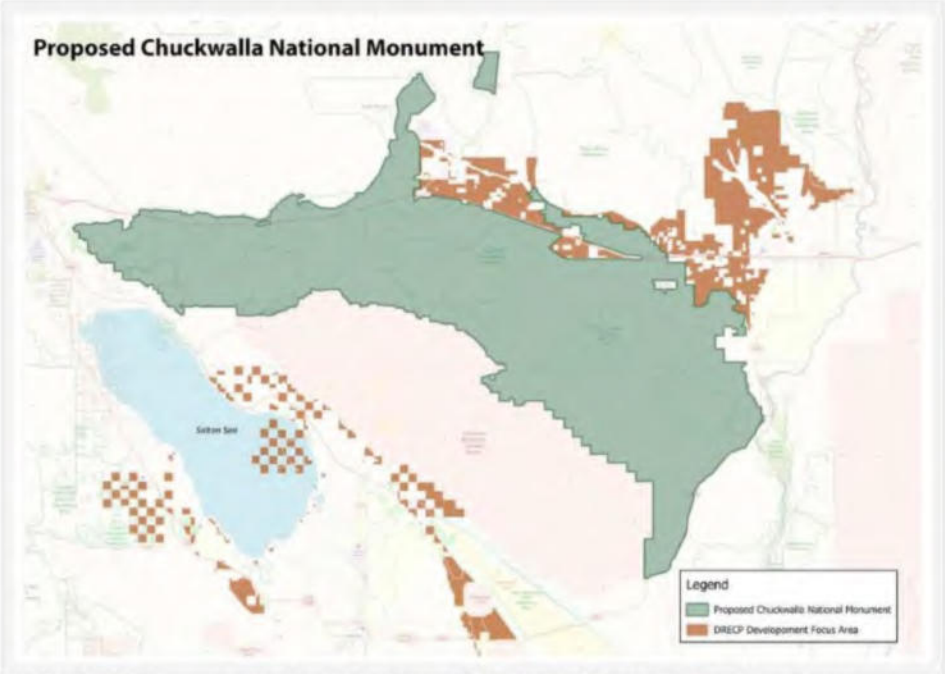
[11] On September 21, 2023, Congressman Paul Ruiz introduced H.R. 5660 to establish the CNM. It describes the purpose of the CNM as follows: "(1) conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, *scenic*, wildlife, *recreational*, *cultural*, historical, natural, educational, and scientific resources of the Monument; and (2) provide for collaborative management with culturally affiliated Tribes of Monument resources." (Italics added.) The CNM will indeed include the ancestral homelands of the Iviatim, Nüwü, Pipa Aha Macav, Kwatsáan and Maara'yam peoples (Cahuilla, Chemehuevi, Mojave, Quechan, and Serrano nations), reintroduce the Sonoran Pronghorn antelope to the region, and offer what has been hailed "a historic

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 6

proximity to the Easley Project, both on the west and south of the Project site. Oddly enough, the DEIR views the CNM only as a probable future project that could add to the Easley Project's cumulative impacts (Table 3.1-1), thus telling us, for example, that the CNM would not contribute to cumulative visual or cultural impacts. (DEIR at 3.2-33, 3.6-33.) But the question is not whether the CNM would have adverse visual or cultural impacts -- unlike a solar farm it's being created to *preserve* scenic views and cultural resources. Rather, the inquiry should have focused on the Easley Project's adverse direct and cumulative aesthetic effects *on* the CNM. That inquiry is missing from the DEIR.

B9-6 (cont'd)



The DEIR (at 2-2) erroneously refers to the Oberon Project as "under construction." Many figures referred to in the text of the DEIR, here and elsewhere, suffer from more problematic flaws --

B9-7

opportunity to ensure equitable access to outdoor recreation for communities in the eastern Coachella Valley," all the while making a very significant contribution to state and federal commitments to protect at least 30% of public lands by 2030. (<https://protectchuckwalla.org/2023/09/25/new-chuckwalla-national-monument-joshua-tree-national-park-expansion-proposed-for-the-california-desert/> [as of March 11, 2024].)

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 7

design flaws. They make extensive use of analogous color schemes that minimize contrast and differentiation between shades of the same color; use of inconsistent color codes from figure to figure -- for example, different codes are used in different figures to identify identical land designations, such as land designated by the BLM's Desert Renewable Energy Conservation Plan (**DRECP**) as Development Area Focus (**DFA**); use of inconsistent terminology without explaining the reason why -- e.g., "gen-tie line" vs. "gen-tie corridor; or failure to identify on a figure what is referenced in the text. **B9-7 (cont'd)**

These flaws frustrate rapid and full assimilation by the reader of information relevant to meaningful public review, contrary to the CEQA Guidelines.[12] Similarly, because the Project description leaves open the question whether there will be one or two substation yards and does not indicate the location of the operations and maintenance building "plus four to six 40-foot CONEX containers," it is unclear whether 25+ or 50+ acres of land will be graded for these facilities and impacted by the uses associated with them throughout the operational phase. What scenario (one or two substation yards) has been used for the impacts analyses? If two, where does it show this? **B9-8**

The DEIR states (at 2-3) that a system of 34.5 kV interior collection power lines between inverters and substations would be "located either underground or installed overhead on wood poles." Undergrounding these lines would help mitigate aesthetic impacts and wildland fire hazard. Will they be undergrounded? **B9-9**

The DEIR (at 2-9–2-10, 2-21, 3.5-42) leaves open the question whether fencing referred to as "wildlife-friendly" will be installed during Project operation. It states "[i]f' it is, "the roadway system would be specially designed to accommodate the safe passage of desert tortoise and other wildlife across the site." (DEIR at 2-9.) Which other species? Would the wildlife-friendly fencing for wildlife species other than the desert tortoise be the fencing described in Section 2.5.4? **B9-10**

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.)

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 8

habitat fragmentation, dependent on the installation of wildlife-friendly perimeter fencing for the Project? Also, what would the special roadway design consist of? What types of wildlife crossings? **B9-10 (cont'd)**

If wildlife-friendly fencing is not installed, such that the roadway system wouldn't be specially designed to accommodate safe passage of the desert tortoise and other wildlife, do the findings of "Impact Less than Significant with Mitigation" regarding Impacts BIO1, BIO-2, and BIO-3 still hold for the direct or cumulative impacts of the Easley Project? If so, what science supports such a conclusion? Translocation is an experimental mitigation measure as it is, with anything but guaranteed success.[13]

The DEIR fails to identify a definite source of water supply for the construction and operations phases. It states (at 2-10, 2-22) that the water would be obtained from "either an on-site groundwater well or purchased off site." What offsite entity would supply the water? Would this be imported Colorado River water? **B9-11**

The DEIR states (at 2-14): "Clearance surveys are challenging to complete within the limited temperature constraints during the protocol survey period since ambient temperatures often exceed 100 degrees Fahrenheit before the end of April and into October in Chuckwalla Valley. Therefore, temperature thresholds for clearance surveys may be up to 40 degrees C (104 degrees F) in areas that do not have a high modelled desert tortoise occupancy; and/or historical data did not have active desert tortoise sign within the area or in immediate adjacent areas; and/or are adjacent to SR-177/Rice Road, with a higher level of human disturbances." (*Id.*)[14] These statements are ambiguous at best. To fudge on whether before site preparation clearance surveys for the desert tortoise (considered not just threatened, but effectively Critically Endangered), the burrowing owl and mammals will be conducted at the appropriate times or at all, undercuts the findings of no significant impact on the species specifically identified for passive relocation and translocation. As for areas adjacent to SR-177/Rice Road, why shouldn't they be surveyed given that access to the Project site would be through SR-177/Rice Road via multiple driveway entrances? (DEIR at 2-9; Figure 3.18-1.) Wouldn't the "higher level of human disturbances" adjacent to SR-177/Rice Road be a reason justifying clearance surveys to prevent incidental takes? **B9-12**

The DEIR refers to (at 2-18) "any required upgrades to the Oberon Substation." What upgrades? What determines whether they would be required? **B9-13**

[13] See, e.g., Jeremy S. Mack, Kristin H. Berry. 2023. Drivers of survival of translocated tortoises. J. Wildl. Manage. 87, e22352, available at <https://doi.org/10.1002/jwmg.22352>.

[14] Isn't mowing, grubbing and grading equally challenging to complete when ambient temperatures exceed 100 degrees Fahrenheit before the end of April and into October in the Chuckwalla Valley?

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 9

The reference to spraying with an "approved" herbicide (DEIR at 2-19) to remove vegetation is misleading and application of herbicides is indefensible. "Approved" or registered herbicides are still toxic (e.g., glyphosate, the main ingredient in Roundup, indaziflam, dinoseb), and toxicity varies depending on the species exposed to the herbicide, concentration levels, combinations of active ingredients and adjuvants, inter alia. While we request avoidance of herbicides and rodenticides, the herbicides and pesticides for pest management (DEIR at 2-20), the specific areas of application, and the desert scrub habitat and wildlife species targeted must be fully identified; and the environmental impacts on humans, wildlife and native plant species must be disclosed and evaluated, accounting for all exposure pathways and all sources of exposure, including drift to forbs, sensitive plant species and communities, microphyll woodlands and other desert scrub habitat. **B9-14**

The DEIR states that inverters and units would be swapped out within 10 to 25 years of operation, but thereafter the Project would continue delivering electricity "for many decades." (DEIR at 2-22.) How can that be if decommissioning occurs at the end of its useful life of 30 to 50 years? **B9-15**

ENVIRONMENTAL SETTING **B9-16**

According to the DEIR (at 3.1-1), "[w]ithin the Project area parcels, the development footprint consists of the areas within the fenceline where the solar facility, on-site substation, and BESS would be constructed." It defines the "Project area" as "the site of the proposed Project, shown on Figure 2-2, and the *immediate vicinity* around the Project *where Project impacts could affect the environment*." (*Id.*, italics added.)

For purposes of disclosing the environmental effects of "the whole of an action" (CEQA Guidelines, § 15378; see *id.*, § 15125), including indirect effects, what is the development or Project-related activity (or use) footprint outside the "Project area"? Has it been determined? Does the DEIR assume no construction footprint or activity associated with the Project will impact physical baseline conditions outside the immediate vicinity around the Project?

The DEIR (at 3.1-3) includes in the category of impacts deemed "significant and unavoidable" any significant impact "where either no feasible mitigation can be implemented, *or* the impact remains significant after implementation of mitigation measures." (Italics added.) This is problematic. To characterize residual significant impacts as "unavoidable" even when mitigation measures (or alternatives) are feasible, whether to further reduce any significant effect (albeit not to a level of insignificance), or to reduce it below of significance, mischaracterizes avoidable impacts as "unavoidable." This misinforms the public and County decision makers.

The DEIR predicates cumulative impact analysis on another, foundational error, with repercussions throughout the DEIR's cumulative impacts assessments, calling into question findings of no **B9-17**

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 10

significant or considerable cumulative effect in many areas of environmental inquiry, such as air quality, hydrology and groundwater quality, biological resources, noise, or light and glare. As stated in the DEIR, "[f]or purposes of this EIR" cumulative impacts are limited to the following scenarios: the Project would result in a significant cumulative impact only if: (a) a "substantial enough" direct Project impact adds up to the cumulative effects of other past, current, and probable future projects themselves deemed insignificant without the Project; or (b) the cumulative effects of such other projects are already significant without the Project, and the Project would result in "a cumulatively considerable contribution to the already significant effect." (DEIR at 3.1-4–3.1–5.)

B9-17 (cont'd)

This analytic framework forecloses findings of significant cumulative impacts when the direct incremental impacts of the Project are individually minor, but increase, compound or interact with cumulative impacts of other past, present and probable future projects deemed not already significant without the Project. But a mandatory finding of significance is called for when a project's effects are "cumulatively considerable" though "individually limited." (§ 21083, subd. (b)(2); CEQA Guidelines, § 15065, subd. (a)(3); see *id.*, § 15130, subd. (a), par. one.)[15] As noted in the CEQA Guidelines' definition of "cumulative impacts":

> "The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from *individually minor but collectively significant* projects taking place over a period of time."

(*Id.*, § 15355, italics added; accord, *North Coast Rivers Alliance v. Kawamura* (2015) 243 Cal.App.4th 647, 682-683; *Kings County*, *supra*, 221 Cal.App.3d at pp. 719-720.) Quantified baseline data and quantitative analysis are crucial to meaningful analysis of cumulative (and direct) Project impacts, as well as meaningful comparison of the Project to alternatives. (See *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 440-441 (*Vineyard*); *Kings County*, *supra*, 221 Cal.App.3d at pp. 733, 735.)

Finally, we note that the DEIR (at 3.1-3) erroneously refers the reader to Section 4 (instead of Section 5) for a comparison of project alternatives. What specific environmental or land use

B9-18

[15] Courts have cautioned repeatedly:

> " 'One of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact.' [Citations.]"

(*Bakersfield Citizens*, *supra*, 124 Cal.App.4th at p. 1214.)

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 11

planning factors have come to the attention of the EIR drafters causing them to add the Section 4 discussion ("Other CEQA Considerations") to the Easley Project DEIR before circulating it for public review? **B9-18 (cont'd)**

AIR QUALITY **B9-19**

The DEIR (at 3.4-15) states that "[b]ecause construction-related air pollutant emissions would be mitigated and would entirely cease after construction, within approximately 20 months, the construction emissions would not cause substantial long-term cumulative impacts." The DEIR's review of the Project's construction-phase impacts on air quality offers no support for this reasoning.[16] It is deficient in several regards.

First, the Mojave Desert Air Basin (in which the Project is located) is a state nonattainment basin for ozone and PM10 pollution.[17] Even so, the DEIR does not reveal any baseline air quality levels for PM10 and NOx (or other toxic air pollutants) against which to assess the emissions tabulated in Tables 3.4-6–3.4-9. The failure to compare increased emissions to baseline conditions undermines both the conclusions of no significant direct impacts (AQ-2 & AQ-3) and the conclusions of no significant cumulative impacts for the construction phase. The relevant inquiry should have been the extent to which Project emissions contribute to already existing (ambient) air pollution, and the question to address was whether the additional amounts of ozone precursor and PM10 particulate pollution from the Project during its construction phase should be considered significant in light of the serious nature of the ozone and PM10 problems in this air basin. (See *Kings County*, 221 Cal.App.3d at p. 713, fn. 3; *id.* at pp. 718-724.)

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 **B9-20**

[16] Even if effects occurring within a 20-month timeframe could be considered short-term, nothing in CEQA suggests that short-term effects cannot be "significant" or *"considerable" within the meaning of CEQA. (See *No Oil, Inc. v. Los Angeles* (1974) 13 Cal.3d 68, 85.)

[17] The Coachella Valley -- the area closest to the Project site for which the South Coast Air Quality Management District (**SCAQMD**) maintains a network of monitoring sensors -- fails to meet federal *and* state air quality standards for ozone and particulate matter. (<https://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2022-air-quality-management-plan/final-2022-aqmp/10-ch7.pdf?sfvrsn=18>.)

Comment Set B9 – Active Communities-Desert Center #2 (continued)

without evaluating (1) the combined effects of concurrent construction-phase emissions; and (2) the combined effects of concurrent construction- and operation-related emissions. Failure to do so underreports adverse impacts on air quality and the attendant health and safety problems. (See *Bakersfield Citizens*, *supra*, 124 Cal.App.4th at p. 1219.)

B9-20 (cont'd)

Third, contrary to CEQA, the DEIR does not correlate adverse air quality impacts to resulting adverse public health effects. (See *id.* at pp. 1219-1220 & fn. 10.) An EIR that fails to investigate the level of significance of concurrent construction-phase and operation-phase related air pollutant emissions from related projects cannot perform that correlation. [18]

BIOLOGICAL RESOURCES

B9-21

The desert, contrary to popular belief, is not a lifeless dumping ground just waiting to be even further exploited. Scientists are aghast at what amounts to defamation of the desert -- "[o]ne of the most persistent mischaracterizations is that the California desert is a barren wasteland with low biodiversity and limited capacity for carbon storage."[19] In reality, "the California desert has extremely high biodiversity, and is a significant carbon sink with tremendous opportunity to sequester carbon and help our state meet its atmospheric carbon reduction goals."[20] Unfortunately, the DEIR perpetuates and relies on these misconceptions in an otherwise deficient analysis of the Project's impacts on biological resources. These deficiencies must be cured in a recirculated DEIR.

Sensitive Plant Species and Communities

We will begin with the DEIR's analysis of the Project's impact on plant life. It's important to note that the DEIR's first analyzed impact to biological resources (Impact BIO-1), taken from the County of Riverside's Environmental Assessment Form, reads as follows: "The Project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, *sensitive*, or special status species in local or regional plans, policies, or regulations, *or by the California Department of Fish and Wildlife* or U.S. Wildlife Service." (DEIR at 3.5-20, italics added.)

[18] On this issue, we will submit additional comment by separate letter, pointing to health effects the DEIR has barely touched upon, including recent data and information concerning the threat of Coccidioidomycosis (Valley Fever).

[19] Michael Allen, et al. 2023. AB 1757 Nature Based Solutions, Desert Sector. Submitted to CNRA/Expert Advisory Committee, available at <https://desertreport.org/wp-content/uploads/2023/10/c.-technical-report-on-sequestration.pdf>.

[20] *Id.*

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 13

B9-21 (cont'd)

The California Department of Fish and Wildlife (**CDFW**) submitted a comment letter during the Project's scoping period. (DEIR Appendix B at 70.) CDFW provided its concrete definition of sensitive plant communities: "Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level." (*Id.* at p. 73.) CDFW also provided the DEIR preparers with the database within which they could obtain these rankings -- the California Natural Diversity Database (**CNDDB**). (*Id.* at 73.) Finally, CDFW instructed that "[t]he DEIR should include measures to fully avoid and otherwise protect sensitive plant communities from project-related direct and indirect impacts." (*Id.* at 73-74.)

In spite of these clear instructions, the DEIR ignores and replaces the statewide ranking system when it is convenient to do so. When discussing desert dry wash woodland, which the DEIR preparers know "is likely to be regulated by [CDFW] as jurisdictional State waters" (DEIR at 3.5-3), the DEIR identifies it as "a sensitive vegetation community recognized with a rarity rank of S4." (*Id.*) However, in its discussion of what it calls "Special-status Plants" (*id.* at 3.5-5), the DEIR ignores the word "sensitive" in Impact BIO-1 altogether. The DEIR's "Special-status Plants" section of its Biological Resources environmental setting discussion (DEIR § 3.5.1.3) decides that "special-status plants" are those "plants ranked as California Rare Plant Rank (**CRPR**) 1b *and, in some cases, may include CRPR 2, 3, or 4 plant occurrences, which may be regionally significant if the occurrence is located at the periphery of the species' range, or exhibits unusual morphology, or occurs in an unusual habitat/substrate*." (DEIR at 3.5-5, italics added.) The DEIR does not explain why it utilizes a different rarity ranking system here -- the CRPR -- instead of utilizing the CDFW-sanctioned system, i.e., the CNDDB statewide ranking system. It also does not provide any authority for categorizing as "not special-status" CRPR 2-4 plant species whose occurrence is not "located at the periphery of the species' range," does not "exhibit unusual morphology," or does not "occur[] in an unusual habitat/substrate." This qualifying language (italicized above) regarding CRPR 2, 3, or 4 plant species, in effect, gives the DEIR cover to "analyze" and dismiss *sensitive* plant species present on the Project site as borderline "special status" species. Impact BIO-1 requires analysis of impacts to sensitive species (especially sensitive species identified as sensitive by CDFW), and CEQA requires mitigation of those impacts.

For example, the DEIR (at 3.5-6) discusses Desert unicorn-plant (*Proboscidea althaeifolia*) under "Special-status Plants" because it is ranked as CRPR 4. Desert unicorn-plant has a state rarity ranking of S-4.[21] Thus, under CDFW's definition, it should be considered a sensitive species, and the Project's impacts on it should be fully analyzed and mitigated. Instead, the DEIR (at 3.5-6) gives short shrift to this sensitive species --"Desert unicorn plant has limited distribution but is not very threatened in California." The DEIR gives the same dismissive treatment to the Spiny Abrojo

[21] CRPR rankings and CNDDB statewide rankings can be found by querying plant species at the California Native Plant Society's Rare Plant Inventory at <https://rareplants.cnps.org/Home/Index/>.

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 14

(*Condalia globose var. pubescens*). The spiny abrojo has a state rarity ranking of S-3, but a CRPR ranking of 4.3. The DEIR dismisses the sensitive spiny abrojo as "not very threatened in California and can also be found in Arizona and Mexico." (*Id.*) **B9-21 (cont'd)**

The intent of this ranking system swap is revealed by the following DEIR conclusion buried within its discussion of the gen-tie line's effects on "special status plants" under Impact BIO-1: "Desert unicorn-plant and spiny abrojo were observed on the Oberon Project site; however, *as a CRPR 4 (watch list) species without additional reasons for conservation concern (e.g., geographic range, unusual morphology, or unusual habitat/substrate)*, potential impacts to desert unicorn-plant and spiny abrojo are *not significant*." (DEIR at 3.5-30, italics added.) This is not a valid reason to sidestep analysis of potential significant direct and cumulative impacts of the gen-tie line to the unicorn-plant and spiny abrojo. These species are considered sensitive by CDFW, so the Project's impacts on them are significant within the meaning of Impact BIO-1.

Additionally, the DEIR's Impact BIO-4 reads: "The Project would have a substantial adverse effect on any riparian habitat or other *sensitive natural community* identified in local or regional plans, policies, and regulations *or by the California Department of Fish and [Wildlife]* or U. S. Fish and Wildlife Service." (DEIR at 3.5-45, italics added.) The DEIR admits that desert pavement has "a State rarity rank of S4, [and] was identified on the Project site." (*Id.*) In spite of that rarity ranking and CDFW's identification of S4 communities as sensitive, the DEIR comes to the bare, unsupported conclusion that desert pavement "is not considered sensitive." (*Id.*) Thus, the DEIR does not analyze desert pavement under Impact BIO-4, even though it must. **B9-22**

Federally Endangered Bird Species **B9-23**

The U.S. Fish and Wildlife Service (**USFWS**) also submitted a comment letter during the Project's scoping period, expressing very specific direction and requests regarding, among other things, federally endangered bird species. (Appendix B at p. 64.) USFWS informed the County and the Applicant that "[f]ederal trust resources that likely occur in the Project area include the federally...endangered Yuma Ridgway's rail (*Rallus obsoletus yumanensis*), endangered southern willow flycatcher (*Empidonax 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

Comment Set B9 – Active Communities-Desert Center #2 (continued)

> the Imperial Valley. These data indicate a risk of mortality to all rail species caused by project-related features such as gen-tie lines, solar panels, and perimeter fencing."

B9-23 (cont'd)

(Appendix B at p. 66.) USFWS also expressed its concern for cumulative impacts to Yuma Ridgway's rail, in addition to the Project's direct and indirect effects, "especially given the large cumulative disturbance footprint of existing and planned projects in the California desert." (*Id.*) USFWS continued:

> "Because of the large size of these projects and the apparent lack of effective adaptive management measures and other design modifications sufficient to avoid the risk of an incidental take, we anticipate recurrent but low levels of take of Yuma Ridgway's rail at various project sites. *Therefore, we recommend the draft EIR address the risk of take to Yuma Ridgway's rail, considering the direct, indirect, and cumulative effects of the Project to this federally endangered species. We also recommend the Project include CMAs regarding Yuma's Ridgway Rail and other listed birds in the draft EIR.*"

(*Id.*, italics added.) In addition, "[d]ead willow flycatchers and yellow-billed cuckoos have been documented on or near existing solar projects in the California desert within their migratory range, *yet distant from suitable habitat*." (*Id.*, italics added.) Thus, USFWS instructed that the DEIR "should include a *rigorous analysis* to determine the vulnerability of all avian taxa that could occur at the project site, *with a risk assessment that quantifies potential fatalities and incidental take of listed species*. This risk analysis should be based on a robust program of post-construction monitoring." (*Id.*, italics added.)

Despite the above USFWS-provided information and direction, the DEIR informs the reader (at 3.5-11) that only "[o]utlier observations [of Yuma Ridgway's rail] have been documented at Harper Dry Lake, East Cronese Dry Lake, and Desert Center, all at a great distance from known breeding areas." The DEIR also generally states (at 3.5-37) that four federally endangered bird species "have a moderate potential to occur in the Project area during migration periods, but there is no suitable nesting or foraging habitat on the site for these species." USFWS brought up this not-suitable-habitat contention during the scoping period -- in spite of it, dead Yuma Ridgway's rails, willow flycatchers, and yellow-billed cuckoos are still appearing on or near solar projects in the area. The DEIR fails to address this disconcerting phenomenon; it does not include a rigorous avian vulnerability analysis or a risk assessment estimating potential fatalities and incidental take of these species.

According to the DEIR (at 3.5-37), no federally endangered bird species "were observed during field surveys. There would be no direct or indirect effects to nests, nest success, or nesting habitat." In the next sentence, the DEIR contradicts itself: "The Project's impacts to nesting and foraging habitat and individuals would be similar to those described for other threatened and

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 16

endangered birds." (*Id.* at 3.5-38.) So, does the Project impact nests, nest success, or nesting habitat, or not? And what are these similar impacts? **B9-23 (cont'd)**

These "similar" impacts are generally alluded to as deterrence "from foraging on the Project site due to land use conversion"; the collision hazard of vertical structures; construction noise and lighting "disrupt[ing] foraging activities" or "caus[ing] wildlife to avoid otherwise suitable habitat surrounding the site"; the potential for "[i]ncreased human presence and activity [to] increase incidents of vehicle strikes or endanger individuals by attracting them to work sites with trash, food, and water"; and "[s]ignificant impacts to vegetation used for cover and foraging habitat." (*Id.* at 3.5-36 – 3.5-37.) This is not the rigorous analysis requested by USFWS.

The DEIR (at 3.5-38) concludes that "[i]mplementation of MMs BIO-1 through BIO-5 would minimize significant impacts to native vegetation, thereby minimizing impacts to foraging and nesting habitat. MM BIO-6 (Wildlife Protection) and MM BIO-8 (Bird and Bat Conservation Strategy) would minimize direct impacts to birds with site inspections, monitoring and avoidance of nesting seasons, and adaptive management for bird mortality during O&M." It also concludes (at 3.5-57) that, despite a "cumulatively significant impact for native birds," "[t]he incremental contribution of the proposed Project to the cumulative impacts to native bird habitat and nesting success would not be considerable because pre-construction nesting bird surveys would be performed to avoid impacts, and native habitat loss would be offset." These conclusions are unsupported. The DEIR does not adequately explain how these mitigation measures will actually reduce the Project's significant impacts to federally endangered bird species to a less than significant level. **B9-24**

To start, USFWS recommended that the DEIR include DRECP Conservation and Management Actions (**CMAs**) "to reduce the effects of renewable energy development to Federal trust resources." (Appendix B at 65.) As noted and italicized above, USFWS also "recommend[ed] the Project include CMAs regarding Yuma's Ridgway Rail and other listed birds in the draft EIR." (*Id.* at 66.) The DEIR does not contain CMAs regarding Yuma's Ridgway Rail or any other listed birds. In fact, the DEIR largely does not include specific CMAs -- mention of CMAs amounts mostly to extremely general statements. For example, under Impact BIO-1, the DEIR concludes that "[c]ompliance with applicable CMAs and any Project-specific mitigation measures developed during the NEPA process would further minimize impacts of the proposed Project on special-status species on BLM lands." (DEIR at 3.5-20.) Which CMAs will be applied? And how will they mitigate impacts to Federal trust resources like federally endangered bird species? What other mitigation measures will the NEPA process bear? Another example: "Impacts to desert dry wash woodland would be avoided on private lands, as on BLM lands in accordance with the DREPC [sic.] CMAs. Habitat impacts on BLM lands would also be mitigated in accordance with the DRECP and mitigation measures in the final NEPA document." (*Id.* at 3.5-24.) Which CMAs will be applied? And **B9-25**

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 17

how will they mitigate impacts to Federal trust resources like federally endangered bird species? Again, the EIR needs to explain these measures. **B9-25 (cont'd)**

Similar general statements are found under Impact BIO-2 (at 3.5-33 – 3.5-34, 3.5-38), Impact BIO-3 (at 3.5-43), Impact BIO-4 (at 3.5-46), Impact BIO-5 (at 3.5-49, 3.5-52), and Cumulative Impacts (at 3.5-53 – 3.5-54, 3.5-57). But the only specifically identified CMAs in the DEIR are DRECP CMA LUPA-BIO-13 (at 3.5-42) and DRECP CMA LUPA-BIO-IFS-1 (at 3.5-43) in connection with connectivity corridors and DRECP CMA LUPA-BIO-VEG 5 & 7 (at 3.5-63) in connection with cactus salvage. Aside from ignoring USFWS's request for inclusion of CMAs in the DEIR, these vague acknowledgments of additional, to-be-determined Project mitigation measures constitute impermissible deferred mitigation, which will be discussed in more depth below.

Moreover, the DEIR preparers ignored the USFWS's request "to develop and implement a *statistically robust, systematic* avian monitoring program as a component of a project-specific Bird and Bat Conservation Strategy (**BBCS**), *which should be analyzed as part of the draft EIR*." (Appendix B at p. 67, italics added.) The Project's BBCS, identified as MM BIO-8, is nowhere to be found in the DEIR -- aside from a parenthetical reference to the Project's Plan of Development (**POD**) submitted to the BLM last year -- let alone analyzed. Appendix M to the POD includes a BBCS, but it is unclear whether this is the "final BBCS" contemplated in MM BIO-8. (DEIR at 3.5-68.) This is especially unclear considering the DEIR states that "MM BIO-8 (Bird and Bat Conservation Strategy) *would require the Applicant to prepare a BBCS* with provisions for adaptive management to monitor the death and injury of birds, based on the results of similar monitoring at other solar project sites in the vicinity." (*Id*. at 3.5-27, emphasis added.) Has the final BBCS been prepared? This language implies that it is not. Additionally, the DEIR states that "[a]s an Appendix to the BBCS, the Applicant *will prepare* and implement a Nesting Bird Management Plan (**NBMP**), to include nest surveys, avoidance, and protection." (*Id*. at 3.5-68, italics added.) Has the NBMP been prepared? Or, as the DEIR suggests, is its formulation deferred to the future? Regardless, the BBCS and NBMP were not included, nor were their effectiveness analyzed, in the DEIR. A recirculated DEIR must contain and analyze the effectiveness of these plans. **B9-26**

Like the BBCS, many of the DEIR's Biological Resources mitigation measures impermissibly defer mitigation to the future, as shown below.

Deferred Mitigation **B9-27**

The DEIR preparers should be well aware of the impermissibility of deferred mitigation. Not just because of their experience in CEQA review and documentation; also, CDFW explicitly warned against deferred mitigation in its scoping comment:

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 18

> "If sensitive species and/or their habitat may be impacted from the Project, CDFW recommends the inclusion of specific mitigation in the DEIR. CEQA Guidelines section 15126.4, subdivision (a)(1)(8) states that formulation of feasible mitigation measures should not be deferred until some future date. The Court of Appeal in *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645 struck down mitigation measures which required formulating management plans developed in consultation with State and Federal wildlife agencies after Project approval. Courts have also repeatedly not supported conclusions that impacts are mitigable when essential studies, and therefore impact assessments, are incomplete (*Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d. 296; *Gentry v. City of Murrieta* (1995) 36 Cal. App. 4th 1359; *Endangered Habitat League, Inc. v. County of Orange* (2005) 131 Cal. App. 4th 777)."

B9-27 (cont'd)

(Appendix B at 74.) The formulation of mitigation measures may not be deferred until some future time, except "when it is impractical or infeasible to include [specific] details during the project's environmental review" *and* "the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure." (Guidelines, § 15126.4, subd. (a)(1)(B); see *Sierra Watch v. County of Placer* (2021) 69 Cal.App.5th 86, 110 (*Sierra Watch*); *King & Gardiner*, *supra*, 45 Cal.App.5th at pp. 856-858.) Likewise, actual implementation of a mitigation measure may not be delayed until after the project activity it is designed to mitigate has commenced. (*King & Gardiner*, 45 Cal.App.5th at pp. 860, 862.)

"An EIR is inadequate if '[t]he success or failure of mitigation efforts may largely depend upon management plans that have not yet been formulated, and have not been subject to analysis and review within the EIR.' ([*Merced*], *supra*, 149 Cal.App.4th at p. 670.) 'A study conducted after approval of a project will inevitably have a diminished influence on decisionmaking. Even if the study is subject to administrative approval, it is analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA. [Citations.]' (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 307.)" (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal. App. 4th 70, 92.) And finally, "[t]he fact that the future management plans would be prepared only after consultation with wildlife agencies does not cure these basic errors under CEQA, since no adequate criteria or standards are set forth." (*Merced*, *supra*, 149 Cal.App.4th at p. 670.) Suffice it to say, CEQA's rules against deferred mitigation are well-established.

Even so, the DEIR's Biological Resources section is riddled with reliance on deferred environmental review and deferred mitigation. As noted above, the DEIR's analyses for Impact BIO-1 through Impact BIO-5 all rely on "applicable CMAs and any Project-specific mitigation measures developed during the NEPA process." Again, the DEIR largely fails to identify the

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 19

specific CMAs it will rely on for mitigation, and measures "developed during the NEPA process" have clearly not yet been formulated or publicized, as BLM has not yet released its Environmental Assessment. This is piecemealing parts of the environmental review and mitigation measures. On the same note, the DEIR repeatedly (at 3.5-26, 3.5-53, 3.5-58, 3.5-63) relies on "habitat compensation," "the Project's offsite compensation package," and "offsite compensation for native habitats" to mitigate direct, indirect, and cumulative significant impacts. However, the DEIR never discloses what these compensation actions (or packages) are. Will the Applicant be purchasing and maintaining replacement habitat? Where? And to which "package" will individuals of each impacted species be translocated? These questions, and more, remain unanswered in the DEIR. All mitigation measures the Project relies on need to be disclosed and analyzed in the DEIR. **B9-27 (cont'd)**

Additionally, multiple mitigation measures included in the DEIR's Biological Resources section consist of plans that (1) have not yet been formulated or (2) fail to identify and adopt specific performance standards. MM BIO-3, Minimization of Vegetation and Habitat Impacts, is vague and lacks specific performance standards:

> "Construction activities shall *minimize* soil and vegetation disturbance *to minimize impacts* to soil and root systems. Upon completion of construction activities in any given area, all unused materials, equipment, staking and flagging, and refuse shall be removed and *properly disposed of*, including wrapping material, cables, cords, wire, boxes, rope, broken equipment parts, twine, strapping, buckets, and metal or plastic containers... *Hazardous materials shall be handled*, and spills or leaks shall be promptly corrected and cleaned up *according to applicable requirements*. Vehicles shall be *properly maintained* to prevent spills or leaks... Vegetation height and density shall be *managed as needed* for O&M and fire safety, but vegetation management shall otherwise *focus on maintaining habitat and soil conditions*."

(DEIR at 3.5-62, italics added.) Questions abound which, if answered, might spell out specific performance standards for this mitigation measure. How exactly would construction activities minimize soil and vegetation disturbance? How is "minimize" determined? What is the proper method for disposal of unused materials? How exactly will hazardous materials be handled? What are the applicable requirements for correcting and cleaning up spills and leaks? What kind and how much management of vegetation height and density is needed for O&M and fire safety? What criteria determine proper maintenance of habitat and soil conditions? The answers to these questions do not appear in the DEIR.

MM BIO-4, an Integrated Weed Management Plan, is apparently yet to be produced, as the DEIR states: "The Applicant *shall prepare and implement* an Integrated Weed Management Plan (**IWMP**) to minimize or prevent invasive weeds from infesting the site or spreading into surrounding habitat." (*Id.* at 3.5-62 – 3.5-63, italics added.) "The IWMP shall identify weed species occurring or **B9-28**

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 20

potentially occurring in the Project area, means to prevent their introduction or spread (e.g., vehicle cleaning and inspections), monitoring methods to identify infestations, and timely implementation of manual or chemical (as appropriate) suppression and containment measures to control or eradicate invasive weeds. The IWMP shall identify herbicides that may be used for control or eradication, and avoid herbicide use in or around any environmentally sensitive areas. The IWMP shall also include a reporting schedule, to be implemented by the Lead Biologist." (*Id.* at 3.5-63.) Similar questions to those asked above arise for this mitigation measure. Which weed species occur or potentially occur in the Project Area? How will these species be prevented from sprouting up and spreading? How will infestations be identified and monitored? How fast is "timely" implementation of manual or chemical suppression and containment measures? Which herbicides will be used? What are the adverse biological impacts of using them? Specific performance criteria are not provided. Finally, MM BIO-4 also requires CDFW, BLM, and Riverside County to approve the yet-to-be-produced or disclosed IWMP. That does not make up for its lack of specific performance criteria. (See *Merced*, *supra*, 149 Cal.App.4th at p. 670.)

B9-28 (cont'd)

MM BIO-5, a Vegetation Resources Management Plan, also, according to the DEIR, has yet to be produced: "The Applicant *shall prepare and implement* a Vegetation Resources Management Plan (**VRMP**), *to be reviewed and approved by CDFW, BLM, and Riverside County*..." (*Id.* at 3.5-63, italics added.)

B9-29

MM BIO-6, Wildlife Protection, lists a myriad of "measures [which] shall be subject to review and approval by CDFW, BLM, and Riverside County . . . ." (*Id.* at 3.5-64.) These measures cannot be properly evaluated by the reader if they are subject to change post-approval of the EIR. In addition, none of these vague measures contain specific performance criteria. The worst example is the wildlife netting or exclusion fencing measure, which states that "[t]he Applicant *may* install temporary or permanent netting or fencing around equipment, work areas, or Project facilities to prevent wildlife exposure to hazards such as toxic materials or vehicle strikes or prevent birds from nesting on equipment or facilities. Bird deterrent netting shall be maintained free of holes and shall be deployed and secured on the equipment in a manner that, *insofar as possible*, prevents wildlife from becoming trapped inside the netted area or within the excess netting." (*Id.* at 3.5-64 – 3.5-65, italics added.) Here, the agency does not "(1) commit[] itself to the mitigation, [or] (2) adopt[] specific performance standards the mitigation will achieve . . . ." (Guidelines, § 15126.4, subd. (a)(1)(B).) Another MM BIO-6 measure for dead or injured wildlife doesn't even mention that "mortality monitoring typically requires carcass collection, which must be authorized by a Special Purpose Utility Permit (**SPUT**)." (Appendix B at p. 67.)

B9-30

Although, compared to the other mitigation measures in this section, MM BIO-7 Desert Tortoise Protection contains more detail, it, too, has shortcomings. It provides that during O&M, *"[a]t the Applicant's discretion, and in consultation with resource agencies*, permanent desert tortoise exclusion fencing *may be installed* around each solar facility site, *or the Applicant may prepare and*

B9-31

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 21

implement a monitoring and avoidance program to ensure no take of desert tortoise during O&M, while allowing wildlife (possibly including desert tortoise) to move through the facilities uninjured." (DEIR at 3.5-67, italics added.) The agency cannot commit itself to this measure if implementation is at the Applicant's discretion. And this monitoring and avoidance program is apparently yet to be produced. Moreover, again, as in MM BIO-6, the measure in MM BIO-7 addressing dead or injured desert tortoises does not mention the SPUT requirement. And finally, according to the DEIR, "[t]he Applicant will develop and implement a Raven Management Plan . . . ." (*Id.* at 3.5-68.) This also yet-to-be-formulated plan does not contain specific success criteria -- the DEIR only mentions that the plan will identify conditions that might attract ravens, describe management practices and monitoring, and that the Applicant will pay $105 per acre into a regional raven management plan. (*Id.*)

B9-31 (cont'd)

The deferred mitigation of MM BIO-8, the BBCS and NBMP, is described above in the subsection on Federally Endangered Bird Species. To demonstrate the vagueness of the DEIR once again, consider this: "The BBCS includes conservation measures and an adaptive management framework to be implemented through design and operations to minimize bird and bat fatalities at the solar facilities and gen-tie line." (*Id.* at 3.5-69.) Which conservation measures? What is the adaptive management framework, and what are its success criteria?

MM BIO-10 (Burrowing Owl Avoidance and Relocation) and MM BIO-11 (Desert Kit Fox and American Badger Relocation) also both postpone formulation of their respective plans and require review and approval from various agencies, according to the DEIR. (*Id.* at 3.5-70.) MM BIO-10 contemplates a "Plan for wildlife relocation, including burrowing owl and other species (i.e., desert kit fox, American badger), as needed," and MM BIO-11 contemplates a "Plan for wildlife relocation, including desert kit fox, American badger, and other species (i.e., burrowing owl), as needed." (*Id.*) Are these two Plans in fact just one Plan? What does "as needed" mean -- will the Plan(s) change depending on which species are found on the Project site? MM BIO-11 states: "Alternatively [to a 500-foot no disturbance buffer around on-site active dens], a designated biologist authorized by CDFW shall trap and remove animals from occupied dens and move them off site into appropriate habitat." (*Id.* at 3.5-70 – 3.5-71.) The DEIR did not pay heed to CDFW's express warning that "the temporary relocation of onsite wildlife does not constitute effective mitigation for the purposes of offsetting project impacts associated with habitat loss." (Appendix B at 75.)

B9-32

MM BIO-12 (Streambed and Watershed Protection) requires a Stormwater Pollution Prevention Plan (**SWPPP**) or SWPPP-equivalent document to "be prepared by a qualified engineer or erosion control specialist, and... approved by the State Water Resources Control Board and a BLM hydrologist . . . ." (DEIR at 3.5-71.) It also requires that the Applicant "obtain a Lake and Streambed Alteration Agreement (LSAA) from the CDFW and Waste Discharge Requirements (WDR) from the RWQCB" "[p]rior to ground-disturbing activities in jurisdictional waters of the State." (*Id.*) None of these documents exist yet, thus the substance of this mitigation measure cannot be ascertained by

B9-33

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024

the reader. MM BIO-12 contains no explanation of how these permits will be enforced or how their eventual existence will mitigate the Project's significant impacts on jurisdictional waters. It only vaguely states that "[t]he SWPPP shall include BMPs for stormwater runoff quality control measures, management for concrete waste, stormwater detention, watering for dust control, and construction of perimeter silt fences, as needed." (*Id.*) B9-33 (cont'd)

The mitigation measures proposed in the DEIR's section on Biological Resources fall dramatically short. Plans may or may not yet exist, and they may or may not change post-approval depending on input from various agencies or on the Applicant's whim. Deferred mitigation measures here overwhelmingly do not contain specific performance criteria. As a result of these deficiencies, it is impossible to evaluate whether the Project's significant impacts to biological resources will be mitigated to a less than significant level, as the DEIR claims. The DEIR reader and decisionmakers are severely deprived of information to consider and assess information required by CEQA to be disclosed. A complete DEIR, one that includes all required information and does not defer mitigation to the future, must be recirculated.

Additional Question

B9-34

MM BIO-1 (Biological Monitoring) provides that "[d]uring O&M, an Applicant staff member serving as a compliance manager may perform the duties of the Lead Biologist to ensure compliance with biological mitigation measures, such as performing inspections for entrapped wildlife and fence condition, reporting dead or injured wildlife, and avoiding nesting birds." (DEIR at 3.5-60.) MM BIO-1 also requires that the Lead Biologist be "approved by Riverside County, BLM, CDFW, and USFWS as the primary point of contact for the BLM and resource agencies regarding biological resources mitigation and compliance. The Lead Biologist shall have an approved MOU with Riverside County prior to commencing work on the Project." (*Id.* at 3.5-59.) Does the Applicant staff member performing the duties of the Lead Biologist during O&M also have to have an MOU with the County and subject to approval by the BLM, USFWS, and CDFW?

Copy and Paste Errors

B9-35

The following is just one example of potentially many errors within the DEIR's Biological Resources section that evidence the DEIR's hasty production: "The closest known breeding habitat [of the Least Bell's vireo] *to the Athos site* is to the northwest in the Big Morongo Canyon." (DEIR at 3.5-12, emphasis added.) Even if this is an accurate statement if "Athos" is replaced with "Easley," it begs the question: Might there be numerous inaccurate or inapplicable statements in the Easley DEIR copy-and-pasted from other solar project EIRs in the area?

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 23

GREENHOUSE GAS EMISSIONS

B9-36

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.

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[22] Tiffany Yap, D.Env/Ph.D. et al. 2023. Hidden in Plain Sight: California's Native Habitats are Valuable Carbon Sinks. Center for Biological Diversity, available at <https://www.biologicaldiversity.org/programs/urban/pdfs/Hidden-in-Plain-Sight-report.pdf?_gl=1*1jjrz9i*_gcl_au*MTM5NTg3NDc0NC4xNjk5NDgzNjEz>.

[23] *Id.* at p. 12.

[24] *Id.*

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 24

HYDROLOGY AND WATER QUALITY / AQUIFER DRAWDOWN

B9-37

Water Quality

Water use and its allocation in an arid desert environment requires extremely careful planning even without new demands from new projects. The Chuckwalla Valley Groundwater Basin (**CVGB**) is no exception. Especially for people who live in areas dependent on groundwater for drinking water, "it is extremely important to protect the quality and quantity of the water supply source. The degree to which water users in a basin rely on groundwater increases the potential for degraded water quality to affect beneficial uses."[25] In 2021, Regional Water Quality Control Board (**RWQCB**) staff identified the CVGB as a groundwater basin with potential threats to water quality.[26] The DEIR informs us that "[t]otal dissolved solids (**TDS**) concentrations across the CVGB range from 274 milligrams per liter (mg/L) to 12,300 mg/L… Water quality in the CVGB has concentrations of sulfate, chloride, fluoride, and TDS that are higher than recommended levels for drinking water use. Likewise, elevated concentrations of boron, TDS, and percent sodium impair groundwater for irrigation use. In general, groundwater in the CVGB is sodium chloride to sodium sulfate-chloride in character." (DEIR at 3.11-5.)

Concurrent with the onset of operation of the Oberon utility-scale solar plant, area residents were already having issues with pumping and water quality:

> "Recently, since February of 2023 when Intersect Power's Oberon Project drilled and began pumping out of their own well, 4 wells are experiencing issues. Green Acres RV Park had to replace a pump due to the creation of a cone of depression. The water table was down 50 feet at the time Intersect was notified in February of the existence of a cone of depression. John Beaches' pump needs to be replaced. The 2 fish farms, one on Kaiser Road and one on 177 are having pump issues. The one on Kaiser Road Lake View Ranch can only use one of his pumps. Because there is not enough water to do both at the same time. The Global Organic Ranch is pumping muddy and brackish water. All these areas are LESS THAN two miles to Lake Tamarisk."[27]

[25] Cathy L. Sanford, PG. 2021. Colorado River Basin Regional Groundwater Basin Evaluation. California Regional Water Quality Control Board, Colorado River Basin Region, available at <https://www.waterboards.ca.gov/coloradoriver/board_decisions/adopted_orders/orders/2021/0015snmp_basinplan_staff_rpt.pdf> ("Sanford").

[26] *Id.*

[27] Lake Tamarisk Community Formal Solar Scoping Input Document, submitted to BLM on October 23, 2023.

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 25

It is "established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes." (Water Code, § 106.3, subd. (a).)

B9-37 (cont'd)

And yet, regarding the Project's direct and indirect impacts and cumulative impacts on water quality from dramatically increased pumping in the CVGB, the DEIR basically says, "Just trust us." The DEIR's analysis of the Project's impacts on groundwater resources relies "primarily [on] the Project's Water Supply Assessment (**WSA**)" (DEIR at 3.11-3) prepared by GSI Water Solutions, Inc. (**GSI**) "[f]or Intersect Power (IP Easley, LLC, a subsidiary of Intersect Power, LLC) and Aspen Environmental Group." (Appendix G at p. 2.) GSI's, and thus the DEIR's, water quality conclusions are as follows:

"*Based on the simulated drawdown* due to Project and cumulative project pumping, and the size and storage capacity of the CVGB, the Project is *not anticipated* to result in changes in water quality that affect other beneficial uses." (DEIR at 3.11-22; Appendix G at p. 62, italics added.) Additionally, in regard to the cumulative impacts of this Project and other operational and future projects in the area, the DEIR is similarly conclusory: "[T]he magnitude of *the simulated drawdown is not anticipated* to adversely affect existing water users and water rights claimants in the CVGB." (DEIR at 3.11-32; Appendix G at p. 58, italics added.)

B9-38

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

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 26

calibrated properly and thus isn't reliable? Also, what do "not anticipated to result in changes in water quality…" and "not anticipated to adversely affect existing water users and water rights claimants" mean? Does "not anticipated" imply some level of probability that adverse impacts to water quality will occur? B9-38 (cont'd)

The DEIR assures that "[t]he Project's contribution to cumulative impacts on groundwater would be actively monitored through the development and implementation of a GMRMP [(Groundwater Monitoring, Reporting, and Mitigation Plan)] for the Project in coordination with the RWQCB and BLM to ensure that groundwater wells surrounding Project supply well(s) are not adversely affected (i.e., chronic lowering of groundwater levels and/or degradation of groundwater quality) by Project activities (MM HWQ-4)." (DEIR at 3.11-32.) "The Project's contribution to cumulative impacts would also be monitored through the development of a Colorado River Water Supply Plan (**CRWSP**) to monitor groundwater extractions from the Project operated on-or off-site well(s) and prevent, replace, or mitigate Project impacts that deplete the PVMGB [(Palo Verde Mesa Groundwater Basin)] groundwater budget to prevent impacts (MM HWQ-3)." (*Id.*) These mitigation measures would purportedly make cumulative impacts to water quality less than significant. (*Id.* at 3.11-33.) B9-39

However, the GMRMP and CRWSP are plans that, once again, are discretionary, contingent on future events and various agency approvals, and apparently do not yet exist. "Before the Project uses groundwater pumped from any Applicant owned and/or operated well (on site or off site) that extracts water from the CVGB, *the Applicant shall retain a BLM-approved qualified hydrogeologist to develop a GMRMP*, in coordination with the RWQCB and BLM, to ensure that groundwater wells surrounding Project supply well(s) are not adversely affected by Project activities." (DEIR at 3.11-36, italics added.) "*If* water for the Project, to be obtained from on-or off-site well(s) within the Chuckwalla Valley Groundwater Basin (CVGB), is extracted from on-or off-site well(s) that is/are owned and/or operated by the Applicant, *the Applicant shall develop a Colorado River Water Supply Plan (CRWSP)* to monitor groundwater extractions from the Applicant owned and/or operated on-or off-site well(s) and prevent, replace, or mitigate Project impacts that deplete the PVMGB groundwater budget to prevent impacts to the adjacent PVMGB related to groundwater extraction below the Colorado River Accounting Surface." (DEIR at 3.11-35, italics added.) These mitigation measures are impermissibly deferred to the future, and thus the public and decisionmakers are unable to evaluate their effectiveness in mitigating significant impacts. Deferral of these mitigation measures is addressed further below.

Water Supply B9-40

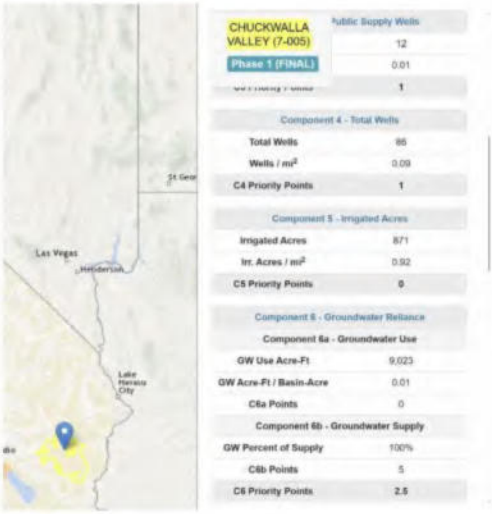
The DEIR claims that "[g]roundwater has been identified as the primary source of water in the CVGB." (DEIR at 3.11-3.) So begins the DEIR's euphemistic and vague analysis of groundwater supply in the CVGB—according to the Department of Water Resource's (**DWR**) Sustainable

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 27

B9-40 (cont'd)

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.

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 28

B9-41

At the same time, the DEIR states: "Development of a 52-year (equivalent to the total Project duration) groundwater budget projection, assuming average precipitation and the Project and all cumulative projects in place, indicates *there would be an initial groundwater deficit of 6,960 AF in the year 2024* (first year of Project construction). *The cumulative groundwater deficit would increase to approximately 118,420 AF by the end of the 52-year period. Without the Project and all other cumulative projects in place, there would be a surplus of 5,200 AF at the end of the 52-year period.*" (DEIR at 3.11-32, italics added.) How can GSI's conclusions possibly be reconciled with this scenario? An immediate 6,960 AF deficit in the first year of the Project and a 118,420 AF deficit after the life of the Project, as opposed to a 5200 AF surplus without the Project and its neighboring projects -- those impacts don't constitute a significant impact? And those numbers represent the best case scenario -- average precipitation, calculated from historical data, in a groundwater basin rife with uncertainty "due to lack of reliable data and the aridity of the region." (Appendix G at p. 32.) "The amount of inflow from the Pinto Valley and Orocopia Valley Groundwater Basins is highly uncertain, and there have been a wide range of estimates from different publications ranging from a low of 372 AFY to a high of 6,575 AFY." (*Id.* at p. 31.) Prior estimates of the CVGB's recharge from infiltration by precipitation "have ranged from 2,060 AFY to 11,501 AFY." (*Id.* at p. 32.)

Because of these and other acknowledged, wide-ranging uncertainties, GSI also considered a "reduced groundwater recharge scenario." Under this scenario, "using reduced infiltration and underflow estimates results in a *total cumulative project deficit of about 352,760 AF.*" (DEIR at 3.11-32, italics added.) The DEIR (at 3.11-31 – 3.11-32) explains away the Project's cumulative impacts on groundwater supply by stating that it would contribute only 2% and 1%, respectively, "of the total cumulative operational extractions for all qualifying projects not already in place." On that same note, the DEIR claims that in the reduced recharge scenario, "the CVGB would not recover the groundwater deficit *with or without the Project*." (DEIR at 3.11-32, emphasis added.) Even if that were reassuring to the public, which it isn't, that is not the standard for determining whether cumulative impacts are significant.

In *Kings County*, the court explicitly rejected a cumulative impacts analysis that "avoids analyzing the severity of the problem and allows the approval of projects, which, when taken in isolation, appear insignificant, but when viewed together, appear startling." (*Kings County*, 221 Cal.App.3d at 720-721.) The EIR in that case used a " 'ratio' theory" similar to the improper cumulative impacts excuses used in this DEIR -- "the greater the over-all problem, the less significance a project has in a cumulative impacts analysis." (*Id.*) The court ruled:

> "We conclude the standard for a cumulative impacts analysis is defined by the use of the term 'collectively significant' in Guidelines section 15355 and *the analysis must assess the collective or combined effect of energy development*. The EIR *improperly focused upon the*

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 29

individual project's relative effects and omitted facts relevant to an analysis of the collective effect this and other sources will have upon air quality."

B9-41 (cont'd)

(*Id.*, italics added.) Substitute "groundwater supply and quality" for "air quality" in the above quote, and you have an accurate description of this DEIR's cumulative impacts analysis.

The DEIR's conclusion that the Project and cumulative projects won't cause a significant impact to groundwater supply is made even more baffling by its dry years and climate change-induced estimates. According to GSI and the DEIR, "[u]sing the driest 52-year period recorded at the Blythe Airport meteorological station, with the Project in place there would be a total groundwater surplus of approximately 17,530 AF at the end of 52 years. *Using reduced recharge data, the same analysis, with the Project in place, results in a groundwater deficit totaling approximately 217,520 AF after 52 years*." (DEIR at 3.11-24, italics added.) And these numbers don't even take cumulative projects into account: "With all cumulative projects in place, the CVGB total groundwater *deficit at the end of the 52-year period would be approximately 112,560 AF. Using reduced recharge data, the 52-year deficit would total approximately 347,640 AF*." (Appendix G at p. 61, italics added.) How can these estimates possibly be reconciled with a conclusion of insignificance?

B9-42

Even further, GSI estimates, using DWR climate change data, that "[u]nder 2030 conditions... recharge from precipitation used for the groundwater budget under normal climatic conditions would decrease by approximately 20 AFY" and approximately 70 AFY under the reduced recharge scenario. (Appendix G at p. 33.) And using DWR's 2070 conditions, those decreases would be 18 AFY and 70 AFY, respectively. (*Id.*) Additionally, GSI estimates that evapotranspiration at Palen Dry Lake, a measure of outflow from the CVGB, would increase by approximately 10 AFY and 30 AFY under 2030 and 2070 condition respectively. (Appendix G at p. 35.) The DEIR does not mention any of these climate change estimates. Why not? Wouldn't these numbers change the all-important groundwater budget estimates and calculations? The following sentence appears to be the DEIR's only mention of climate change in its section on Hydrology and Water Quality: "Commenters recommended that the impacts of changing precipitation patterns due to climate change should be analyzed, and this should be considered regarding groundwater availability..." (DEIR at 3.11-17.)

The DEIR is keen to blame climate change, as opposed to the Project, when addressing scoping period concerns about potential upticks in termite and rattlesnake occurrences in the Project vicinity. (DEIR at 4-8 – 4-9.) According to the DEIR, "[t]he potential increase in termites at the Lake Tamarisk Desert Resort could be driven by climate change and warming temperatures," and rattlesnakes "may have smaller ranges due to climate change..." (*Id.*) But when the effects of climate change could prove to be unfortunate for maintaining convenient groundwater impact conclusions, the DEIR turns the other cheek. A recirculated DEIR must include a complete analysis

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 30

of the Project's and cumulative projects' impacts on groundwater supply, taking full account of future climate change-induced conditions in the CVGB. **B9-42 (cont'd)**

Moreover, at a basic level of information disclosure, the DEIR refuses to clearly identify where the Project's water will come from. It states (at 3.11-23 – 3.11-24, italics added) that "[w]ater for construction, operation, and decommissioning would be obtained from several *potential* sources, including an on-site groundwater well, an off-site groundwater well, and trucked from an off-site water purveyor. However, it is *assumed* all Project water needs would be sourced from the CVGB. Groundwater has been identified as the primary source of water in the CVGB." How much water will be pumped from an on-site well? Where will that on-site well be sited? How much water will be pumped from an off-site well? Where will that off-site well be sited? How much water will be "trucked from an off-site water purveyor"? All of these questions are essential to answer considering the uncertain and very delicate present and future of the CVGB. **B9-43**

The case law, too, is clear as to "how firmly future water supplies for a proposed project must be identified or, to put the question in reverse, what level of uncertainty regarding the availability of water supplies can be tolerated in an EIR . . . ." (*Vineyard*, *supra*, 40 Cal.4th at p. 428.) CEQA "require[s] that the FEIR show a likelihood water would be available, over the long term, for this project." (*Id.* at p. 441.) As in *Vineyard*, here, "[f]actual inconsistencies and lack of clarity in the [D]EIR leave the reader—and the decision makers—without substantial evidence for concluding that sufficient water is, in fact, likely to be available...at full build-out." (*Id.* at p. 439.) "[S]peculative sources and unrealistic allocations ('paper water') are insufficient bases for decisionmaking under CEQA." (*Id.* at p. 432, citing *Santa Clarita Org. for Planning v. County of Los Angeles* (2003) 106 Cal.App.4th 715, 720-723.) And finally, "where, despite a full discussion, it is impossible to confidently determine that anticipated future water sources will be available, CEQA requires some discussion of possible replacement sources or alternatives to use of the anticipated water, *and of the environmental consequences of those contingencies*." (*Vineyard*, *supra*, 40 Cal.4th at p. 432, italics added.) As we will explain below, the main mitigation measures that the DEIR relies on to bring groundwater supply and quality impacts below significance are questionable, vague, and/or impermissibly deferred to the future; thus, these measures cannot ensure likely long-term water availability.

Questionable Mitigation Measure **B9-44**

MM HWQ-3—Palo Verde Mesa Groundwater Basin (**PVMGB**) Protection—is highly questionable. First of all, the name is a misnomer. This mitigation measure is meant to protect the *Colorado River* water supply, not the PVMGB water supply. The measure calls for the Applicant to "develop a Colorado River Water Supply Plan (CRWSP) to...prevent, replace, or mitigate Project impacts that deplete the PVMGB groundwater budget *to prevent impacts to the adjacent PVMGB related to*

Comment Set B9 – Active Communities-Desert Center #2 (continued)

groundwater extraction below the Colorado River Accounting Surface." (DEIR at 3.11-35, italics added.)

B9-44 (cont'd)

The Metropolitan Water District (**MWD**) warned during the Project's scoping period: "Water is a scarce resource in the desert southwest, and its use should reflect that scarcity. Metropolitan is primarily concerned with the individual and cumulative impacts of any new demands on Colorado River water resources because the water supplies allocated to California are already fully apportioned and utilized." (Appendix B at p. 80.) "To the extent the proposed Project uses Colorado River water, it must have a documented right to do so." (Appendix B at p. 81.) The DEIR itself acknowledges that "direct *or indirect* use of Colorado River water requires documented entitlement. Therefore, Project-related groundwater use inducing flow of Colorado River water... from the adjacent [PVMGB] into that CVBG [sic.] was considered." (DEIR at 3.11-24, italics added.) It also acknowledges that "[e]ntities in California are using California's full apportionment of Colorado River water, meaning that all water is already contracted, and no new water entitlements are available in California." (*Id.* at 3.11-12.)

Despite MWD's warning, and the DEIR's own understanding of the Colorado River situation, MM HWQ-3 "does not address the potentially significant impacts associated with" its implementation. (*Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1118 (*Gray*).) For example, in *Gray*, "the EIR fail[ed] to explain how the [mitigation measure of] use of nonpotable water to irrigate the land... would have an impact on livestock, wildlife and habitats." (*Id.*)

Here, MM HWQ-3 provides that "[t]he Applicant shall implement *water conservation/offset activities* to reduce the amount of water *withdrawn from within or below the Colorado River Accounting Surface and to replace Colorado River water on an acre-foot by acre-foot basis*." (DEIR at 3.11-35, italics added.) First, the DEIR does not identify what water conservation/offset activities are, let alone which ones will be implemented. Where will these activities take place? Will these activities produce their own significant impacts on the environment? Second, even if these activities effectively reduce and replace diverted Colorado River water, wouldn't the Project still be indirectly using Colorado River water without entitlement to it? California can't issue any more Colorado River entitlements. At the very least, wouldn't the Project be indirectly using Colorado River water without entitlement until that consumed water is effectively replaced? Or are these "activities" instantaneously replenishing? In *Gray*, the court found that "common sense informs us that the mitigation measures will not effectively replace the water that could be lost by the neighboring landowners." (*Gray*, *supra*, 167 Cal.App.4th at pp. 1116-1117.) Here, common sense points to unentitled use of Colorado River water and mysterious activities ineffectively replacing water lost by the Colorado River.

B9-45

Additionally, the DEIR (at 3.11-29) lists 7 mitigation measures (MM BIO-3, MM BIO-5, MM BIO-13, MM HWQ-1, MM HWQ-2, MM HWQ-3, and MM HWQ-5) for an "Impact HWQ-5" and concludes

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 32

that "[t]his impact would be less than significant with the implementation of recommended mitigation measures." However, the DEIR contains no description or discussion of an Impact HWQ-5. The DEIR only discusses Impacts HWQ-1, 2, 3A, 3B, 3C, 3D, and 4. What is Impact HWQ-5? Or, if it doesn't exist, why does a nonexistent impact need 7 mitigation measures? **B9-45 (cont'd)**

Deferred Mitigation **B9-46**

Our discussion of CEQA's rules against deferred mitigation in the above Biological Resources section holds true for this Hydrology and Water Quality section of the DEIR. For example, in *Gray*, the court held that "the County ha[d] committed itself to a specific mitigation *goal*—the replacement of water lost by neighboring landowners because of mine operations." (*Gray*, *supra*, 67 Cal.App.4th at p. 1119, italics added.) A specific goal was not enough, of course -- the court concluded that "the County ha[d] not committed itself to a specific *performance standard*," and thus it had improperly deferred mitigation to the future. (*Id.*, italics added.) And in *Vineyard*, the court held that "[w]hat the County could not do was avoid full discussion of the likely water sources for the... project by referring to a not yet complete comprehensive analysis...," as "CEQA's informational purpose 'is not satisfied by simply stating information will be provided in the future.' " (*Vineyard*, 40 Cal.4th at pp. 440-441, quoting *Santa Clarita Org. for Planning v. County of Los Angeles* (2003) 106 Cal.App.4th 715, 723.)

MM HWQ-1, a Drainage Erosion and Sedimentation Control Plan (**DESCP**), seems to not yet exist, as it "shall be prepared, stamped, and sealed by a professional engineer or Qualified SWPPP Developer," and "can be included in the [SWPPP]," which we know from MM BIO-12 also does not yet exist. (DEIR at 3.11-33 – 3.11-34.) The DESCP also only includes general goals as opposed to specific performance standards. For instance, under "Best Management Practices Plan," the MM HWQ-1 requires that "BMPs shall include measures designed to control dust, stabilize construction access roads and entrances, and control stormwater runoff and sediment transport." (*Id.* at 3.11-34.) How is dust determined to be under control? How are construction access roads and entrances determined to be stabilized? How are stormwater runoff and sediment transport determined to be under control?

MM HWQ-3 requires the Applicant to develop the CRWSP and get it reviewed and approved by the U.S. Bureau of Reclamation and BLM. The DEIR admits that the apparently not-yet-in-existence CRWSP also does not enjoy the benefit of specific performance criteria, as MM HWQ-3 requires that the CRWSP include "[p]erformance measures to evaluate the amount of water reduction and replacement by each identified activity." (DEIR at 3.11-35.)

MM HWQ-4 requires the Applicant to, "[b]efore the Project uses groundwater pumped from any Applicant owned and/or operated well... that extracts water from the CVGB," "retain a BLM-approved qualified hydrogeologist to develop a GMRMP, in coordination with the RWQCB and

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 33

BLM, to ensure that groundwater wells surrounding Project supply well(s) are not adversely affected by Project activities." (DEIR at 3.11-36.) The GMRMP also appears not to exist yet, and it must be reviewed and approved by the RWQCB and BLM. (*Id.*) In addition, "[t]he designated agencies shall determine whether groundwater wells surrounding the Project supply well(s) are adversely affected by Project activities in a way that requires additional mitigation and, if so, shall determine what measures are needed." (*Id.*)

B9-46 (cont'd)

The formulation of mitigation measures may not be deferred until some future time, except "when it is impractical or infeasible to include [specific] details during the project's environmental review" *and* "the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure." (Guidelines, § 15126.4, subd. (a)(1)(B); see *Sierra Watch, supra*, 69 Cal.App.5th at p. 110; *King & Gardiner, supra*, 45 Cal.App.5th at pp. 856-858.) And, "[t]he fact that the future management plans would be prepared only after consultation with wildlife agencies does not cure these basic errors under CEQA, since no adequate criteria or standards are set forth." (*Merced, supra*, 149 Cal.App.4th 645, 670.)

These Hydrology and Water Quality mitigation measures fall short of the above standards. Plans may or may not yet exist, and they may or may not change post-approval depending on input from various agencies or on the Applicant's whim. Deferred mitigation measures here overwhelmingly do not contain specific performance criteria. As a result of these deficiencies, it is impossible to understand or evaluate whether the Project's significant impacts to water supply and quality will be mitigated to a less than significant level, as the DEIR claims. The DEIR reader and decisionmakers are severely deprived of information to consider and assess -- information required by CEQA to be disclosed. A complete DEIR, one that includes all required information and does not defer mitigation to the future, must be recirculated.

Accuracy of Estimates

B9-47

One final note on hydrology and water quality—our discussion above of the DEIR's and GSI's groundwater budget estimates assumes that those estimates are valid and relatively accurate considering the availability of data for the CVGB. However, at least a few of GSI's estimation decisions are not properly explained:

1. "Fang et al. (2021) (using the CVGB precipitation estimate of 205,376 AFY) estimates a range of approximately 3.4 percent to 5.6 percent of precipitation that falls within the Chuckwalla Valley watershed contributes to groundwater; resulting in a groundwater recharge from precipitation range of approximately 6,983 AFY to 11,501 AFY... The groundwater budget developed for the Project WSA (GSI, 2024) uses 8,846 AFY of

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 34

groundwater recharge from precipitation. *The recharge from precipitation estimate is approximately 4.3 percent of the Fang et al. (2021) estimated annual CVGB watershed precipitation. Because of the uncertainties of water budget components included in the Fang et al. (2021) water balance (see GSI, 2024, Section 5.7.1), the 5.6 percent recharge from precipitation from Fang et al. (2021) could not be used in conjunction with all of the inflow water budget components included the Project WSA*. The resulting groundwater inflow estimate would have exceeded the upper bounds of the total recharge estimated by Fang et al. (2021)." (DEIR at 3.11-6 – 3.11-7, italics added.)

a. How did GSI land on 4.3% as the proper proportion of precipitation to use as groundwater recharge? Why not 4.5%, which is halfway between Fang's 3.4% - 5.6% range?
b. If the 5.6% value "could not be used in conjunction with all of the inflow water budget components included in the Project WSA" "[b]ecause of the uncertainties" included in the Fang study, is the Fang study even reliable? Isn't it evident that something is off if "[t]he resulting groundwater inflow estimate [using 5.6%] would have exceeded the upper bounds of the total recharge estimated by Fang"?

B9-47 (cont'd)

2. "Subsurface outflow from the CVGB is to the Palo Verde Mesa Groundwater Basin and has been estimated as ranging from 400 to 1,162 AFY (CEC, 2010). The Argonne 2013 study of the CVGB assumed zero subsurface outflow; however, justification was not well documented. Using gravity data, Wilson and Owens-Joyce (1994) found that the area through which discharge is *suspected* to occur is significantly more limited than previously thought due to the presence of a buried bedrock ridge. Given that this discovery was made after the 1,162 AFY estimate was reported (which was in 1990), the lower estimate of 400 AFY outflow was adopted for the Project WSA." (DEIR at 3.11-7, italics added.)
   a. Why is the lowest value of the 2010 California Energy Commission range (**CEC**) (400 AFY) used? The Wilson and Owens-Joyce study occurred 16 years before the CEC study -- was the CEC not aware of this "suspected" limitation? Why would the mere suspicion of a limiting buried bedrock ridge warrant use of the lowest value? Why not use 781 AFY -- halfway between 400 and 1,162 AFY?

B9-48

3. "Select groundwater models developed to assess a cumulative analysis of renewable energy projects on the CVGB include Leake et al. (2008), Greer et al. (2013), Shen et al. (2017), and Fang et al. (2021). Based on *CGBA* stakeholder and BLM feedback, the Shen et al. (2017) and Fang et al. (2021) models were primary references in the development of this WSA." (Appendix G at p. 30, italics added.)
   a. Who, or what, is CGBA? Why were its stakeholders included in this decision?
   b. Why exactly were Leake et al. (2008) and Greer et al. (2013) disregarded in favor of Shen et al. (2017) and Fang et al. (2021)?

B9-49

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 35

WILDLFIRE

B9-50

The DEIR states (at 2-21) that "a Fire Management and Prevention Plan will be prepared in coordination with the County, BLM Fire, or other emergency response organizations to *identify the fire hazards* and response scenarios that may be involved with operating the solar facility and BESS." Identification of fire hazards (e.g., thermal runaway) and information on response to accidents involving downed power lines or accidents involving damage to solar arrays and facilities, in a post-approval environmental document -- one to be prepared by the Project owner at that, not the lead agency (*id.* at 3.19-24) -- constitutes improperly deferred, post hoc environmental review, just as identifying or developing response scenarios in such document constitutes improperly deferred mitigation. For example, the DEIR hedges on whether onsite fuel tanks will be utilized for equipment refueling. (DEIR at 2-11.) Fire hazard cannot be accurately evaluated without definite identification of ignition sources at the Project site.

The Fire Management and Prevention Plan must be shared with those who may be forced to evacuate due to fires originating or spreading on the Project site. This plan must be included in a recirculated DEIR because response scenarios and other measures critical to the public's safety may not be hidden from the public and public input before the County decides whether to approve the Project.

PROJECT ALTERNATIVES

B9-51

CEQA establishes a public duty for the County "to avoid or minimize environmental damage where feasible." (CEQA Guidelines, § 15021.) To that end, CEQA's EIR review procedures are intended to assist public agencies in "systematically identifying" feasible alternatives, in addition to feasible mitigation measures. (§ 21002; see *id.*, §§ 21002.1, subds. (a), (b), 21001, subd. (g).) "Systematically" identifying feasible alternatives means the public DEIR review process must remain open to identifying alternatives not skewed to favor project applicants, but shaped by the interests of all stakeholders in the environmental review process, including frontline human communities who bear the brunt of a project's adverse impacts.

The DEIR correctly states that EIR alternatives review is governed by a rule of reason. (DEIR 3.1-3, citing CEQA Guidelines, § 15126.6, subd. (f).) This rule means that:

> "Each case must be evaluated on its facts, which in turn must be reviewed in light of the statutory purpose. Informed by that purpose, . . . an EIR for any project subject to CEQA review must consider a reasonable range of alternatives to the project, *or to the location of the project*, which: (1) offer substantial environmental advantages over the project proposal (Pub. Resources Code, § 21002); and (2) may be 'feasibly accomplished in a successful

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 36

> manner' considering the economic, environmental, social and technological factors involved. [Citations.]"

B9-51 (cont'd)

(*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 566 (*Goleta II*), original italics; accord, *Preservation Action*, *supra*, 141 Cal.App.4th at p. 1350.) A reasonable range of alternatives satisfying the two *Goleta II* parameters must be reviewed in-depth in the DEIR. (See *Goleta II*, 52 Cal.3d at p. 569.) *Goleta II*'s feasibility criterion means an EIR must "make an in-depth discussion of those alternatives identified as at least *potentially* feasible. [Citation.]" (*Preservation Action*, *supra*, 141 Cal.App.4th at pp. 1350-1351, italics added.)

Consistent with the rule of reason and the legislative policy that undergirds it (§ 21002), alternatives may not be suppressed from in-depth EIR review because they " 'would impede to some degree the attainment of the project objectives, or would be more costly' " (*Laurel Heights I*, *supra*, 47 Cal.3d at p. 400; *Preservation Action*, *supra*, 141 Cal.App.4th at p. 1354; Guidelines, § 15126.6, subd. (b)); or because they wouldn't achieve some of the project's objectives. (CEQA Guidelines, § 15126.6, subd. (c).) They would have to fail to meet "most of the basic project objectives" to be eliminated from detailed EIR consideration. (*Id.*)

The DEIR alternatives review falls woefully short of these requirements. Viewed in the light of its listing of narrow, Intersect-centric Project objectives -- development of a photovoltaic PV-battery hybrid plant with the same maximum levels of solar energy generation (400 MW) and BESS storage capacity (650 MW) as the Project, to be sited on contiguous lands -- it purports to drastically curtail the range of feasible alternatives for EIR consideration.[30]

B9-52

No Reasonable Range of Alternatives

Besides the obligatory No Project Alternative (see CEQA Guidelines, § 15126.6, subd. (e)), the DEIR identifies for in-depth review but one alternative -- the so-called "Lake Tamarisk Alternative." The DEIR represents (at 2-25) that this alternative was "developed in response to concerns expressed by the Lake Tamarisk Desert Resort community during the CEQA scoping process." It would be "*similar to*" the Project, except for the removal of solar panels on approximately 30 acres -- *less than 1% of the Project site* -- which would increase the distance of solar arrays from the northeast corner of the developed (Phase I) portion of Lake Tamarisk Desert Resort from "750 feet" to "2,350 feet." (*Id.*) Unsurprisingly, ground disturbance would only be "slightly" reduced (DEIR at 5-5.) Furthermore:

[30] Solar energy projects need not be located on contiguous land parcels. The adjacent Athos Project is but a nearby case in point. (DEIR Figure 3.5-9.)

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 37

> "The Lake Tamarisk Alternative, like the proposed Project, would meet *all* of the Project objectives, would be feasible, would generate the *same* amount of renewable energy and would have the *same* energy storage capacity."

B9-52 (cont'd)

(*Id.*, italics added)[31] The onsite substation and the BESS would be relocated no more than 0.7 mile to the northeast from its proposed location. (*Id.*, compare Figure 2-3 with Figure 2-14.) But solar panels would fill the open space available as a result of the relocation of the substation and BESS -- a fact the DEIR's brief discussion of the Lake Tamarisk Alternative passes over in silence.[32]

One alternative -- besides the mandatory No Project Alternative, which does not meet any of Intersect's objectives" at that (DEIR at 2-25) -- is not a "range" of alternatives, let alone a "reasonable range." (*Goleta II*, *supra*, 52 Cal.3d at p. 566.) Speaking of "alternatives" in the plural, *Goleta II*'s rule of reason unmistakably calls for in-depth review of " 'a reasonable range of alternatives to the project, *or to the location of the project* . . . .' " (*Id.*) *Goleta II* articulated this rule citing section 21002, which expresses legislative intent that public agencies "systematically" identify "feasible 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.)

B9-53

As such and evaluated in the case-specific factual and geographic context, the DEIR's alternatives review violates the rule of reason. Well over 1,000 acres of public and private lands in the Project's close vicinity, as yet unoccupied by solar farms and uncommitted to pending renewable energy projects, offer space for partial relocation of the Project, thereby allowing the creation of a buffer between the Project and the Community of Lake Tamarisk that, unlike the Lake Tamarisk Alternative, would substantially and feasibly reduce the Project's significant effects on the Community of Lake Tamarisk, *without* compromising the basic Project objectives (including generation of up to 400 MW of energy and up to 650 MW battery energy storage capacity), and *without* encroachment on any DRECP-identified Area of Critical Environmental Concern (**ACEC**).

The lands available for partial relocation are located between SR-177 to the west and the Palen Mountains Wilderness Area/Palen Dry Lake ACEC (a wildlife habitat block identified by the California Desert Connectivity Project in cooperation with the BLM) to the east, north of the I-10, and generally south of the Desert Lily Preserve ACEC and the boundary line separating this

[31] The DEIR elsewhere states that "electrical output would not be appreciably reduced compared to the proposed Project." (*Id.* at 2-25.) Which is it? What is "not appreciably?" Please quantify the output reduction, if any, under the Lake Tamarisk Alternative and explain how it is calculated.

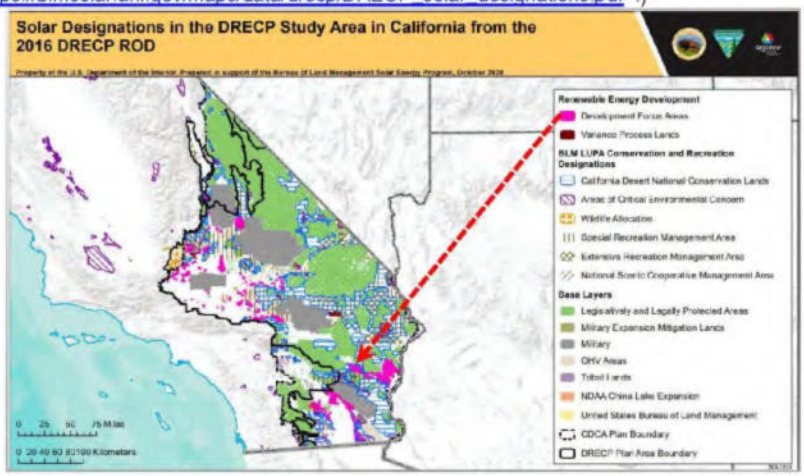
[32] That open space is a privately-owned parcel directly bordering on the Community of Lake Tamarisk. (Figure 2-2.)

Comment Set B9 – Active Communities-Desert Center #2 (continued)

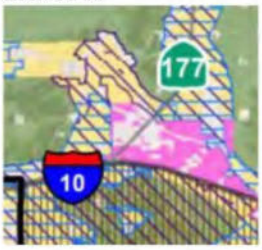
Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024

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]

B9-53 (cont'd)



Zoomed in:



[33] There is no dearth of DFA-designated lands in the Riverside East Solar Energy Zone. Data posted by the BLM (available at <https://blmsolar.anl.gov/drecp/dfa/>) show that the DFA-designated subregion encompassing the Project's environmental setting (the Colorado Desert subregion) comprises 148,000 acres of public lands. As summarized on the BLM's main Solar Energy Permitting and Program Resources Webpage (available at <https://blmsolar.anl.gov/drecp/>), and as explained in the DRECP itself (available at <https://eplanning.blm.gov/public_projects/lup/66459/133460/163124/DRECP_BLM_LUPA_ROD.pdf>; see pp. 5, 13, 31-32, 39), renewable energy projects sited within DFA acreage qualify for streamlined federal permitting and incentives. Most of this acreage remains available for renewable energy development.

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 39

Some of the privately-owned land parcels in this expanse not committed to solar energy development are listed for sale. So are private lands west of SR-177, north of the Project's northeasterly boundary, adjacent to DFA and the northerly component of the Athos Project. (DEIR Figure 3.5-9.) This is the for-sale sign for these:

B9-54



These public and private lands are closer to Southern California Edison's Red Bluff Substation than other existing or proposed projects (Desert Sunlight, Harvest, Lycan). All are in the general vicinity of the Project site. (DEIR Figure 3.5-1; compare DEIR at 3.1-8–3.1-11 with Figure 3.1-1.)

Putting up the Lake Tamarisk Alternative as the only feasible, environmentally superior solar energy development alternative does not evince a good-faith effort at giving the County's decision makers a meaningful or a " 'reasonable choice of alternatives so far as environmental aspects are concerned.' " (*Laurel Heights I*, supra, 47 Cal.3d at p. 406.) The impacts of the alternative and the Project are "similar." (DEIR at 5-3.) And so, the DEIR must concede that the Lake Tamarisk Alternative is incapable of "reduc[ing] *any* of the Project's significant and unavoidable impacts to a

B9-55

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 40

B9-55 (cont'd)

less-than-significant level" and does not result "in a change to overall impact classifications or significance conclusions." (*Id.*, italics added; see *id.* at 3.2-32 [in the Lake Tamarisk Alternative, visual impacts at all KOPs "remain significant"] & Figures 3.2-1A, 3.2-4A, 3.2-4B, 3.2-5D, 3.2-5E, 3.2-5F; *id.* at 3.3-10 [in the Lake Tamarisk Alternative, impacts to agriculture and forestry "would remain significant and unavoidable"]; see also *id.* at 3.3.13-14 [the Lake Tamarisk Alternative would result in no more than "a slight decrease in the potential for sensitive receptors to be exposed to noise and vibration near the existing community of LTDR"].) In short, the Lake Tamarisk Alternative does not offer any *substantial* environmental advantage over the Project (*Goleta II*, *supra*, 52 Cal.3d at p. 566.) It does not "avoid or *substantially* lessen" any significant impact. (§ 21002, italics added; CEQA Guidelines, § 15126.6, subds. (a), (f).)[34]

It defies logic and common sense for the DEIR to suggest that the Lake Tamarisk Alternative is the best the County can do to reduce the Project's significant impacts on the human communities of Lake Tamarisk, without rendering infeasible Intersect's plan to operate a utility-scale PV electrical generating and storage facility in the Desert Center area. The Sapphire Project, proposed by EDF Renewables, which borders on the Easley Project on three sides, proposes to generate *117 MW* of electricity and store 59 MW in its BESS on a *1,123-acre footprint*, including 41 acres for the linear facility routes. The average amount of solar power generated by a utility-scale solar facility in the Project area (based on 21 utility-scale solar facilities listed as past and present projects in DEIR Table 3.1-1) is 332.5 MW. Thus, even in a hypothetical scenario of no available land for a partially relocated footprint to accommodate both a substantially enhanced buffer between the Project and the Community of Lake Tamarisk, and solar photovoltaic electrical generating capacity at a maximum level of 400 MW, a substantially enhanced buffer between the developed and undeveloped lands of the Community of Lake Tamarisk, and the Project, still would permit Intersect to develop a profitable, utility-scale renewable energy facility, whether on the 3,735 acres that comprise the Project site or on fewer parcels.

B9-56

The legal authorities noted above teach that even if a utility-scale Project alternative reducing electrical generation capacity to less than 400 MW impedes to some degree attainment of Project objectives, or would be more costly, that does not justify its rejection. To this point, it bears emphasis that increased expenses or diminished profitability are insufficient to show that an

[34] In its "Comparison of Alternatives" section, the DEIR gets off on the wrong foot by positing that CEQA's substantive mandate only requires the County to select one feasible alternative over others if that alternative "will avoid one or more significant effects on the environment compared to other alternatives." (DEIR at 5-1–5-2.) In fact, CEQA's substantive mandate "requir[es] public agencies to refrain from approving projects with significant environmental effects if 'there are feasible alternatives or mitigation measures' that can *substantially lessen or* avoid those effects." (*County of San Diego v. Grossmont-Cuyamaca Community College Dist.* (2006) 141 Cal.App.4th 86, 98, italics added.) Contrary to the DEIR, an alternative need not altogether avoid a significant effect before the Board of Supervisors must refrain from approving the Project as proposed.

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 41

alternative is financially infeasible. (*Preservation Action*, *supra*, 141 Cal.App.4th at p. 1352.) Rather:

> " 'What is required is evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project.' "

(*Ibid.*, citing *Goleta I*, 197 Cal.App.3d 1167, 1181.) The long and the short of it is: To offer the County decision makers a reasonable choice of alternatives, a revised DEIR must be circulated, including in-depth review of a feasible alternative that would accommodate a substantially enhanced buffer from the Community of Lake Tamarisk, either by partially relocating the Project site (to maintain or roughly maintain the 400 MW capacity), or scaling back the proposed 400 MW capacity, which would impede to some degree just one of the 11 separate Project objectives listed in the DEIR -- "Deliver up to 400 MW of affordable, wholesale renewable energy to California ratepayers under long-term contracts with electricity service providers." (DEIR at 1–3.)[35]

B9-56 (cont'd)

Unreasonably Narrow Project Objectives

B9-57

The curtailed range of alternatives appears to have been preordained by the DEIR's narrow tailoring of the Project objectives to fit the electricity output and storage capacity desired by Intersect.[36] A key purpose of an EIR's statement of objectives, besides aiding the decision makers "in preparing findings or a statement of overriding considerations, if necessary[,]" is to help "the Lead Agency develop a reasonable range of alternatives to evaluate in the EIR . . . ." (CEQA Guidelines, § 15124, subd. (b).)

The Project objectives of "[d]eliver[ing] up to 400 MW of affordable, wholesale renewable energy to California ratepayers under long-term contracts with electricity service providers" (DEIR at 1-3) and "[e]nhanc[ing] California's fossil-free resource adequacy capabilities and help to solve California's 'duck curve' power production problem by installing up to 650 MW of 2-hour and/or 4-hour battery energy storage capacity" (*ibid.*) are literally identical to the DEIR's description of the Project as a proposal to generate "up to 400 MW" of renewable electricity via arrays of solar

[35] We note that the objective "Further the purpose of Secretarial Order 3285A1, establishing the development of environmentally responsible renewable energy as a priority for the Department of the Interior" is listed twice.

Also, what circumstances and concerns prompted the late addition of the listed last objective, stating: "Make the highest and best use of primarily disturbed, retired agricultural land in and around a federal 'Solar Energy Zone' and 'Development Focus Area' to generate, store, and transmit affordable, wholesale solar electricity"?

[36] Comparing the objectives of the Oberon Project, as listed in the final EIR (at 1-2–1-3) for that project (available at <https://static1.squarespace.com/static/6148aef7bc421a5376b2bc84/t/65542dfb43c8e67ed3cd762f/1700015642351/Oberon+EIR+Main+Text>), in several ways, corroborates this conclusion.

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 42

photovoltaic panels, and store "up to 650 MW." (DEIR at 1-1; see *id.* at 2-1.) Because no project delivering less than up to 400 MW of electricity would meet that objective, no reduced solar array footprint alternative capable of substantially lessening the Project's significant impacts on the environment and human beings, including purportedly "unavoidable" impacts, would meet that objective. The separate objective of "siting the facility on relatively flat, *contiguous* lands" (italics added) further limits the range of alternatives. The layout of the adjacent Athos Renewable Energy Project (Fig. 3.5-1) shows that this objective is unnecessary, if not gratuitous.

B9-57 (cont'd)

Narrow tailoring of a project's objectives to fit a project or an alternative similar to the project virtually guarantees flawed alternatives. It artificially restricts the reasonable range of alternatives an EIR must review in depth. It has been found to violate CEQA and the National Environmental Policy Act (**NEPA;** 42 U.S.C. § 4321 et seq.).[37]

***

One reasonable alternative that falls well within the reasonable range is the environmentally substantially superior Respect Lake Tamarisk Alternative put forth by AC/DC. This alternative avoids the false choice between the Project and an alternative with basically the same level of development as the Project -- the DEIR's Lake Tamarisk Alternative. (See *Watsonville Pilots Assn. v. City of Watsonville* (2010) 183 Cal.App.4th 1059, 1088 [EIR discussed two alternatives with the same level of development as the project; analysis of a reduced development alternative "would have provided the decision makers with information about how most of the project's objectives could be satisfied without the level of environmental impacts that would flow from the project]; *Western Watersheds*, *supra*, 543 F.Supp.3d at p. 983 [plaintiff's proposed middle ground alternative found to stand "uniquely and substantively apart" from environmental assessment's "all-or-nothing approach"].)

B9-58

[37] See, e.g., *We Advocate Thorough Environmental Review v. County of Siskiyou* (2022) 78 Cal.App.5th 683 (*We Advocate*) [by describing the principal objective of a water bottling project as operating the project as proposed, and as soon as possible, county provided no meaningful analysis of alternatives and prevented informed decision making and public participation]; *Nat'l Parks & Conservation Ass'n v. BLM* (9th Cir. 2010) 606 F.3d 1058, 1070 ["An agency may not define the objectives of its action in terms so unreasonably narrow that only one alternative from among the environmentally benign ones in the agency's power would accomplish the goals of the agency's action, and the EIS would become a foreordained formality"] (*Nat'l Parks & Conservation Ass'n*); *id.* at p. 1072 [by adopting as its own the interests of the owner of the former iron ore mine near Eagle Mountain in developing a landfill, BLM crafted a purpose and need statement "so narrowly drawn as to foreordain approval of the land exchange" and "necessarily" considering "an unreasonably narrow range of alternatives"]; *Western Watersheds Project v. Bernhardt* (D.Idaho 2021) 543 F.Supp.3d 958, 984, fn. 12 [same; "To the extent BLM's objective was to *maximize* the availability of mineral resources, it would violate NEPA"].)

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 43

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.

B9-58 (cont'd)

[38] Consistent with AC/DC's scoping input, this alternative still also requires that toxic silica-based fugitive dust be fully contained and abated within the project boundaries.

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 44

B9-58 (cont'd)

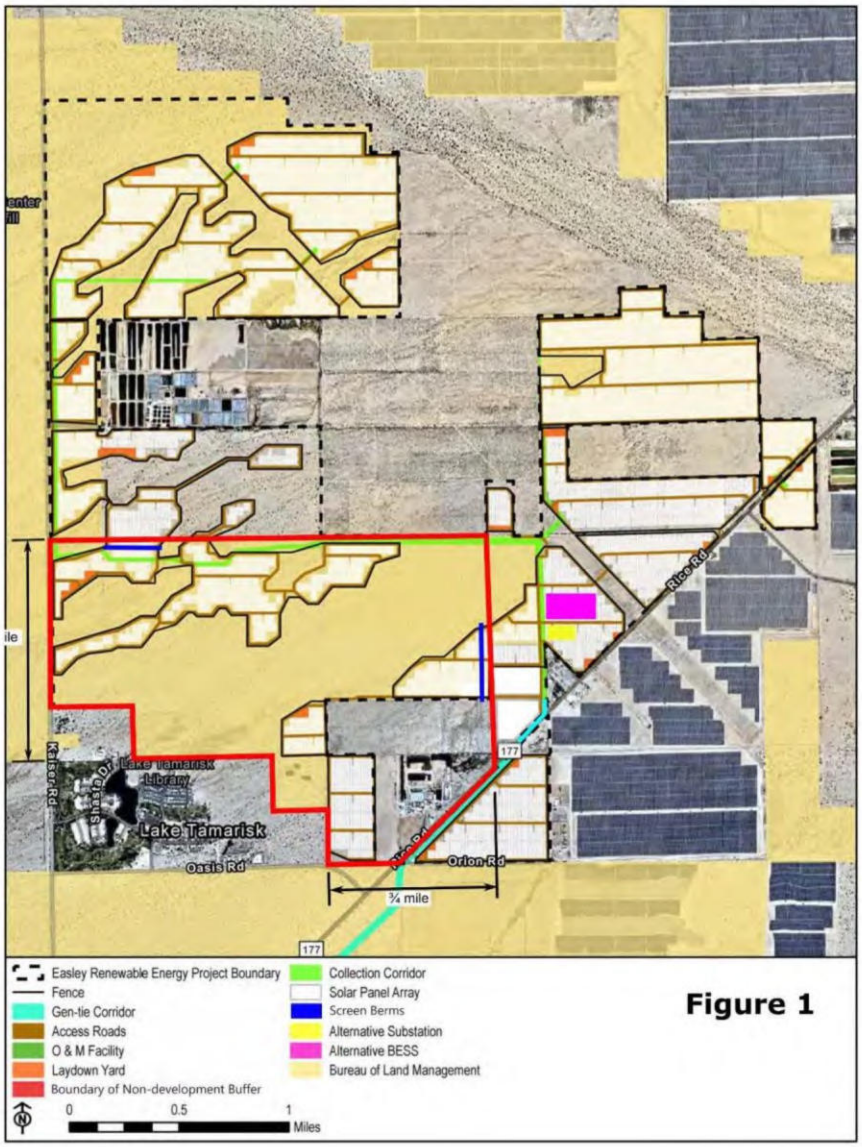
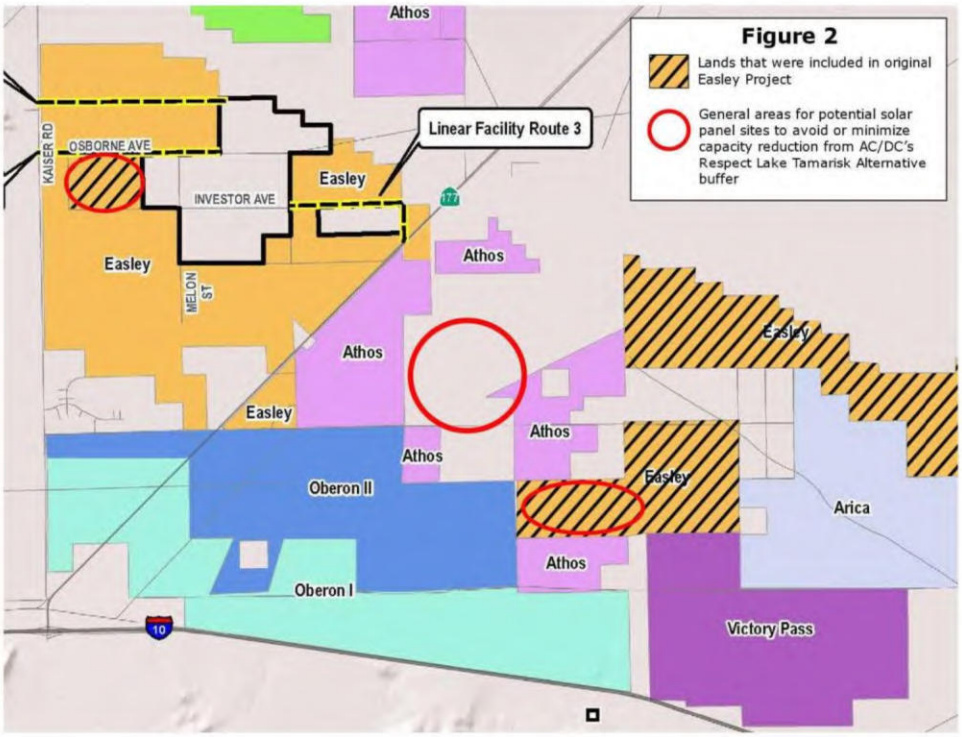


Figure 1

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 45



B9-58 (cont'd)

The Respect Lake Tamarisk Alternative has substantial environmental advantages over the Project. To name just a few:

B9-59

First, the Respect Lake Tamarisk Alternative would minimize the Project's significant impact on highly valued views from public and private residential viewing areas in the Community of Lake Tamarisk of a landscape said to be of "moderate to high visual sensitivity" (DEIR at 3.2-20–3.2-21) -- largely composed of "primarily intact" BLM-administered lands (*id.* at 3.2-2; Figures 2-2, 3.5-2) -- by avoiding solar arrays and alteration of the landscape to industrial character in the portion of the DEIR's five-mile viewshed that is closest to (bordering on) the Community of Lake Tamarisk, i.e., where solar arrays present as more dominant features than as seen from the Alligator Rock ACEC, the I-10, and KOPs 5 and 6 on SR-177. Still, the portion of the five-mile viewshed AC/DC's

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 46

alternative would protect is also closer to the Alligator Rock ACEC than any other area the Project would impact in the viewshed.[39]

B9-59 (cont'd)

Second, unlike the Lake Tamarisk Alternative, the Respect Lake Tamarisk Alternative will avoid both solar facilities encroachments on and construction as well as operation-related disturbances in the site's largest concentration of Desert Dry Wash Woodlands. (Compare DEIR Figures 3.2 & 3.5.2.)[40] The proposed enhanced buffer zone is also host to most of the Project site's Desert unicorn plants (DEIR Figure 3.5-4), a perennial sensitive plant species with habitat values and ethnobotanical uses the DEIR fails to disclose.

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.)

B9-60

Fourth, reducing solar arrays as proposed in the Respect Lake Tamarisk Alternative, will reduce "lake effect" mortality of water-associated and water-obligate bird species, including the federally endangered Yuma Ridgway's rail, the sora and the Virginia rail. Solar arrays create this threat by polarizing light in a way that mimics how water polarizes light. As the U.S. Fish and Wildlife Service warned in its scoping comments, "solar facilities in the desert pose a hazard to which variable rail species and other water-associated birds are particularly vulnerable." (Letter to Tim Wheeler, dated 12-22-2022, at 3 [noting two instances of known Yuma Ridgway's rail takes, one at the nearby Desert Sunlight facility and one at another solar photovoltaic facility in Imperial County]; *id.* at 4 ["There is a growing recognition that 'polarized light pollution' or a 'lake effect' presents a particular hazard to water-associated birds and other species seeking aquatic migratory stopover habitat"].)

B9-61

[39] The DEIR acknowledges that under the Lake Tamarisk Alternative, direct and cumulative impacts on public and private views experienced at Lake Tamarisk Desert Resort and all other KOPs selected for the visual analysis, including the Alligator Rock ACEC, would not be reduced to a less-than-than-significant level. (DEIR at 3.2-32, 3.2-34–35.)

[40] The DEIR but briefly describes this ecologically significant desert riparian habitat. Still, we learn this much: "This habitat provides greater opportunities for food, nesting, and cover, and its wildlife diversity is generally greater than in the surrounding desert. Many of the species occupying the surrounding upland desert shrublands are found in greater numbers in microphyll woodlands." (DEIR at 3.5-3.) Evidently, an alternative that insulates sensitive microphyll woodlands from Project activities associated with a utility-scale solar facility offers multiple substantial environmental advantages.

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 47

Fifth, compared to the Lake Tamarisk Alternative, scaling back the solar panels as proposed in the Respect Lake Tamarisk Alternative will effectively and substantially reduce noise and vibration pollution for the Community of Lake Tamarisk.[41] The one-mile buffer zone requested by AC/DC accomplishes that result. The DEIR states (at 2-24) that under Applicant Proposed Measure APM NOISE-1, Intersect "will avoid or minimize use of any impact hammer for pile driving or other equipment similarly capable of producing disruptive noise during construction activities within a *one-mile radius* from the residential parcel on the northeast corner of the Lake Tamarisk Desert Resort community during the winter months of highest residency (November 1 to March 31)." (Italics added.)

B9-62

We note that APM NOISE-1 specifies no metric for "minimize." Worse yet, Intersect qualifies its noise measure to the point of making it meaningless. The DEIR goes on to state: "If based on the final construction schedule, use of such equipment is necessary within this geographic area during the aforementioned time period, the Applicant will avoid or minimize this construction activity prior to 7:00 am and after 6:00 pm." (*Id.*) In other words, noise caused by pile driving and other heavy duty construction activity may occur during the winter months of highest residency or in other seasons, anytime from 7:00 a.m. to 6:00 p.m.

We further note that the DEIR discussion of Noise and Vibration (§ 3.13) fails to correlate any of the direct and cumulative impacts of the multiple types of new noise emissions (with various levels of dB, impulsiveness, intermittency and duration, and different Hz frequencies), to the adverse, physical, physiological and psychological health effects those emissions carry on human beings, directly or indirectly.

Self-contradictory, Self-serving Dismissal of the No Project Alternative

B9-63

In its comparison of alternatives, the DEIR assumes the circumstance under which the Project does not proceed, leaving the baseline conditions of the 3,735-acre site unaltered, and concluding that the No Project Alternative "does not have the potential to meet any of the Project objectives." (DEIR at 5.3–5.4.) However, in its description of the No Project Alternative, the DEIR states "If the Project were not constructed, it is highly likely that a different solar developer would apply to construct a *similar* solar project at this location. (DEIR at 2.25.) If a different solar project were to be constructed in this location, the impacts of that solar project would be evaluated under CEQA and NEPA and may be similar to those identified for the proposed Project, as presented in Section 3 of this EIR." (*Id.*)

[41] Under the Lake Tamarisk Alternative, the smaller decrease in solar panel area is said to result in but "a slight decrease in the potential for sensitive receptors to be exposed to noise and vibration near the existing community of [Lake Tamarisk Desert Resort] when compared with the impacts of the proposed Project." (DEIR at 3.13-14.)

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 48

This is a false equivalency and a speculative assumption, which views any solar photovoltaic project by any other developer "at his location" through the narrow lens of the DEIR's Intersect-centric objectives. (See *We Advocate*, *supra*, 78 Cal.App.5th at p. 694.) The claim that it would be "highly likely" a different solar developer would apply to construct a similar project "at this location" sidesteps discussion of the consequence of disapproval of the project when such action by the Board of Supervisors would result in a project proposed by a responsible developer not indifferent to the effects the Easley Project would have on the human beings in the Community of Lake Tamarisk, on the Chuckwalla Valley Groundwater Basin they and others depend on, or on the microphyll woodland habitat in the Project site's southwestern portion.[42]

B9-63 (cont'd)

The speculative assumption that another project by a different solar developer would have impacts similar to Intersect's Easley Project appears to be just another excuse for skipping environmental review of a reasonable, feasible alternative that may not maximize production up to "the same amount of renewable energy" as both the Project and Intersect's Lake Tamarisk Alternative do (DEIR at 5-5), and for forcing the Board of Supervisors to choose between the Project and the Lake Tamarisk Alternative.

Cursory Rejection of Federal Land Alternative

B9-64

The DEIR cursorily rejects for in-depth consideration an alternative Intersect itself originally submitted in an application to the BLM as the Easley Project. The original Project, now labelled "Federal Land Alternative," occupied some 10,160 acres -- 8,338 acres of BLM-administered land and 1,822 acres of private parcels. (DEIR at 2-26.) The DEIR states that "BLM-administered lands within the East Riverside DFA and located to the east of SR-177/Rice Road, were included in the original Easley Project application to BLM . . . ." (*Id.*)

According to the DEIR, 3,847 acres were eliminated from the Federal Land Alternative due to their location within an active sand (aeolian) transport corridor, presenting "engineering challenges"; and within habitat for the Mojave fringe-toed lizard and rare plants, chapparal sand verbena and Harwood's wooly aster, presenting supposedly "significant biological resources development constraints from compliance with the DRECP Conservation and Management Actions (CMAs) and resource buffers." (DEIR at 2-26.) The DEIR goes on to state: "The remaining acreage was removed due to constraints with siting of the medium voltage collector lines from the parcels to the project substation and compliance with the DRECP CMAs." (*Id.*) These CMA-based grounds for relinquishing BLM-administered public land are not explained -- what CMAs? And where? They're puzzling too. CMAs didn't cause Intersect to abandon the Oberon Project or deter other solar

[42] By CEQA Guidelines section 15126.6, "[i]f disapproval of the project under consideration would result in predictable actions by others, such as the proposal of some *other* project, this 'no project' consequence should be discussed." (*Id.*, subd. (e)(3)(B), italics added.)

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 49

developers from seeking ROW grants from the BLM. Like any discretionary permit for a project with adverse environmental impacts, ROW grants are subject to conditions in the form of required compliance with impact mitigation measures. The benefit of a ROW grant for the right to use a large swath of federal land to produce and sell energy doesn't come without burdens. B9-64 (cont'd)

As for the brief reference to an "engineering challenge" allegedly because somewhere in the Federal Land Alternative there is an "active sand (aeolian) transport corridor," it is difficult to accept that contention at face value as well, noting, for example, the existence of a large, operational solar farm in the same area, east of SR-177 -- the 3,400-acre Athos Renewable Energy Project. (DEIR Figures 3.1-1, 3.5-1, 3.5-9.) Does the DEIR suggest that solar farms in the Riverside East Solar Energy Zone operate without exposure to dust storms and aeolian deposits? It is normal for all solar farms in a desert environment to experience sand deposition impact on module output power, which is a function of multiple determinants, like relative humidity, module height, orientation, tilt settings, and routine maintenance. The DEIR provides no information or comparative data concerning rates of decrease in the power output and conversion efficiency of photovoltaic solar panels over time in the Riverside East Solar Energy Zone, traceable to sand particle deposition.

The DEIR should inform the reader how the County defines an "active" sand corridor and where exactly the sand transport corridor mentioned in the DEIR is located; its direction; how the corridor was delineated; and how many acres it extends over. Evidence of its characteristics and its contribution to declines in photovoltaic module performance rates over time, relative to other factors affecting performance, should have been provided. If it is claimed that the engineering challenge is so great as to render infeasible the deployment of any type of commercially available photovoltaic panels in this sand transport corridor, the County must demand from Intersect, independently review, and disclose the evidence for such a claim. B9-65

The DEIR also fails to explain how many of the 3,847 acres eliminated from the Federal Land Alternative are wildlife or rare plant habitat, or indicate where exactly this habitat is located. It is also unclear whether the remaining acreage eliminated from the Federal Land Alternative is 6,313 acres (10,160–3,847), 4,491 acres (10,160 – [3,847 + 1,822]), or a different figure if the remaining acreage is a mix of BLM-administered lands and private parcels. Color-coded maps should have been provided, delineating the boundaries of the predecessor project, containing the same information as DEIR Figures 2-1–2-3 and 3.5-1– 4.4-B. B9-66

Without information and evidence supporting the DEIR's conclusory statements purporting to justify rejection of the Federal Land Alternative for in-depth DEIR review, there can be no meaningful

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 50

public participation or informed decision making.[43] (See *Laurel Heights I*, *supra*, 47 Cal.3d at p. 405 ["alternatives and the reasons they were rejected . . . must be discussed in the EIR in sufficient detail to enable meaningful participation and criticism by the public"]; *Preservation Action Council, supra*, 141 Cal.App.4th at p. 1356 [EIR found defective because readers could not evaluate the validity of a claim that a reduced-size warehouse alternative would be "more expensive to build" or "operationally infeasible"; there were "no independent facts or analysis" to support the claim that such an alternative would place the applicant at a competitive disadvantage].)

B9-66 (cont'd)

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Holding itself out as a leader in community engagement, Intersect Power has signed an agreement, known as the "Collaboration Agreement on Large-Scale U.S. Solar Development," negotiated under the auspices of Stanford University's Woods Institute for the Environment as part of the Institute's "Uncommon Dialogues" program.[44] The parties to this Agreement recognized that when a developer has made early, good-faith community outreach efforts "and made reasonable changes to a project in response to community and stakeholder feedback, a permitting authority is more likely to find that the project serves the public interest, even if there is some remaining opposition"; and that "every community is unique, with values, priorities, and historical considerations. . . ." (Agreement, p. 6.)

B9-67

Unfortunately, Intersect Power has not practiced what it preaches, and what it has committed to as a party to the Collaboration Agreement. Community engagement was pro forma here and it shows: No changes of substance in site planning have been put forth. The voices of the people of the Community of Lake Tamarisk have not really been heard. They have been marginalized.

There are alternatives that serve the public interest far better than this Project, all without compromising feasible access to interconnection and high-voltage transmission lines, or California's objective of fully decarbonizing the grid by 2045. A revised draft EIR must be

[43] *With* that information, the public and the County's decision makers will be able to identify BLM-administered, DFA-designated lands east of SR-177, suitable for a potential partial relocation of the Project.

[44] Uncommon Dialogues is a forum for scholars and various stakeholders in the outcomes in broad environmental conflicts and controversies to exchange views and explore best practices to inform those who make and implement decisions affecting the environment. (<https://woods.stanford.edu/events/dialogues-workshops> [as of March 11, 2024].)

Comment Set B9 – Active Communities-Desert Center #2 (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 51

circulated, including a meaningful, preferred alternative, not the disrespectful all-or-nothing choice Intersect has forced into the DEIR. **B9-67 (cont'd)**

Sincerely,

ANGEL LAW

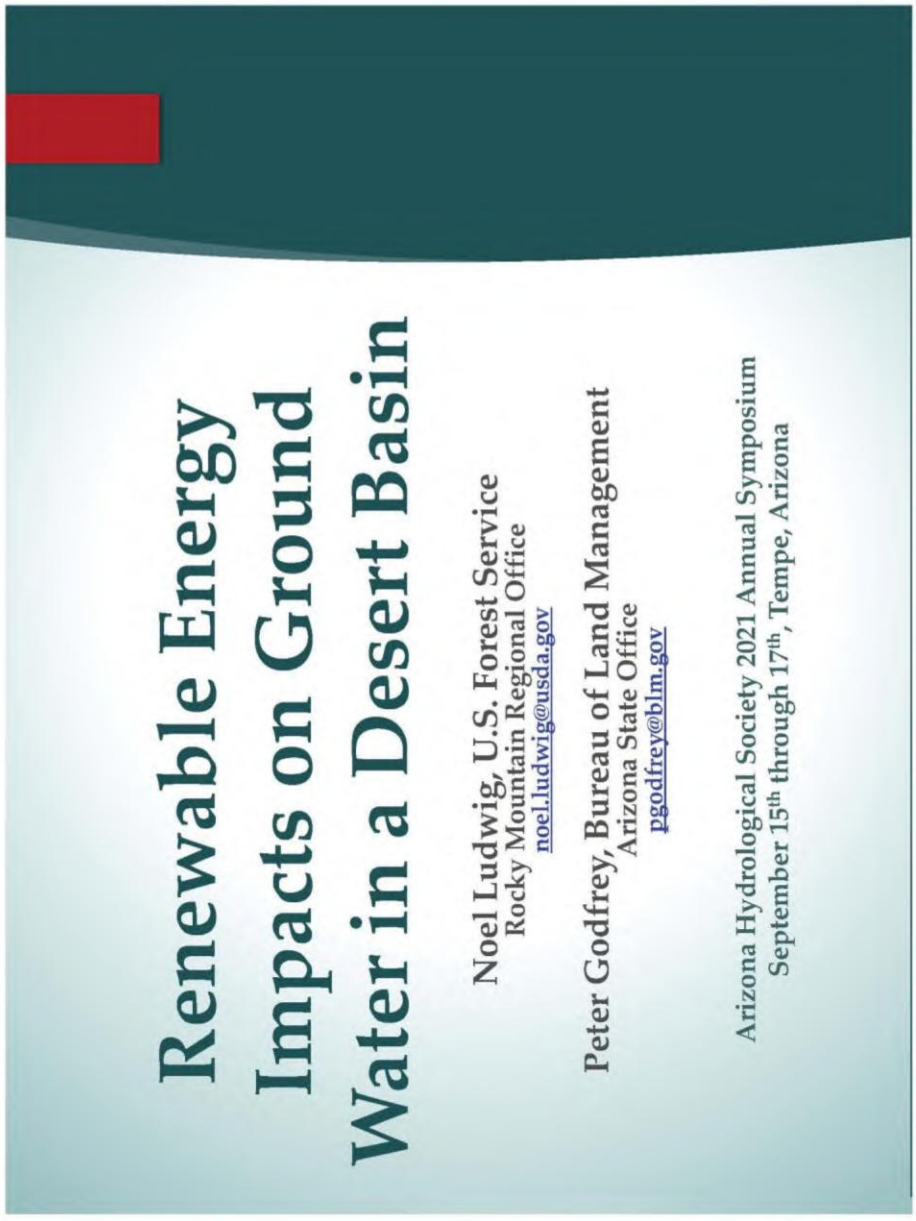
Frank P. Angel Cooper Kass

Comment Set B9 – Active Communities-Desert Center #2 (continued)

B9-68

EXHIBIT 1

Comment Set B9 – Active Communities-Desert Center #2 (continued)



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Comment Set B9 – Active Communities-Desert Center #2 (continued)



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Comment Set B9 – Active Communities-Desert Center #2 (continued)



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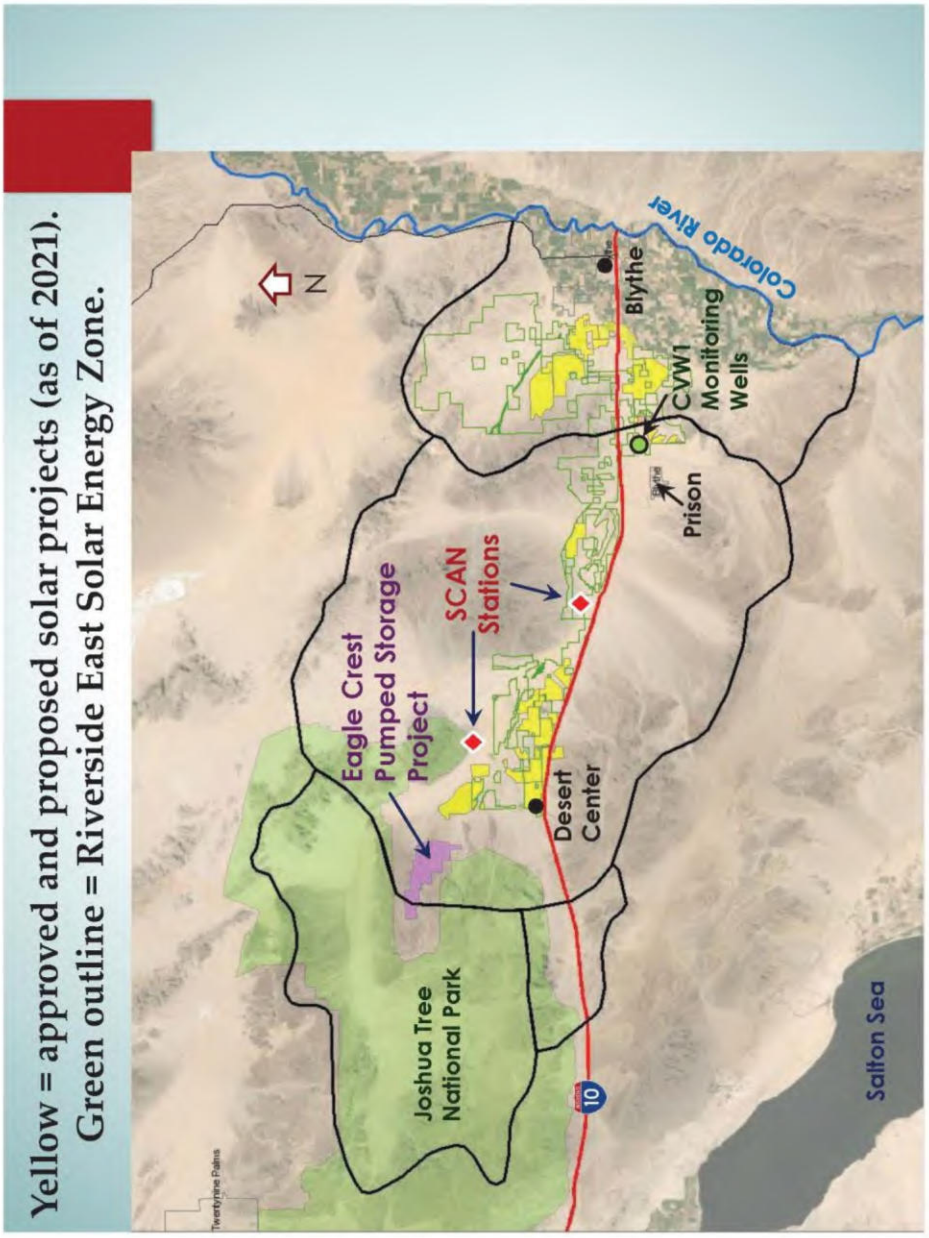
Comment Set B9 – Active Communities-Desert Center #2 (continued)



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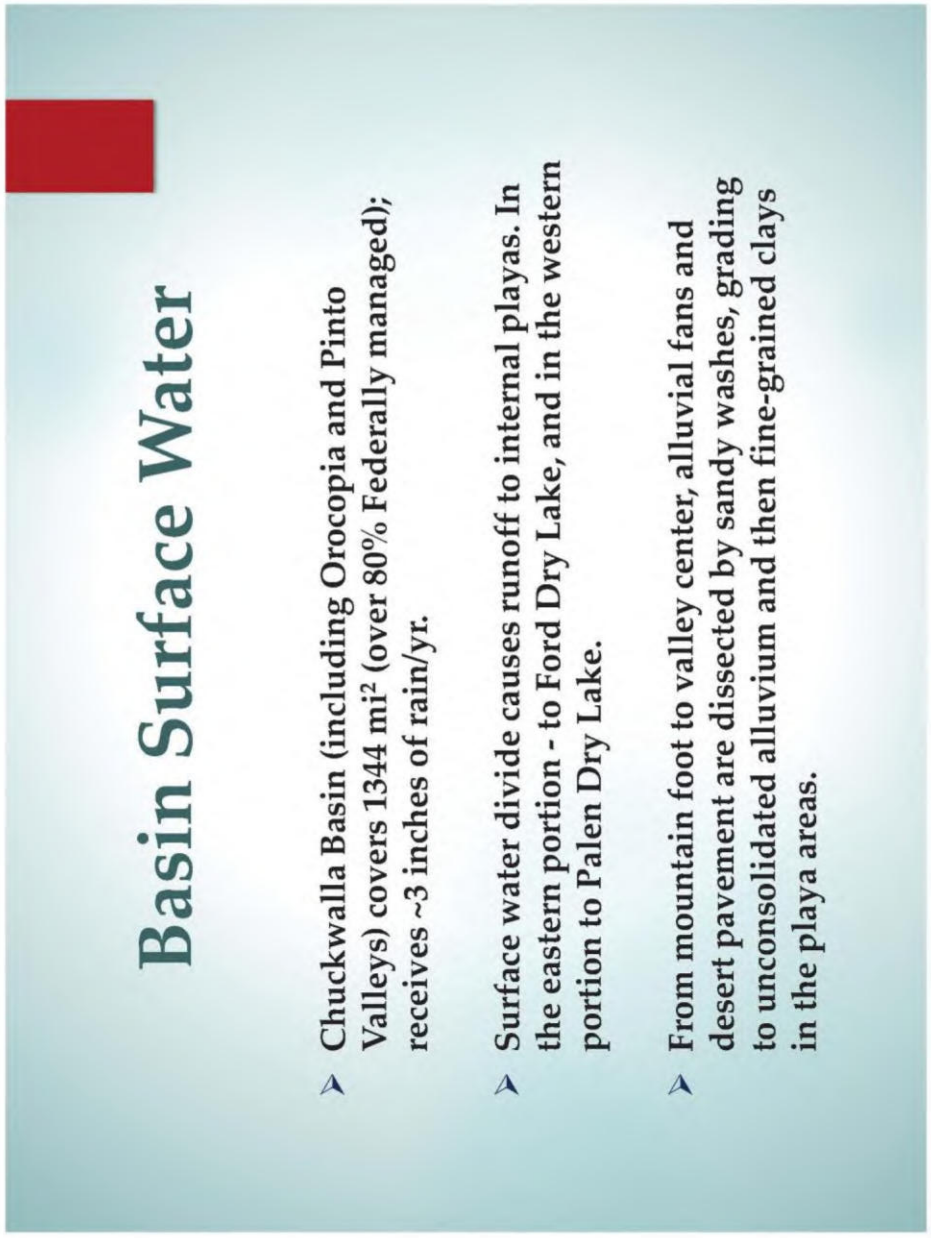
Comment Set B9 – Active Communities-Desert Center #2 (continued)



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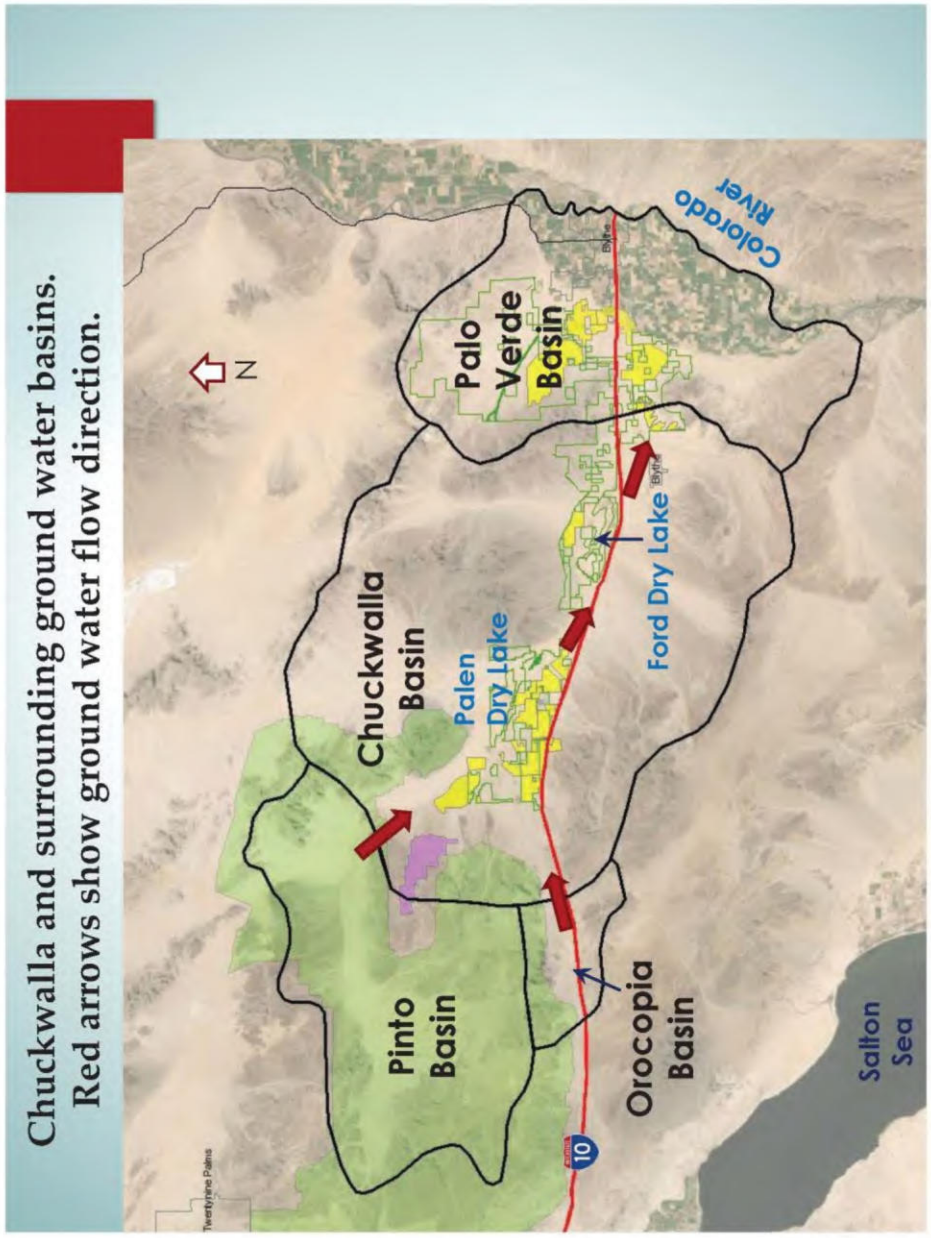
Comment Set B9 – Active Communities-Desert Center #2 (continued)



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Comment Set B9 – Active Communities-Desert Center #2 (continued)



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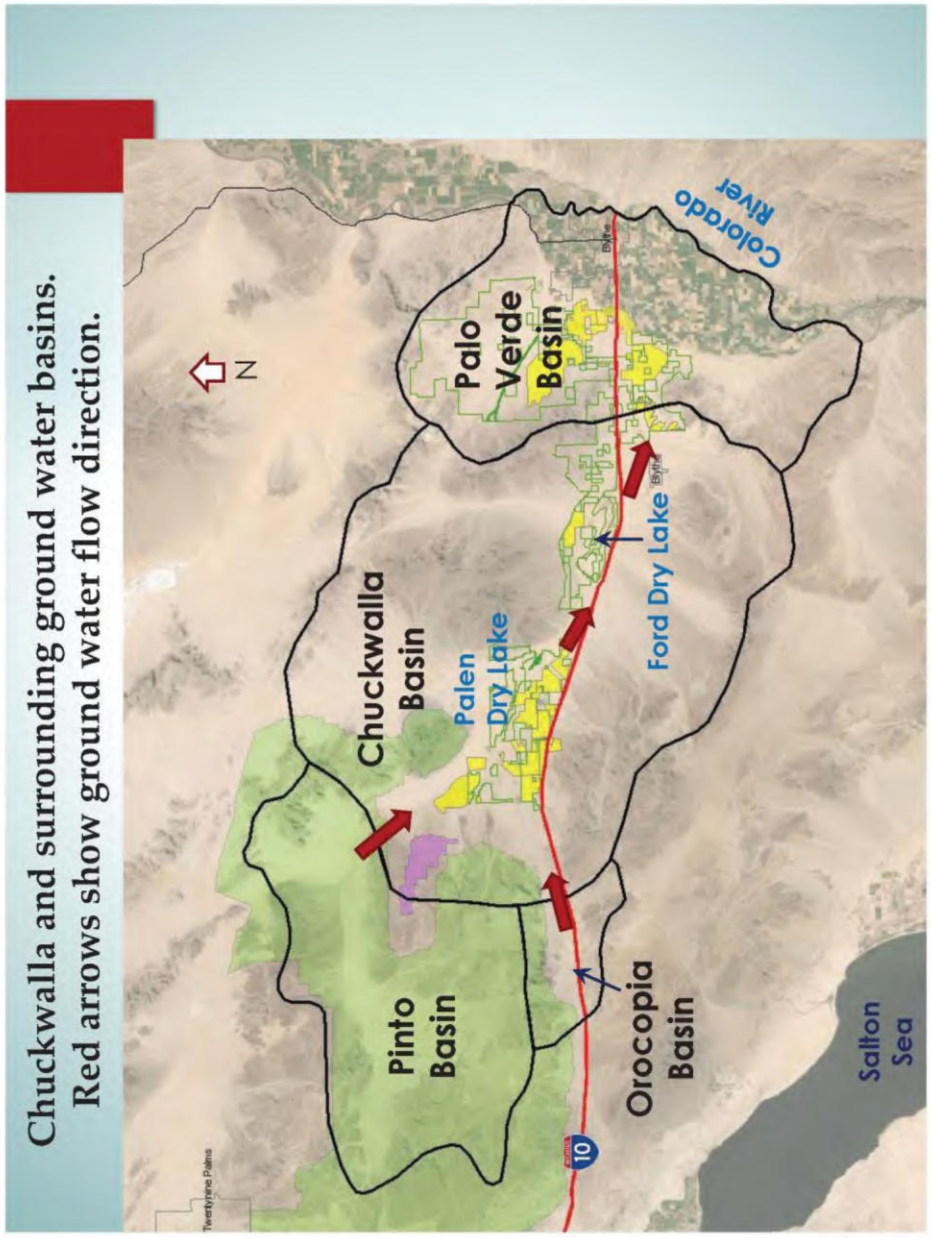
Comment Set B9 – Active Communities-Desert Center #2 (continued)



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Comment Set B9 – Active Communities-Desert Center #2 (continued)



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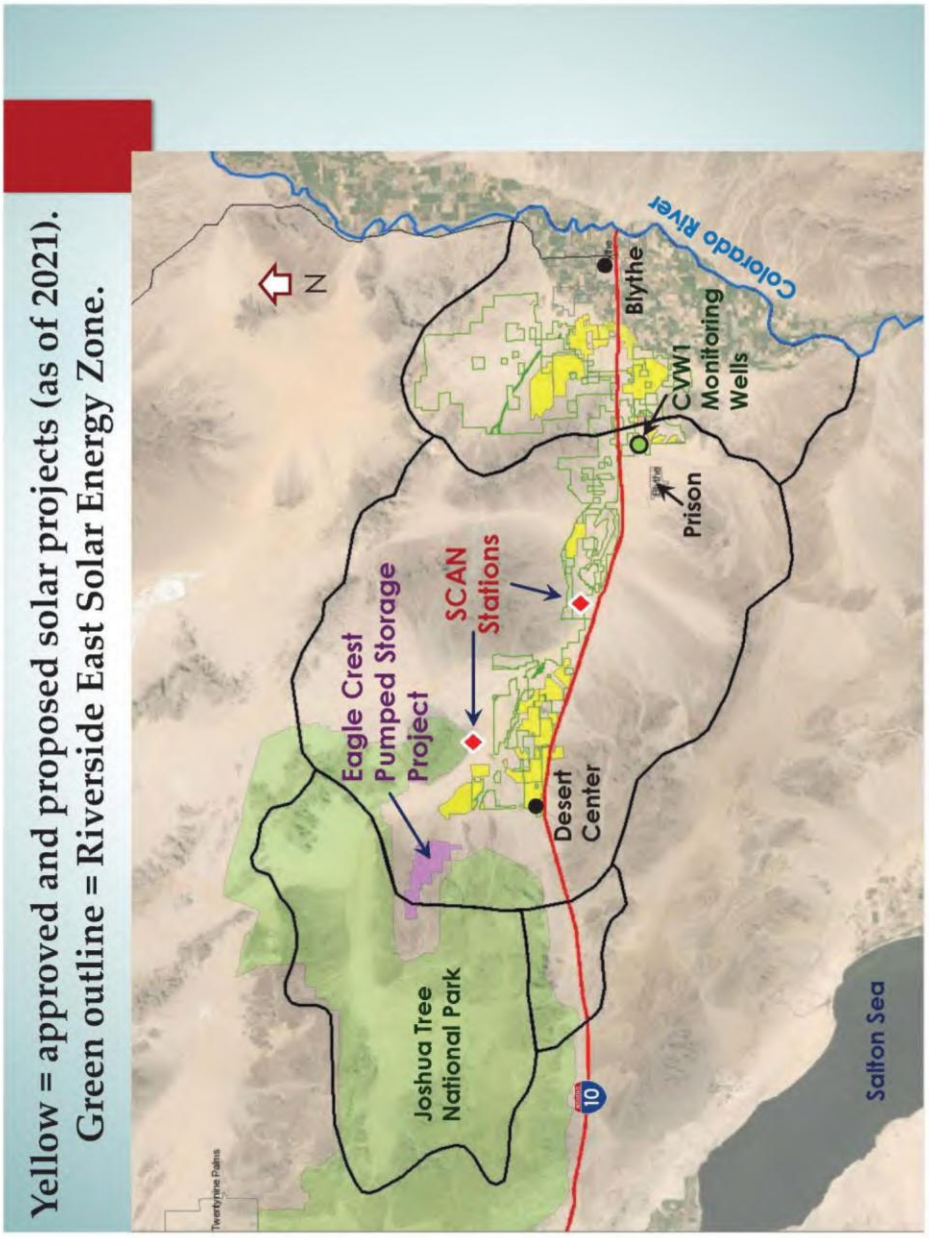
Comment Set B9 – Active Communities-Desert Center #2 (continued)



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Comment Set B9 – Active Communities-Desert Center #2 (continued)

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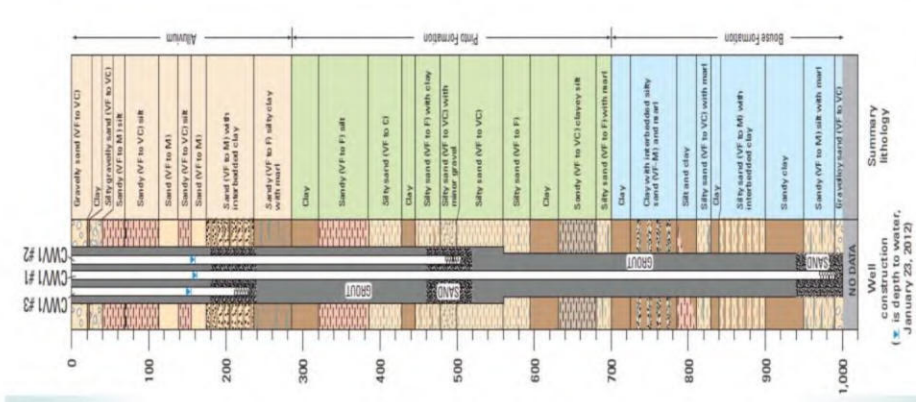
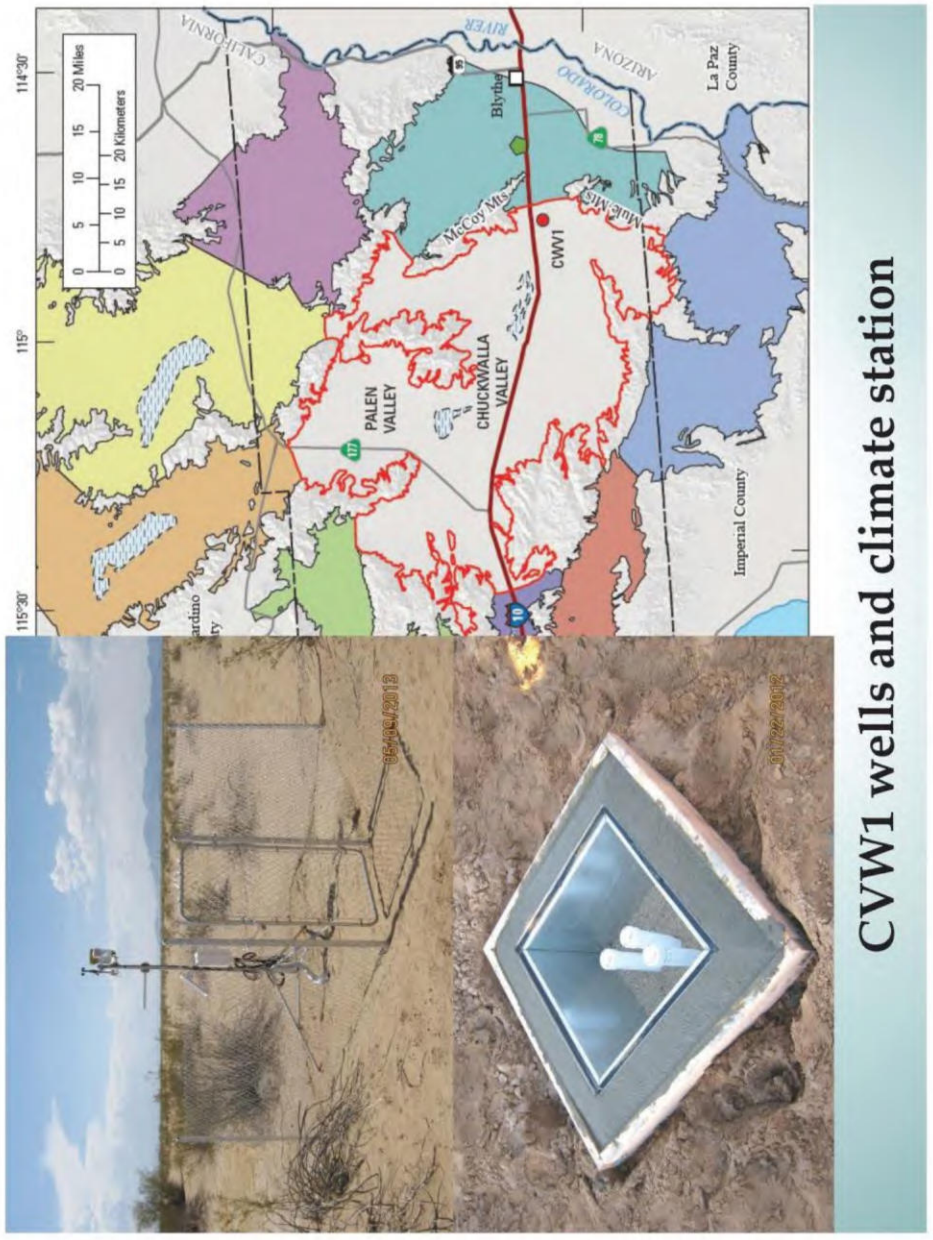


CVW1 Wells

- 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 B9 – Active Communities-Desert Center #2 (continued)



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Comment Set B9 – Active Communities-Desert Center #2 (continued)



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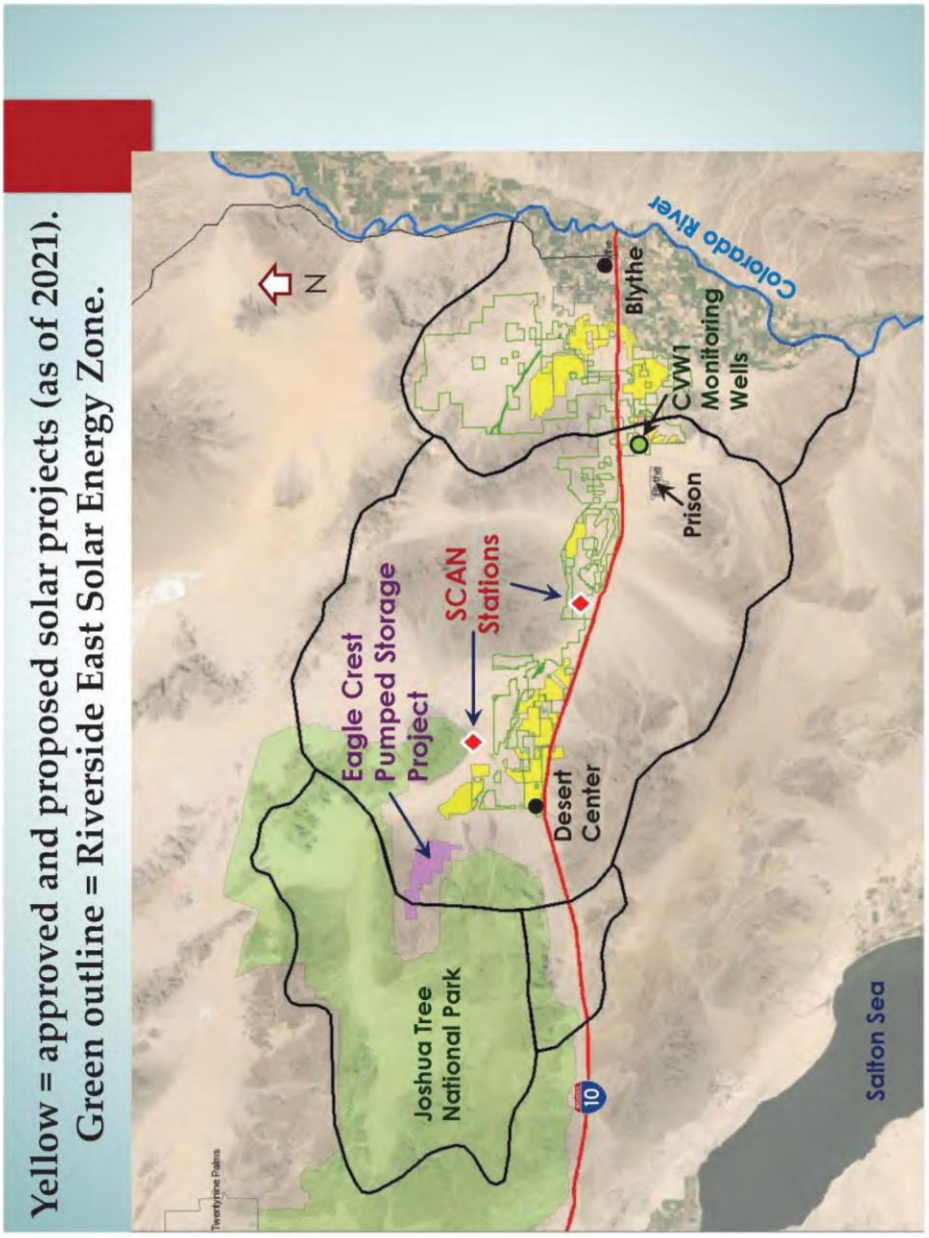
Comment Set B9 – Active Communities-Desert Center #2 (continued)



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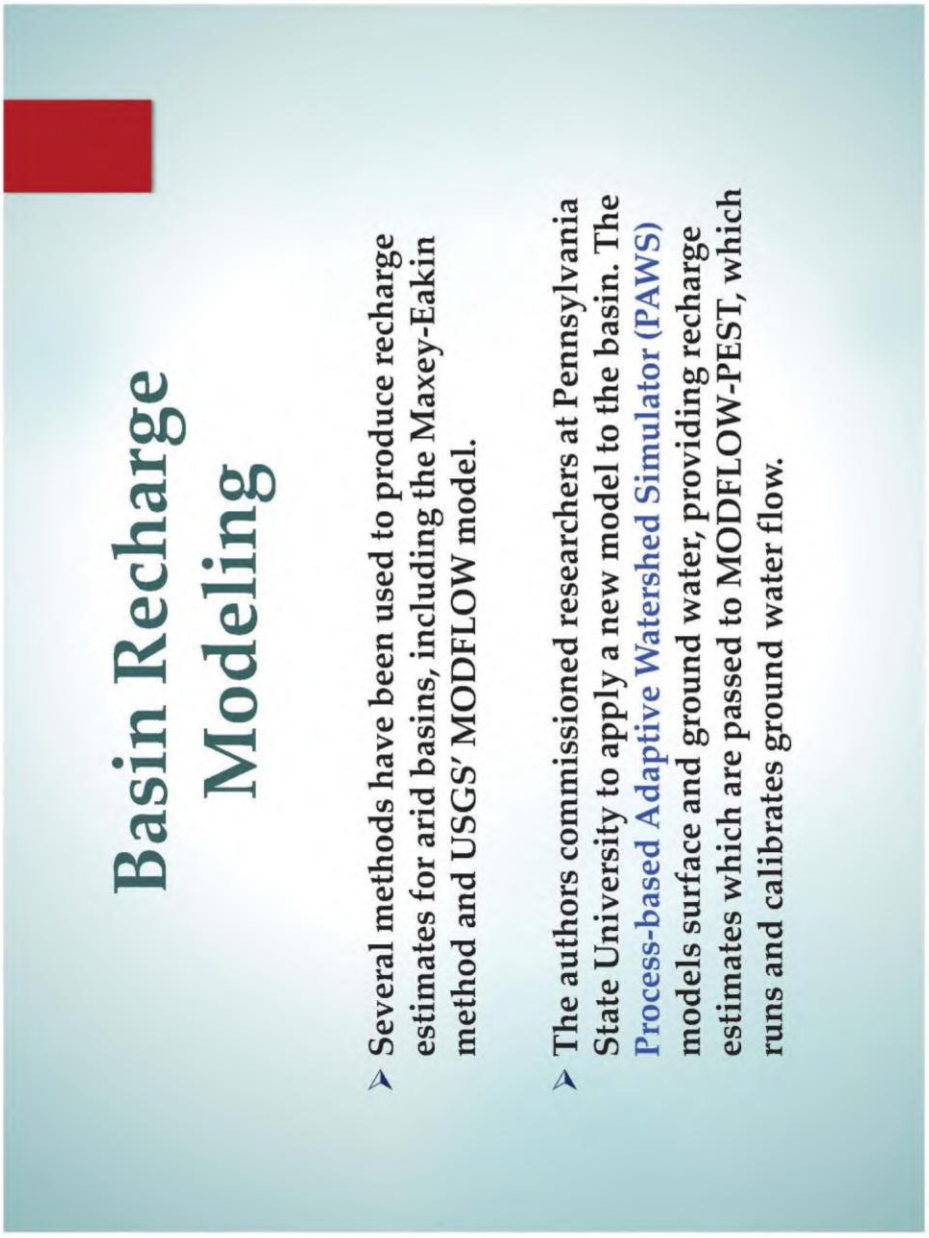
Comment Set B9 – Active Communities-Desert Center #2 (continued)



B9-68 (cont'd)

Comment Set B9 – Active Communities-Desert Center #2 (continued)



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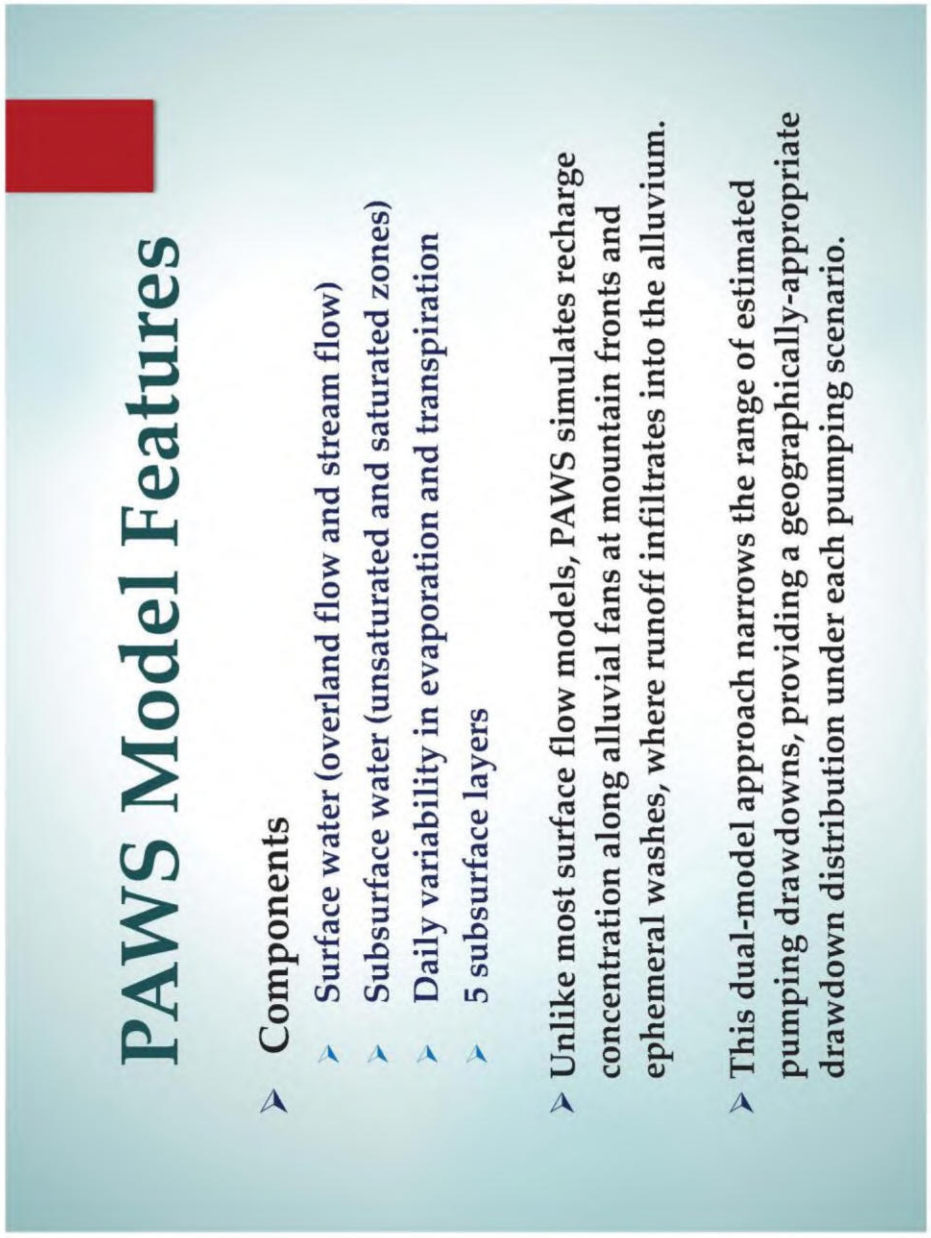
Comment Set B9 – Active Communities-Desert Center #2 (continued)



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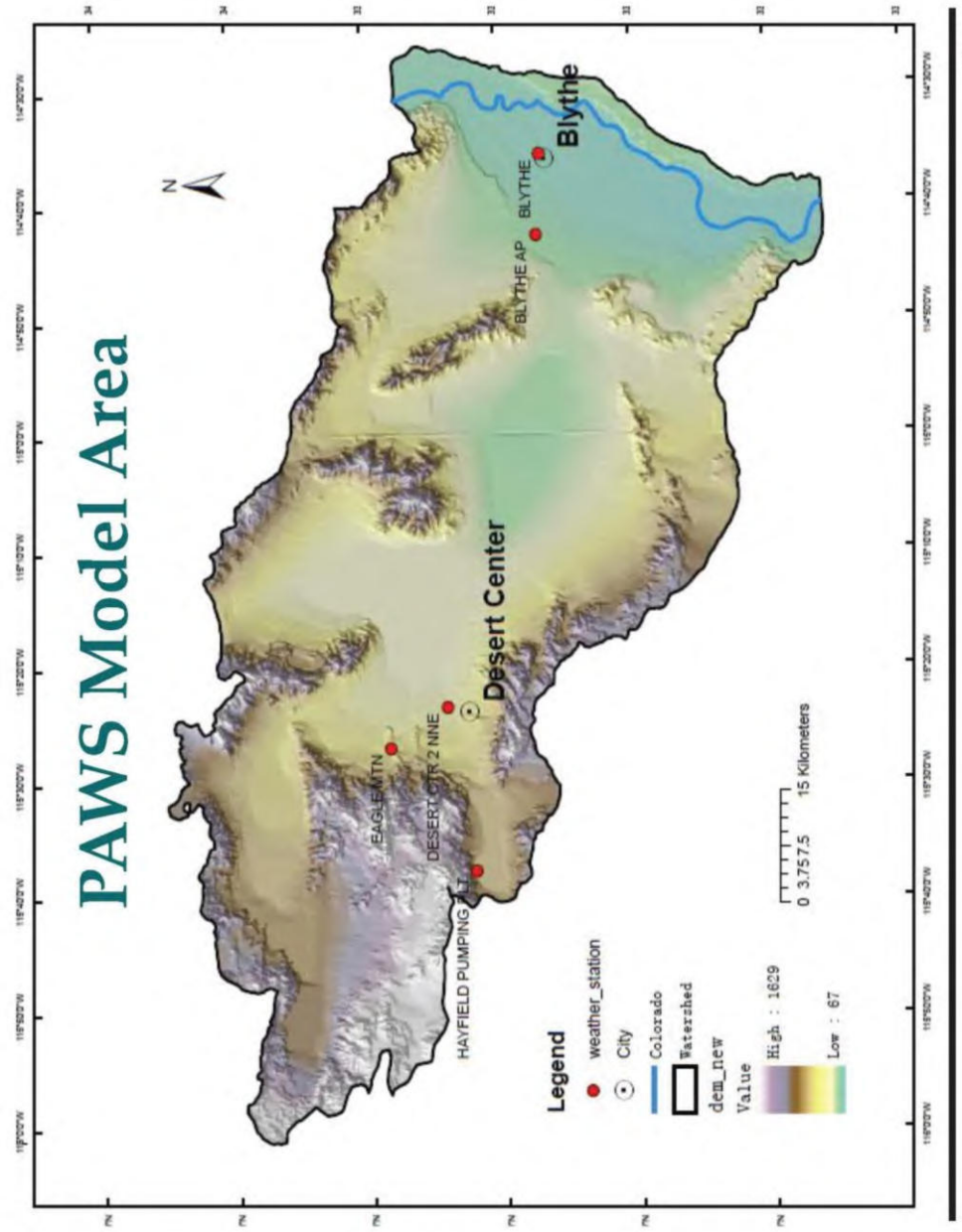
Comment Set B9 – Active Communities-Desert Center #2 (continued)



B9-68 (cont'd)

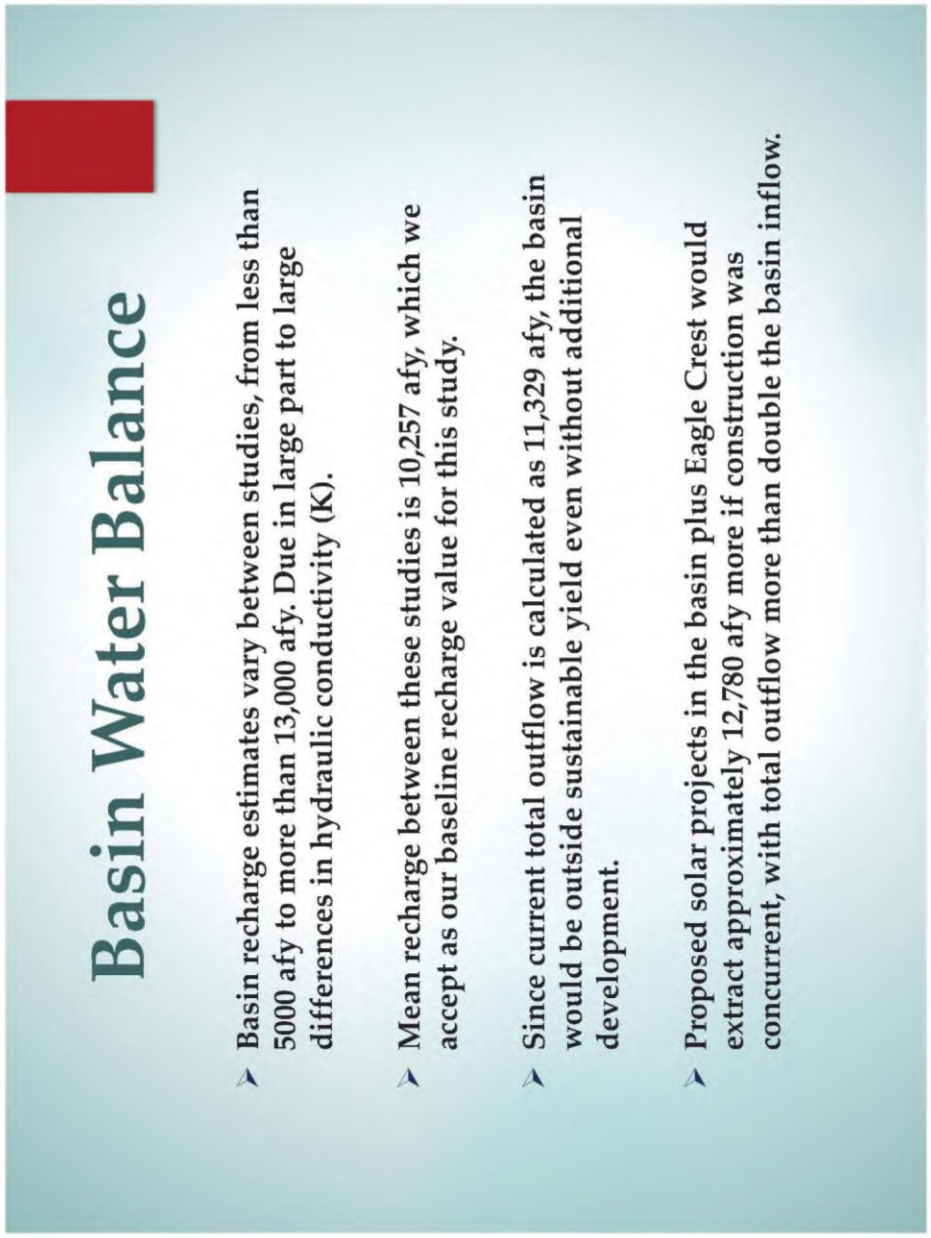
Comment Set B9 – Active Communities-Desert Center #2 (continued)

B9-68 (cont'd)

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

Comment Set B9 – Active Communities-Desert Center #2 (continued)



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Comment Set B9 – Active Communities-Desert Center #2 (continued)



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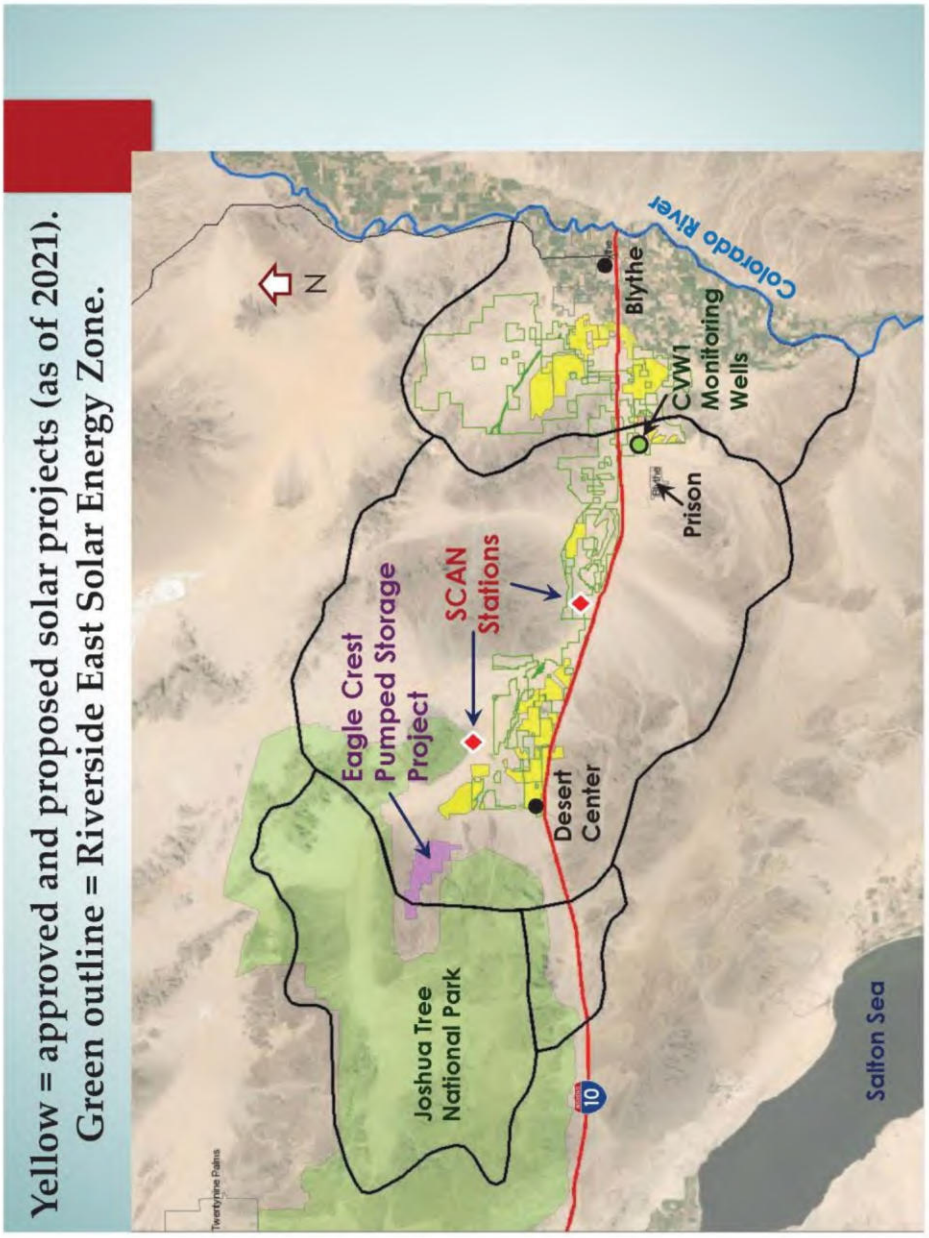
Comment Set B9 – Active Communities-Desert Center #2 (continued)



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Comment Set B9 – Active Communities-Desert Center #2 (continued)

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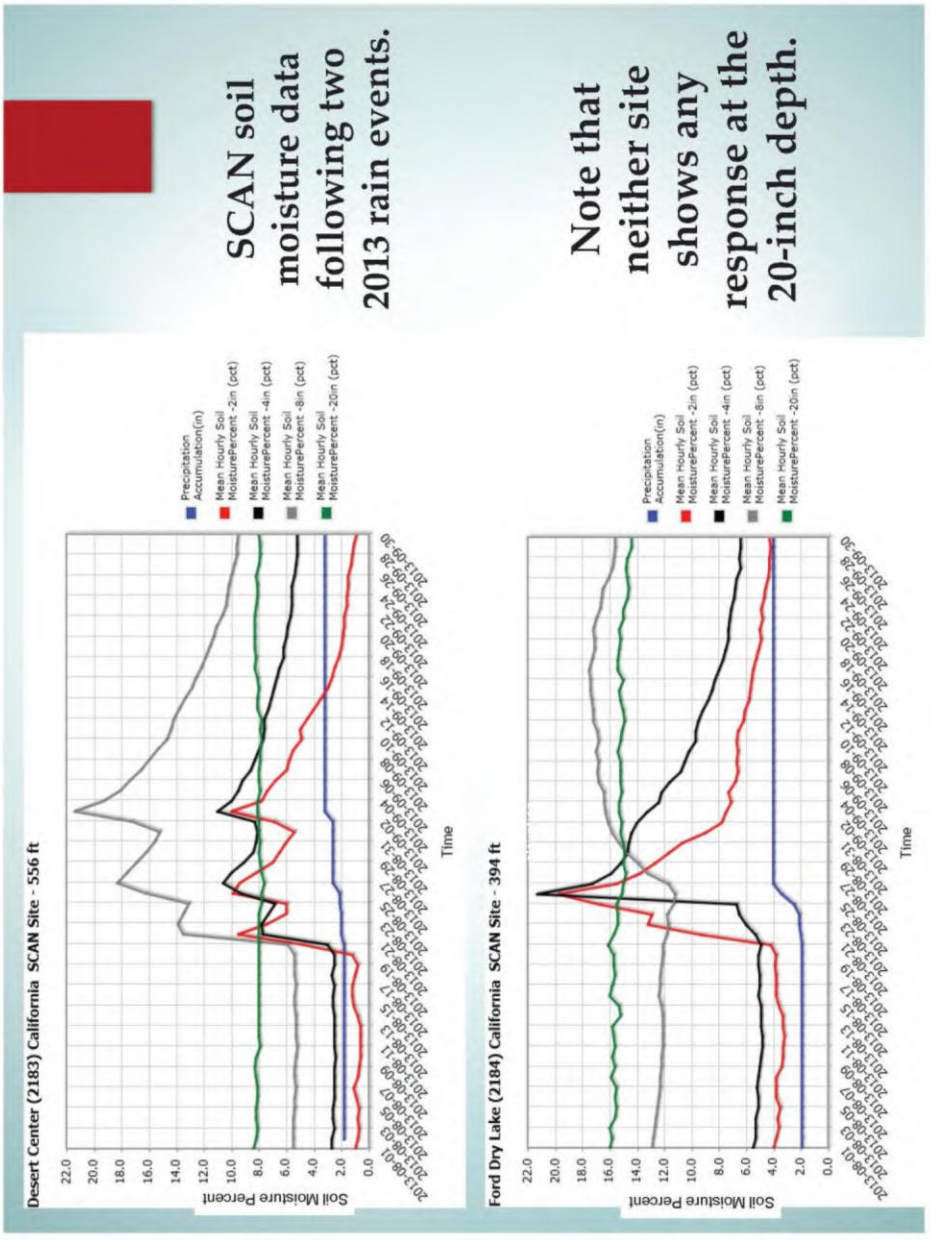
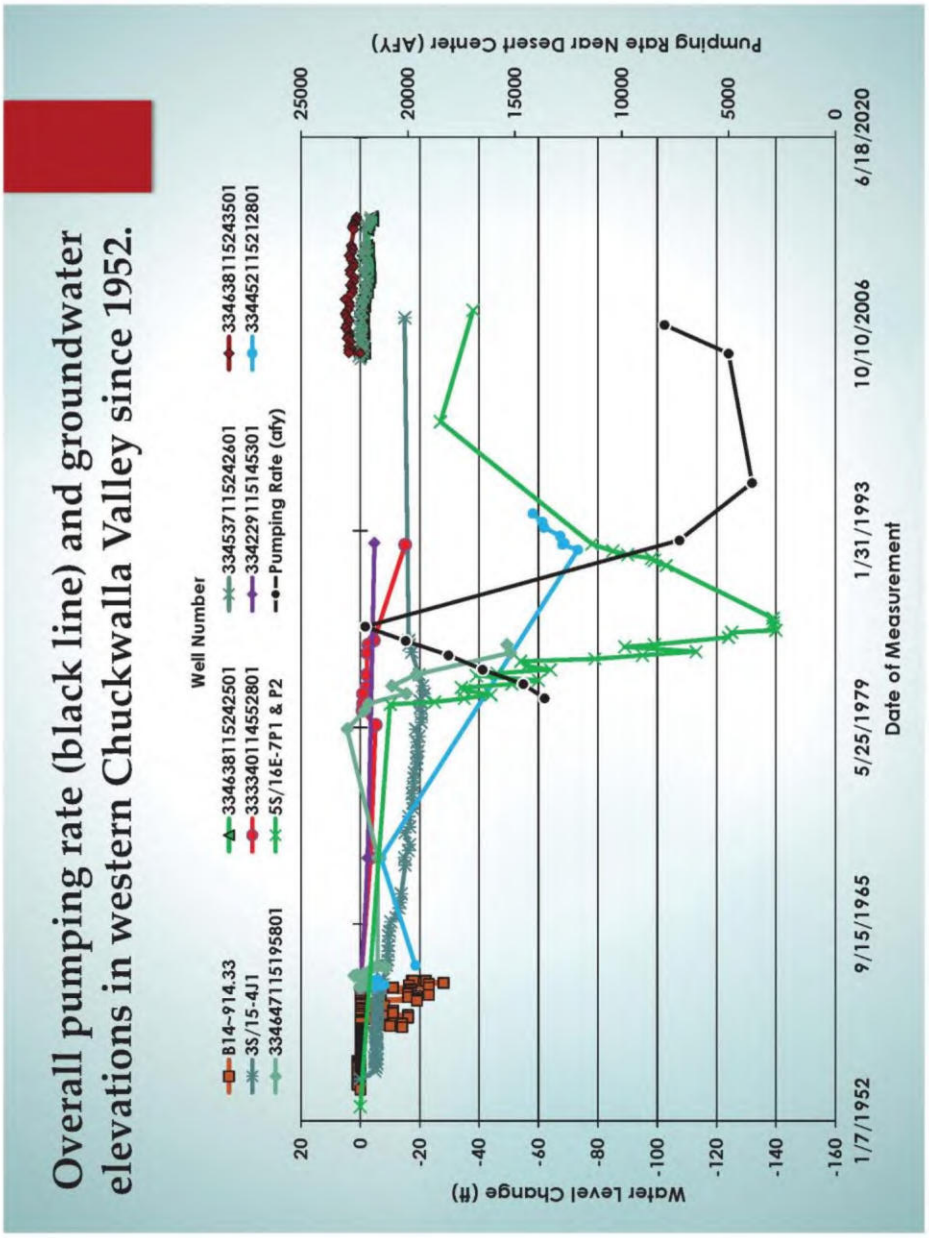


Comment Set B9 – Active Communities-Desert Center #2 (continued)



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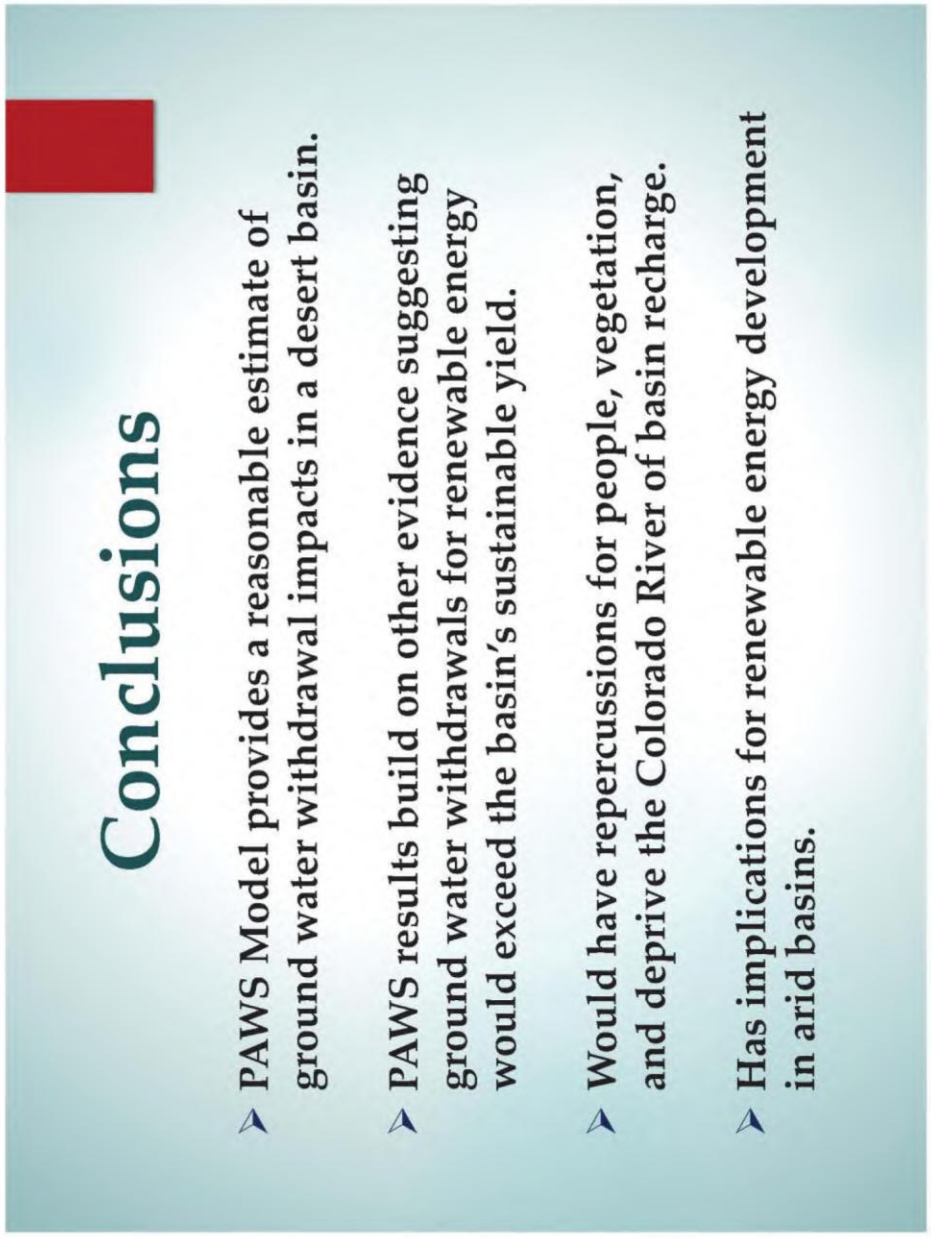
Comment Set B9 – Active Communities-Desert Center #2 (continued)



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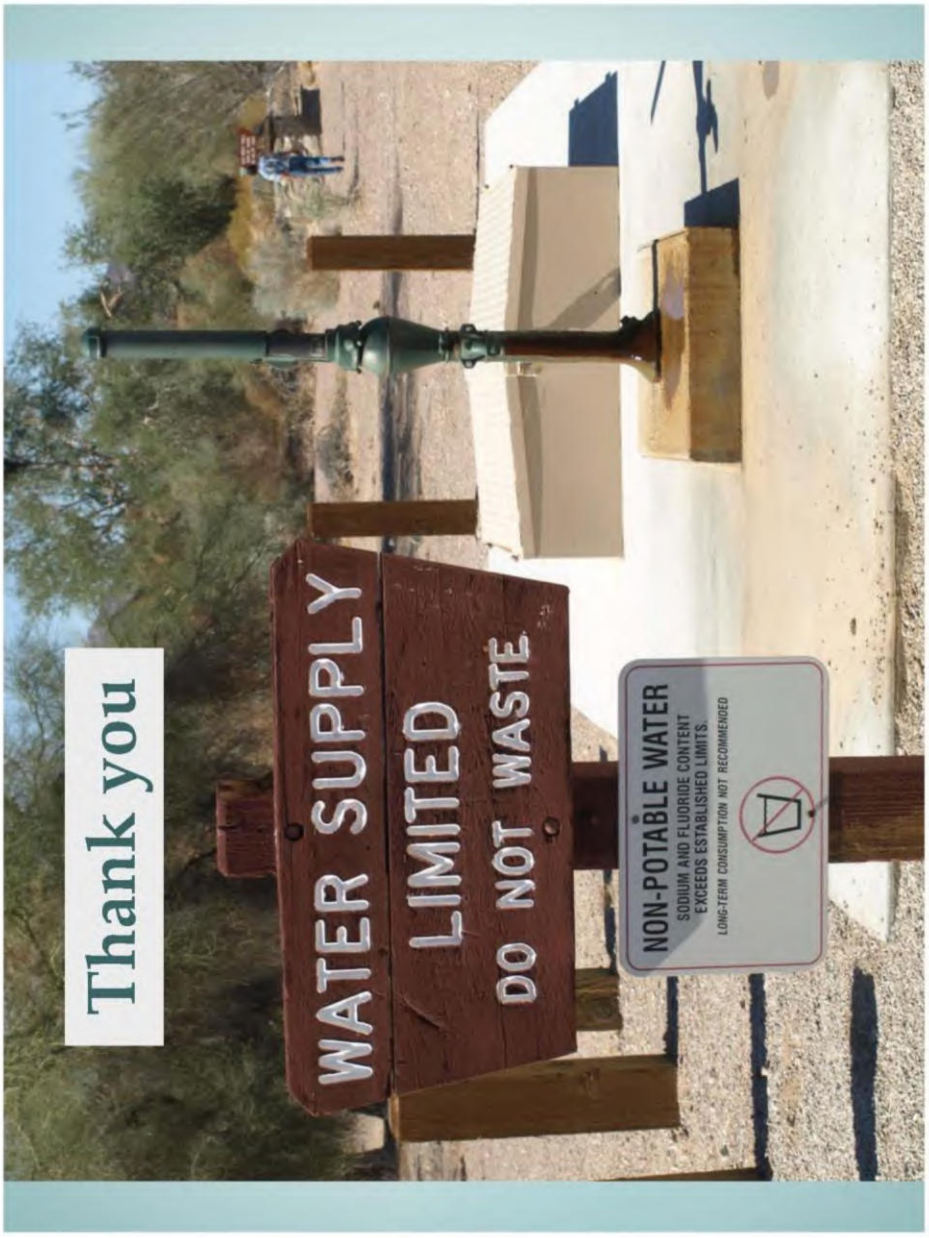
Comment Set B9 – Active Communities-Desert Center #2 (continued)



B9-68 (cont'd)

Comment Set B9 – Active Communities-Desert Center #2 (continued)



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B9-68
(cont'd)

Responses to Comment Set B9 – Angel Law on behalf of Active Communities/ Desert Center

B9-1 The commenter requests circulation of a revised Draft EIR. Please refer to General Response GR-1 regarding partial recirculation of the Easley Draft EIR. Responses to Comments B9-2 through B9-68, below, address the specifics of the commenter's concerns about the content and conclusions of the Original Draft EIR.

B9-2 The commenter states that the EIR is missing a holistic investigation and assessment of the direct and cumulative public health, safety and welfare impacts of the Easley Project on the human beings in the communities of Lake Tamarisk and Desert Center, and that impacts to air quality and groundwater are downplayed.

Under CEQA, a lead agency must consider whether a project's impacts may cause substantial adverse effects on human beings. Pub Res Code §21083(b)(3); 14 Cal Code Regs §15065(a)(4). Under this standard, a change to the physical environment that might otherwise be minor may be treated as significant if people will be significantly affected. This factor relates to adverse changes to the environment of human beings generally, not to effects on particular individuals. (See *Taxpayers for Accountable Sch. Bond Spending* v *San Diego Unified Sch. Dist.* (2013) 215 Cal.App.4th 1013, 1042; *Lucas Valley Homeowners Ass'n* v *County of Marin* (1991) 233 Cal.App.3d 130, 156; *Topanga Beach Renters Ass'n* v *Department of Gen. Servs.* (1976) 58 Cal.App.3d 188, 195.) CEQA is generally concerned with effects on the environment, not with effects on particular persons or particular businesses. (Clews Land & Livestock v City of San Diego (2017) 19 Cal.App.5th 161, 196; *Friends of Davis* v *City of Davis* (2000) 83 Cal.App.4th 1004, 1021.) This standard relating to adverse effects on human beings applies only when the adverse effects on human beings will result from a project's changes to the physical environment. (*Preserve Poway* v *City of Poway* (2016) 245 Cal.App.4th 560, 579.) A project's economic and social effects alone may not be treated as significant effects on the environment.

In accordance with CEQA, the Draft EIR and Partially Recirculated Draft EIR analyze in detail 18 environmental impact areas, including the potential for adverse impacts to the environment of human beings in the communities of Lake Tamarisk and Desert Center. For example, Section 3.2 addresses potential viewshed impacts from the Lake Tamarisk Desert Resort, Section 3.4 addresses potential air quality impacts to nearby sensitive receptors, Section 3.10 addresses potential impacts from hazardous materials, Section 3.11 addresses water quality and groundwater impacts, Section 3.13 addresses noise impacts to the nearby communities, and Section 3.16 addresses public services impacts in the surrounding area. The analysis of alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapter 5 of the Partially Recirculated Draft EIR and to General Response GR-1. Accordingly, the EIR provides extensive discussion of the direct and cumulative public health, safety and welfare impacts of the Easley Project on the human beings in the communities of Lake Tamarisk and Desert Center.

Air Quality impacts, discussed in Section 3.4 of the Draft EIR, have been addressed consistent with Appendix G of the State CEQA Guidelines and based on additional significance criteria from the County of Riverside's Environmental Assessment Form. Please see General Response GR-2, which addresses fugitive dust. Please also see Response to Comment D10-1 regarding construction nuisances (dust, noise, fumes, traffic) and Response to Comment D2-4 regarding aesthetic impacts. The analysis of Hydrology and Water Quality, including groundwater, and Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 (Biological Resources) and Section 3.11 (Hydrology and

Water Quality) of the Partially Recirculated Draft EIR and to General Response GR-1, as well as General Response GR-3.

B9-3 The commenter requests information on the timing of the Applicant's interconnection agreements, indicating that these agreements may affect Project objectives and could result in cumulative air impacts if construction overlaps with the construction of other projects in the surrounding area.

The Applicant has confirmed that Phase I and Phase II results have been received. Easley's Large Generator Interconnection Agreement is expected to be executed in fall 2024.

Easley has a fully executed power purchase agreement (PPA) for a portion of the Project output and a PPA for the balance of Project capacity is in process. Accordingly, the Draft EIR reasonably notes that the Project could be operational in late 2025; however, the Project could still achieve its objectives if operations are delayed beyond 2025, as the objectives are not tied to a 2025 operations date. Please also refer to the revised project description in Chapter 2 of the Partially Recirculated Draft EIR and to General Response GR-1.

Regarding potential cumulative air quality impacts, the Draft EIR analyzes the potential for cumulative air quality impacts in the Mojave Desert Air Basin based on the assumption that the "construction-phase emissions related to the proposed Project would likely occur concurrently with other cumulative projects in the Mojave Desert Air Basin and would contribute to the adverse effects of other cumulative projects to result in a cumulative impact to air quality that is significant." Therefore, the Draft EIR already addresses the commenter's concern and concludes that cumulative air quality impacts would be less than significant with implementation of MM AQ-1 (Fugitive Dust Control Plan) and MM AQ-2 (Control On-Site Off-Road Equipment Emissions).

The commenter requests information regarding whether offsite network transmission infrastructure development is required for the Project and the associated environmental impacts. Please refer to the revised project description in Chapter 2 of the Partially Recirculated Draft EIR and to General Response GR-1, which addresses upgrades to the Oberon Substation.

The CAISO administers the large generator interconnection process, which identifies network upgrades within the larger grid for purposes of meeting reliability and clean energy goals. Based on a review of CAISO Board-approved transmission plans for future transmission projects planned for the area including the Red Bluff Substation, this Final EIR includes revisions to identify two additional projects planned for Riverside County, shown in EIR Table 3.1-2, Probable Future Projects in the Project Area. Neither of these projects will occur as a result of the Easley Project, but rather are planned by CAISO to increase the ratings of the existing lines and reduce deliverability constraints.

Upgrades to the Colorado River-Red Bluff and Devers-Red Bluff 500 kV lines have been added to Table 3.1-2 (Probable Future Projects in the Project Area) and analyzed in the cumulative analysis for each issue area in Chapter 3 of the Final EIR. An increase to line rating was found to be needed in the CAISO's 2022-2023 Transmission Plan. The work required by Southern California Edison to achieve an increase in line rating is not yet known, and these projects do not appear in the "Transmission Project Review Process" data made publicly-available by Southern California Edison, as of June 3, 2024. An expansion to Red Bluff Substation is not currently proposed nor anticipated as reasonably foreseeable under CEQA. Please see Section 4.3 of the Draft EIR for a discussion of growth inducing impacts.

B9-4 The comment probes whether upgrades would be necessary within the Red Bluff Substation or along the 500 kV lines within the I-10 corridor.

As provided above in Response to Comment B9-3, this Final EIR includes revisions to identify two additional projects planned for Riverside County, shown in EIR Table 3.1-2, Probable Future Projects in the Project Area. Neither of these projects will occur as a result of the Easley Project.

B9-5 The commenter states that the Draft EIR statement **that the Project operation phase would be a "minimum of 35 years and up to 50 or more years"** is too vague for an accurate assessment of the environmental impacts of the operation phase (e.g., impacts on the groundwater resource). The commenter states that **the level of significance of an adverse impact on any given environmental resource depends on the length of time the impact persists.** Please refer to the revised project description in Chapter 2 of the Partially Recirculated Draft EIR and to General Response GR-1. The analysis of Hydrology and Water Quality, including groundwater impacts, has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR and to General Response GR-1.

Please also see General Response GR-3 regarding groundwater impacts.

B9-6 The commenter notes that portions of the proposed Chuckwalla National Monument are near the proposed Easley solar project and that the operational period of the Easley project before decommissioning would overlap with the existence of the Monument. Because of this, the commenter states that the EIR should have considered the direct and cumulative aesthetic effects of the project on the proposed Monument. The commenter states this issue is missing from the EIR, and the effect of the project on the proposed Monument was not considered.

The analysis of Aesthetics and Cultural and Tribal Cultural Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.2 (Aesthetics) and Section 3.6 (Cultural and Tribal Cultural Resources) of the Partially Recirculated Draft EIR and to General Response GR-1.

B9-7 The commenter states that Section 2.1 of the Draft EIR states that the Oberon Project is under construction. Please refer to the revised project description in Chapter 2 of the Partially Recirculated Draft EIR and to General Response GR-1.

The commenter states that the figures use analogous color schemes that minimize contrast and use inconsistent color codes. The commenter mentions DFAs, however, DRECP DFA lands are indicated in the color pink in all figures within EIR Appendix A. In some cases, hatching is used so that other data remains visible underneath.

In general, the figures are thematic maps and the color scheme among figures in the Draft EIR is consistent. However, different figures within the EIR and its appendices require highlighting of different content to show complex resource to land ownership relationship via a map representation, which results in some variation in coloring between figures.

The legend on each figure explains what each color or design represents. A gen-tie corridor is the right of way within which a gen-tie line is located. This comment does not raise any significant environmental issues. Please refer to the revised project description in Chapter 2 and revised figures in Appendix A of the Partially Recirculated Draft EIR and to General Response GR-1.

B9-8 The commenter states that the EIR Project Description leaves open the question whether there will be one or two substation yards and does not indicate the location of the operations and maintenance building "plus four to six 40-foot CONEX containers." The commenter states that it is unclear whether 25+ or 50+ acres of land will be graded for these facilities and impacted by the uses associated with them throughout the operational phase. Please refer to the revised

project description in Chapter 2 of the Partially Recirculated Draft EIR and to General Response GR-1.

B9-9 The commenter asks whether the 34.5 kV collector lines will be undergrounded and states that underground lines are preferred to reduce aesthetic and wildland fire impacts. Please refer to the revised project description in Chapter 2 of the Partially Recirculated Draft EIR and to General Response GR-1.

B9-10 The commenter states that the Draft EIR does not determine whether wildlife-friendly fencing will be used. The commenter questions why use of a specially designed roadway system should be dependent on the installation of wildlife-friendly fencing and questions the roadway design. The commenter asks whether not using wildlife-friendly fencing would affect the significance findings regarding Impact BIO-1, BIO-1, and BIO-3. Please refer to the revised project description in Chapter 2 of the Partially Recirculated Draft EIR and to General Response GR-1. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

B9-11 The commenter states that the Draft EIR fails to identify a definite source of water supply. Please refer to the revised project description in Chapter 2 of the Partially Recirculated Draft EIR and to General Response GR-1. The analysis of Hydrology and Water Quality, including water supply, has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR, the revised Water Supply Assessment at Appendix G, and to General Response GR-1.

B9-12 The commenter expresses concerns regarding clearance surveys for the desert tortoise and the identified temperature constraints for surveying in the Chuckwalla Valley. Please refer to the revised project description in Chapter 2 of the Partially Recirculated Draft EIR and to General Response GR-1. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

B9-13 The commenter asks what upgrades would be required to Oberon Substation in order to interconnect the Easley Project. Please refer to the revised project description in Sections 2.3 and 2.3.4 of the Partially Recirculated Draft EIR and to General Response GR-1.

B9-14 The commenter states that spraying with an "approved" herbicide is misleading and application of herbicides is indefensible, noting that "approved" herbicides are still toxic. Please refer to the revised project description in Chapter 2 of the Partially Recirculated Draft EIR and to General Response GR-1. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1, as well as the draft Integrated Weed Management Plan (IWMP) at Appendix N.

B9-15 The commenter asks for clarification on the decommissioning and repowering process, including replacing inverters after 10 to 25 years of operation. Please refer to the revised project description in Chapter 2 of the Partially Recirculated Draft EIR and to General Response GR-1.

As provided in Section 2.6, at the end of the initial power purchase agreement's contract term of approximately 10 to 25 years, the Project would still be able to generate power. Thus, at that time, the facility would likely be optimized to increase the plant's efficiency by swapping out inverters for more efficient units, and potentially swapping out some of the facility's modules. Full decommissioning would not occur until the end of the Project's useful life.

B9-16 The commenter questions how the EIR defines "project area."

For clarity, the Final EIR has been revised in Section 3.1.1.1 (page 3.1-1) as follows:

> "For purposes of these discussions, the term "Project area" refers to the site of the proposed Project, shown on Figure 2-2, and the vicinity around the Project where Project impacts could affect the environment. The extent of the affected environment can vary depending on the resource being considered and the nature and characteristics of the resource. For example, Aesthetics considers the entire viewshed, which is based on topography and distance, while Traffic and Transportation considers road characteristics and traffic volumes near the project site. The Environmental Setting in each resource discussion identifies the extent of the area considered for that resource. Within the parcels comprising the Project area ~~parcels~~, the development footprint consists of the areas within the fenceline where the solar facility, on-site substation, and BESS would be constructed."

The commenter also questions the EIR category of impacts deemed "Significant and Unavoidable" (at page 3.1-3). These impacts would occur when an impact is determined to be significant, and either no feasible mitigation can be implemented or the impact remains significant even after implementation of feasible mitigation measures. This conclusion is made using the following process: if an impact is determined to be significant, mitigation measures are imposed to reduce the impact to a less than significant level. If no feasible mitigation is available to address a significant impact or if, even after application of all feasible mitigation, the impact remains significant, then the impact is deemed to be significant and unavoidable.

B9-17 The commenter states that the methodology for determining the Project's contribution to cumulative effects is in error and questions the cumulative impact findings of the EIR. The commenter states that the analytic framework described in the EIR forecloses findings of significant cumulative impact when the direct impacts of the Project are minor. As the commenter notes, a mandatory finding of significance is called for when a project's effects are "cumulatively considerable" though "individually limited." The commenter mischaracterizes the Draft EIR's description of cumulative impacts. The commenter writes:

> *As stated in the DEIR, "[f]or purposes of this EIR" cumulative impacts are limited to the following scenarios: the Project would result in a significant cumulative impact only if: (a) a "substantial enough" direct Project impact adds up to the cumulative effects of other past, current, and probable future projects themselves deemed insignificant without the Project; or (b) the cumulative effects of such other projects are already significant without the Project, and the Project would result in "a cumulatively considerable contribution to the already significant effect."*

The complete EIR statement (EIR page 3.1-4) is that a project would cause a cumulatively considerable impact if:

> *The cumulative effects of other past, current, and probable future projects without the Project are not significant and the Project's incremental impact is substantial enough, when added to the cumulative effects, to result in a significant cumulative impact; or*
>
> *The cumulative effect of other past, current, and probable future projects without the Project are already significant and the Project would result in a cumulatively considerable contribution to the already significant effect. The standards used herein to determine whether the contribution is cumulatively considerable include the existing baseline environmental conditions, and whether the project would cause a substantial increase in impacts, or otherwise exceed an established threshold of significance.*

The Draft EIR explains further that the EIR uses the list method and employs a two-step approach:

> *The first step determines whether the combined effects from the proposed Project and other projects would be cumulatively significant. This was done by adding the proposed Project's incremental impact to the anticipated impacts of other probable future projects and/or reasonably foreseeable development. Where the analysis determines that the combined effects of the projects and/or projected development would result in a significant cumulative effect, the second step evaluates whether the proposed project's incremental contribution to the combined significant cumulative impact would be cumulatively considerable as required by State CEQA Guidelines section 15130, subdivision (a).*

The comment claims that the Draft EIR analysis forecloses findings of significant cumulative impacts when the direct incremental impacts of the Project are individually minor, but increase, compound, or interact with cumulative impacts of other past, present, and probable future projects deemed not already significant without the Project. This is not accurate. As stated above, the Draft EIR states that a cumulatively considerable impact would occur if the Project combined with the other past, current, and probable future projects would result in a significant cumulative impact.

The Draft EIR analysis is consistent with the requirements of CEQA. "Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." (CEQA Guidelines § 15355 (b).) As stated in CEQA Guidelines Section 15065(a)(3), "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." Guidelines Section 15130 discusses cumulative impacts in more detail. It notes that "[w]here a lead agency is examining a project with an incremental effect that is not "cumulatively considerable," a lead agency need not consider the effect significant, but shall briefly describe its basis for concluding that the incremental effect is not cumulatively considerable." (CEQA Guidelines § 15130(a).) Guidelines Section 15130(a)(3) states further: "An EIR may determine that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus is not significant. A project's contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact. The lead agency shall identify facts and analysis supporting its conclusion that the contribution will be rendered less than cumulatively considerable."

The key element in the analysis is whether a project's contribution is "cumulatively considerable" even if minor. Each discipline in the EIR considered cumulative impacts, which included the impacts of past, current, for reasonably foreseeable projects and their effects, in combination with the identified impacts of the proposed project, including minor impacts, as required under CEQA.

B9-18 The text in Section 3.1.1.7 (Impacts of Alternatives) of the Final EIR has been updated to update its reference to the comparison of alternatives from "Section 4" to "Section 5."

The commenter asks what specific environmental or land use planning factors caused the EIR preparers to add Section 4 before circulating it for public review.

Chapter 4 includes discussions of various topics required by CEQA that are not covered in the impact analysis in Chapter 3 of the Draft EIR. These topics include: Section 4.1, significant and unavoidable impacts, which summarizes the conclusions presented in Chapter 3 (CEQA Guidelines Section 15126.2(b)); Section 4.2, significant irreversible and irretrievable commitment of resources (CEQA Guidelines Section 15126.2); Section 4.3, growth-inducing effects (CEQA

Guidelines Section 15126.2(d)); and Section 4.4, energy consumption (Public Resources Code section 21100(b)(3)).

In addition, Section 4.5 (Other Public Concerns) contains a discussion of issues raised in the scoping effort conducted by the Riverside County Planning Department, that are not discussed in Chapter 3 because the issues raised are outside of the scope of CEQA. These topics include property values, a solar moratorium, and nuisance animal encounters (termites, rattlesnakes). Finally, Section 4.6 of the Draft EIR contains a summary of the EIR analysis relevant to permitting requirements of the California Department of Transportation (Caltrans) related to ingress/egress driveways or installation of any overhead/underground lines in or across the Caltrans right-of-way (ROW). Caltrans will require permitting for four features of the Easley Renewable Energy Project that would be located within the Caltrans ROW for SR-177/Rice Road.

B9-19 The comment claims that the cumulative impact analysis for construction air quality (EIR Section 3.4.6) and evaluation of direct impacts to air quality does not disclose baseline ozone and PM10 conditions and does not compare project emissions with baseline emissions. The comment states that the Draft EIR should have instead examined the incremental impacts of project emissions of ozone precursors and PM10 and determined whether those emissions are significant in light of the air basin's non-attainment status.

The EIR air quality analysis first describes baseline air quality conditions for the region, including that the air basin currently attains the federal ambient air quality standards but does not attain state level standards for ozone and PM10 (EIR Table 3.4-2). The EIR further describes that the SCAQMD has adopted an Air Quality Management Plan (AQMP) to evaluate air pollution control strategies to be taken by air quality management agencies in order to bring the area into compliance with the state ambient air quality standards. SCAQMD's 2022 AQMP is based on regional growth factors, hence it is assumed that new development will continue to occur. Such development would not rise to a level of significance, however, when a project is within the regional significance emissions thresholds established by SCAQMD.

Project emissions were modeled and quantified, including emissions increases for PM10 and ozone precursors (Impact AQ-2). In accordance with SCAQMD recommendations, the Draft EIR then evaluated whether the quantified Project emissions would exceed the regional and local significance thresholds established by SCAQMD (EIR Tables 3.4-4, 3.4-5, 3.4-8, 3.4-9, and 3.4-10).

Because certain emissions of the proposed Project exceeded the SCAQMD thresholds, the Draft EIR determined that mitigation was required to ensure that SCAQMD mass daily emissions thresholds would not be exceeded. It is reasonable for the County as lead agency to rely upon the recommendations of the local expert agency, SCAQMD, for determining the proper methodology for analysis of air quality impacts, including use of the mass daily emissions thresholds of significance, to determine whether a project significantly contributes to existing nonattainment conditions. By comparing the increased emissions with the SCAQMD-recommended thresholds (in Impact AQ-2 and Impact AQ-3), the EIR properly characterizes how the Project contributes to the baseline and existing air quality-related adverse health effects of ozone and PM10 concentrations. As provided in Impact AQ-2 and AQ-3, with implementation of mitigation for dust control practices (MM AQ-1) and off-road equipment engine standards (MM AQ-2) the maximum daily emissions of all pollutants during construction would be reduced to levels below the SCAQMD thresholds. The impact of increased criteria air pollutant emissions during construction would be less than significant with mitigation.

B9-20 The comment claims that the cumulative impact analysis for air quality (EIR Section 3.4.6) does not quantify or assess concurrent air emissions for the Project and related projects during

construction and operation. The comment also claims the EIR does not correlate adverse air quality impacts to resulting public health effects.

First, the EIR properly evaluates whether cumulatively considerable emissions would occur due to the Project in both Section 3.4.5 and 3.4.6. The EIR describes that the geographic scope of cumulative effects for air quality is the entire Mojave Desert Air Basin. The analysis of project impacts for Impact AQ-2 is inherently a cumulative analysis, asking the question whether the Project would result in a cumulatively considerable net increase of any criteria pollutant for which the Project region in non-attainment under an applicable federal or state ambient air quality standard. As described in Response to Comment B9-19, the Draft EIR followed the methodology recommended by SCAQMD for this evaluation.

The Project would increase the generation of criteria air pollutants in the region consistent with expected growth. Individual projects are required to implement feasible mitigation measures for criteria air pollutants emissions if the project emissions exceed the thresholds of significance adopted by the SCAQMD. The Project includes mitigation measures to reduce short-term construction and long-term operational emissions of criteria air pollutants and precursors. The Project would also be subject to SCAQMD regulations as well as regulations promulgated by the State of California that are intended to reduce air quality emissions. In establishing the mass daily thresholds (EIR Section 3.4.4), SCAQMD recommends that CEQA lead agencies use these emissions thresholds for informing decisions on regional and localized air quality impacts. The thresholds are set at levels that facilitate determining whether emissions could cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard (SCAQMD, 2009). The project-specific significance thresholds are indicators of whether emissions are cumulatively considerable, and the project-specific and cumulative significance thresholds are the same. Projects that do not exceed the project-specific thresholds are not considered to be cumulatively significant (SCAQMD, 2003).

Because the proposed Project's emissions would be mitigated below the threshold levels, the individual project contribution to the cumulative effects would not be cumulatively considerable.

Second, with respect to public health effects from air pollution, U.S. EPA and ARB have established health-based air quality standards for criteria pollutants at the national and state levels, respectively. These standards were established to protect the public (with a margin of safety) from adverse health impacts caused by exposure to air pollution. California has also established standards for sulfates, visibility-reducing particles, hydrogen sulfide, and vinyl chloride. Table 3.4-1 of the Draft EIR lists the national ambient air quality standards (NAAQS) and California ambient air quality standards (CAAQS). The Draft EIR describes that concentrations of ozone and PM10 for the proposed Project area occur at nonattainment levels for the California air quality standards, which as stated above, are set at levels to adequately protect the health of the public, including infants and children, with an adequate margin of safety. (Draft EIR, p. 3.4-1) The U.S. EPA sets the NAAQS based on a lengthy process that involves science policy workshops, a risk/exposure assessment (REA) that draws on the information and conclusions of the science policy workshops to develop quantitative characterizations of exposures and associated risks to human health or the environment, and a policy assessment by U.S. EPA staff that bridges the gap between agency scientific assessments and the judgments required of the U.S. EPA administrator, who then takes the proposed standards through the federal rulemaking process (U.S. EPA 2017). Similar to the federal process, the standards for the CAAQS are adopted after review by ARB staff of the scientific literature produced by agencies such as the OEHHA; the Air Quality Advisory Committee, which is comprised of experts in health sciences, exposure assessment, monitoring methods, and atmospheric sciences appointed by the Office of the President of the University of California; and public review and comment (ARB, 2024).

Operation of the Project would not result in emissions that exceed the County's emission thresholds for any criteria air pollutants. Regarding VOCs, some VOCs would be associated with motor vehicles, the emissions of which would not result in the exceedances of the County's thresholds.

In addition, VOCs and NOx are precursors to ozone. The health effects associated with ozone are generally associated with reduced lung function. The contribution of VOCs and NOx to regional ambient ozone concentrations is the result of complex photochemistry. The highest ozone concentrations in the air basin due to ozone precursor emissions tend to be found downwind of densely populated areas sources, because the ozone precursors require time for the photochemical reactions to occur (SCAQMD, 2022). The VOC and NOx emissions associated with Project operation could minimally contribute to regional ozone concentrations and the associated health impacts. Due to the minimal contribution during operation (the Project would not exceed County thresholds), the Project would not result in significant health impacts.

Similar to ozone, operation of the Project would not exceed thresholds for PM10 or PM2.5 and would not contribute to exceedances of the NAAQS and CAAQS for particulate matter. The proposed project would also not result in substantial DPM emissions during operation and, therefore, would not result in significant health effects related to DPM exposure. Due to the minimal contribution of particulate matter during operation, the Project would not result in significant health impacts from particulate matter emissions.

Regarding NO_2, according to the operation emissions analysis, the proposed project would not contribute to exceedances of the NAAQS and CAAQS for NO_2 (for analysis purposes, NOx emissions were assumed to be NO_2 emissions). NO_2 and NOx health impacts are associated with respiratory irritation. However, these NOx emissions during operation would be minimal and infrequent. Therefore, the Project would not result in significant health impacts.

The VOC and NOx emissions, as described previously, would minimally contribute to regional ozone concentrations and the associated health effects. In addition to ozone, NOx emissions would not contribute to potential exceedances of the NAAQS and CAAQS for NO_2. As shown in Table 3.4-2, the existing NO_2 concentrations in the area are below the NAAQS and CAAQS. Thus, it is not expected the Project's operational NOx emissions would result in exceedances of the NO_2 standards or contribute to the associated health effects.

CO tends to be a localized impact associated with congested intersections. The Project would not create any CO hotspots, and CO impacts would be less than significant. Thus, the Project's CO emissions would not contribute to significant health effects associated with this pollutant.

This Final EIR, in the environmental setting for air quality, Section 3.4.1, includes additional background information on the adverse health effects of the criteria air pollutants and the existing conditions of the Project area.

As stated above, the increased emissions brought about by the Project need not be correlated to specific, quantifiable health impacts. The EIR describes and defines the ambient air quality standards (EIR Table 3.4-1) and discloses the health-protective nature of the ambient air quality standards. Because the NAAQS and CAAQS are health protective values, these health-based regulatory standards are the basis for the emissions thresholds recommended by SCAQMD for whether the Project would cause a significant air quality impact as a result of substantial pollutant concentrations. This information illustrates the existing health impacts of air pollution and the level to which the Project's emissions would contribute to these health impacts. In summary, the mitigated emissions quantities would fall below SCAQMD thresholds and not occur at levels that require additional quantification of health impacts.

B9-21 The commenter states that CDFW provides a definition of sensitive communities, including S1, S2, S3, and S4 designated communities, and that S4 communities were ignored in analysis. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

B9-22 The commenter states that the Draft EIR recognizes desert pavement as a CDFW S4 community, but it is not considered sensitive. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

Also refer to EIR Section 3.8.5 under Impact GEO-3 for a discussion of impacts to desert pavement.

B9-23 The commenter states that the USFWS submitted scoping comments regarding federally listed riparian birds and that the USFWS recommended the Draft EIR address risk of take to Yuma Ridgway's rail and provide a rigorous analysis on the vulnerability of avian taxa. The commenter states that the DEIR does not include a rigorous avian vulnerability analysis or a risk assessment estimating potential fatalities and incidental take of these species. The commenter notes that the Draft EIR is contradictory regarding federally endangered birds and impacts to nesting. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR, EIR Appendix M (Bird and Bat Conservation Strategy), and to General Response GR-1. Refer also to General Response GR-7 regarding the "lake effect."

B9-24 The commenter states that the Draft EIR does not adequately explain how mitigation measures will actually reduce the Project's significant impacts to federally endangered bird species to a less-than-significant level. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR, EIR Appendix M (Bird and Bat Conservation Strategy), and to General Response GR-1.

B9-25 The commenter states that the Draft EIR does not include CMAs related to Yuma Ridgway's rail or other listed birds, and that the DEIR does not specify CMAs that would be used and how they will mitigate impacts to federally endangered bird species. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR, EIR Appendix M (Bird and Bat Conservation Strategy), EIR Appendix O (Nesting Bird Management Plan), and to General Response GR-1.

B9-26 The commenter states that the BBCS is not included in the DEIR, resulting in deferred mitigation. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR, the draft BBCS at EIR Appendix M, and to General Response GR-1.

B9-27 The commenter states that the formulation of mitigation measures may not be deferred and that an EIR is inadequate if the success of mitigation depends on management plans that are not yet formulated. The commenter states that the Draft EIR analysis relies on "applicable CMAs and mitigation measures developed during the NEPA process", which has not yet been published.

The commenter states that the Draft EIR relies on a compensation package that is not detailed and that mitigation measures consist of plans that have not been formulated or fail to identify specific performance standards.

The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1. Draft biological resources-related plans were added as Appendix M through Appendix S in the Partially Recirculated Draft EIR.

Refer also to General Response GR-4 regarding the timing and content of mitigation plans.

B9-28 The commenter states that the Integrated Weed Management Plan (IWMP) is yet to be produced and that specific details of the plan are not provided. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR, the IWMP at Appendix N, and to General Response GR-1.

Refer to General Response GR-4 regarding the timing and content of mitigation plans.

B9-29 The commenter states that the Vegetation Resources Management Plan (VRMP) is yet to be produced. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR, the VRMP at EIR Appendix S, and to General Response GR-1.

Refer also to General Response GR-4 regarding the timing and content of mitigation plans.

B9-30 The commenter states that the protective measures outlined for Wildlife Protection (MM BIO-6) cannot be properly evaluated if they are subject to change from resource agency approvals and that none of the measures contain specific performance criteria. The commenter states that wildlife netting and exclusion fencing is not a commitment to the mitigation and that performance standards are not outlined. The commenter states that mortality monitoring and carcass collection must be authorized by a Special Purpose Utility Permit (SPUT). The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR, the Wildlife Protection and Relocation Plan at EIR Appendix R, and to General Response GR-1.

See also General Response GR-4 regarding the timing and content of mitigation plans.

The requirement for a SPUT permit from USFWS has been added to MM BIO-8 in the Final EIR.

B9-31 The commenter states that MM BIO-7 identifies that desert tortoise exclusion fencing may be used or that the Applicant may implement a monitoring and avoidance program. The commenter states that the measure cannot be committed to if it is at the Applicant's discretion and the monitoring and avoidance program is yet to be produced. The commenter reiterates that a SPUT permit is required to handle carcasses. The commenter states that the Raven Management Plan is yet to be produced and does not contain specific success criteria. The analysis of biological resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapter 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

The commenter states that the deferred mitigation of MM BIO-8 on BBCS is described previously in the comment letter for Federally Endangered Bird Species. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR, the draft BBCS at Appendix M, and to General Response GR-1.

Refer to General Response GR-4 regarding the timing and content of mitigation plans. The requirement for the Applicant to obtain a SPUT permit for handling of carcasses was added to MM BIO-7 in the Final EIR for clarification.

B9-32 The commenter states that MM BIO-10 (Burrowing Owl) and MM BIO-11 (Desert Kit Fox and Badger) (in the Draft EIR) postpone formulation of respective plans and questions whether the measures refer to one plan. The commenter states that including a provision to trap and remove animals from occupied dens and move them off site does not comply with CDFW's warning that temporary relocation of wildlife does not constitute effective mitigation for offsetting impacts associated with habitat loss. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

Refer to General Response GR-4 regarding the timing and content of mitigation plans.

B9-33 The commenter states that MM BIO-12 (in the Draft EIR) requires a SWPPP, LSAA, and WDR from resource agencies, none of which have been produced yet. The commenter states that the measure does not explain how the permits will be enforced or how the permits will mitigate the significant impacts to jurisdictional waters. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

B9-34 The commenter asks whether the Applicant staff member performing the duties of the Lead Biologist during O&M also have to have an MOU with the County, subject to approval by the BLM, USFWS, and CDFW. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

B9-35 The commenter identifies a typographical error in the Biological Resources section. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

B9-36 The comment identifies concerns on the potential for the Project to cause a loss in carbon sequestration, and the comment requests clarification on whether construction-related GHG emissions should be amortized over the life of the Project. The comment identifies scientific research on the level of stored carbon and the rate of average sequestration for the Northern Mojave Desert.

The Project site is more likely within a southern Mojave region, defined by characteristics of the Colorado Desert and the Sonoran Desert ecoregion. Absent a site-specific sequestration rate, the EIR analysis of the potential loss of carbon sequestration due to land use conversion uses a factor of 4.31 MTCO2e per year per acre, which is conservatively high because the rate is based on the removal of grassland vegetation, and the EIR assumes this sequestration rate drops to zero with the Project. The comment documents a rate of up to 0.51 MT of elemental carbon per year, which equates to about 1.9 MTCO2e. Based on the rate identified in the comment, the EIR greatly overestimates the likely amount of change in the rate of carbon sequestration rate at the site. Additionally, the EIR overstates the effect of this change by assuming it perpetuates year after year although site restoration would help to restore the vegetation of the site.

To provide guidance to local lead agencies on determining significance for GHG emissions in their CEQA documents, the SCAQMD staff convened a GHG CEQA Significance Threshold Working Group. Members of the working group included government agencies implementing CEQA and representatives from various stakeholder groups that provided input to the SCAQMD staff on developing GHG CEQA significance thresholds. On December 5, 2008, the SCAQMD Governing Board adopted the staff proposal for an interim GHG significance threshold for projects where the SCAQMD is lead agency and to assist other lead agencies in analyzing GHG impacts in their

CEQA documents. This interim GHG significance threshold remains the current and generally accepted guidance from SCAQMD on the topic. For characterizing the environmental impact of GHG from the construction-related activities, the EIR amortizes construction emissions over 30 years, as recommended in the December 5, 2008, SCAQMD Board-adopted threshold. This conservatively overestimates the annual effects of construction emissions when compared with the anticipated 35- to 50-year project life. It is reasonable for a lead agency to rely upon published SCAQMD guidance documents for CEQA analysis. Amortizing construction-related GHG emissions (and adding them to operational emissions) also is routinely used by other agencies, given that GHG emissions are by their nature inherently a long-term concern with a global scope. As stated in Draft EIR Appendix J, Greenhouse Gas Emissions Impacts, it would take less than one month of Project operation for a 650 MW BESS to fully offset construction phase emissions or less than two months for a 200 MW BESS (App. J, p. 24).

Additional guidance on the treatment of construction emissions appears for the NEPA context in the 2023 "*Guidance on Consideration of Greenhouse Gas Emissions and Climate Change*" from the Council on Environmental Quality, which includes (88 FR 1202, January 9, 2023): "*Absent exceptional circumstances, the relative minor and short-term GHG emissions associated with construction of certain renewable energy projects, such as utility-scale solar and offshore wind, should not warrant a detailed analysis of lifetime GHG emissions.*"

B9-37 The commenter discusses water quality as reported by the Regional Water Quality Control Board for the Chuckwalla Valley Groundwater Basin (CVGB). The commenter notes that there are reports of lowered water levels and degraded water quality in wells located near the Oberon Solar Project (a cumulative project located in the CVGB). The commenter questions the results of the predictive MODLFOW groundwater model used for the proposed Easley Solar Project (Project) Water Supply Assessment (WSA) cumulative impact analysis. The analysis of Hydrology 35- to 50-year project life and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR, the revised WSA at Appendix G, and to General Response GR-1, as well as General Response GR-3.

B9-38 The commenter questions the results of the calibration and reliability of the predictive MODLFOW groundwater model used for the proposed Easley Solar Project (Project) Water Supply Assessment (WSA) cumulative impact analysis and use of "not anticipated" in reference to adverse impacts. The analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR, the revised WSA at Appendix G, and to General Response GR-1.

B9-39 The commenter restates the objective of the Groundwater Monitoring, Reporting, and Mitigation Plan (GMRMP) per the DRECP LUPA CMA Soil and Water (SW-) 24. The commenter states that these plans constitute deferred mitigation. The analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR and to General Response GR-1, as well as General Responses GR-3 and GR-4.

B9-40 The commenter references the SGMA Basin Prioritization Dashboard and states 100 percent of urban water usage is determined to get sourced from groundwater. The commenter questions the statement regarding historical water level trends in the DEIR and references a 2021 presentation at the Arizona Hydrological Society Annual Symposium. The commenter questions the Draft EIR statement that water use from the Project is not anticipated to exacerbate any existing overdraft conditions, nor cause significant change to the quantity of groundwater that affects beneficial uses.

The analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR, the revised WSA at Appendix G, and to General Response GR-1.

B9-41 The commenter questions the Project Draft EIR impact conclusion based on the water budget presented in the Project Water Supply Assessment (WSA; EIR Appendix G). The analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11.6 and 3.11.7 of the Partially Recirculated Draft EIR, the revised WSA at Appendix G, and to General Response GR-1.

B9-42 The commenter recommends that the impacts of changing precipitation patterns due to climate change should be analyzed, and this should be considered regarding groundwater availability. The analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR, the revised WSA at Appendix G, and to General Response GR-1.

B9-43 The commenter states that the Draft EIR does not clearly identify where the Project's water will be sourced. The analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR, the revised WSA at Appendix G, and to General Response GR-1.

B9-44 The commenter questions the feasibility of the proposed Easley Solar Project (Project) DEIR mitigation measure (MM) HWQ-3 (Palo Verde Mesa Groundwater Basin [PVMGB] Protection). The analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR and to General Response GR-1.

B9-45 The commenter states that a heading and mitigation for a non-existent Impact HWQ-5 are included in the Draft EIR. The analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR and to General Response GR-1.

B9-46 The commenter states that the EIR hydrology and water quality mitigation measures constitute deferred mitigation. The analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR and to General Response GR-1.

Please see also General Response GR-4 regarding preparation of plans and deferred mitigation.

B9-47 The commenter is requesting clarification on the 4.3% of the Fang et al. (2021) groundwater recharge from precipitation water budget component for the proposed Easley Solar Project (Project) Water Supply Assessment (WSA; DEIR Appendix G). The analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR, the revised WSA at Appendix G, and to General Response GR-1.

B9-48 The commenter is requesting clarification of the use of 400 acre-feet per year (AFY) of subsurface outflow from the Chuckwalla Valley Groundwater Basin to the Palo Verde Mesa Groundwater Basin. The analysis of Hydrology and Water Quality has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR, the revised WSA at Appendix G, and to General Response GR-1.

B9-49 The commenter is requesting clarification of the selection of the Fang et al. (2021) model for use in the proposed Easley Solar Project (Project) Water Supply Assessment (WSA; EIR Appendix G). The analysis of Hydrology and Water Quality has been revised and recirculated in the Partially

Recirculated Draft EIR. Please refer to the revised analysis at Section 3.11 of the Partially Recirculated Draft EIR, the revised WSA at Appendix G, and to General Response GR-1.

B9-50 The comment states that the Fire Management and Prevention Plan constitutes "improperly deferred post hoc environmental review." The comment states that the Fire Management and Prevention Plan must be shared with the public, and the Draft EIR must be recirculated.

Mitigation is not deferred if the measures specify performance standards and identify the types of actions that may achieve compliance with the performance standards. As provided in EIR Section 3.19, Wildfire, the Project would be required to comply with Mitigation Measure (MM) FIRE-1, which requires the preparation and approval of a Fire Management and Prevention Plan. MM FIRE-1 specifies various elements in detail that would be included in the Fire Management and Prevention Plan to reduce risk of fire associated with various construction and operational activities. For example, the Fire Management and Prevention Plan would include procedures for minimizing potential ignition, including, but not limited to, vegetation clearing, parking requirements/restrictions, idling restrictions, smoking restrictions, proper use of gas-powered equipment, and hot work restrictions; work restrictions during Red Flag Warnings; use of spark arrestors; protections for equipment parking areas; requirements for fire extinguishers and fire-fighting equipment; training for first responders; BESS shut down procedures; and routine fire patrols, among other measures. The Fire Management and Prevention Plan also would comply with applicable BLM and Riverside County regulations and is required to be provided to BLM for review and approval and to RCFD for review and comment prior to issuance of a Notice to Proceed and the start of construction. Accordingly, MM FIRE-1 does not constitute deferred mitigation, as it establishes performance standards of ensuring the safety of workers and the public during project construction, operation, and decommissioning, and provides for various actions that would achieve that standard. This information was made available to the public for review with the Draft EIR and a final plan is not required to adequately analyze environmental impacts under CEQA.

The commenter also suggests that the EIR fails to identify potential ignition sources. However, the Draft EIR identifies potential ignition sources at the Project site in Impact FIRE-2 through Impact FIRE-4, including potential onsite fuel tanks (p. 3.19-9). The Draft EIR determines that wildfire impacts would be less than significant with mitigation (MM FIRE-1) as well as compliance with other applicable regulations. Therefore, no changes to the EIR have been made as a result of this comment and recirculation is not required.

B9-51 The commenter states the CEQA requirements for alternatives, and states that the Draft EIR falls short of the requirements. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

B9-52 The commenter states that a reasonable range of alternatives has not been considered since the No Project Alternative and only one other alternative, the Lake Tamarisk Alternative (now called Alternative B, Reduced Footprint Alternative), were analyzed in the Draft EIR. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

B9-53 The commenter states that the alternatives analysis violates the rule of reason, because there are DRECP-designated DFA lands available to the east of Rice Road for partial relocation that would allow a buffer around the Lake Tamarisk Alternative (now called Alternative B, Reduced Footprint Alternative). The analysis of Project Alternatives has been revised and recirculated in

the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

B9-54 The commenter states that there is private land available located west of State Route 177, north of the Project's northeasterly boundary, adjacent to DFA and the northerly component of the Athos Project. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1. See Response to Comment PR

See also Response to Comment PRB11-186 and General Response GR-8 regarding alternatives east of State Route 177/Rice Road.

B9-55 The commenter states that presenting the Lake Tamarisk Alternative (now called Alternative B, Reduced Footprint Alternative) as the only feasible, environmentally superior solar energy development alternative does not evince a good-faith effort at giving the County's decision-makers a meaningful or a 'reasonable choice of alternatives so far as environmental aspects are concerned.' The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1, as well as General Response GR-8.

B9-56 The commenter states that a revised Draft EIR must be circulated, including in-depth review of a feasible alternative that would accommodate a substantially enhanced buffer from the Community of Lake Tamarisk, either by partially relocating the Project site (to maintain or roughly maintain the 400 MW capacity), or scaling back the proposed 400 MW capacity, which would impede to some degree just one of the Project objectives. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1, as well as General Response GR-8.

B9-57 The commenter states that the range of alternatives appears to have been preordained by the DEIR's narrow tailoring of the Project objectives to fit the electricity output and storage capacity desired by the Applicant. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

B9-58 The commenter's support for the commenter-requested Respect Lake Tamarisk Alternative (RLTA) is noted. The commenter describes the Respect Lake Tamarisk Alternative, as detailed in Comment Sets B3 (Active Communities/Desert Center) and D5 (Mark Carrington). The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1, as well as General Response GR-8.

B9-59 The commenter states that the commenter-requested RLTA has substantial aesthetics advantages over the Proposed Project, particularly with respect to Lake Tamarisk Resort and Alligator Rock ACEC. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

B9-60 The commenter states that the commenter-requested RLTA will avoid disturbances to desert dry wash woodlands, desert unicorn plants, and desert tortoise habitat. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1. Please also see Chapter 3.5 of the Partially Recirculated Draft EIR regarding analysis of biological resources.

B9-61 The commenter states that reducing solar arrays as proposed in the commenter-requested "Respect Lake Tamarisk Alternative" will reduce "lake effect" mortality. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1. Please also see Chapter 3.5 of the Partially Recirculated Draft EIR regarding analysis of biological resources.

Refer also to General Response GR-7 regarding impacts due to the "lake effect."

B9-62 The comment concerns the scope of Applicant Proposed Measure (APM) NOISE-1 (Construction Timing), which is a component of the proposed Project (EIR Section 2.7) that was developed by the Applicant to address concerns of the Lake Tamarisk community. The comment also asserts that adverse human health effects of environmental noise were not disclosed. The EIR includes background information disclosing how excessive community noise can interfere with sleep, concentration, and communication, and where excessive noise can cause physiological and psychological stress and hearing loss (Section 3.13.1.3, Noise Sensitive Receptors).

As provided in the Draft EIR, assuming the standard spherical spreading loss (reduction of 6 dB per doubling of distance) and the highest unmitigated construction noise source of 83 dBA Leq at 50 feet, the noise level caused by a typical spread of construction equipment would be 62 dBA Leq at the nearest occupied residences in the Lake Tamarisk community, 200 meters (656 feet) from the nearest proposed construction. This demonstrates that the nearest receiver locations would not be exposed to noise levels exceeding the reasonable daytime 80 dBA Leq or the nighttime 70 dBA Leq thresholds during construction activities. Additionally, the purpose of APM NOISE-1 is to avoid and minimize the possible impact of noise for the Lake Tamarisk Desert Resort community during the winter months of highest residency. The Project also would be subject to additional measures to address construction noise, including MM N-1, Construction Restrictions; MM N-2, Public Notification Process; and MM N-3, Noise Complaint Process. Although construction noise would fall below County standards for reasonable daytime and nighttime noise levels, these measures would avoid creating unnecessary noise by limiting the times of day during which noisy construction work could take place and establishing processes to provide advance notification and ensure that complaints are resolved. These measures also contribute to improving the expectations and preparedness of impacted individuals, which help to reduce the adverse health effects experienced by people affected by noise. No further mitigation would be necessary.

Please also refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1 regarding Project Alternatives.

B9-63 The commenter disagrees with the conclusions of the No Project Alternative, and disagrees with the EIR's conclusion that it would be "highly likely" a different solar developer would apply to construct a similar project "at this location" with similar impacts. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

Please see General Response GR-3 regarding groundwater impacts.

B9-64 The commenter states that the Federal Land Alternative was not sufficiently analyzed. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

B9-65 The commenter states that the Draft EIR should define an "active" sand corridor and where the corridor is located and oriented and how many acres it comprises. The commenter states that evidence of its contributions to declines in PV module performance and impacts to engineering design should be provided.

Refer to Section 3.8.1.7 of the Draft EIR on sand transport and migration. Please also refer to Section 3.5.1 of the Partially Recirculated EIR and Figure 4 of the updated BRTR (Appendix C) for information on aeolian sands. Additionally, the analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

B9-66 The commenter states that the Draft EIR fails to explain how many of the 3,847 acres eliminated from the Federal Land Alternative are wildlife or rare plant habitat, or indicate where exactly this habitat is located. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1, as well as General Response GR-8.

B9-67 The commenter states that Intersect Power has signed an agreement, known as the "Collaboration Agreement on Large-Scale U.S. Solar Development," negotiated under the auspices of Stanford University's Woods Institute for the Environment as part of the Institute's "Uncommon Dialogues" program.

The Applicant's participation in the Collaboration Agreement on Large-Scale U.S. Solar Development is noted, but is outside of the scope of the Easley Project and CEQA.

The commenter states that no changes of substance in site planning have been put forth and there are alternatives that serve the public interest far better than this Project. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1, as well as General Response GR-8.

B9-68 The commenter includes a 2021 presentation at the Arizona Hydrological Society Annual Symposium. This presentation has been referenced and is discussed in Responses to Comments B3-17, B9-40, PRB10-19, and PRB10-20. Please also refer to Section 3.11 of the Partially Recirculated Draft EIR, the updated WSA at Appendix G, and to General Response GR-1.

Comment Set B10 – IBEW Local 440

INTERNATIONAL BROTHERHOOD of ELECTRICAL WORKERS
Local Union 440
1405 Spruce Street, Suite G
Riverside, CA 92507
TEL (951) 684-5665
FAX (951) 369-9032

March 15, 2024

Tim Wheeler
twheeler rivco.or
County of Riverside, Planning Dept.

Subject: Endorsement of Intersect Power's Easley Solar Project and EIR

Dear Mr. Wheeler,

As the Business Manager of the International Brotherhood of Electrical Workers (IBEW), I am proud to endorse Intersect Power's Easley Solar Project. This infrastructure project holds immense potential to drive job creation and economic growth in the Desert Center area and broader Riverside County. **B10-1**

We support both the Proposed Project and the Lake Tamarisk Alternative, as discussed in the draft Environmental Impact Report (EIR), and believe that all impacts, as described, would be sufficiently mitigated by the Mitigation Measures included in the EIR. We appreciate that the Lake Tamarisk Alternative was developed in response to the local community's concern and believe it adequately addresses impacts to local residents.

The Easley Solar Project promises to inject vitality into our local economy by generating employment opportunities and stimulating economic activity. With its implementation, we anticipate a surge in job opportunities and an expansion of the tax base, providing much-needed resources for public services and infrastructure development.

We believe that supporting projects like Easley Solar is crucial for the prosperity of our community and the advancement of our workforce. Therefore, we urge you to prioritize its approval and implementation.

Thank you for your attention to this matter. Please do not hesitate to contact us for further information or assistance.

Sincerely,

Jeremy Forshaw
Business Manager
IBEW Local 440

JF: lt

Responses to Comment Set B10 – International Brotherhood of Electrical Workers

B10-1 The commenter's support for the proposed Project and the Lake Tamarisk Alternative (now called Alternative B, Reduced Footprint Alternative), its potential to drive job creation and economic growth in the Desert Center area, and the resulting expansion of the tax base to provide resources for public services and infrastructure development are noted.

Responses to Comment Set B11 – Laborers' International Union of North America, Local No. 1184

B11-1 The commenter's support for the proposed Project and the Lake Tamarisk Alternative (now called Alternative B, Reduced Footprint Alternative in the Partially Recirculated Draft EIR and Final EIR), due to the Project's potential to inject vitality into the local economy by generating employment opportunities and stimulating economic activity, which will provide resources for public services and infrastructure development, is noted.

Comment Set B11 – Laborers' International Union of North America

Local No.1184

Serving Southern California and Arizona

MICHAEL S. DEA
BUSINESS MANAGER
SECRETARY-TREASURER

William G. Smith
PRESIDENT

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Laborers' International Union of North America

LiUNA!
Local No.1184

April 5, 2024

Supervisor V. Manuel Perez
78-015 Main Street, Ste. 205
La Quinta, CA 92253
district4@rivco.org

Subject: Endorsement of Intersect Power's Easley Solar Project and EIR

Dear Supervisor Perez,

As the Business Manager of the Laborer's International Union of North America (LIUNA!), I am proud to endorse Intersect Power's Easley Solar Project. This infrastructure project will drive significant job creation and economic growth in the Desert Center area and broader Riverside County. B11-1

We support both the Proposed Project and the Lake Tamarisk Alternative, as discussed in the draft Environmental Impact Report (EIR), and we believe that County staff and its team of consultants did a great job describing potential project impacts and establishing mitigation measures to sufficiently mitigate any of impacts identified in the EIR. We appreciate that the Lake Tamarisk Alternative was developed in response to the local community's concern and believe it shows how Intersect Power has been responsive to the concerns voiced by local residents.

As LIUNA! Business Manager, I am keenly interested in the ability of the Easley Solar Project's ability to inject vitality into our local economy by generating employment opportunities and stimulating economic activity. With its implementation, we anticipate a surge in job opportunities and an expansion of the tax base, providing much-needed resources for public services and infrastructure development.

We believe that supporting projects like Easley Solar is crucial for the prosperity of our community and the advancement of our workforce. This is the right place and the right time for the Easley Solar Project, and we urge you to prioritize its approval and implementation.

Thank you for your attention to this matter. Please do not hesitate to contact us for further information or assistance.

Sincerely,

Michael S. Dea
Business Manager Secretary-Treasurer
LIUNA! Local 1184
Msdea@local1184.com
Serving Southern CA and Arizona

Cc: Tim Wheeler, County of Riverside Planning twheeler@rivco.org

Feel the Power

Responses to Comment Set B11 – Laborers' International Union of North America, Local No. 1184

B11-1 The commenter's support for the proposed Project and the Lake Tamarisk Alternative (now called Alternative B, Reduced Footprint Alternative in the Partially Recirculated Draft EIR and Final EIR), due to the Project's potential to inject vitality into the local economy by generating employment opportunities and stimulating economic activity, which will provide resources for public services and infrastructure development, is noted.

3.3 Native American Tribes

Comment Set C1 – Cahuilla Band of Indians

Email: Easley Renewable Energy Project

From: Lorrie Gregory <LGregory@cahuilla-nsn.gov>
Sent: Monday, January 29, 2024 1:31 PM
To: Wheeler, Timothy <TWHEELER@RIVCO.ORG>
Cc: BobbyRay Esparza <besparza@cahuilla-nsn.gov>
Subject: Easley Renewable Energy Project-EIR

Good afternoon,

Thank you for reaching out to the Cahuilla Band of Indians concerning the referenced project. We are unaware of any environmental components that the project would effect. However, since this project is apart of Cahuilla traditional land use, we request to have Cultural monitors onsite for all ground disturbance activities. Thank you again for reaching out, have a great day. **C1-1**

Respectfully,

Lorrie Gregory
Cultural Resource Coordinator
Cahuilla Band of Indians
Phone: 1 (760) 315-6839
Email: lgregory@cahuilla-nsn.gov

Responses to Comment Set C1 – Cahuilla Band of Indians

C1-1 The commenter states that the Cahuilla Band of Indians is unaware of any environmental components that the proposed Easley Project would affect. However, since the Easley Project is a part of Cahuilla traditional land use, the Tribe requests to have Cultural monitors onsite for all ground disturbance activities. The analysis of Cultural and Tribal Cultural Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.6 of the Partially Recirculated Draft EIR and to General Response GR-1.

See also Responses to Comments PRC1-2 and PRC1-3 regarding a new APM CULT-1 (Native American Monitoring).

Comment Set C2 – Agua Caliente Band of Cahuilla Indians

AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL HISTORIC PRESERVATION

03-006-2018-015

February 01, 2024

[VIA EMAIL TO:Twheeler@rivco.org]
Riverside County
Tim Wheeler
4080 Lemon Street, 12th Floor
Riverside, CA 92502

Re: Easley Solar DEIR

Dear Tim Wheeler,

The Agua Caliente Band of Cahuilla Indians (ACBCI) appreciates your efforts to include the Tribal Historic Preservation Office (THPO) in the Easley Solar project. We have reviewed the documents and have the following comments:

*Please resend the Cultural Resources Report for our records.

Again, the Agua Caliente appreciates your interest in our cultural heritage. If you have questions or require additional information, please call me at (760) 423-3485. You may also email me at ACBCI-THPO@aguacaliente.net.

C2-1

Cordially,

Xitlaly Madrigal
Cultural Resources Analyst
Tribal Historic Preservation Office
AGUA CALIENTE BAND
OF CAHUILLA INDIANS

5401 DINAH SHORE DRIVE, PALM SPRINGS, CA 92264
T 760/699/6800 F 760/699/6924 WWW.AGUACALIENTE-NSN.GOV

Responses to Comment Set C2 – Agua Caliente Band of Cahuilla Indians

C2-1 The Tribe requested that the County resend the Cultural Resources Report for its records.

The analysis of Cultural and Tribal Cultural Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.6 of the Partially Recirculated Draft EIR and to General Response GR-1. See also Response to Comment PRC1-1.

Comment Set C3 – Colorado River Indian Tribes

COLORADO RIVER INDIAN TRIBES
Colorado River Indian Reservation
26600 MOHAVE ROAD
PARKER, ARIZONA 85344
TELEPHONE (928) 669-9211
FAX (928) 669-1216

March 11, 2024

Via E-Mail and U.S. Mail

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

Re: Comments of the Colorado River Indian Tribes re the Draft Environment Impact Report for the IP Easley Solar Plant Project (CUP220021)

Dear Mr. Wheeler:

On behalf of the Colorado River Indian Tribes (CRIT or the Tribes), I write to provide comments on the Draft Environmental Impact Report (DEIR) for the IP Easley Solar Plant Project (Project). After carefully reviewing the DEIR, the Tribes have concluded that it fails in many respects to meet the requirements of the California Environmental Quality Act (CEQA) and other federal, state, and local laws. **C3-1**

As a preliminary matter, the Colorado River Indian Tribes are a federally recognized Indian tribe comprised of over 4,440 members belonging to the Mohave, Chemehuevi, Hopi and Navajo Tribes. The almost 300,000-acre Colorado River Indian Reservation sits astride the Colorado River between Blythe, California and Parker, Arizona. The ancestral homelands of the Tribes' members, however, extend far beyond the Reservation boundaries. Significant portions of public and private lands in California, Arizona, and Nevada were occupied by the ancestors of the Tribes' Mohave and Chemehuevi members since time immemorial. These landscapes remain imbued with

Comment Set C3 – Colorado River Indian Tribes (continued)

substantial cultural, spiritual, and religious significance for the Tribes' current members and future generations. For this reason, we have a strong interest in ensuring that potential cultural resource and other environmental impacts associated with the Project are adequately considered and mitigated.

C3-1 (cont'd)

In particular, the Tribes are concerned about the potential removal of cultural belongings from this area and the corresponding destruction of the Tribes' footprint on this landscape. For this reason, the Tribes request that all prehistoric cultural resources, including both known and yet-to-be-discovered sites, be avoided if feasible. The Tribes likewise urge Riverside County (County) to complete ethnographic studies and archaeological surveys of roads proposed for travel and transportation in order to best understand if some roads require closure or limit access to protect prehistoric resources. CRIT tribal monitors should be used to complete this work.

The DEIR Is Inadequate under CEQA.

The EIR is "the heart of CEQA." *Laurel Heights Improvement Ass'n v. Regents of University of California*, 47 Cal.3d 376, 392 (1988) (citations omitted). It is "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return. The EIR is also intended 'to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.' Because the EIR must be certified or rejected by public officials, it is a document of accountability." *Id.* (citations omitted).

Beyond merely disclosing potential environmental impacts, the environmental review statutes require agencies to develop tactics to address them. Specifically, CEQA not only requires the County to identify a project's significant effects, but also requires the agency to adopt measures to avoid or minimize them. Pub. Res. Code § 21002.1. An EIR may not defer evaluation of mitigation to a later date. CEQA Guidelines[1] § 15126.4(a)(1)(B). Where, as here, the environmental review document fails to fully and accurately inform decisionmakers and the public of the environmental consequences of proposed actions, or identify ways to mitigate or avoid those impacts, it does not satisfy CEQA's basic goals. *See* Pub. Res. Code § 21061 ("The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect that a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to

[1] The CEQA Guidelines can be found at Cal. Code Regs., tit. 14, § 15000 et seq.

Comment Set C3 – Colorado River Indian Tribes (continued)

indicate alternatives to such a project."). As a result of the DEIR's numerous and serious inadequacies, there can be no meaningful review of the Project by either the public or the agencies' decisionmakers. C3-1 (cont'd)

I. The DEIR Fails to Adequately Analyze or Mitigate the Project's Impacts on Cultural Resources. C3-2

The proposed Project analyzed in the DEIR is a 400 megawatts (MW) solar PV project with up to 650 MW battery energy storage and appurtenant facilities. The project also includes a 6.7 mile 500 kilovolt (kV) generation-tie line that would mainly traverse across the Oberon Renewable Energy Project site and connecting to an existing substation there. (Easley Renewable Energy Project Draft Environmental Impact Report (DEIR) at ES-1.) CRIT is traditionally and culturally affiliated with the Project area and the ancestors of CRIT's Mohave and Chemehuevi members have lived and traveled in the Project area since time immemorial.

The DEIR identifies prehistoric resources in both the CEQA Area of Direct Impacts and Area of Indirect Impacts. (DEIR at 3.5-17 to -23.) Among others, these identified Prehistoric Trails Network Cultural Landscape and prehistoric isolates play an integral role in Mohave cultural and spiritual beliefs, in addition to the plants and animals of the area. The surrounding landscape of the Chuckwalla Mountains and Palen Mountains is identified in Mohave songs and stories. (DEIR at 3.5-14.) Yet, despite this, the DEIR fails to acknowledge the Project's potentially significant impacts on historical resources and Tribal Cultural Resources. (DEIR at 33.6-29, -32.)

CRIT must voice its opposition to the development of the Project in any form on this sensitive landscape. As this letter describes further below, the Tribes are seriously troubled by the Project's potential to remove, damage, or destroy cultural resources and artifacts—especially those that have not previously been unearthed. These resources are sacred and finite, and together make up the cultural footprint of the Tribes' ancestors. According to the belief system of CRIT's Mohave members, the disturbance of any cultural resources affiliated with their ancestors is taboo, and thus considered a severe cultural harm. CRIT therefore cannot support any project that will likely result in the disturbance or destruction of cultural resources and artifacts.

Moreover, despite the DEIR's attempt to downplay the possibility of unanticipated cultural resource discoveries, CRIT has every reason to fear that cultural resource impacts will be worse than the analysis predicts. As the DEIR acknowledges, the Project is located in a region of significant prehistoric human activity. (DEIR at 3.6-1 ("Many

Comment Set C3 – Colorado River Indian Tribes (continued)

cultural resources are present in the region surrounding the proposed Project area, both on the ground surface and buried completely or partially beneath it, which could be affected by development without adequate protections in place."); DEIR at Appx. D, p. 10 ("The low energy of deposition in the area suggests a moderate to high degree of potential preservation of buried sites outside channel settings.").) This is a high stakes location for cultural resource discoveries. Significant cultural harm will occur if resources are indeed discovered and disturbed. CRIT has seen that pattern play out all too often with projects like the nearby Genesis Solar Project, in which almost 3,000 cultural belongings are now permanently stored in a museum hundreds of miles away, where CRIT's members are not allowed to view them. C3-2 (cont'd)

Moreover, much of the traditional value of these cultural resources to the Tribes comes from maintaining the connectivity between cultural resource sites stretching south from Spirit Mountain in Nevada. The Chuckwalla Valley plays a key role in maintaining this connectivity within Tribal members' ancestral landscape. Landscapes reflect human activity and are imbued with cultural values. They combine elements of space and time, and represent political, as well as social and cultural, constructs. These traditional cultural properties and landscapes can include viewsheds, features, plans and animals used in and/or central to cultural and religious practices and creations stories, and religious and customary practices (e.g., hunting and gathering, religious ceremonies and trails, which were used by Mohave Runners to deliver messages to the numerous Mohave villages scattered in the area about deaths within the community or upcoming battles with other tribes).

A. The DEIR incorrectly considers cultural resource value only from a Western, scientific perspective. C3-3

The DEIR's methodology for its impact analysis fails to adequately incorporate tribal perspectives and input. Here, the focus on Western scientific "value" artificially constrains its consideration of "cultural resources," and thereby undermines the accuracy and quality of any subsequent analysis and the DEIR's compliance with AB 52 and CEQA. In focusing solely on the eligibility of cultural resources for the California Register of Historical Resources, the DEIR ignores the tremendous cultural and spiritual significance that these cultural resources have for Tribal members—and their appropriate classification as Tribal Cultural Resources under CEQA. (*See* Pub. Res. Code § 21074(a)(2).)

The Mohave People believe that their ancestors—who lived, traveled, prayed, fought, and died on this landscape since time immemorial—left their possessions and

Comment Set C3 – Colorado River Indian Tribes (continued)

belongings in the land to forever memorialize their connection to it. These possessions and belongings—which may include tools, pottery, habitation sites, intaglios, petroglyphs, rock circles, sleeping circles, and trails—form a "footprint" that serves as tangible proof of the Mohave People's ongoing connection to their ancestral territory. The disturbance of these belongings is strictly taboo in the Mohave belief system. The DEIR's sole focus on archaeological and data-driven characterizations of cultural resources ignores the fact that removal and/or destruction of any cultural resources—including those characterized as "isolates"—has a significant and devastating impact on the Tribes. It also violates CEQA, which acknowledges that Tribal Cultural Resources are an independent category of resources that must be thoroughly studied, analyzed, and mitigated.

C3-3 (cont'd)

1. The Project will significantly impact prehistoric cultural landscapes.

C3-4

Both state and federal law recognize that cultural resources include cultural landscapes. *See* National Register Bulletin, "Guidelines for Evaluating and Documenting Traditional Cultural Properties" ("A culturally significant natural landscape may be classified as a site" eligible for the National Register); Pub. Res. Code § 21074(a) (tribal cultural resources include "cultural landscapes"). Indeed, evaluation and protection of such landscapes is necessary to ensure adequate protection of both individual resources and their historic context. The California Office of Historic Preservation has explicitly recognized the need for cultural resource professionals working on renewable energy projects to shift focus from a site level to the landscape level of assessment.[2] While the DEIR recognizes that cultural landscapes may be protected under state law, the DEIR fails to adequately consider the Project's impact on the identified Prehistoric Trails Network Cultural Landscape (PTNCL).

The DEIR acknowledges that the Prehistoric Trails Network Cultural Landscape "encompasses the entirety of the Project area." (DEIS at 3.6-24.) The PTNCL consists of "prehistoric resources and landforms associated with the Halchidoma (or Coco-Maricopa) Trail," extending "near Blythe at the Colorado River, continuing to the west through the Chuckwalla Valley toward modern Los Angeles." (*Id.*) The DEIR then states that the PTNCL "was previously determined eligible for listing on the CRHR under

[2] See Sustainable Preservation: California's Statewide Historic Preservation Plan, 2013-2017 (at page 16), available at: http://ohp.parks.ca.gov/pages/1069/files/SustainablePreservation_CaliforniaStatePlan_2013to2017.pdf.

Comment Set C3 – Colorado River Indian Tribes (continued)

Criteria 1 and 4," but asserts that "[n]o cultural remains associated with the PTNCL have been documented in the Project's Cultural Resources Study Area." (*Id.*)

C3-4 (cont'd)

Yet, this rigid focus on PTNCL "cultural remains" ignores the overarching connectivity and the interrelated nature of a landscape-level trail system. Even without identifying a specific PTNCL "site type" in the Project area, the identification of the cultural landscape itself—which the DEIR admits encompasses the entire Project area—signifies that building within that landscape will have a significant, disruptive impact. (*See, e.g.,* Palen Solar Electric Generating System Revised Presiding Member's Proposed Decision (PMPD) at 6.3-34 to -51 (identifying the Prehistoric Trails Network Cultural Landscape (PTNCL) and the larger Pacific to Rio Grande Trails Landscape (PRGTL) ("Staff identifies the Chuckwalla Valley portion of the PRGTL as a cultural landscape and historical resource under CEQA that has both archaeological and ethnographic contributing elements…The Chuckwalla Valley portion of the PRGTL is ultimately the result of the dynamic interaction between the natural elements of the landscape and the movement of different Native American cultures that lived and passed through the region").) The cultural landscape is the Tribes' way of life. The trails, which pass through the site, link the petroglyphs and rock shelters found on each surrounding mountain. The ancestors who created the petroglyphs in the boulders each had ties to the area and reasons for doing so and the entire landscape remains important to each tribal member individually and the Tribes collectively.

Project by project, the Tribes' cultural footprint is being erased and this Project is no exception. The DEIR's failure to acknowledge the Project's significant impact on the PTNCL as a while violates CEQA. The analysis must be revised to properly account for and mitigate these impacts.

C3-5

2. As the prehistoric resources destroyed by the project contribute to cultural landscapes, their removal constitutes a significant impact.

The California Environmental Quality Act ("CEQA") requires lead agencies to identify significant impacts to "historic resources" and mitigate these impacts. *See, e.g.,* CEQA Guidelines § 15064.5. Moreover, CEQA requires lead agencies to use preservation in place for archaeological resources if feasible, unless other mitigation would be more protective. (CEQA Guidelines § 15126.4(b); *Madera Oversight Coal. v. County of Madera*, 199 Cal.App.4th 48, 82-87 (2011).)

Comment Set C3 – Colorado River Indian Tribes (continued)

C3-5 (cont'd)

The DEIR explains that there are 25 documented cultural resources in the CEQA Area of Direct impacts, including four archaeological sites, two built-environment resources, two districts, and 17 isolates. (DEIR at 3.6-20). The non-isolate prehistoric archaeological resources include the Prehistoric Trails Network Cultural Landscape (PTNCL). (DEIR at 3.5-20). All of the 17 isolates are not considered eligible for the CRHR, thus the DEIR did not consider them any further. (DEIR at 3.6-19 to -20.)

The DEIR's focus only on "eligible" resources misconstrues state law. The DEIR must avoid conflating eligibility for the CRHR with significant impacts analysis under CEQA. Impacts to archaeological resources considered non-eligible for listing on the CRHR—perhaps because of their lack of integrity—may nevertheless be significant for CEQA purposes.

The DEIR's focus on Western scientific "value" artificially constrains its consideration of "cultural resources," and thereby undermines the accuracy and quality of any subsequent analysis. In doing so, the EIR ignores the tremendous cultural and spiritual significance that these cultural resources have for Tribal members, regardless of CRHR eligibility. The Mohave People believe that their ancestors—who lived, traveled, prayed, fought, and died on this landscape since time immemorial—left their possessions and belongings in the land to forever memorialize their connection to it. These possessions and belongings—which may include tools, pottery, habitation sites, intaglios, petroglyphs, rock circles, sleeping circles, and trails—form a "footprint" that serves as tangible proof of the Mohave People's ongoing connection to their ancestral territory. The disturbance of these belongings is strictly taboo in the Mohave belief system. The DEIR's sole focus on archaeological and data-driven characterizations of cultural resources ignores the fact that removal and/or destruction of any cultural resources—including those characterized as "isolates"—has a significant and devastating impact on the Tribes.

Additionally, the DEIR's analysis inappropriately silos these archaeological resources. Under its logic, if an individual resource is not *independently* significant, it does not merit protection. In ignoring the connective and cumulative value of these resources, the DEIR fails to evaluate whether any of these non-eligible prehistoric archaeological sites or isolates contribute to the cultural landscapes discussed in the prior section. Even if these resources are not significant on their own—a characterization that the Tribes do not support—the DEIR must be revised to evaluate whether these resources are significant because of their contribution to a broader cultural landscape.

Comment Set C3 – Colorado River Indian Tribes (continued)

B. The DEIR's analysis fails to consider the Project's potentially significant impact on buried cultural and tribal cultural resources. C3-6

The DEIR pays scant attention to the very real possibility that construction and maintenance of this proposed Project will unearth archaeological and tribal cultural resources. Though DEIR acknowledges the possibility of unearthing archaeological and tribal cultural resources during construction, operation, and decommissioning of the Project (DEIR at 3.6-32, -30), it claims that the potential impacts would be mitigated to a less than significant level through the DEIR's proposed mitigation measures. This analysis fails to recognize the tremendous cultural harm that the Tribes experience whenever tribal cultural resources are unearthed, damaged, or removed from the Tribal members' ancestral footprint.

The only true mitigation for cultural resource harms is avoidance—something that none of the DEIR's mitigation measures fully embrace. Moreover, the DEIR's emphasis on protecting only CRHR-eligible resources ensures that even avoidance may do nothing to prevent the wholesale destruction and/or removal of countless cultural resources on the Project site. These isolates and non-eligible resources make up the cultural footprint of many Tribal members' ancestors. Unless the definition of protected resources extends to these cultural resources as well, it is very likely that destruction of cultural resources will continue.

For this reason, CRIT strongly urges the County to adopt a mitigation measure emphasizing avoidance and preservation in place. Where that is not feasible, the County should allow the Tribes to rebury unearthed tribal cultural resources in another location where they will be out of harm's way from the Project activities. BLM California has recently revised its policies to allow this type of reburial when requested by tribes: https://www.blm.gov/policy/ca-2023-002, and CRIT appreciates the language in MM TCR-2 contemplating a reburial agreement between the developer and culturally affiliated tribe.

C. The DEIR's analysis of cumulative adverse effects on cultural resources is inadequate. C3-7

Cultural resources represent a direct linkage between present-day tribal members and their ancestors. Removal of these resources from the landscape is removal of the Tribes' footprint. Once such resources are gone, it will be difficult, if not impossible, for the Tribes to prove that these lands are part of their ancestral homeland, and that their ancestors lived and worked on these lands since time immemorial.

Comment Set C3 – Colorado River Indian Tribes (continued)

C3-7 (cont'd)

The DEIR lists 22 past and present projects or programs and 11 probable future projects in the vicinity of the Project. (DEIR at 3.1-8 to 3.1-12.) These projects include 15 large-scale renewable energy projects, 2 electrical substations, and 4 transmission line projects (*Id.*) However, the DEIR provides an inaccurate picture of cultural resource impacts. In particular, the DEIR fails to accurately describe the cumulative impacts of the listed projects in the vicinity. The DEIR should provide information as to how many cultural resources were actually discovered and/or disturbed when those projects were constructed. As the County is aware, it is impossible to predict the location of buried cultural resources and, therefore, actual cultural resource impacts can only be known once project construction has concluded. For the vast majority of the projects the DEIR lists in its cumulative analysis, those final impact numbers are readily available. Yet, the DEIR fails to provide the cultural resource information from each respective project, effectively guaranteeing that cumulative impacts are understated.

Further, the DEIR analysis focuses solely on NRHP- and/or CRHR-eligible resources and ignores non-eligible and isolate discoveries. The DEIR's discussion of only eligible resources ignores the broader cumulative impact of these projects for CRIT's members. The disturbance, destruction, and/or removal of any cultural resource including isolates and non-eligible artifacts—contributes to the steady erosion of Tribal members' cultural footprint from their ancestral landscape. This issue is especially pressing given the past practice of allowing isolates and noneligible resources to be destroyed on site during construction. The DEIR's methodology fails to acknowledge this devastating impact and provides the public with an inaccurate cumulative picture.

Compounding all of these analytical shortcomings, the DEIR concludes that the Project would not have a significant cumulative impact on archaeological or tribal cultural resources. (DEIR at 3.6-33 to -34.) In making this finding, the DEIR argues that "because the visual changes resulting from the Project would be in kind with the current nature and scale of existing visible developments, the portion of these resources within the indirect impact area would also not be impacted by the Project." (DEIR at 3.6-33.) In other words, the DEIR appears to be asserting that because the area surrounding the Project has already been negatively impacted by solar development, the addition of one more project will not make a significant difference in an already degraded area. Yet, CEQA does not allow agencies to use supposedly substandard environmental conditions to avoid considering a project's impacts to those conditions. (*See Los Angeles Unified School Dist. V. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1025-26 (invalidating EIR that failed to analyze project's noise impacts because it was "already beyond the maximum level permitted.")

Comment Set C3 – Colorado River Indian Tribes (continued)

Further, the Tribes firmly disagree with the County's characterization of this landscape. This ancestral land is still imbued with significance and meaning to Tribal members and any additional harm or infringement on that fragile, invaluable landscape has a significant impact for the Tribes. A more robust cumulative impacts analysis is necessary because "environmental damage often occurs incrementally from a variety of small sources [that] appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact." (*Communities for a Better Env't v. Cal. Res. Agency* (2002) 103 Cal.App.4th 98, 114; CEQA Guidelines § 15355(b) ("Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.").) C3-7 (cont'd)

D. The DEIR fails to provide adequate mitigation for the Project's cultural and tribal cultural resource impacts. C3-8

The DEIR relies on numerous mitigation measures to purportedly reduce the Project's significant cultural resource impacts (DEIR at XX), yet the proposed mitigation is inadequate and needs a number of revisions to more appropriately incorporate tribal input and respond to the Project's harms. In addition to the need for mitigation emphasizing avoidance and, where that is not possible, reburial, CRIT urges the County to make the following revisions:

- Add a mitigation measure to make clear that the Project Archaeologist shall consult extensively with culturally affiliated tribes to develop a Post-Review Discovery and Unanticipated Effects Plan. This Plan must include a robust tribal monitoring component that allows affected Tribes—like CRIT—to provide tribal monitors for all ground disturbing activities, and must be fully approved by consulting tribes and the County prior to any ground disturbing activities. This is standard protocol for large-scale solar projects. The fact that the DEIR's mitigation does not currently require development of a unanticipated effects and treatment plan reflects the gross inadequacy of the DEIR's archaeological and tribal cultural resource consideration.

- Revise MM CUL-1 to state that the Project Archaeologist will consult with culturally affiliated tribal groups in developing a Cultural Resource Monitoring Program. As part of this consultation, the culturally affiliated tribal groups shall have an opportunity to review and comment on a draft of the Cultural Resource Monitoring Plan. C3-9

Comment Set C3 – Colorado River Indian Tribes (continued)

Riverside County Planning Department
March 11, 2024
Page 11

- Revise MM CUL-1, MM CUL-3, and MM TCR-1 to state that *no* ground disturbing activities will take place without the presence of a tribal monitor at the location of the ground disturbing work. Written notice identifying the proposed schedule of each project phase shall be provided to the Tribe supplying the tribal monitors at least one week in advance. Weekly, until ground disturbance is completed, the project construction manager shall provide to the tribal monitors' manager a schedule of project activities for the following week, including the identification of area(s) where ground disturbance will occur during that week. The Project Owner shall notify the Tribe providing tribal monitors of any changes to the scheduling of the construction phases. **C3-9 (cont'd)**
- Revise MM CUL-2 to state that the Project owner shall seek tribal input and participation in compiling its Worker Environmental Awareness Program training to better incorporate tribal knowledge and perspectives. **C3-10**
- Revise MM CUL-4 to state that a tribal monitor shall also be called immediately upon discovery of a cultural resource if a tribal monitor is not already present. **C3-11**
- Revise MM CUL-4 to prohibit the CRS from decreasing the tribal monitoring effort.
- Revise MM CUL-4 to better define "Native American tribal representative."
- Revise MM CUL-4 to make clear that, upon the temporary halting of ground disturbing activities to evaluate a newly discovered cultural resource, the Colorado River Indian Tribes shall be consulted regarding the proper treatment of the resource in question.
- Revise MM CUL-6 to state that any reports prepared shall also be provided to CRIT and other culturally affiliated tribes. **C3-12**
- Revise MM CUL-8 to clarify how CRIT and other culturally affiliated tribes will be notified of the opportunity to be involved in the planning process.
- Revise MM TCR-1 to clearly define the term "Native American Monitor." **C3-13**
- Revise MM TCR-2 to provide that any fully executed reburial agreement will also provide conditions for the protection and confidentiality of the reburial site, which shall be chosen in consultation between the culturally affiliated tribe, the County, and the developer. **C3-14**

Comment Set C3 – Colorado River Indian Tribes (continued)

E. The DEIR analysis fails to take a comprehensive view of cultural and tribal cultural resources. C3-15

1. The DEIR fails to adequately analyze cultural resource impacts from increased erosion.

The DEIR notes that the soils underlying the site present erosion hazards. (DEIR at 2-29 ("The Applicant would recondition roads up to approximately once per year, such as after a heavy storm event that may cause destabilization or erosion.") ("…given the desert environment and sandy soil, an earthen berm would be difficult to stabilize with vegetation, and therefore, could become a source of erosion and sediment.").) Erosion can exacerbate exposure of cultural resources. For example, at the Genesis Solar Energy Project, annual monsoon rains overwhelmed the project's stormwater drainage plans, resulting in significant erosion and exposure of cultural resources. BLM brought in tribes for consultation, asking what should be done to the resources that were exposed. Overwhelmingly, the response was that BLM should have better reviewed the designs of the project in the first place, to ensure that the project did not exacerbate runoff and erosion.

However, the DEIR does not discuss this issue. The analysis must be revised to specifically address whether the Project will result in increased erosion and deposition, including in a manner that would adversely impact cultural resources.

2. The DEIR fails to adequately analyze visual cultural resource impacts. C3-16

The Aesthetics section of the DEIR does not address the cultural implications of the Project's disruption of the visual landscape. While the DEIR considers impacts to general populations such as motorists, recreational visitors, and residents of the local resort, it fails to consider the Project's visual impact on Tribal members. (DEIR at 3.2-4 to -8, -34 to -35.) Chuckwalla Valley and the surrounding slopes and ridgelines are more than a recreational resource for the Tribes; they have longstanding cultural and spiritual significance as ancestral lands. Any large-scale visual alteration to this space disturbs the sanctity of the outdoor environment, degrades cultural values, and constitutes a significant impact. Despite this special significance, the DEIR does not mention the visual impact on CRIT members in the Aesthetics section. The County must consult with the Tribes to determine the full significance of the visual landscape of the Chuckwalla Valley and surrounding slopes and ridgelines as cultural resources, and to explore

Comment Set C3 – Colorado River Indian Tribes (continued)

possible additional or alternative mitigation that would best minimize visual impacts as a whole.

C3-16 (cont'd)

Furthermore, the DEIR's failure to analyze the cultural impacts of the Project's aesthetic impacts violates applicable local regulations. The Riverside County General Plan's Land Use element includes Policy LU 9.1, which "[p]rovide[s] for permanent preservation of open space lands that contain important…cultural resources." (DEIR at 3.2-9). However, the Project will span 3,735 acres. (ES-22). Located in the Tribes' ancestral homelands, the Project will directly impact the land and any cultural resources it is sited on. Moreover, the Project's "area of potential visual effect…is extensive and encompasses much of the Chuckwalla Valley and the Project site-facing slopes and ridgelines of the surrounding mountains including areas within Joshua Tree National Park (JTNP)." (DEIR at 3.2-3). The DEIR claims that the Project is nonetheless consistent with Policy LU 9.1 because it is "not within an area with important scenic values." (DEIR at 3.2-27). In describing the Project's visual impacts as measured from Key Observation Points (KOP), the DEIR states that the "vegetation on the Project site and in the Project area appears relatively non-descript and subdued in color." (DEIR 3.2-2.) However, this conclusion ignores the landscape's cultural significance and thus wrongly claims that the Project is consistent with Policy LU 9.1. By focusing on the "scenic" value of the landscape the analysis artificially constrains its consideration of aesthetic impacts. The Project is inconsistent with Policy LU 9.1 because it has a clear effect on the area's cultural resources, disrupting both physical and visual access to the Tribes' ancestral lands.

Because the aesthetics analysis does not consider the cultural significance of the Project's aesthetic impacts, the proposed mitigation measures are inadequate. None of the measures address concerns tied to the landscape's cultural significance. The DEIR must be revised to consider and analyze the cultural significant of the area's landscape.

a. The Project's cumulative impacts on visual resources are significant.

C3-17

Thirty-three past, present, and potential future projects are sited in the area, and this Project will contribute to the adverse cumulative effects of converting "the grand scale of the open desert panoramas impact[ing] an overall general impression of a historically natural-appearing desert landscape" to that "of a developed energy zone characterized by numerous solar energy facilities, either existing or under construction." (DEIR at 3.2-34.) The DEIR recognizes that the Project, in combination with other local energy projects, would contribute to significant cumulative visual impacts, but

Comment Set C3 – Colorado River Indian Tribes (continued)

nonetheless ignores lower footprint alternatives and continues to recommend the proposed project. (DEIR at 3.2-34.)

C3-17 (cont'd)

3. The DEIR ignores the cultural significance of impacted desert species.

C3-18

The DEIR also fails to acknowledge the cultural significance of these desert species to local tribes—either in the cultural resources analysis or the biological impacts discussion. A number of the animals at greatest risk from the proposed project (Mojave desert tortoise, golden eagles, Western burrowing owls, American badgers, desert kit foxes, and other various birds) are important to tribal culture because they hold power and spiritual value in Native American belief systems and oral traditions. The CEQA Guidelines explain that a historic resource need not be eligible for the CRHR to be a "historic resource" under Public Resources Code sections 5020.1(j) or 5024.1; "historic resources" thus require a more expansive analysis than the one required under the CRHR criteria. CEQA Guidelines § 15064.5(a)(4). Such resources necessarily include viewsheds and landscapes, plants and animals used in and/or central to cultural and religious practices and creation stories, and religious and customary practices (e.g., hunting and gathering, religious ceremonies, and trailwalking). The DEIR must be revised to apply the correct definition of cultural resources for this Project and properly analyze these impacts.

A number of the plants at the project site also hold cultural value for CRIT. For example, the DEIR states that the Project area would cover 1,680.9 acres of Creosote Bush Scrub. (DEIR at 3.5-20.) Creosote has topical and internal medicinal purposes for tribal members, and was traditionally used by Mohave and Chemehuevi craftspeople for a number of utilitarian purposes, including waterproofing of baskets, cordage objects, and pottery. Once these and other desert sensitive plants have been destroyed through surface disturbing activities, this loss of traditional cultural lifeways cannot be readily mitigated.

a. The cumulative impacts on biological resources is not adequately analyzed.

C3-19

Moreover, CRIT has serious concerns that the piecemeal mitigation measures proposed in the DEIR will adequately alleviate the tremendous stress that these large-scale renewable energy projects place on sensitive desert species. Much of the DEIR's analysis of potential biological impacts relies on surveys to determine what species are present in the Project area, yet this methodology does not necessarily capture the extent to which other solar projects in the vicinity have already destroyed habitat and impacted

Comment Set C3 – Colorado River Indian Tribes (continued)

the future viability of these desert species. For instance, the DEIR repeatedly points to desert tortoise relocation as a means of alleviating impacts to that species, but the Tribes are concerned that the development of so many solar projects in this region has left little habitat available for those relocation efforts. (DEIR at 3.5-39.) Moreover, the DEIR inappropriately defers development of much of that mitigation by stating that tortoise fencing will be determined at a later point. (DEIR at 3.5-36, -54, -58.) CEQA does not allow agencies to defer mitigation to a later date without adequate performance standards, which are not provided here. (CEQA Guidelines § 15126.4(a)(1)(B).) Indeed, without more detail as to how and where desert tortoise exclusion fencing will be used, it is difficult for CRIT and the public to understand whether this tool will adequately mitigate the Project's impacts. (*See Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467, 520-21 (deferral of mitigation without "objective and measurable standard" or "reasonable assurance" impacts will be reduced is legal error); *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 281 (invalidating mitigation that failed to "specify performance standards or provide other guidelines").) The County must remedy this error.

C3-19 (cont'd)

The DEIR analysis must be revised to consider these devastating cumulative and compounding impacts. Citing to old analysis in the DRECP LUPA Final EIS is not sufficient where so much more is now known about the cumulative biological impacts of solar projects in this area. (DEIR at 3.5-54 to -58.)

II. The DEIR Fails to Recognize or Analyze the Environmental Justice Impacts of the Project.

C3-20

California law requires that local agencies consider issues of fairness and environmental justice in the planning context. *See* Cal. Gov. Code, § 11135. "Environmental justice" is defined in the Government Code as "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies." Cal. Gov. Code, § 65040.12(e). Likewise, CEQA and its implementing Guidelines require lead agencies to consider the public health burdens of a project as they relate to environmental justice for certain communities. A 2012 report from the California Attorney General discussing environmental justice concerns under CEQA explained that, "where a local agency has determined that a project may cause significant impacts to a particular community or sensitive subgroup, the alternative and mitigation analyses should address ways to reduce or eliminate the project's impacts to that community or subgroup." "Environmental Justice at the Local and Regional Level: Legal Background," State of CA DOJ, at 4. There is a similar requirement for BLM under NEPA. *See, e.g.*,

Comment Set C3 – Colorado River Indian Tribes (continued)

EPA's 1998 Environmental Justice Guidance; Executive Order 12898. These analyses are required for an adequate consideration of environmental justice impacts.

C3-20 (cont'd)

The DEIR fails to include any analysis or mitigation related to the Project's environmental justice impacts. One of the most substantial environmental costs of the proposed Project is the destruction of tangible cultural resources and the wholesale transformation of the ancestral homelands of Indian tribes, including CRIT. This cost is borne exclusively by tribal members. The power produced at the proposed Project, however, is unlikely to serve residents of the Colorado River Indian Reservation, and the climate change benefits will be spread across the globe. The massive profits, moreover, will benefit a small number of private companies. This imbalanced allocation of costs and benefits, which disproportionately disadvantages a minority population while providing them little or no benefit from the program, satisfies any recognized definition of environmental justice.

To begin to right this imbalance, CRIT urges the County to consider and analyze the Project's environmental justice impacts. Furthermore, CRIT urges the County to adopt a mitigation measure to give employment preferences to Tribal members, as well as access to any necessary job training programs to ensure performance and experience requirements can be met. The agencies should also adopt mitigation measures that ensure that the project developer sources construction materials from tribal enterprises. CRIT has serious questions as to whether the proposed Project will bring much needed construction and permanent jobs to an area close to the Reservation. At a minimum, please provide additional information about the nature of the jobs related to the Project to ensure that Tribal members may be available for hire. Tribal members must have access to these jobs to ensure that at least some of the benefits of the proposed Project flow back to the disadvantaged minority community on the Reservation.

C3-21

III. The Alternatives Section Is Inadequate.

A. The Project's narrow purpose impedes an adequate alternatives analysis.

CEQA requires an EIR to include analysis of alternative locations. CEQA Guidelines, § 15126.6(f)(2). The EIR must ask if "any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location." CEQA Guidelines, § 15126.6(f)(2). Only if the lead agency concludes that there are no feasible alternatives, may the agency avoid reviewing at least one alternative site. CEQA Guidelines, § 15126.6(f)(2); *see Laurel Heights Improvement Ass'n v. The*

Comment Set C3 – Colorado River Indian Tribes (continued)

Regents of the University of California, 47 Cal. 3d 376, 399-407 (1988) (finding that the EIR should have explored the potential to locate the project somewhere other than the Laurel Heights property; fact that the University owned the Laurel Heights property did not exempt it from analyzing use of other sites). And, if the agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion in the EIR. CEQA Guidelines, § 15126.6(f)(2).

C3-21 (cont'd)

The DEIR does not disclose that no feasible alternative locations exist, nor does it give any reasons for its failure to consider a feasible off-site alternative. (ES-8 to ES-9). This flatly contradicts the CEQA Guidelines and case law.

IV. The DEIR Improperly Narrows the Analysis of Growth-Inducing Impacts from the Project.

C3-22

A draft EIR must discuss the ways in which the proposed project could foster growth-inducing impacts. Pub. Resources Code § 21100(b)(5); CEQA Guidelines §§ 15126(d), 15126.2(d). The DEIR limits its analysis of growth-inducing impacts to economic and population growth, housing capacity, infrastructure, and service capacity. (DEIR at 5-4 to 5-6). However, CEQA requires an agency to also "discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively." CEQA Guidelines § 15126.2(d).

However, the DEIR fails to analyze the characteristic of this project to induce further solar development. Specifically, the construction of the gen-tie line may "encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively." *See* CEQA Guidelines § 15126.2(d). The viability of the proposed project could also serve to attract new project applicants to the area or ease the way for approval of other nearby projects, similar to how this DEIR cites to surrounding solar facilities to artificially minimize this Project's impacts and utilizes the existing Oberon substation. The analysis must consider future solar projects, which are constructed due to the growth-inducing effect of this Project, and their impacts to the environment.

Conclusion

Thank you for considering these comments. As required by state, federal, and tribal law, we look forward to receiving your response to these comments. Please copy the Tribes' Attorney General, Rebecca A. Loudbear, at rebecca.loudbear@crit-nsn.gov,

Comment Set C3 – Colorado River Indian Tribes (continued)

and THPO Director Bryan Etsitty, at betsitty@crit-nsn.gov, on all correspondence to the Tribes.

C3-22 (cont'd)

Respectfully,

COLORADO RIVER INDIAN TRIBES

Amelia Flores ACTING
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

Responses to Comment Set C3 – Colorado River Indian Tribes

C3-1 The commenter describes the Colorado River Indian Tribes (CRIT) and states that the Draft Environmental Impact Report (EIR) fails to meet the requirements of the California Environmental Quality Act (CEQA) and other federal, state, and local laws. The commenter also states that the Tribes are concerned about the potential removal of cultural belongings from this area and requests completion of ethnographic studies and archaeological surveys of roads proposed for travel and transportation. The analysis of Cultural and Tribal Cultural Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.6 of the Partially Recirculated Draft EIR and to General Response GR-1.

C3-2 The commenter states that the Draft EIR fails to adequately analyze or mitigate the Project's impacts on cultural resources. The analysis of Cultural and Tribal Cultural Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.6 of the Partially Recirculated Draft EIR and to General Response GR-1.

C3-3 The commenter states that the Draft EIR incorrectly considers cultural resource value only from a Western, scientific perspective, inadequately incorporating Tribal perspectives and input into such considerations. The commenter expresses concerns about the Project's potential impacts on cultural resources and the importance of incorporating tribal perspectives into the analysis. The analysis of Cultural and Tribal Cultural Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.6 of the Partially Recirculated Draft EIR and to General Response GR-1.

C3-4 The commenter expresses concern that the Project will significantly impact prehistoric cultural landscapes, which they consider to have been not considered or too narrowly considered. The analysis of Cultural and Tribal Cultural Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.6 of the Partially Recirculated Draft EIR and to General Response GR-1.

C3-5 The commenter states that the Draft EIR does not adequately mitigate for significant impacts to cultural resources through the preferred method of avoidance, including isolated artifacts and other resources that are not eligible for the CRHR. The analysis of Cultural and Tribal Cultural Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.6 of the Partially Recirculated Draft EIR and to General Response GR-1.

C3-6 The commenter states that the Draft EIR analysis fails to consider the Project's potentially significant impact on buried cultural and tribal cultural resources, emphasizing avoidance. Additionally, the commenter states that any identified tribal cultural resources that could not be avoided should be reburied out of harm's way from Project activities. The analysis of Cultural and Tribal Cultural Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.6 of the Partially Recirculated Draft EIR and to General Response GR-1.

C3-7 The commenter states that the Draft EIR's analysis of cumulative adverse effects on cultural resources is inadequate. The analysis of Cultural and Tribal Cultural Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.6 of the Partially Recirculated Draft EIR and to General Response GR-1.

C3-8 The commenter states that a mitigation measure should be added "to make clear that the Project Archaeologist shall consult extensively with culturally affiliated tribes to develop a Post-Review Discovery and Unanticipated Effects Plan." The analysis of Cultural and Tribal Cultural Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer

to the revised analysis at Section 3.6 of the Partially Recirculated Draft EIR and to General Response GR-1.

C3-9 The commenter requests revisions to the MM CUL-1 to require consultation with affiliated tribes during the development of the Plans required by that measure and that MM CUL-1, MM CUL-3, and MM TCR-1 be revised to state that no ground disturbing activities will take place without the presence of a tribal monitor. The analysis of Cultural and Tribal Cultural Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.6 of the Partially Recirculated Draft EIR and to General Response GR-1.

C3-10 The commenter requests revisions to the MM CUL-2 to state that the Project owner shall seek tribal input and participation in compiling its Worker Environmental Awareness Program training. The analysis of Cultural and Tribal Cultural Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.6 of the Partially Recirculated Draft EIR and to General Response GR-1.

C3-11 The commenter requests revisions to MM CUL-4 that clarify the relationship between the archaeological monitor and the tribal monitor. The commenter requests that this measure be revised to state that the County will consult with culturally affiliated tribes in the event of an unanticipated discovery during construction. Additionally, the comment requests that the mitigation measure be revised to prohibit the CRS from decreasing the monitoring effort. The analysis of Cultural and Tribal Cultural Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.6 of the Partially Recirculated Draft EIR and to General Response GR-1.

C3-12 The commenter requests that MM CUL-6 (Phase IV Monitoring Report) be revised to state that any cultural resources reports generated for the Easley Project be provided to CRIT and other culturally affiliated tribes. The analysis of Cultural and Tribal Cultural Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.6 of the Partially Recirculated Draft EIR and to General Response GR-1.

The commenter additionally requested revisions to MM CUL-8 to clarify how CRIT and other culturally affiliated tribes will be notified of the opportunity to be involved in the planning process.

There is no MM CUL-8. The analysis of Cultural and Tribal Cultural Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.6 of the Partially Recirculated Draft EIR and to General Response GR-1.

C3-13 The commenter requests revisions to MM TCR-1 (Native American Monitor) to clearly define the term "Native American Monitor." The analysis of Cultural and Tribal Cultural Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.6 of the Partially Recirculated Draft EIR and to General Response GR-1.

C3-14 The commenter requests revisions to MM TCR-2 that "any fully executed reburial agreement will also provide conditions for the protection and confidentiality of the reburial site, which shall be chosen in consultation between the culturally affiliated tribe, the County, and the developer." The analysis of Cultural and Tribal Cultural Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.6 of the Partially Recirculated Draft EIR and to General Response GR-1.

C3-15 The commenter is concerned that impacts to cultural resources as a result of increased erosion were not analyzed.

The Geoarchaeological Assessment[3] concludes that eight percent of the project area consists of Quaternary Intermediate Fan Alluvium which are very stable and have been subject to little or no erosion for thousands of years. Ten percent of the project area consists of low-to-moderate energy sheetflood deposits composed of relatively young alluvium. Eighty-two percent of the project area consists of younger alluvium primarily formed in moderate-to-high energy depositional environments. Further, EIR Section 3.8 (Geology, Soils and Mineral Resources) provides that the project site is nearly level to gently sloping, so no massive grading would be required; however, site preparation would still expose soil and increase the potential for wind and water erosion (see Impact GEO-3). MM HWQ-1 (Drainage Erosion and Sedimentation Control Plan), MM HWQ-5 (Project Drainage Plan), MM BIO-3 (Minimization of Vegetation and Habitat Impacts), and MM BIO-5 (Vegetation Resources Management Plan) would mitigate potential erosion impacts to less than significant. Please also refer to the revised analysis at Section 3.6 of the Partially Recirculated Draft EIR and to General Response GR-1.

C3-16 The commenter notes that the aesthetics impacts analysis ignores the resources' cultural significance. The analysis of Aesthetics and Cultural and Tribal Cultural Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.2 (Aesthetics) and Section 3.6 (Cultural and Tribal Cultural Resources) of the Partially Recirculated Draft EIR and to General Response GR-1.

C3-17 The commenter states that the Draft EIR recognizes that the Project, in combination with other local energy projects, would contribute to significant cumulative visual impacts, but nonetheless ignores lower footprint alternatives and continues to recommend the proposed Project. The analysis of Aesthetics and Cultural and Tribal Cultural Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.2 (Aesthetics) and Section 3.6 (Cultural and Tribal Cultural Resources) of the Partially Recirculated Draft EIR and to General Response GR-1. Please also refer to Chapters 2 and 5 of the Partially Recirculated Draft EIR regarding analysis of Project Alternatives.

C3-18 The commenter states that the Draft EIR does not acknowledge the cultural significance of desert species to local tribes and that many wildlife species at greatest risk are important to tribal culture. The analysis of Biological Resources and Cultural and Tribal Cultural Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 (Biological Resources) and Section 3.6 (Cultural and Tribal Cultural Resources) of the Partially Recirculated Draft EIR and to General Response GR-1.

C3-19 The commenter states that the mitigation measures proposed for impacts to biological resources are not adequate. The analysis of Biological Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.5 of the Partially Recirculated Draft EIR and to General Response GR-1.

C3-20 The commenter states that the EIR fails to recognize and analyze the environmental justice impacts of the project.

There are no formal requirements or procedures to evaluate environmental justice impacts under CEQA. CEQA requires an analysis of physical impacts to the environment; it does not require analysis of social and economic impacts. CEQA Section 15382 states: that "[a]n economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant." However, the EIR analyzes the Proposed Project's potential

[3] Mirro, Michael. *RE: Geoarchaeological Assessment for the Easley Renewable Energy Project Near Desert Center, Riverside County, California*. Submitted to U.S. Department of the Interior, Bureau of Land Management, Palm Springs-South Coast Field Office, Palm Springs, California.

environmental impacts related to public health and the community throughout the document, including impacts to aesthetics, air quality, hazards and hazardous materials, hydrology and water quality, noise, land use, public services, utilities, and growth inducing impacts, among others. Tribal consultation under Assembly Bill 52 also provides for special consideration of these interests. Therefore, the EIR is consistent with CEQA requirements. Additionally, the analysis of Cultural and Tribal Cultural Resources has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Section 3.6 of the Partially Recirculated Draft EIR and to General Response GR-1.

C3-21 The commenter states that the Draft EIR does not disclose that no feasible alternative locations exist, nor does it give any reasons for its failure to consider a feasible off-site alternative. The analysis of Project Alternatives has been revised and recirculated in the Partially Recirculated Draft EIR. Please refer to the revised analysis at Chapters 2 and 5 of the Partially Recirculated Draft EIR and to General Response GR-1.

C3-22 The comment pertains to the scope of the analysis of growth-inducing impacts and claims that the Project, specifically the gen-tie line, could induce further solar development.

Other, future projects in the area would have to pursue interconnection requests for their new resources by following the California Independent System Operator (CAISO) generator interconnection process and by negotiating interconnection agreements to reach Southern California Edison's (SCE's) existing Red Bluff Substation.

The Project's 500 kilovolt (kV) gen-tie line would be owned and controlled by the Project for the purpose of delivering the output of the solar PV facility and energy storage components to the CAISO-controlled transmission system. Because the existing Oberon Substation is nearby with facilities at 500 kV service, it provides an opportunity for the Easley Project to establish a relatively short connection to 500 kV facilities. Using the existing Oberon 500 kV gen-tie line avoids the need for a duplicative transmission line from the Easley Project across Interstate 10 into SCE's Red Bluff Substation. This efficiently minimizes the overall impact of the Easley Project by relying on existing infrastructure to access Red Bluff Substation. The full capacity of the Project's gen-tie line is dedicated to the Easley Project, and it cannot be used by other projects. Additionally, with the Project, the Oberon gen-tie facilities would be at full capacity and could not be used by other projects.

The requested CRIT contacts have been added to the Project mailing list.

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)

Tim Wheeler (2023-0022838-TA-CEQA-ERIV) 2

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

PRA2-2

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

   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

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

Tim Wheeler, Project Planner
Riverside County Planning Department
NOA DEIR – IP Easley Renewable Energy Project
July 3, 2024
Page 2

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)

Tim Wheeler, Project Planner
Riverside County Planning Department
NOA DEIR – IP Easley Renewable Energy Project
July 3, 2024
Page 3

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)

Tim Wheeler, Project Planner
Riverside County Planning Department
NOA DEIR – IP Easley Renewable Energy Project
July 3, 2024
Page 4

- 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

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)

Tim Wheeler, Project Planner
Page 2
December 8, 2022

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)

PRA04-2 (cont'd)

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

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)

PRA04-2 (cont'd)

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

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.

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 5
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

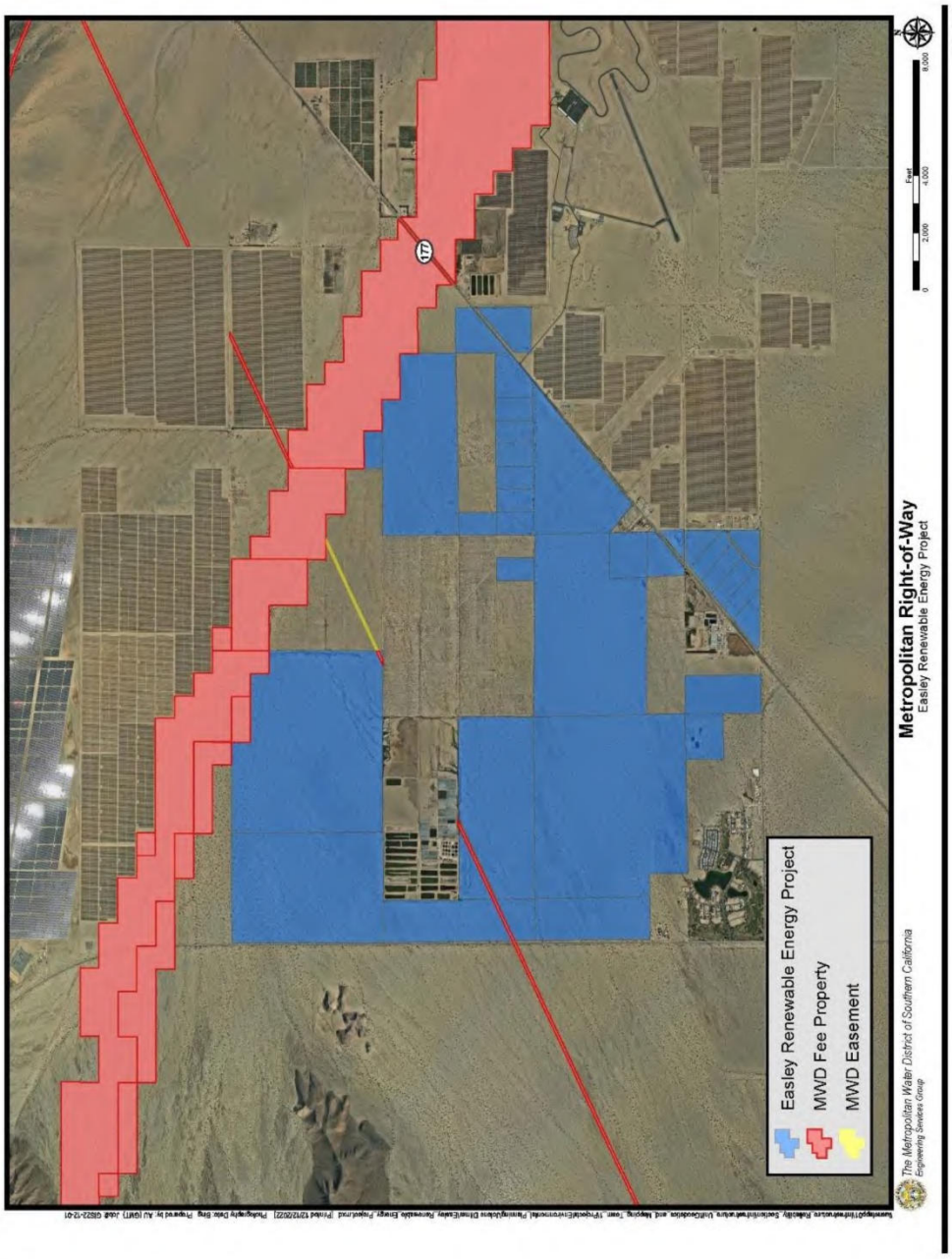
JD:rdl
Riverside County_Easley Renewable Energy Project_NOP Comment Letter

Enclosures:

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

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)



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.

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Issue Date: July 2018

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

PRA04-2 (cont'd)

The Metropolitan Water District of Southern California IMPROVEMENTS AND CONSTRUCTION GUIDELINES

Table of Contents

1.0 GENERAL INFORMATION 1
1.1 Introduction 1
1.2 Submittal and Review of Project Plans/Utilities and Maps 1
1.3 Identification of Metropolitan's Facilities and Rights-of-Way 3
2.0 General Requirements 3
2.1 Vehicular Access 3
2.2 Fences 3
2.3 Driveways and Ramps 3
2.4 Walks, Bike Paths, and Trails 3
2.5 Clear Zones 4
2.6 Slopes 4
2.7 Structures 4
2.8 Protection of Metropolitan Facilities 4
2.9 Potholing of Metropolitan Pipelines 4
2.10 Jacked Casings or Tunnels 4
3.0 Landscaping 5
3.1 Plans 5
3.2 Drought-Tolerant Native and California Friendly Plants 5
3.3 Trees 5
3.4 Other Vegetation 6
3.5 Irrigation 6
3.6 Metropolitan Vehicular Access 6
4.0 General Utilities 6
4.1 Utility Structures 6
4.2 Utility Crossings 6
4.3 Longitudinal Utilities 7
4.4 Underground Electrical Lines 7
4.5 Fiber Optic Lines 7
4.6 Overhead Electrical and Telephone Lines 7
4.7 Sewage Disposal Systems 7
4.8 Underground Tanks 8
5.0 Specific Utilities: Non-Potable Utility Pipelines 8
6.0 Cathodic Protection/Electrolysis Test Stations 8
6.1 Metropolitan Cathodic Protection 8
6.2 Review of Cathodic Protection Systems 8
7.0 Drainage 9
7.1 Drainage Changes Affecting Metropolitan Rights-of-Way 9
7.2 Metropolitan's Blowoff and Pumpwell Structures 9
8.0 Grading and Settlement 9

Issue Date: July 2018

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

PRA04-2 (cont'd)

Table of Contents

8.1 Changes in Cover over Metropolitan Pipelines 9
8.2 Settlement 9
9.0 Construction Equipment 10
9.1 Review of Proposed Equipment 10
9.2 Equipment Restrictions 10
9.3 Vibratory Compaction Equipment 10
9.4 Equipment Descriptions 10
10.0 Excavations Close to Metropolitan Facilities 11
10.1 Shoring Design Submittal 11
10.2 Shoring Design Requirements 11
11.0 Support of Metropolitan Facilities 11
11.1 Support Design Submittal 11
11.2 Support Design Requirements 11
12.0 Backfill 12
12.1 Metropolitan Pipeline Not Supported 12
12.2 Metropolitan Pipeline Partially Exposed 12
12.3 Metropolitan Cut and Cover Conduit on Colorado River Aqueduct (CRA) 12
13.0 Piles 13
13.1 Impacts on Metropolitan Pipelines 13
13.2 Permanent Cast-in-place Piles 13
14.0 Protective Slabs for Road Crossings Over Metropolitan Pipelines 13
15.0 Blasting 13
16.0 Metropolitan Plan Review Costs, Construction Costs and Billing 14
16.1 Plan Review Costs 14
16.2 Cost of Modification of Facilities Performed by Metropolitan 14
16.3 Final Billing 14
17.0 Street Vacations and Reservation of Easements for Metropolitan 14
18.0 Metropolitan Land Use Guidelines 14
19.0 Compliance with Environmental Laws and Regulations 15
20.0 Paramount Rights / Metropolitan's Rights within Existing Rights-of-Way 17
21.0 Disclaimer and Information Accuracy 17

Issue Date: July 2018

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

PRA04-2 (cont'd)

Table of Contents

Table 1: General Guidelines for Pipeline Separation between Metropolitan's Pipeline[1] and Sanitary Sewer[2] or Hazardous Fluid Pipeline[3] 18

Table 2: General Guidelines for Pipeline "Separation between Metropolitan's Pipeline[1] and Storm Drain and/or Recycled Water[2] 19

Table 3: General Guidelines for Pipeline "Separation[1] between Metropolitan's Pipeline and Recycled Water[2,4] Irrigationsm, ... 20

Figure 1: AASHTO H-20 Loading 21

Figure 2: Drawing SK-1 22

Issue Date: July 2018

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

PRA04-2 (cont'd)

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Issue Date: July 2018

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

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.

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

PRA04-2 (cont'd)

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)

PRA04-2 (cont'd)

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.

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

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.

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

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.

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

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:

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

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.

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

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.

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

PRA04-2 (cont'd)

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)

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

PRA04-2 (cont'd)

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.

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

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.*

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

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.*

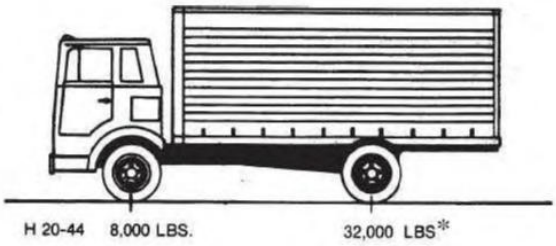
[4] *Irrigation with recycled water shall not be applied directly above Metropolitan's treated water pipelines.*

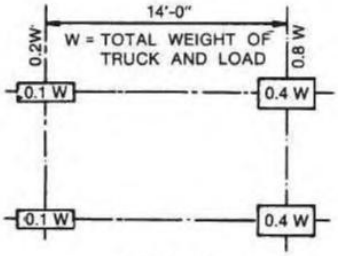
Comment Set PRA04 - Metropolitan Water Dist of Southern California (continued)

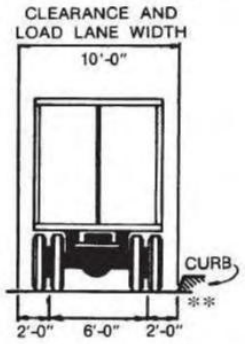
The Metropolitan Water District of Southern California IMPROVEMENTS AND CONSTRUCTION GUIDELINES

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.

Issue Date: July 2018 Page 21 of 22

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

PRA04-2 (cont'd)

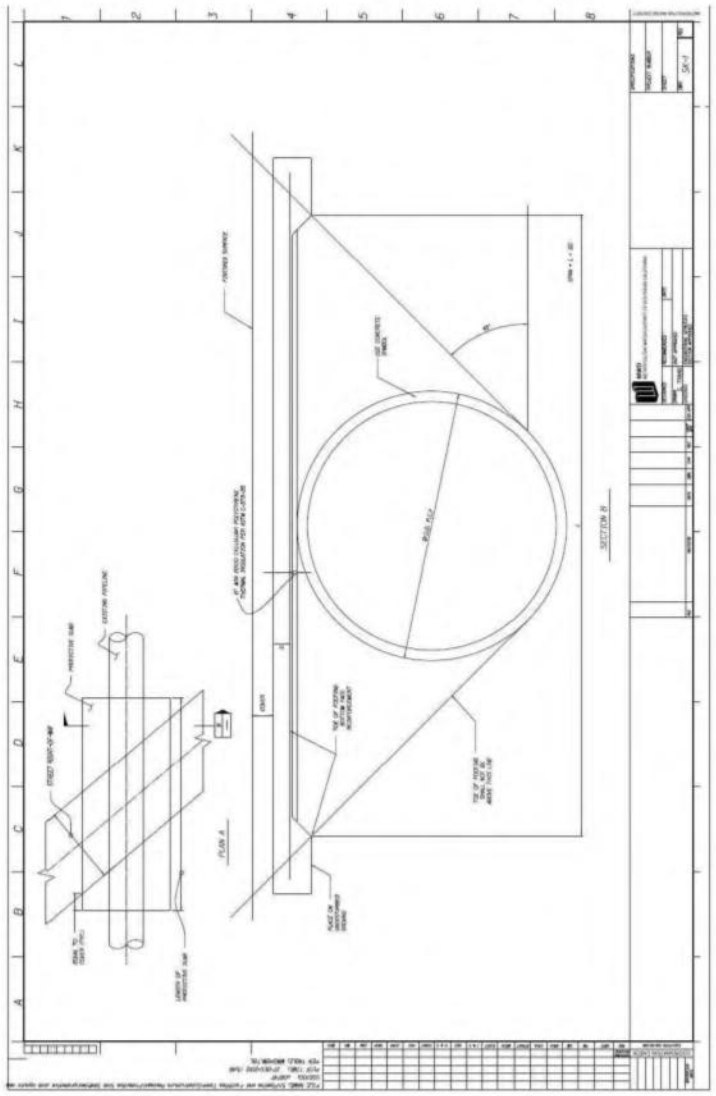


Figure 2: Drawing SK-1

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

Laborers' International Union of North America | LiUNA! LOCAL 1184
Feel the Power

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

2

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**

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,

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.

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

PRB1-1 (cont'd)

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)

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,

Gonzalo Garza

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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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,

Roscite 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 ,

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,

Juan Bellah

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,
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,

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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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: 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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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,

Javier Piñuelas

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.

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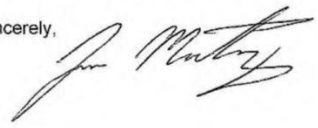

Comment Set PRB1 – Laborers Local 1184 (continued)

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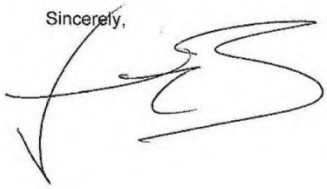

Comment Set PRB1 – Laborers Local 1184 (continued)

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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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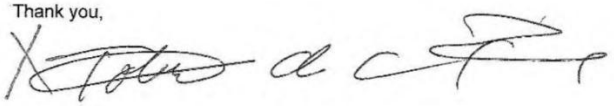

Comment Set PRB1 – Laborers Local 1184 (continued)

Subject: Laborer Support for Easley Solar Project

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Sincerely,

Jose Marquez

Comment Set PRB1 – Laborers Local 1184 (continued)

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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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Comment Set PRB1 – Laborers Local 1184 (continued)

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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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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

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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)

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Thank you,



Comment Set PRB1 – Laborers Local 1184 (continued)

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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

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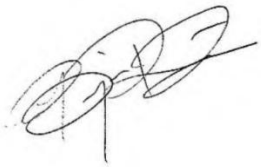

Comment Set PRB1 – Laborers Local 1184 (continued)

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Comment Set PRB1 – Laborers Local 1184 (continued)

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Thank you,

Roberto Perez

Comment Set PRB1 – Laborers Local 1184 (continued)

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

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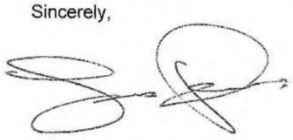

Comment Set PRB1 – Laborers Local 1184 (continued)

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Sincerely, Jose Grijalva Jr

Comment Set PRB1 – Laborers Local 1184 (continued)

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Sincerely,

Lisa Stubbs

Comment Set PRB1 – Laborers Local 1184 (continued)

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Jose A. Gijalva

Comment Set PRB1 – Laborers Local 1184 (continued)

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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,

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, 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,

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,

Jose Guadalupe Rodriguez

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,

Miranda Cruz

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)

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,

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,

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,

Jose Castro

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,

Terry Daniels

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,

Leonel Villegas

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: 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,

Claudia A. R.P.

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)

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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,



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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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,

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)**

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.

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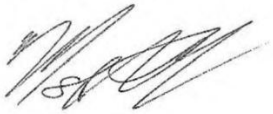
As a union worker, I look forward to the positive impact the Easley Solar Project will have on our community and call on the Riverside County Supervisors to approve it.

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.

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,

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,

Paul Balajar

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

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.

Support for Project Action Alternative

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.

1

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



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:

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. **PRB3-1**

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)

Riverside County Planning Department
IP Easley Renewable Energy Project PRDEIR
Page 2 of 5

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)

Riverside County Planning Department
IP Easley Renewable Energy Project PRDEIR
Page 3 of 5

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.

PRB3-3 (cont'd)

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)

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[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)

Riverside County Planning Department
IP Easley Renewable Energy Project PRDEIR
Page 4 of 5

PRB3-4

Unavoidable Impacts to Aeolian Habitat and Sand Dependent Species

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)

PRB3-5

Conclusion

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)

Riverside County Planning Department
IP Easley Renewable Energy Project PRDEIR
Page 4 of 5

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.

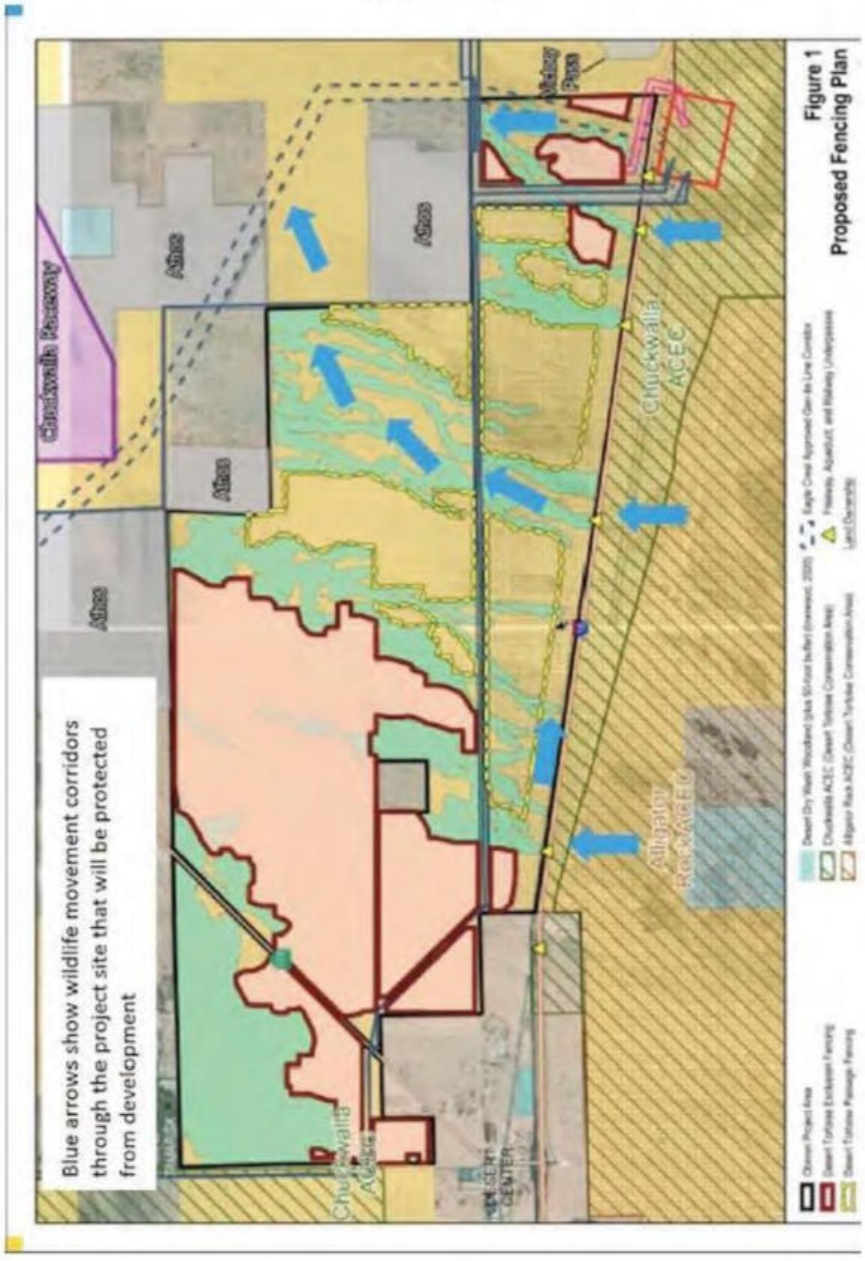
Very truly yours,

Joan Taylor, Chair
California/Nevada Desert Committee
Sierra Club

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

Attachment 1

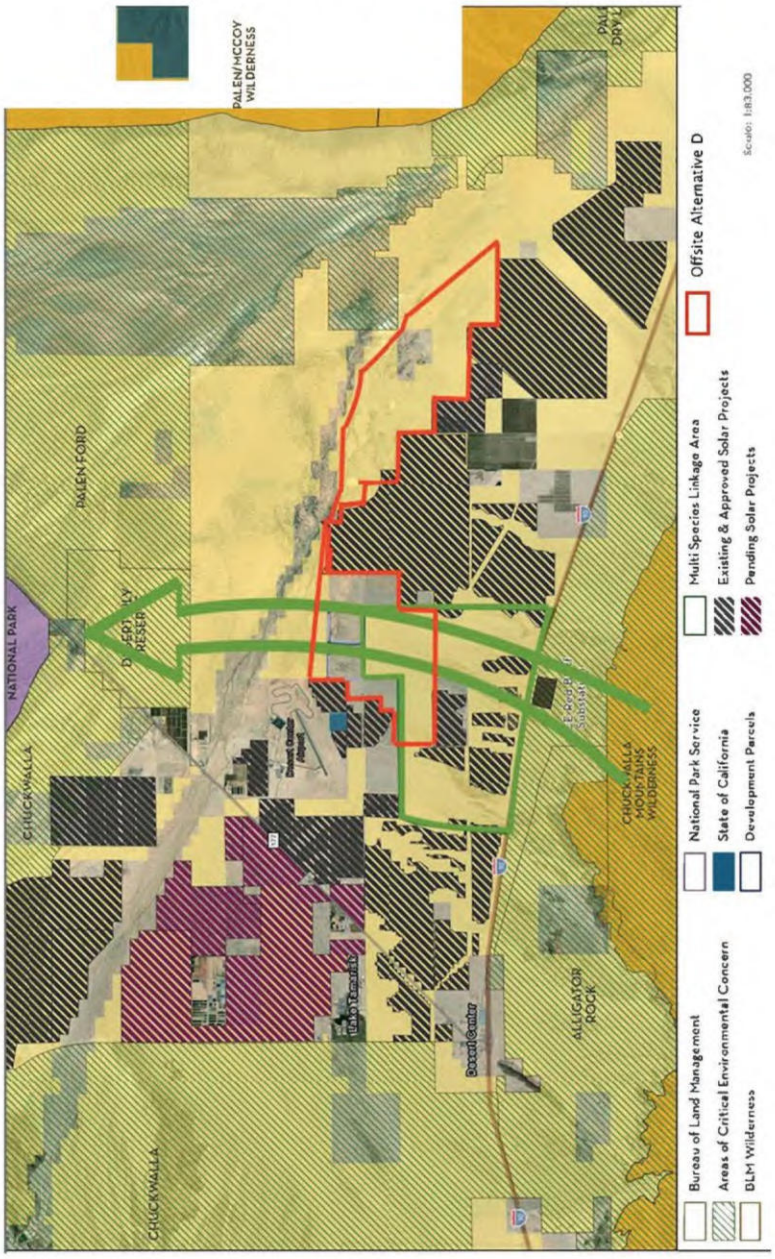
PRB3-6



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

Attachment 2

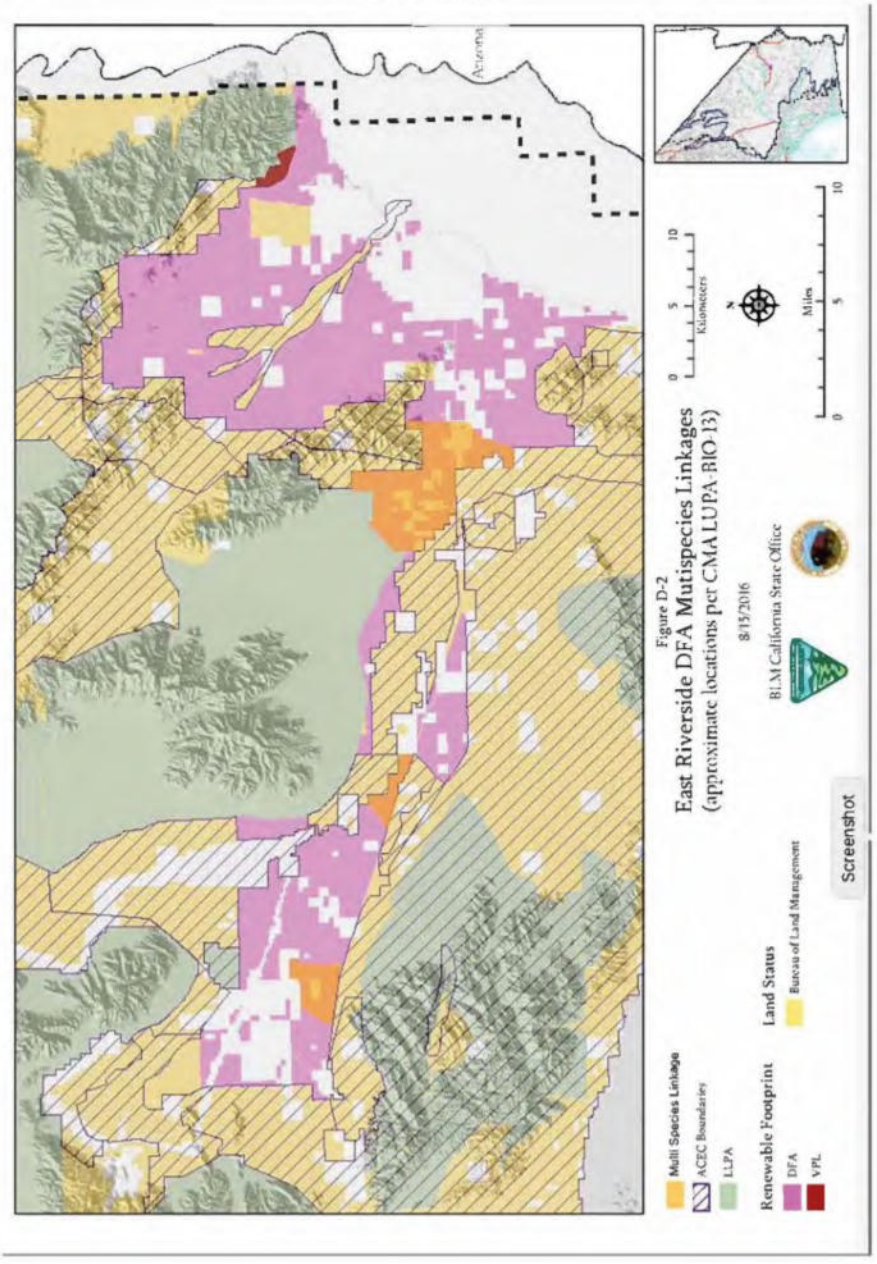
PRB3-7



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

Attachment 3

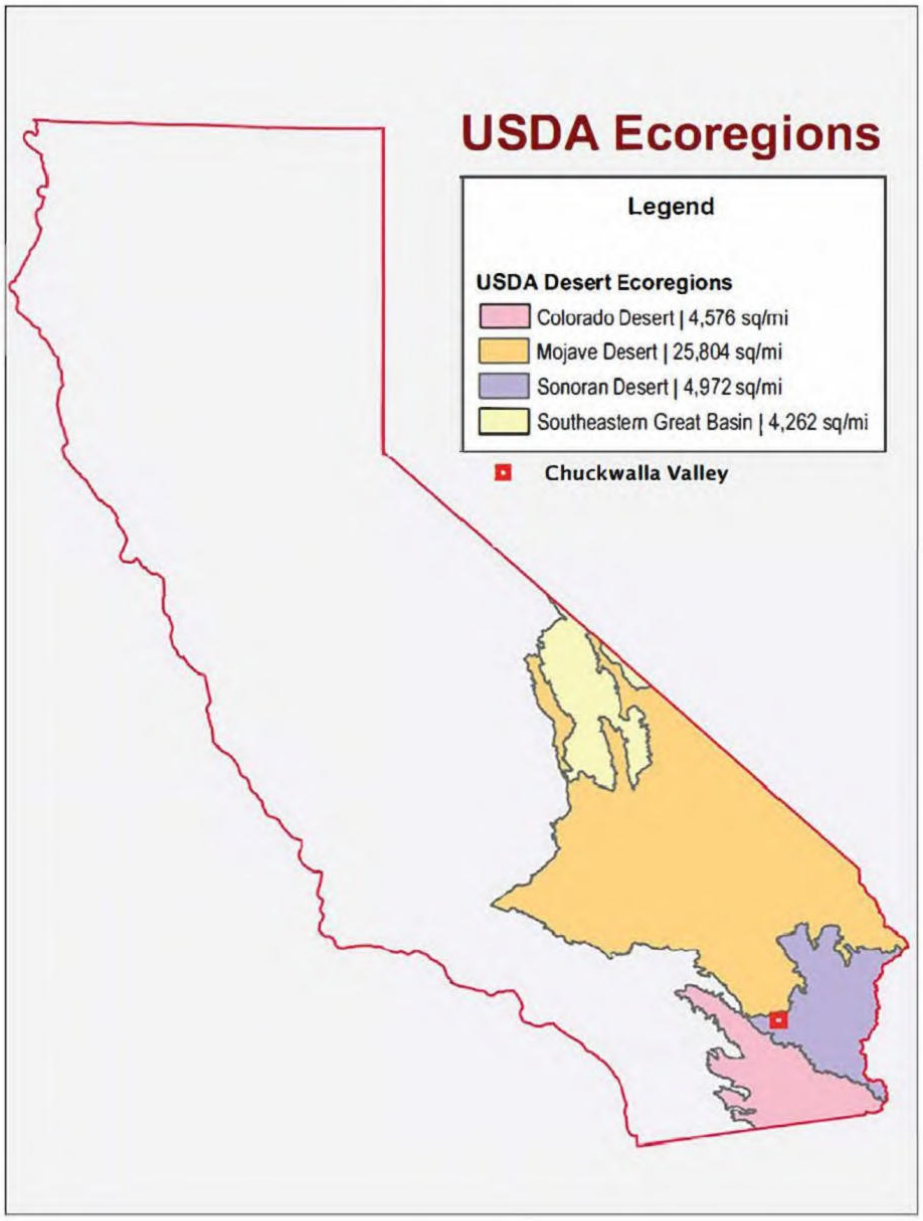
PRB3-8



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 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.

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. **PRB6-3**

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. **PRB6-4**

[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,

7.8.2024

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

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Comment Set PRB6 – Desert Tortoise Council (continued)

PRB6-25 (cont'd)

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[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

Steve Bardwell, President
Morongo Basin Conservation Association
CC:
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2

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

Pat Flanagan, B.A. Biology. California State University, Long Beach

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

1

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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2

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.**

3

Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-2 (cont'd)

REPORT OVERVIEW

Executive Summary...3

I. Introduction...5
II. Maximizing Carbon Sequestration and Biodiversity Protections...5
Characterizing disturbed lands...6
Why restoration is not an effective means to maximize carbon sequestration...9
III. The Critical Relationship Between Undisturbed California Desert Lands and Carbon Sequestration...10
IV. Overview of Carbon Sequestration Process in Desert Ecosystems...11
V. Quantification of Carbon Sequestration...14
VI. Modeling Carbon Sequestration in Our Deserts...21
VII. Mapping and Identifying Prioritized Areas of our Desert...21
Microphyll woodlands/Creosote bajada scrub...21
VIII. Additional benefits...23
Biodiversity in our deserts...23
Economic benefits to disadvantaged communities...25
Biocrusts in the desert...26
Health benefits...27
IX. Transition to Clean Energy: Meeting our Clean Energy Goals and Minimizing Disturbance to our Desert Ecosystem...28
Utility Scale Solar and Avoidance of Desert Disturbance...28
X. Policy Strategies and Tools to Maximize Carbon Sequestration and Conservation Values...30
XI. Conclusion...33

4

Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-2 (cont'd)

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.

5

Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-2 (cont'd)

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

6

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:

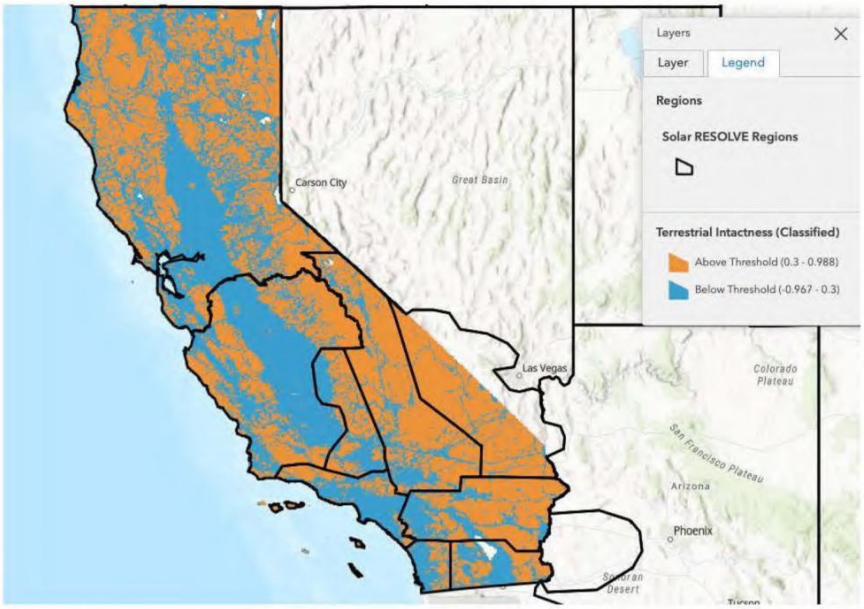
> Terrestrial landscape intactness: ***A measure of landscape condition based on the extent to which human impacts such as agriculture, urban development, natural resource extraction, and invasive species have disrupted the landscape across California.*** The Conservation Biology Institute (CBI) has 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.

7

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.

8

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.

9

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

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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,

10

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

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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

11

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

12

Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-2 (cont'd)

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+

13

Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-2 (cont'd)

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."

14

Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-2 (cont'd)

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.

15

Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-2 (cont'd)

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

16

Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-2 (cont'd)

(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

17

Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-2 (cont'd)

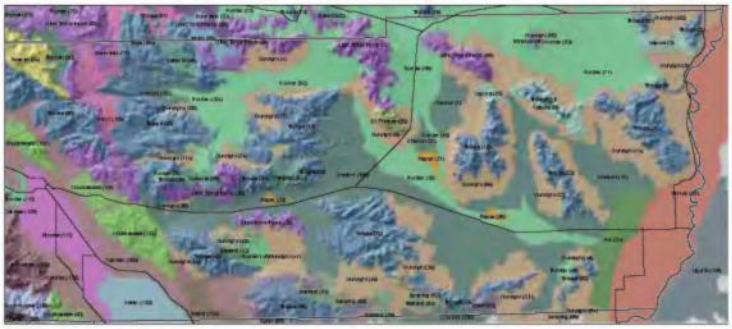
there is a fractionation in the caliche C, indicating that exchange (losses or gains in caliche C) is occurring (Allen et al. 2013, Mills et al. 2020). The conversion of land to agriculture and tree production is resulting in a shallowing of rooting depths nationwide along with a loss of deep root functioning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

Summary: Concerns.

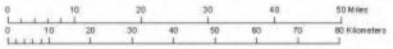
Adding the dynamics of calcites to the slow SOC turnover demonstrates why the overall C cycling becomes extremely challenging to quantify, especially across long time scales and an area as diverse and large as the California desert. Loss of NEE from California deserts would amount to a significant loss 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	lid#	caco3_l	caco3_r	caco3_h
Rositas	15	-	-	-
Cherioni	17	0	3	5
Gunsight	96	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

18

Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-2 (cont'd)

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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PRB7-2 (cont'd)

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20

Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-2 (cont'd)

VI. Modeling Carbon Sequestration in Our Deserts

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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

21

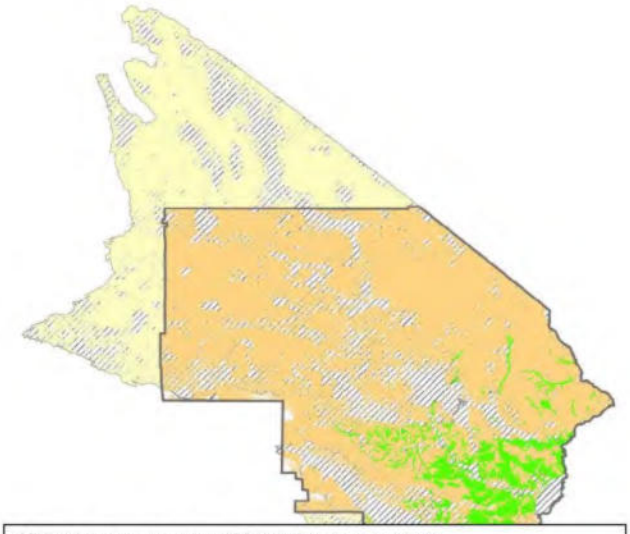
Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-2 (cont'd)

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.

22

Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-2 (cont'd)

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

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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:

23

Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-2 (cont'd)

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,

24

Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-2 (cont'd)

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.

25

Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-2 (cont'd)

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Biocrusts in the desert

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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.

26

Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-2 (cont'd)

Health benefits

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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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27

Comment Set PRB7 – Morongo Basin Conservation Association (continued)

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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.

28

Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-2 (cont'd)

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).

29

Comment Set PRB7 – Morongo Basin Conservation Association (continued)

PRB7-2 (cont'd)

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

30

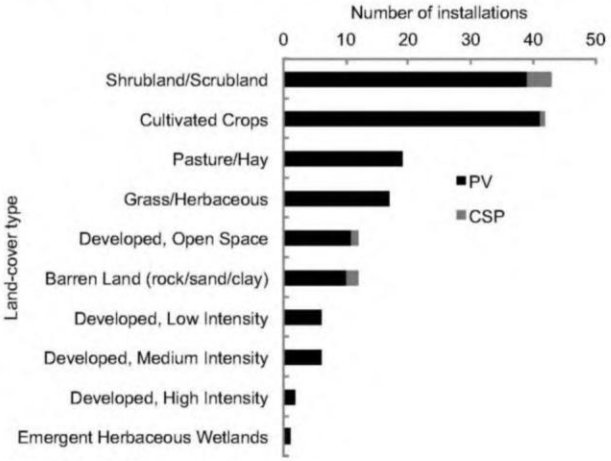
Comment Set PRB7 – Morongo Basin Conservation Association (continued)

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.

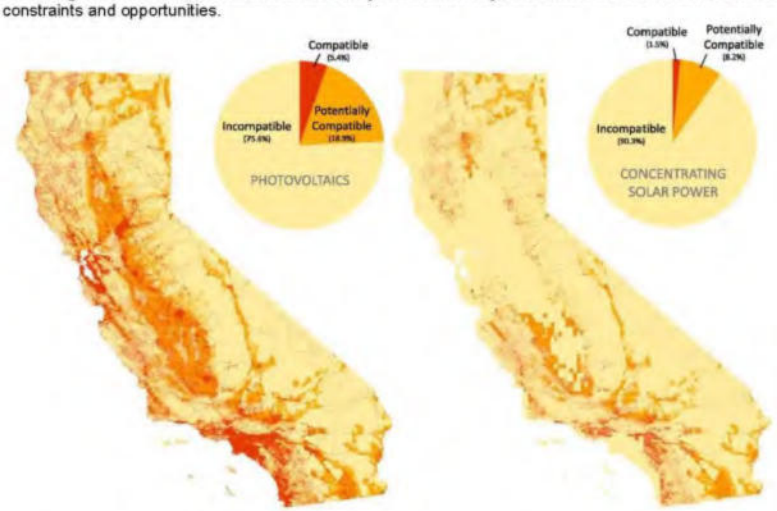
One such tool is the **Carnegie Energy and Environmental Compatibility [CEEC] model,** a multiple criteria model that quantifies each solar installation based on environmental and technical compatibility. The CEEC model is a decision support tool that develops a spatial environment and technical

31

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

32

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.

33

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.

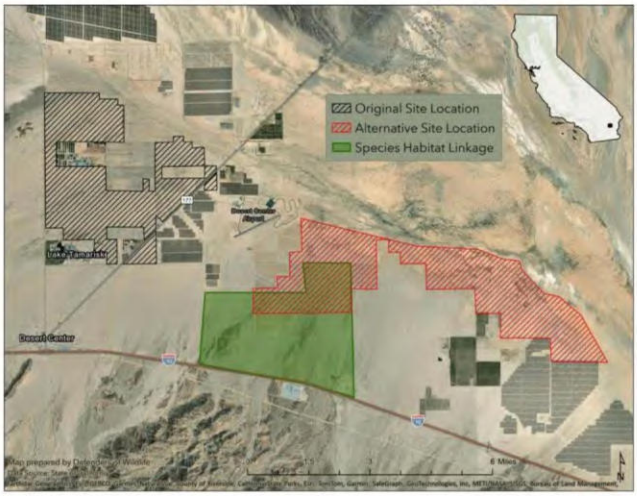
The Project is located in the Chuckwalla Valley, 2 miles north of Desert Center. The existing Desert Sunlight and Desert Harvest solar projects are located to the north of the project, and the Athos Renewable Energy Project is located to the east. The Oberon Renewable Energy Project is under construction 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.

Comments on Partially Recirculated Draft EIR
Easley Renewable Energy Project
SCH 2022110240
Page 3

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]

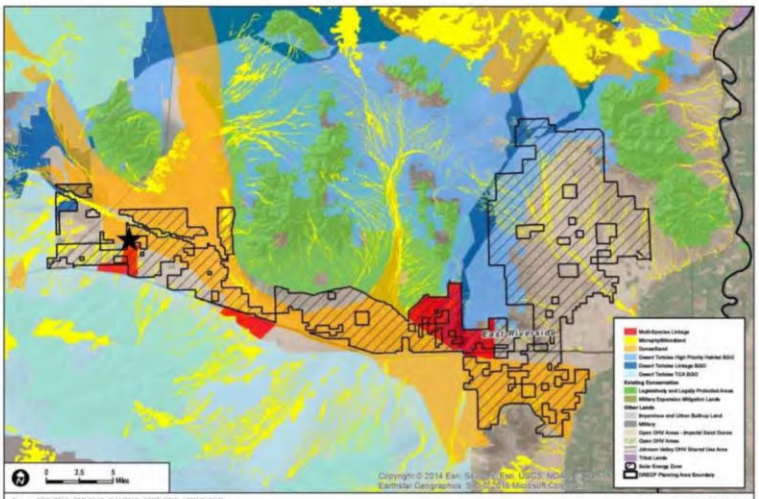


FIGURE H-1
Eastern Riverside SEZ Linkages
DRECP Proposed LUPA and Final EIS
October 2015

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)

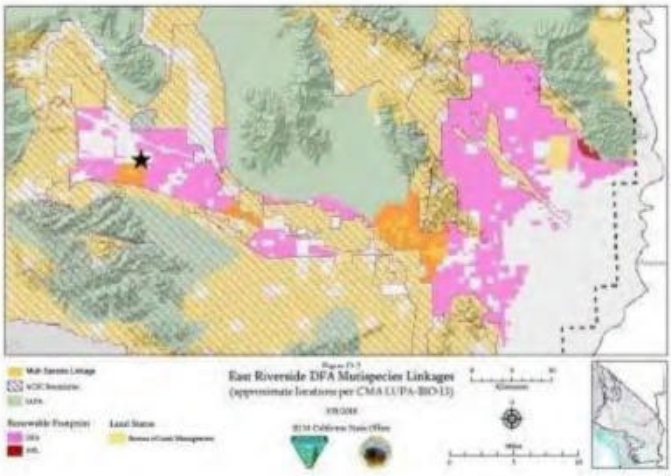
PRB8-3 (cont'd)

- 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
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bwilce@CNPS.org

Lisa Belenky
Senior Counsel
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Sophia Markowska
Senior California Representative
Defenders of Wildlife
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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,

PRB9-1

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.

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
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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

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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)

Tim Wheeler, Project Planner
Riverside County Planning Department
July 8, 2024
Page 2

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)

Tim Wheeler, Project Planner
Riverside County Planning Department
July 8, 2024
Page 3

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.)

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. **PRB10-5**

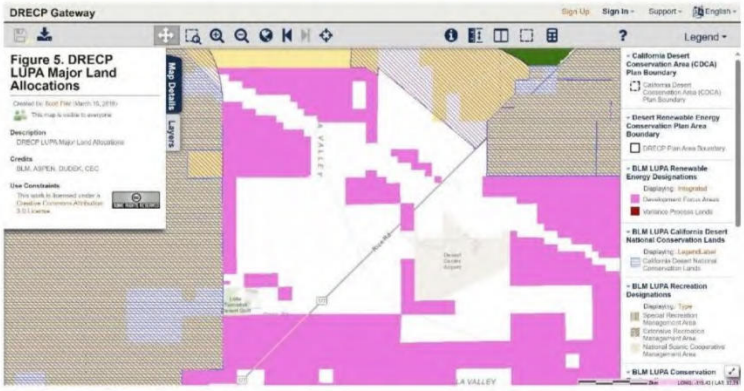
Moreover, and perhaps most importantly, the PRDEIR repeats over and over again (for various reasons, though most notably in regard to Alternative C) that "[a]ll of the BLM-administered lands considered for Project development are lands designated as Development Focus Area (**DFA**) in the DRECP LUPA." (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**

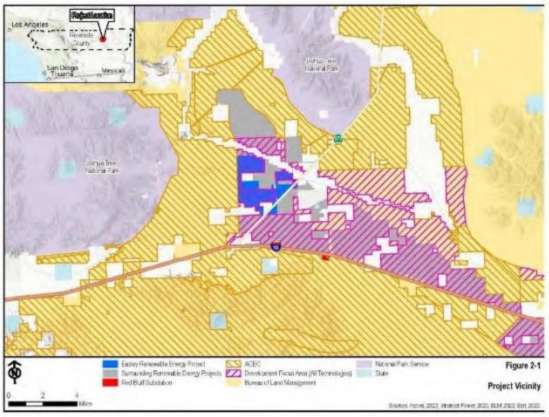
Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
July 8, 2024
Page 4

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.)

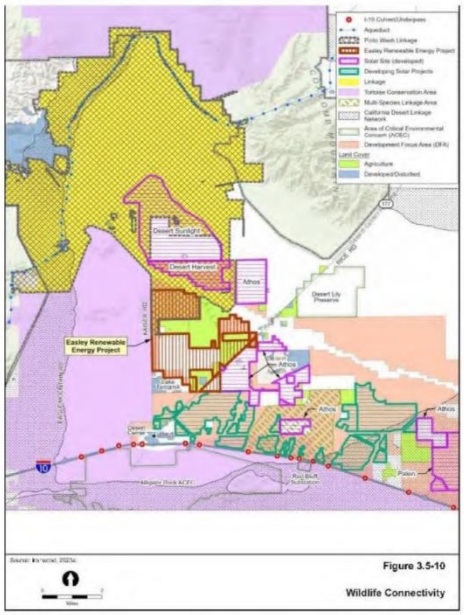


And to top it all off, PRDEIR Figure 3.5-10 (below) actually depicts the correct DFA land allocation near Lake Tamarisk:

PRB10-8

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
July 8, 2024
Page 5



PRB10-8 (cont'd)

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)

Tim Wheeler, Project Planner
Riverside County Planning Department
July 8, 2024
Page 6

(§ 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?

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. **PRB10-11**

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): **PRB10-12**

> "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)

Tim Wheeler, Project Planner
Riverside County Planning Department
July 8, 2024
Page 7

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)

Tim Wheeler, Project Planner
Riverside County Planning Department
July 8, 2024
Page 8

> "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)

Tim Wheeler, Project Planner
Riverside County Planning Department
July 8, 2024
Page 9

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)

Tim Wheeler, Project Planner
Riverside County Planning Department
July 8, 2024
Page 10

(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)

Tim Wheeler, Project Planner
Riverside County Planning Department
July 8, 2024
Page 11

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)

Tim Wheeler, Project Planner
Riverside County Planning Department
July 8, 2024
Page 12

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)

Tim Wheeler, Project Planner
Riverside County Planning Department
July 8, 2024
Page 14

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)

Tim Wheeler, Project Planner
Riverside County Planning Department
July 8, 2024
Page 15

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**

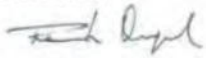
Moreover, the PRDEIR also continues to weaponize the Project's objectives in order to favor the Applicant's preferred version of the Project. (See DEIR comment letter at p. 42, fn. 37.) In fact, the PRDEIR adds a new, extremely vague objective: "12. Develop a commercially financeable renewable energy 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**

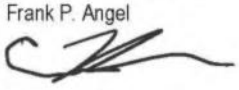
If the County chooses to go forward with an onsite version of the Project, it should celebrate and support AC/DC's heroic contribution to the environmental review process: Alternative C, the Respect Lake Tamarisk Alternative.

Sincerely,

ANGEL LAW



Frank P. Angel



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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)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 2

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)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 3

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.

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

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)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 5

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.

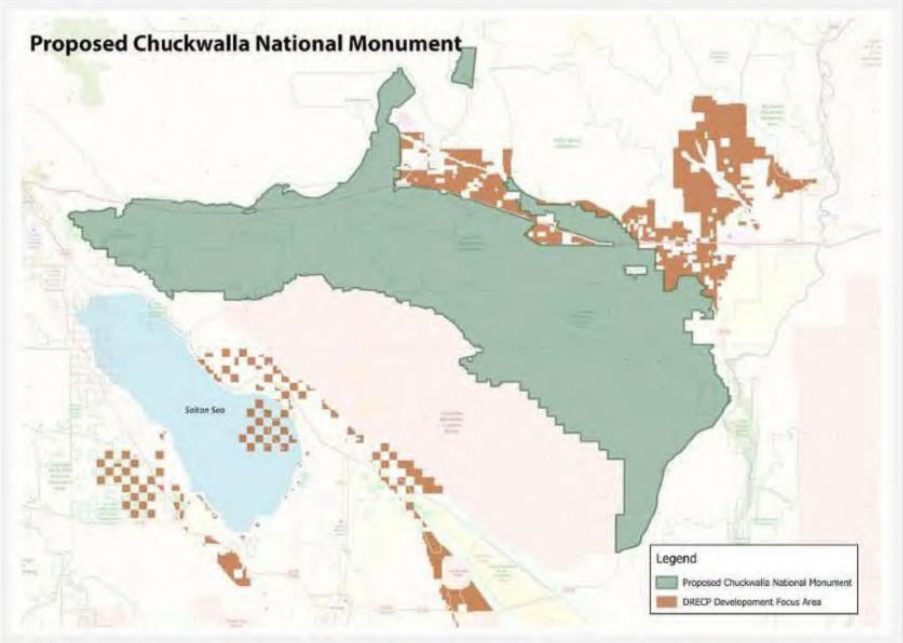
[11] On September 21, 2023, Congressman Paul Ruiz introduced H.R. 5660 to establish the CNM. It describes the purpose of the CNM as follows: "(1) conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, *scenic*, wildlife, *recreational*, *cultural*, 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)

PRB10-39 (cont'd)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 6

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].)

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
Page 7

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.)

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
Page 8

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?

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
Page 9

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

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[15] Courts have cautioned repeatedly:

> " 'One of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact.' [Citations.]"

(*Bakersfield Citizens, supra*, 124 Cal.App.4th at p. 1214.)

Comment Set 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
Page 11

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>.)

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

PRB10-39 (cont'd)

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.*

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
Page 13

The California Department of Fish and Wildlife (**CDFW**) submitted a comment letter during the Project's scoping period. (DEIR Appendix B at 70.) CDFW provided its concrete definition of sensitive plant communities: "Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level." (*Id.* at p. 73.) CDFW also provided the DEIR preparers with the database within which they could obtain these rankings -- the California Natural Diversity Database (**CNDDB**). (*Id.* at 73.) Finally, CDFW instructed that "[t]he DEIR should include measures to fully avoid and otherwise protect sensitive plant communities from project-related direct and indirect impacts." (*Id.* at 73-74.)

In spite of these clear instructions, the DEIR ignores and replaces the statewide ranking system when it is convenient to do so. When discussing desert dry wash woodland, which the DEIR preparers know "is likely to be regulated by [CDFW] as jurisdictional State waters" (DEIR at 3.5-3), the DEIR identifies it as "a sensitive vegetation community recognized with a rarity rank of S4." (*Id.*) However, in its discussion of what it calls "Special-status Plants" (*id.* at 3.5-5), the DEIR ignores the word "sensitive" in Impact BIO-1 altogether. The DEIR's "Special-status Plants" section of its Biological Resources environmental setting discussion (DEIR § 3.5.1.3) decides that "special-status plants" are those "plants ranked as California Rare Plant Rank (**CRPR**) 1b *and, in some cases, may include CRPR 2, 3, or 4 plant occurrences, which may be regionally significant if the occurrence is located at the periphery of the species' range, or exhibits unusual morphology, or occurs in an unusual habitat/substrate.*" (DEIR at 3.5-5, italics added.) The DEIR does not explain why it utilizes a different rarity ranking system here -- the CRPR -- instead of utilizing the CDFW-sanctioned system, i.e., the CNDDB statewide ranking system. It also does not provide any authority for categorizing as "not special-status" CRPR 2-4 plant species whose occurrence is not "located at the periphery of the species' range," does not "exhibit unusual morphology," or does not "occur[] in an unusual habitat/substrate." This qualifying language (italicized above) regarding CRPR 2, 3, or 4 plant species, in effect, gives the DEIR cover to "analyze" and dismiss *sensitive* plant species present on the Project site as borderline "special status" species. Impact BIO-1 requires analysis of impacts to sensitive species (especially sensitive species identified as sensitive by CDFW), and CEQA requires mitigation of those impacts.

For example, the DEIR (at 3.5-6) discusses Desert unicorn-plant (*Proboscidea althaeifolia*) under "Special-status Plants" because it is ranked as CRPR 4. Desert unicorn-plant has a state rarity ranking of S-4.[21] Thus, under CDFW's definition, it should be considered a sensitive species, and the Project's impacts on it should be fully analyzed and mitigated. Instead, the DEIR (at 3.5-6) gives short shrift to this sensitive species --"Desert unicorn plant has limited distribution but is not very threatened in California." The DEIR gives the same dismissive treatment to the Spiny Abrojo

[21] CRPR rankings and CNDDB statewide rankings can be found by querying plant species at the California Native Plant Society's Rare Plant Inventory at <https://rareplants.cnps.org/Home/Index/>.

Comment Set 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
Page 14

(*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

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

PRB10-39 (cont'd)

> 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

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
Page 16

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

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

PRB10-39 (cont'd)

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:

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
Page 18

> "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

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
Page 19

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

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
Page 20

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*

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
Page 21

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

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

PRB10-39 (cont'd)

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?

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
Page 23

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.

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[22] Tiffany Yap, D.Env/Ph.D. et al. 2023. Hidden in Plain Sight: California's Native Habitats are Valuable Carbon Sinks. Center for Biological Diversity, available at <https://www.biologicaldiversity.org/programs/urban/pdfs/Hidden-in-Plain-Sight-report.pdf?_gl=1*1jjrz9i*_gcl_au*MTM5NTg3NDc0NC4xNjk5NDgzNjEz>.

[23] *Id.* at p. 12.

[24] *Id.*

Comment Set 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
Page 24

HYDROLOGY AND WATER QUALITY / AQUIFER DRAWDOWN

Water Quality

Water use and its allocation in an arid desert environment requires extremely careful planning even without new demands from new projects. The Chuckwalla Valley Groundwater Basin (**CVGB**) is no exception. Especially for people who live in areas dependent on groundwater for drinking water, "it is extremely important to protect the quality and quantity of the water supply source. The degree to which water users in a basin rely on groundwater increases the potential for degraded water quality to affect beneficial uses."[25] In 2021, Regional Water Quality Control Board (**RWQCB**) staff identified the CVGB as a groundwater basin with potential threats to water quality.[26] The DEIR informs us that "[t]otal dissolved solids (**TDS**) concentrations across the CVGB range from 274 milligrams per liter (mg/L) to 12,300 mg/L… Water quality in the CVGB has concentrations of sulfate, chloride, fluoride, and TDS that are higher than recommended levels for drinking water use. Likewise, elevated concentrations of boron, TDS, and percent sodium impair groundwater for irrigation use. In general, groundwater in the CVGB is sodium chloride to sodium sulfate-chloride in character." (DEIR at 3.11-5.)

Concurrent with the onset of operation of the Oberon utility-scale solar plant, area residents were already having issues with pumping and water quality:

> "Recently, since February of 2023 when Intersect Power's Oberon Project drilled and began pumping out of their own well, 4 wells are experiencing issues. Green Acres RV Park had to replace a pump due to the creation of a cone of depression. The water table was down 50 feet at the time Intersect was notified in February of the existence of a cone of depression. John Beaches' pump needs to be replaced. The 2 fish farms, one on Kaiser Road and one on 177 are having pump issues. The one on Kaiser Road Lake View Ranch can only use one of his pumps. Because there is not enough water to do both at the same time. The Global Organic Ranch is pumping muddy and brackish water. All these areas are LESS THAN two miles to Lake Tamarisk."[27]

[25] Cathy L. Sanford, PG. 2021. Colorado River Basin Regional Groundwater Basin Evaluation. California Regional Water Quality Control Board, Colorado River Basin Region, available at <https://www.waterboards.ca.gov/coloradoriver/board_decisions/adopted_orders/orders/2021/0015snmp_basinplan_staff_rpt.pdf> ("Sanford").

[26] *Id.*

[27] Lake Tamarisk Community Formal Solar Scoping Input Document, submitted to BLM on October 23, 2023.

Comment Set 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
Page 25

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

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
Page 26

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

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
Page 27

Groundwater Management Act (**SGMA**) Prioritization Dashboard, groundwater makes up 100% of the CVGB urban water usage.[28]



CHUCKWALLA VALLEY (7-005)	Public Supply Wells
Phase 1 (FINAL)	12
	0.01
	1
Component 4 - Total Wells	
Total Wells	86
Wells / mi²	0.09
C4 Priority Points	1
Component 5 - Irrigated Acres	
Irrigated Acres	871
Irr. Acres / mi²	0.92
C5 Priority Points	0
Component 6 - Groundwater Reliance	
Component 6a - Groundwater Use	
GW Use Acre-Ft	9,023
GW Acre-Ft / Basin-Acre	0.01
C6a Points	0
Component 6b - Groundwater Supply	
GW Percent of Supply	100%
C6b Points	5
C6 Priority Points	2.5

The DEIR (at 3.11-5, italics added), citing an AECOM study from 2010, claims that "[h]istorical groundwater level data from the Desert Center area indicate *rising, or recovering*, groundwater levels following the cessation of most agricultural usage since the 1980s." However, in a 2021 presentation on the CVGB at the Arizona Hydrological Society Annual Symposium, Noel Ludwig of the U.S. Forest Service and Peter Godfrey of the BLM share that "[w]ell data in western part of the basin show water table elevations *have not fully recovered to levels prior to intensive irrigation pumping* (1975-1992). *Wells also show gradual water table drops since 2007*."[29]

GSI's WSA for the Project, which the DEIR entirely relies on, comes to a rather shocking overall conclusion in light of its analysis: "Based on the available historical data and the analyses discussed above, the additional proposed groundwater demand of the Project is *not anticipated to exacerbate any existing overdraft conditions, nor cause significant change to the quantity of groundwater that affects beneficial uses*." (Appendix G at p. 62, italics added.)

[28] DWR's SGMA Prioritization Dashboard available at <https://gis.water.ca.gov/app/bp-dashboard/final/>.
[29] Noel Ludwig (U.S. Forest Service) & Peter Godfrey (Bureau of Land Management). 2021. Renewable Energy Impacts on Ground Water in a Desert Basin. Arizona Hydrological Society 2021 Annual Symposium, attached as Exhibit 1.

Comment Set 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
Page 28

At the same time, the DEIR states: "Development of a 52-year (equivalent to the total Project duration) groundwater budget projection, assuming average precipitation and the Project and all cumulative projects in place, indicates *there would be an initial groundwater deficit of 6,960 AF in the year 2024* (first year of Project construction). *The cumulative groundwater deficit would increase to approximately 118,420 AF by the end of the 52-year period. Without the Project and all other cumulative projects in place, there would be a surplus of 5,200 AF at the end of the 52-year period.*" (DEIR at 3.11-32, italics added.) How can GSI's conclusions possibly be reconciled with this scenario? An immediate 6,960 AF deficit in the first year of the Project and a 118,420 AF deficit after the life of the Project, as opposed to a 5200 AF surplus without the Project and its neighboring projects -- those impacts don't constitute a significant impact? And those numbers represent the best case scenario -- average precipitation, calculated from historical data, in a groundwater basin rife with uncertainty "due to lack of reliable data and the aridity of the region." (Appendix G at p. 32.) "The amount of inflow from the Pinto Valley and Orocopia Valley Groundwater Basins is highly uncertain, and there have been a wide range of estimates from different publications ranging from a low of 372 AFY to a high of 6,575 AFY." (*Id.* at p. 31.) Prior estimates of the CVGB's recharge from infiltration by precipitation "have ranged from 2,060 AFY to 11,501 AFY." (*Id.* at p. 32.)

Because of these and other acknowledged, wide-ranging uncertainties, GSI also considered a "reduced groundwater recharge scenario." Under this scenario, "using reduced infiltration and underflow estimates results in a *total cumulative project deficit of about 352,760 AF.*" (DEIR at 3.11-32, italics added.) The DEIR (at 3.11-31 – 3.11-32) explains away the Project's cumulative impacts on groundwater supply by stating that it would contribute only 2% and 1%, respectively, "of the total cumulative operational extractions for all qualifying projects not already in place." On that same note, the DEIR claims that in the reduced recharge scenario, "the CVGB would not recover the groundwater deficit *with or without the Project*." (DEIR at 3.11-32, emphasis added.) Even if that were reassuring to the public, which it isn't, that is not the standard for determining whether cumulative impacts are significant.

In *Kings County*, the court explicitly rejected a cumulative impacts analysis that "avoids analyzing the severity of the problem and allows the approval of projects, which, when taken in isolation, appear insignificant, but when viewed together, appear startling." (*Kings County*, 221 Cal.App.3d at 720-721.) The EIR in that case used a " 'ratio' theory" similar to the improper cumulative impacts excuses used in this DEIR -- "the greater the over-all problem, the less significance a project has in a cumulative impacts analysis." (*Id.*) The court ruled:

> "We conclude the standard for a cumulative impacts analysis is defined by the use of the term 'collectively significant' in Guidelines section 15355 and *the analysis must assess the collective or combined effect of energy development*. The EIR *improperly focused upon the*

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

PRB10-39 (cont'd)

> *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

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

PRB10-39 (cont'd)

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*

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

PRB10-39 (cont'd)

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

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
Page 32

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

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
Page 33

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

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 34

PRB10-39 (cont'd)

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)?

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
Page 35

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

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

PRB10-39 (cont'd)

> 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.)

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

PRB10-39 (cont'd)

> "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.

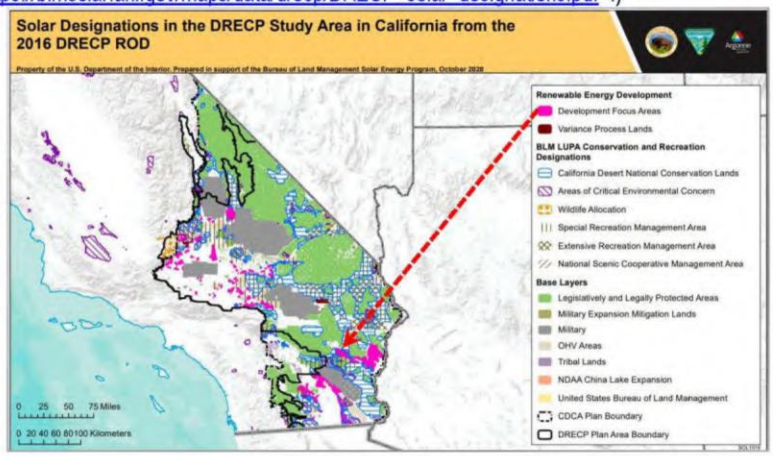
[32] That open space is a privately-owned parcel directly bordering on the Community of Lake Tamarisk. (Figure 2-2.)

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
Page 38

preserve and other ACEC-designated wildlands from DRECP-designated Development Focus Area (**DFA**). All public lands in this vast expanse of available open space are BLM-managed lands *specifically set aside for solar development* in the DRECP-delineated DFA. (DEIR Figures 2-1, 2-4, 3.1-1, 3.5-1; Map of Solar Designations in the DRECP Study Area, reproduced below, available at <https://blmsolar.anl.gov/maps/data/drecp/DRECP_solar_designations.pdf>.)[33]



Zoomed in:



[33] There is no dearth of DFA-designated lands in the Riverside East Solar Energy Zone. Data posted by the BLM (available at <https://blmsolar.anl.gov/drecp/dfa/>) show that the DFA-designated subregion encompassing the Project's environmental setting (the Colorado Desert subregion) comprises 148,000 acres of public lands. As summarized on the BLM's main Solar Energy Permitting and Program Resources Webpage (available at <https://blmsolar.anl.gov/drecp/>), and as explained in the DRECP itself (available at < https://eplanning.blm.gov/public_projects/lup/66459/133460/163124/DRECP_BLM_LUPA_ROD.pdf>; see pp. 5, 13, 31-32, 39), renewable energy projects sited within DFA acreage qualify for streamlined federal permitting and incentives. Most of this acreage remains available for renewable energy development.

Comment Set 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
Page 39

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

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
Page 40

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.

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

PRB10-39 (cont'd)

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.

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

PRB10-39 (cont'd)

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"].)

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
Page 43

The central concept underlying the Respect Lake Tamarisk Alternative is that, as compared to the Lake Tamarisk Alternative, it provides for a substantially enhanced buffer between the Community of Lake Tamarisk and the Project.[38] This buffer varies between one mile and 3/4 of a mile, as shown by Figure 1, below. Figure 2, below, identifies three general areas, each including DFA or private land parcels (some with no habitat or degraded habitat due to earlier anthropogenic habitat modifications) not committed to existing or probable future solar projects. These and yet additional other lands included in the original Easley Project (Figure 2) present opportunities for Intersect to make up for the loss of solar panels in the enhanced buffer zone. We estimate the buffer zone in the Respect Lake Tamarisk Alternative to cut generation capacity by no more than 100 MW. Thus, even without making up for this reduction, the combined production from the Easley and the Oberon facilities will still amount to 300 MW + 500 MW = 800 MW (an average of 400 MW per project), that is, 88.88 % of 900 MW the two adjacent facilities would together generate if Easley's 400 MW capacity is not reduced.

[38] Consistent with AC/DC's scoping input, this alternative still also requires that toxic silica-based fugitive dust be fully contained and abated within the project boundaries.

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 44

PRB10-39 (cont'd)

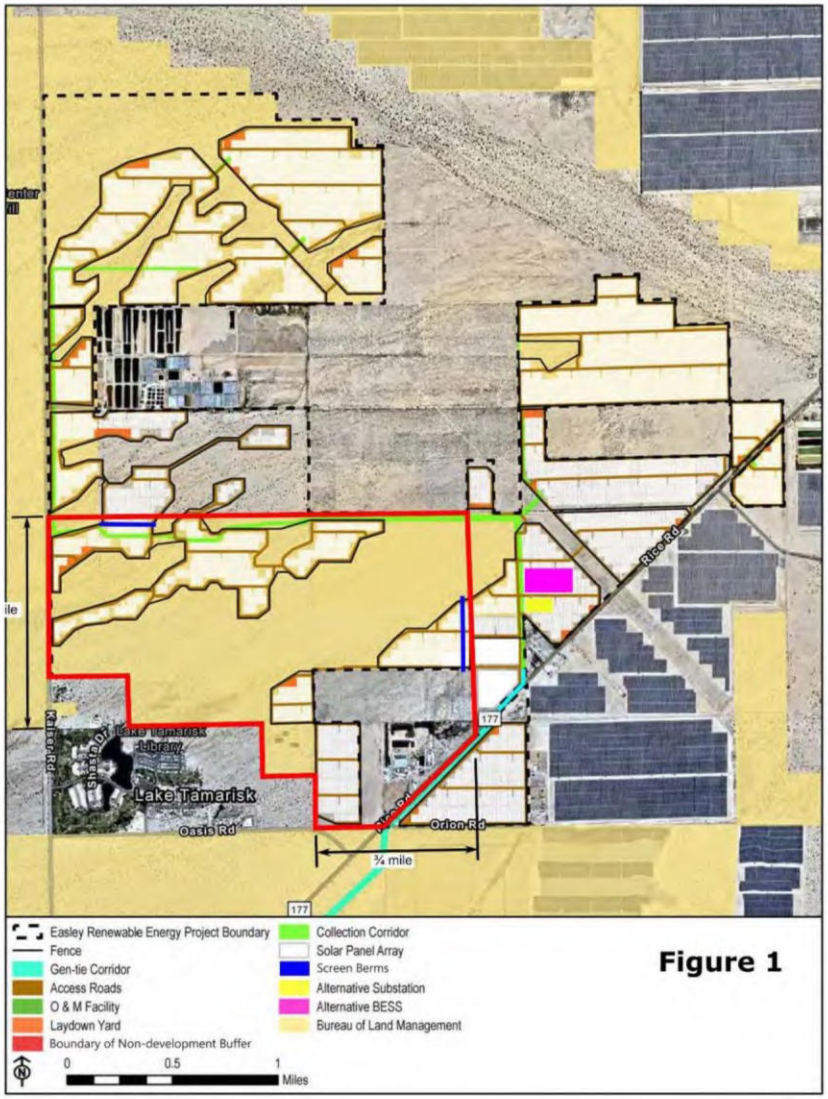
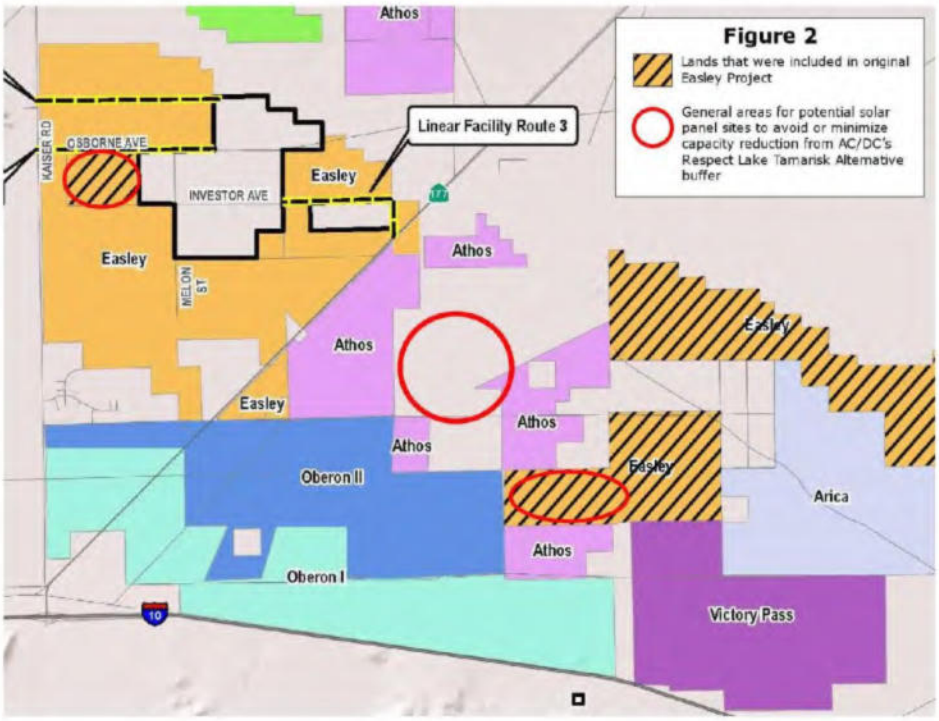


Figure 1

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
Page 45



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)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 47

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)

Tim Wheeler, Project Planner
Riverside County Planning Department
March 11, 2024
Page 49

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

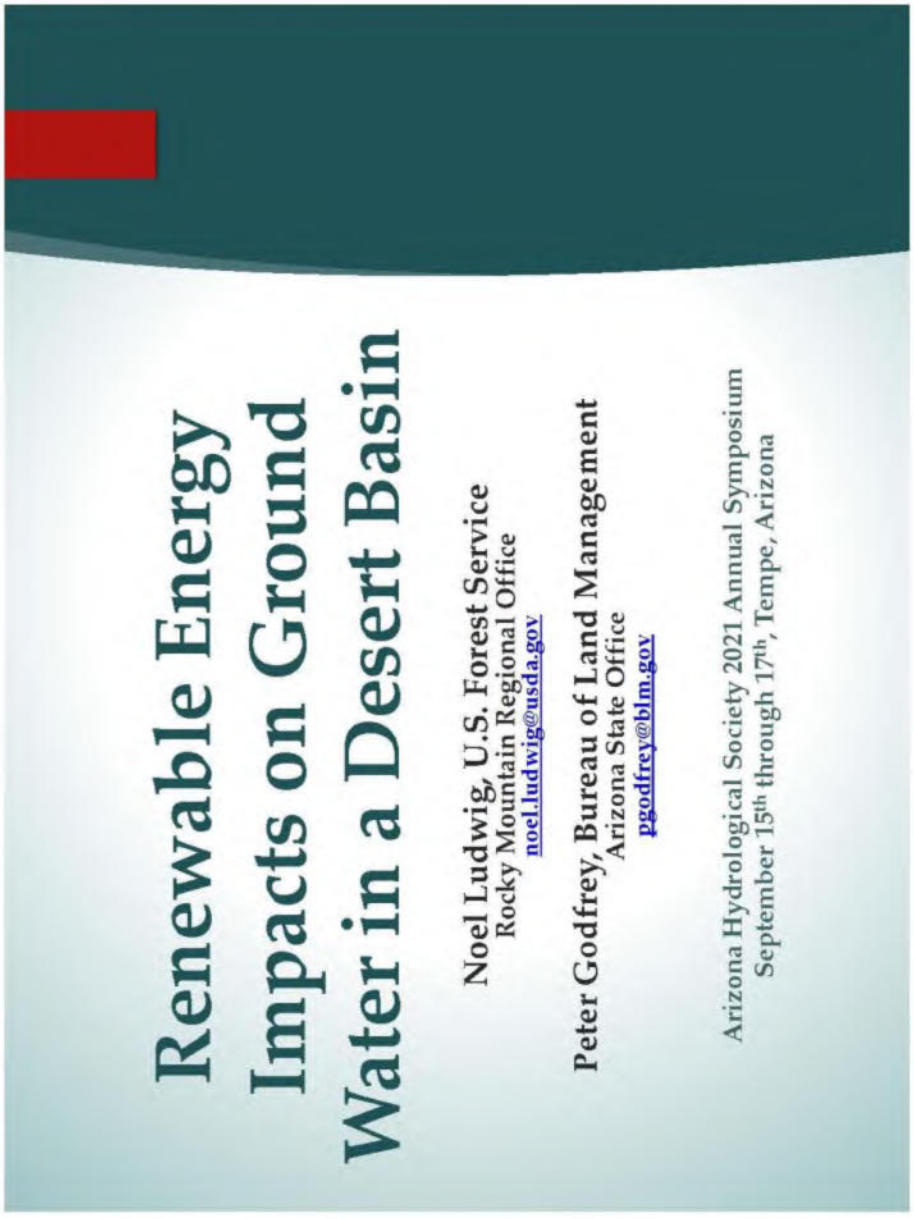
Cooper Kass

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)



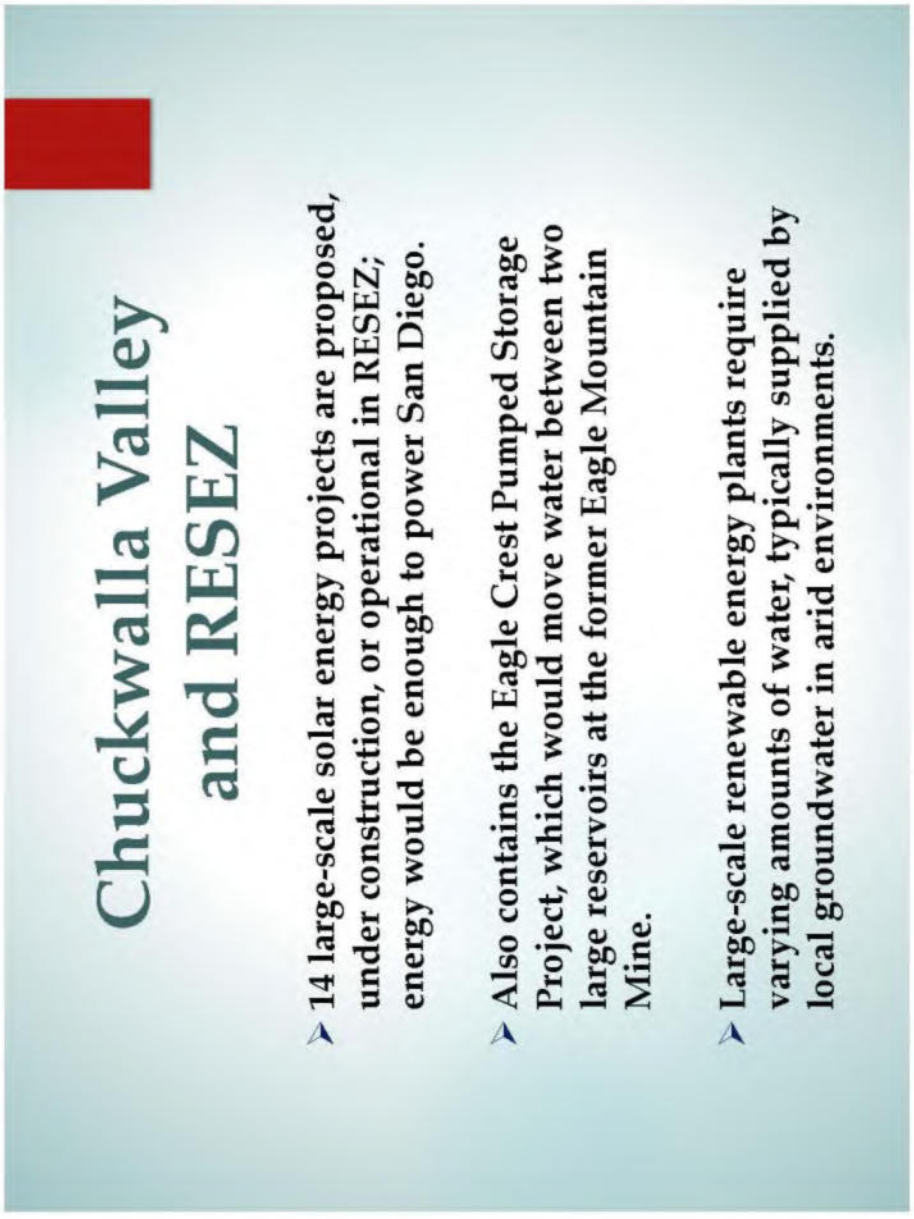
PRB10-39 (cont'd)

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)



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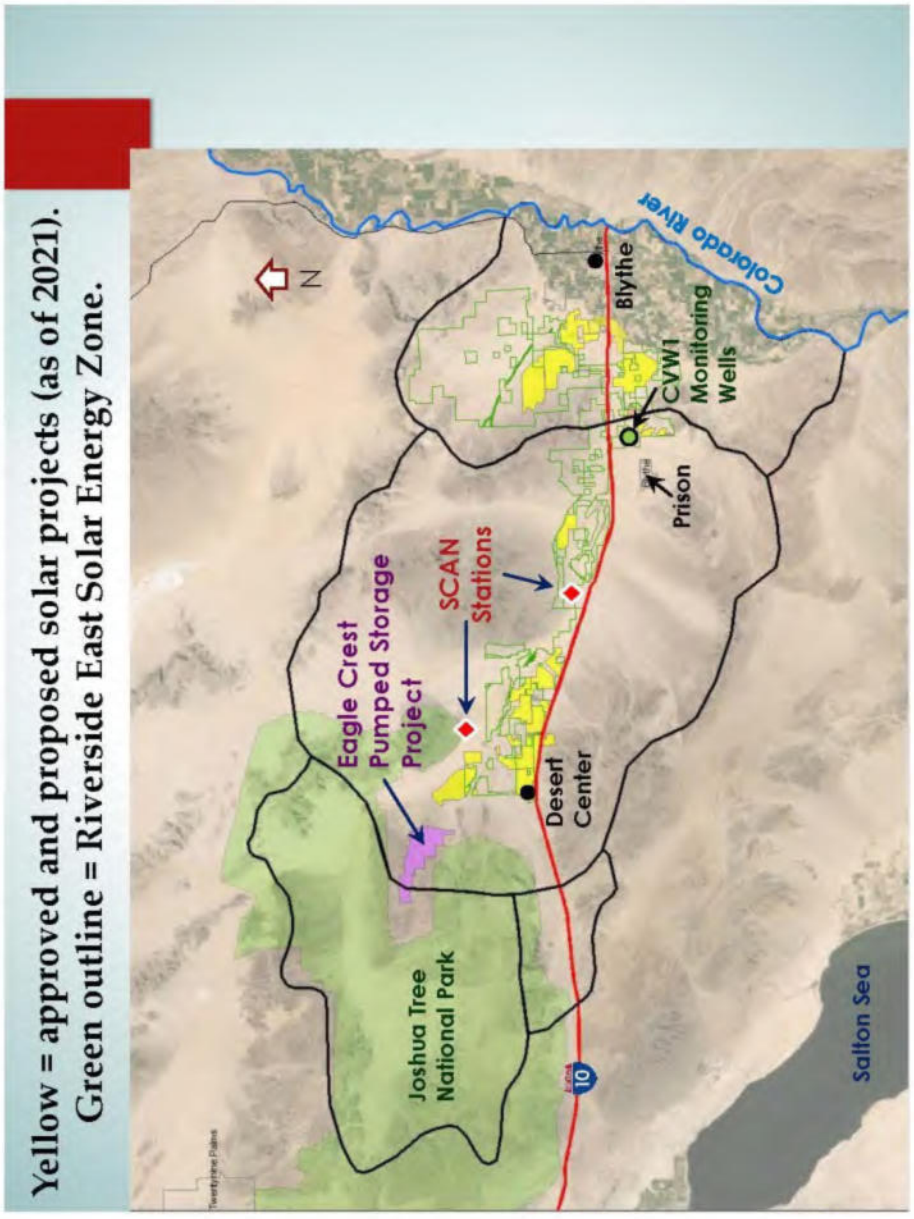
Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)



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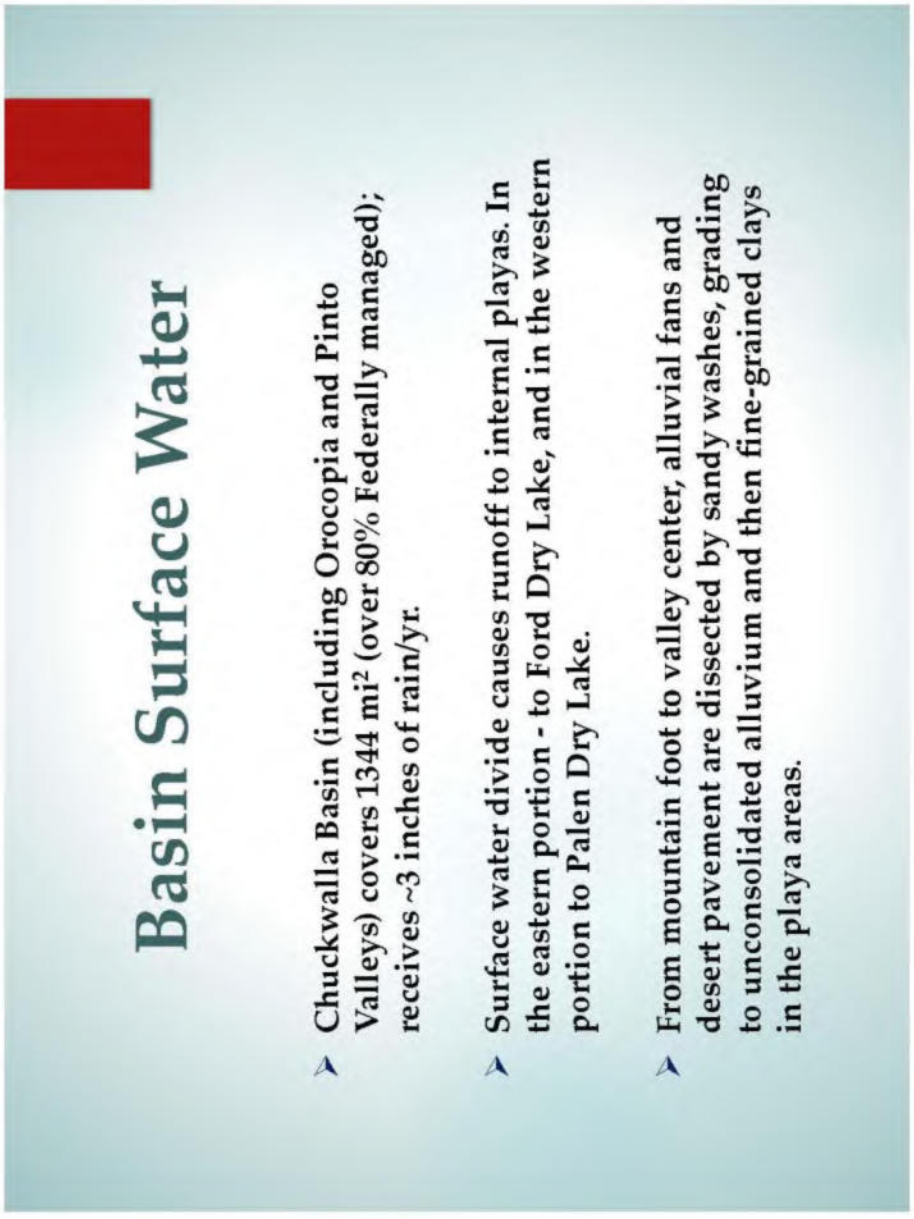
Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)



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Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

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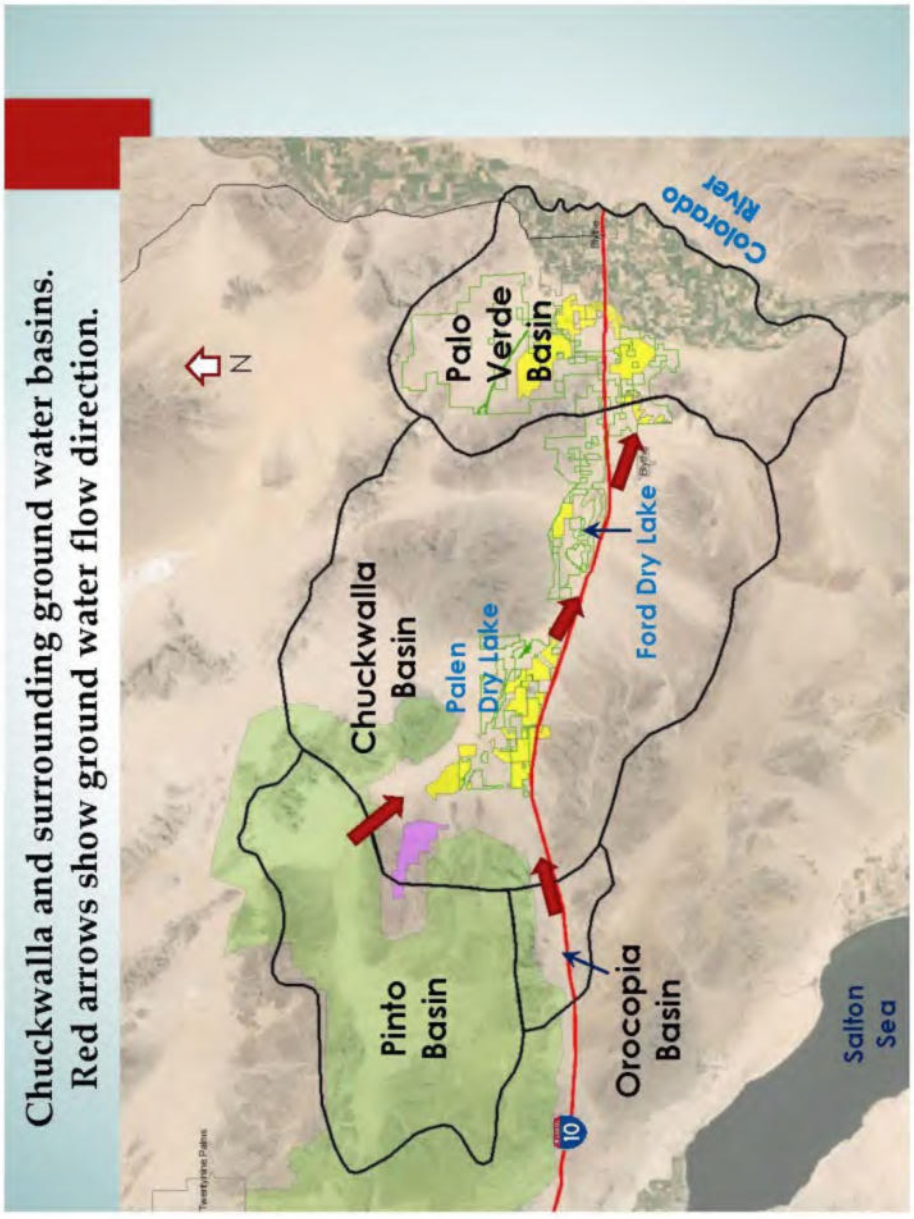

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

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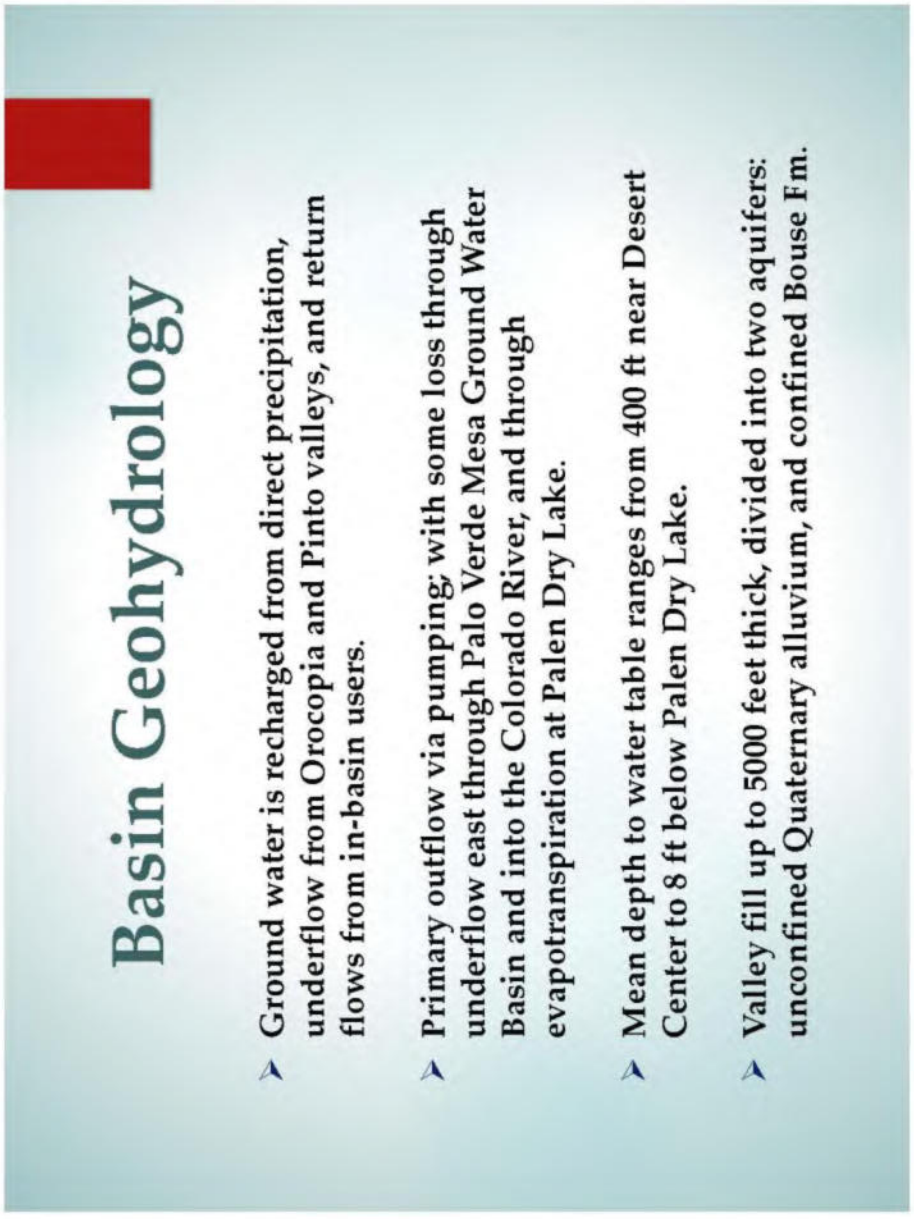

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

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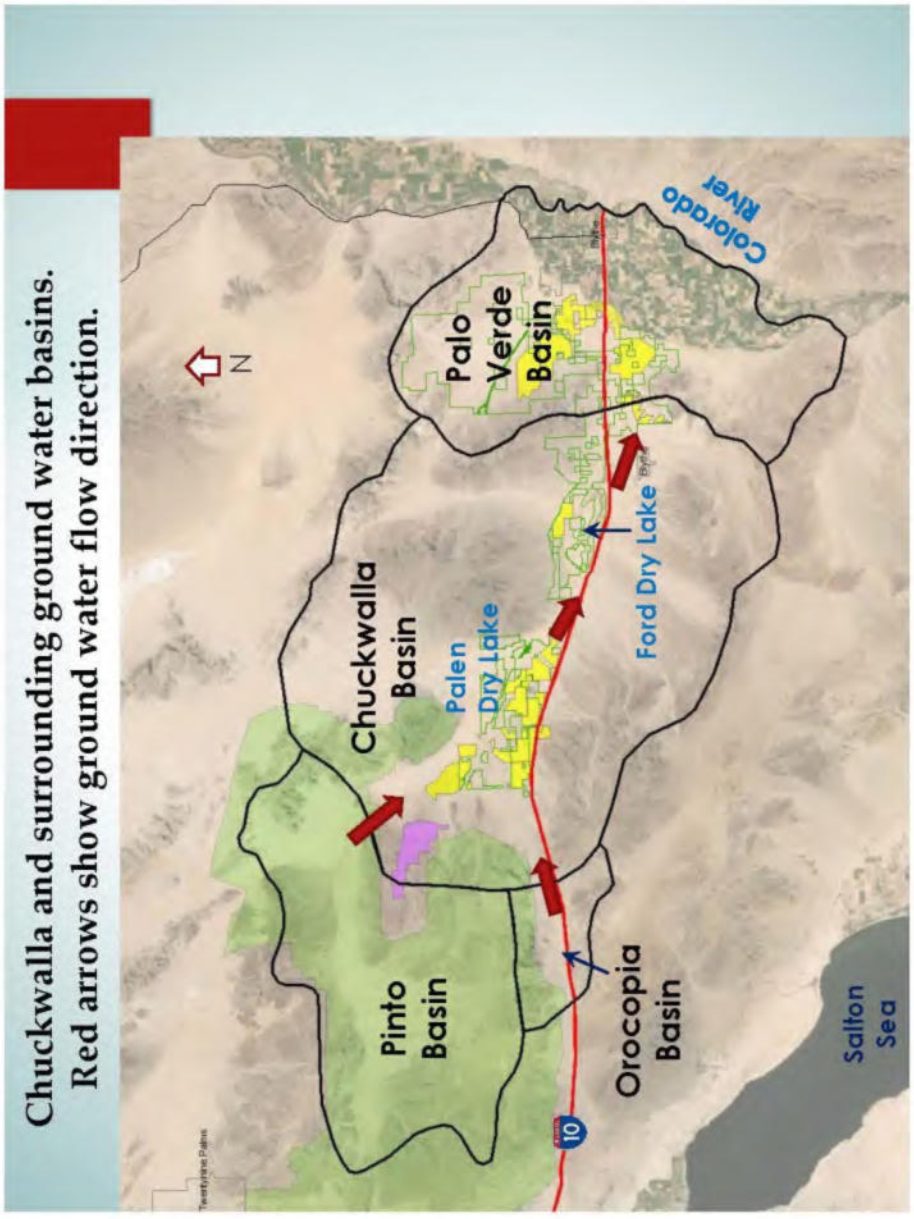

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)



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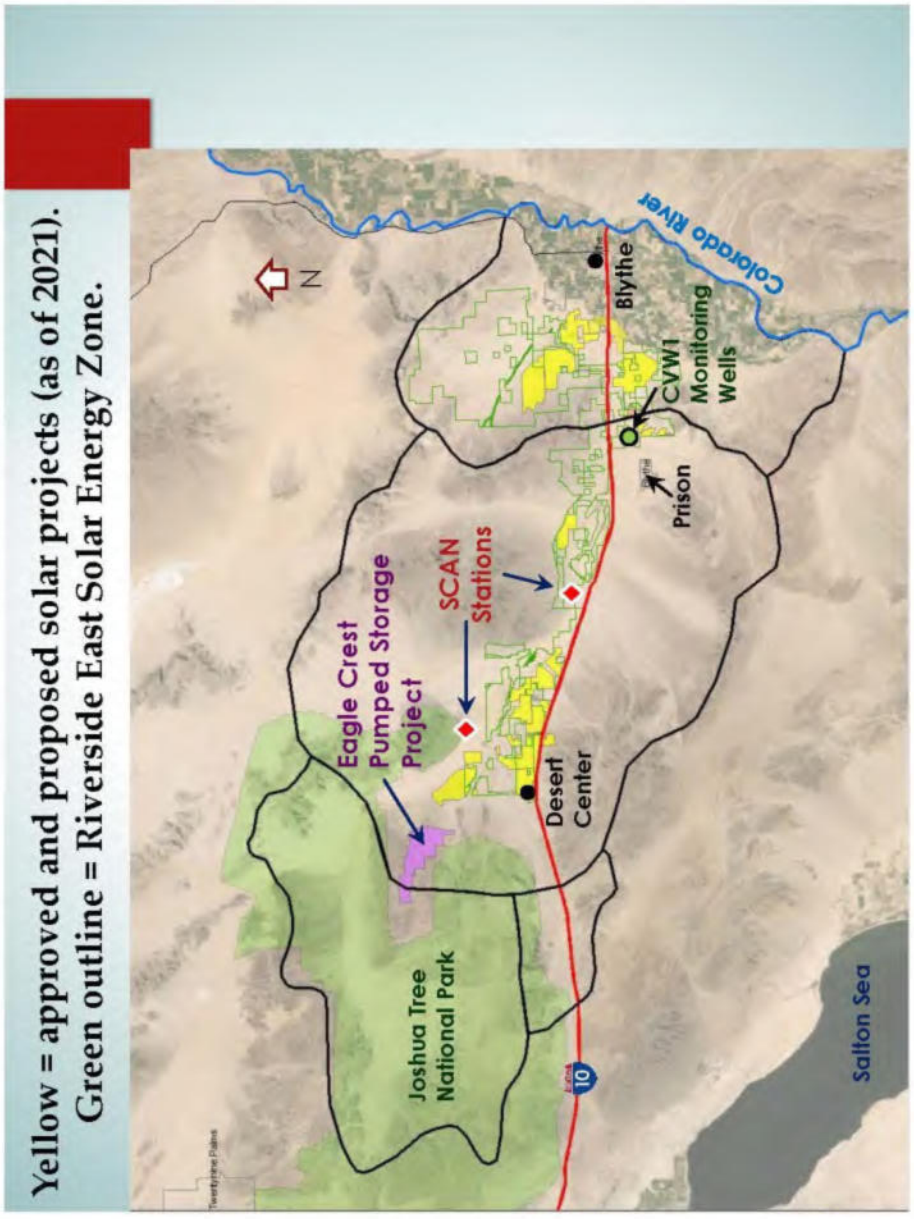

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Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

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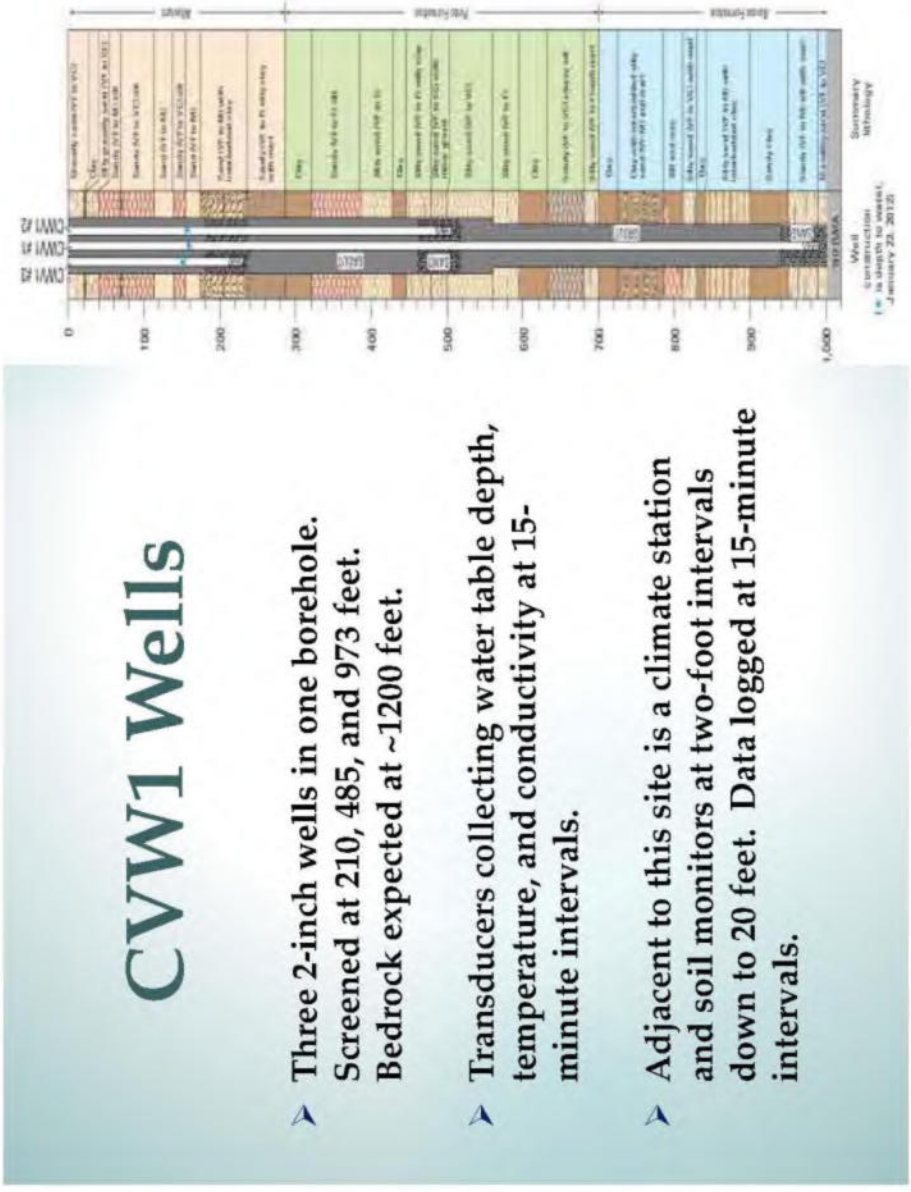

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

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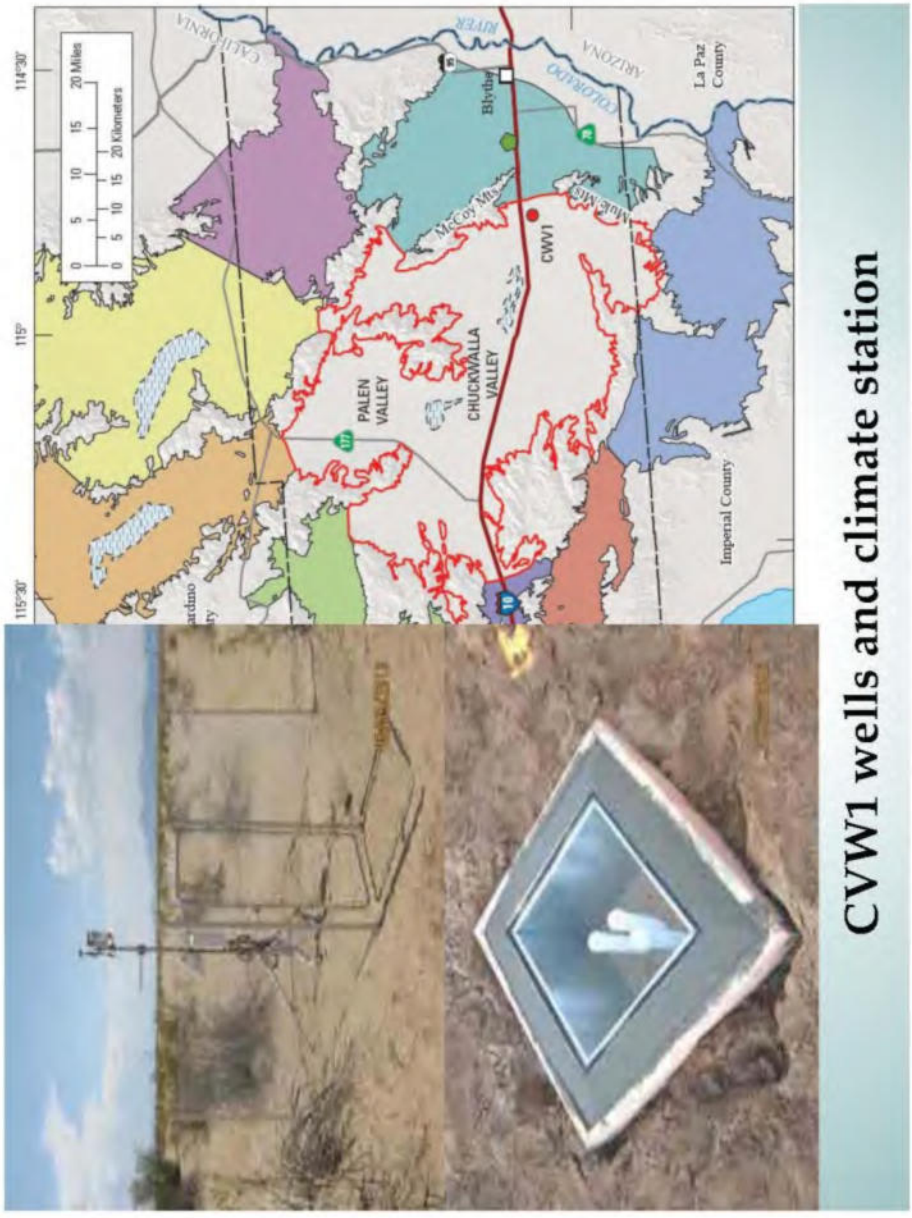

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)



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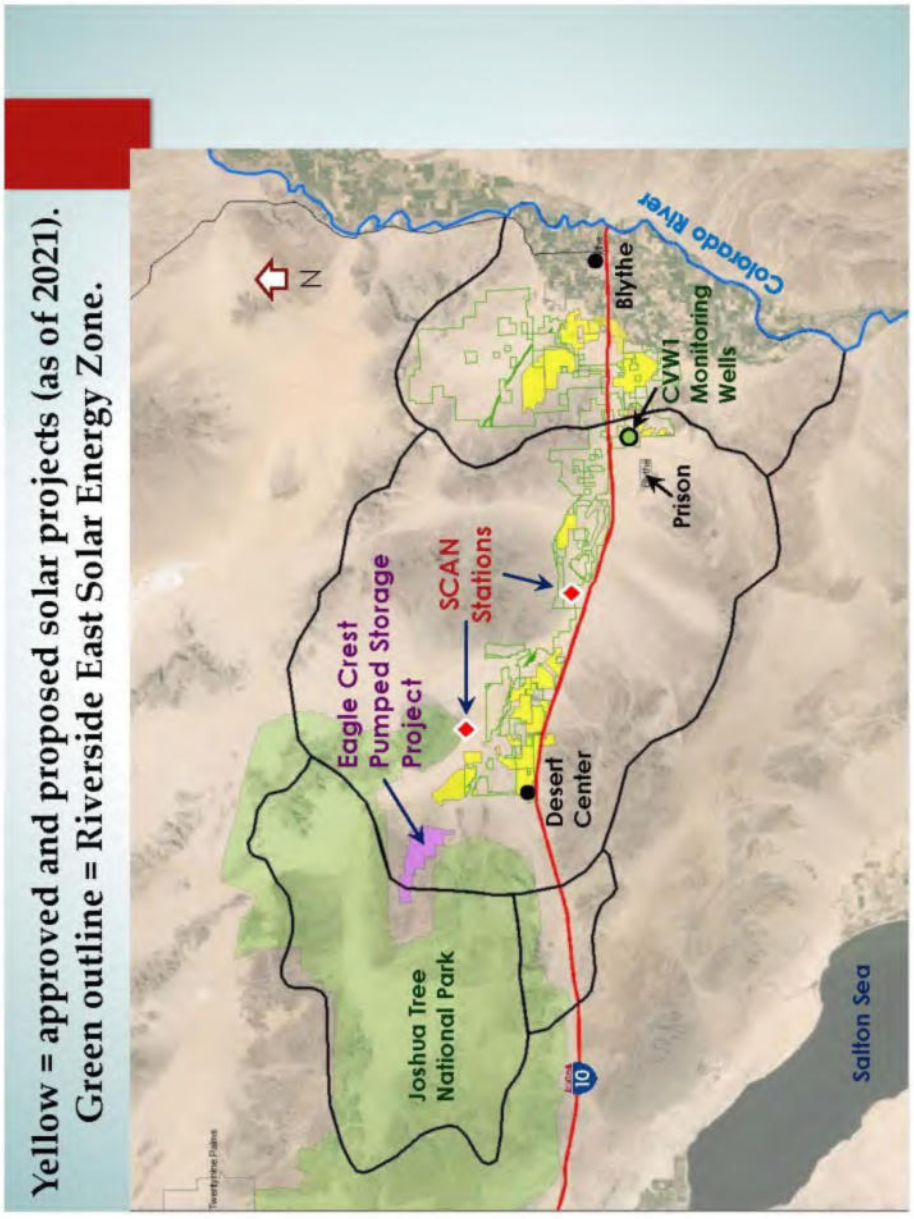

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Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)



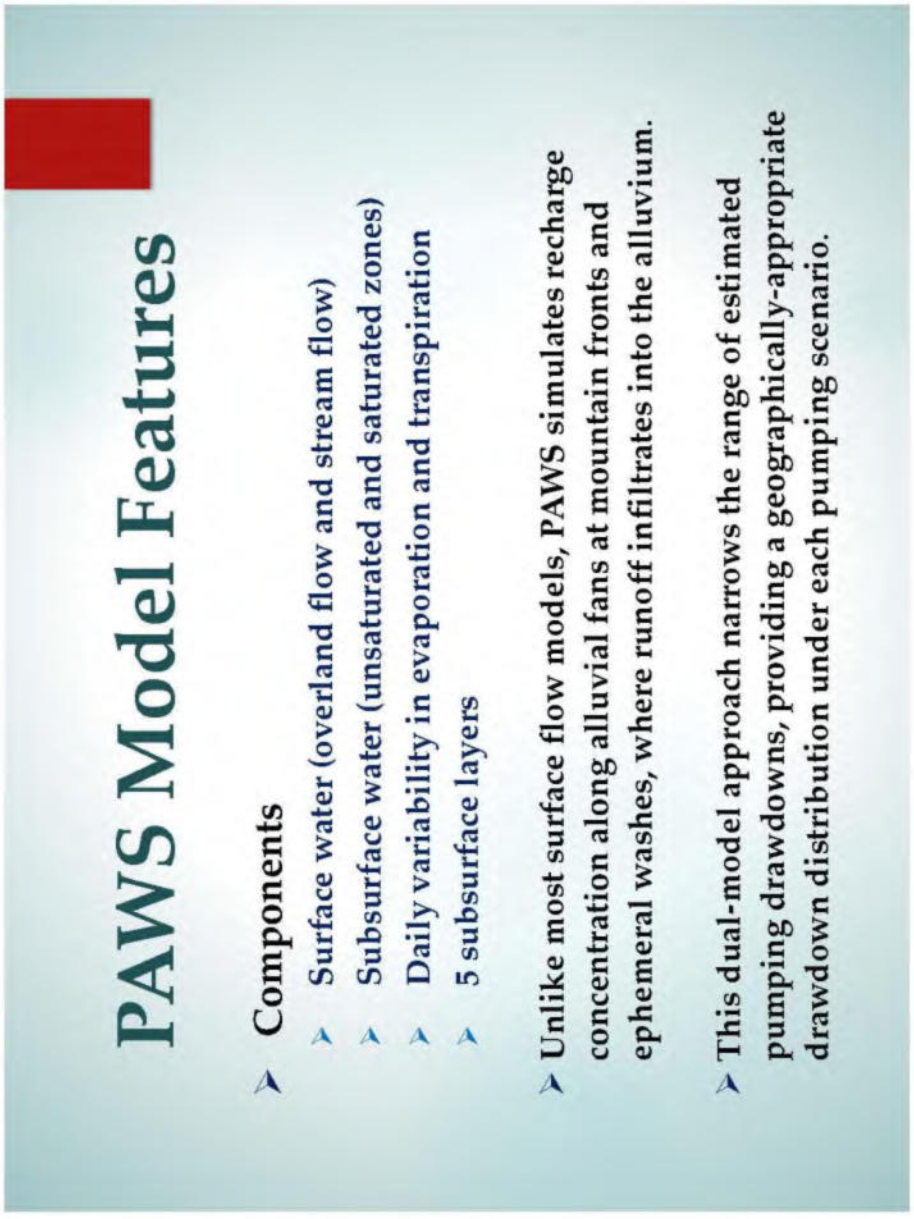
PRB10-39 (cont'd)

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

PRB10-39 (cont'd)



Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)



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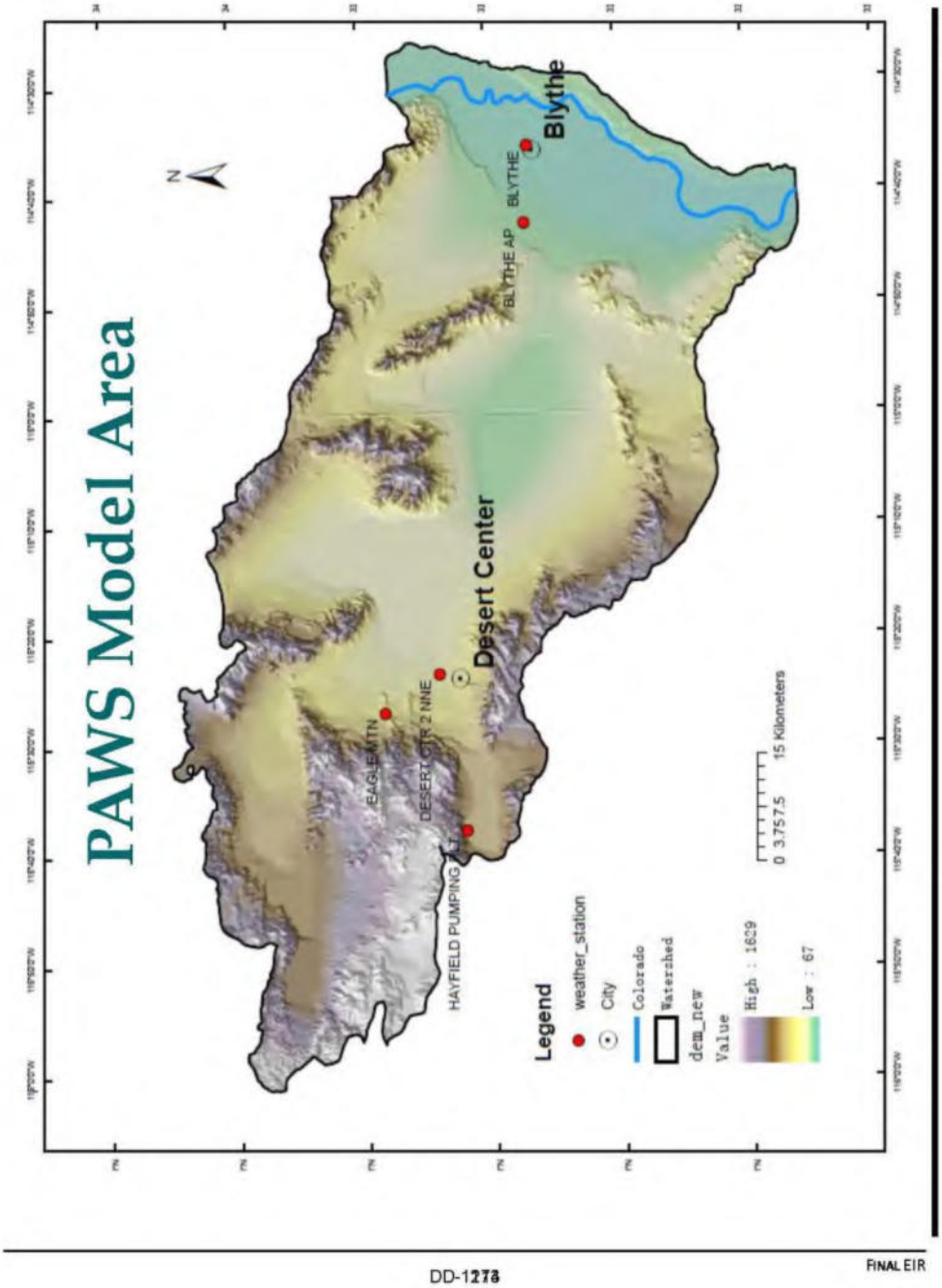
Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)



PRB10-39 (cont'd)

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

PRB10-39 (cont'd)

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

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)



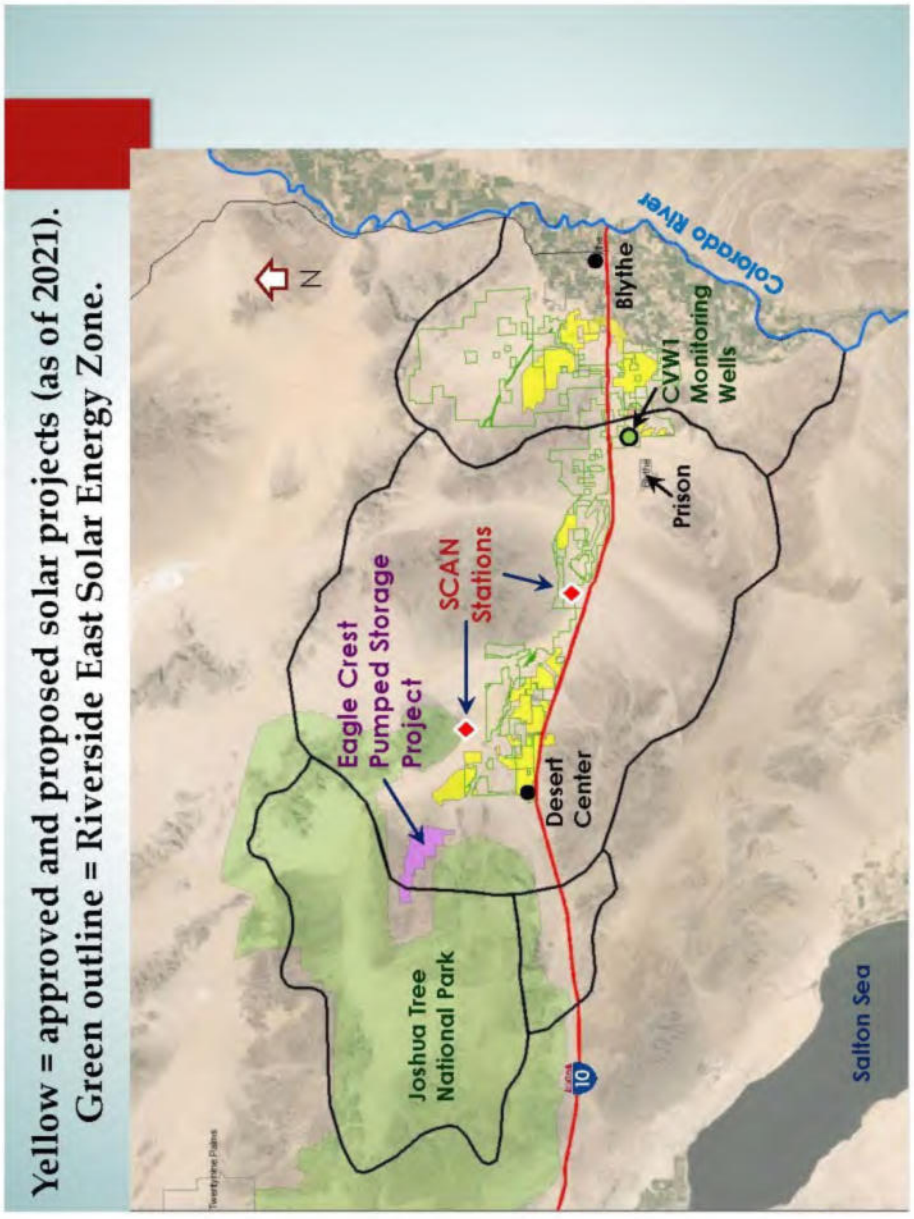
PRB10-39 (cont'd)

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)



PRB10-39 (cont'd)

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)



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Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

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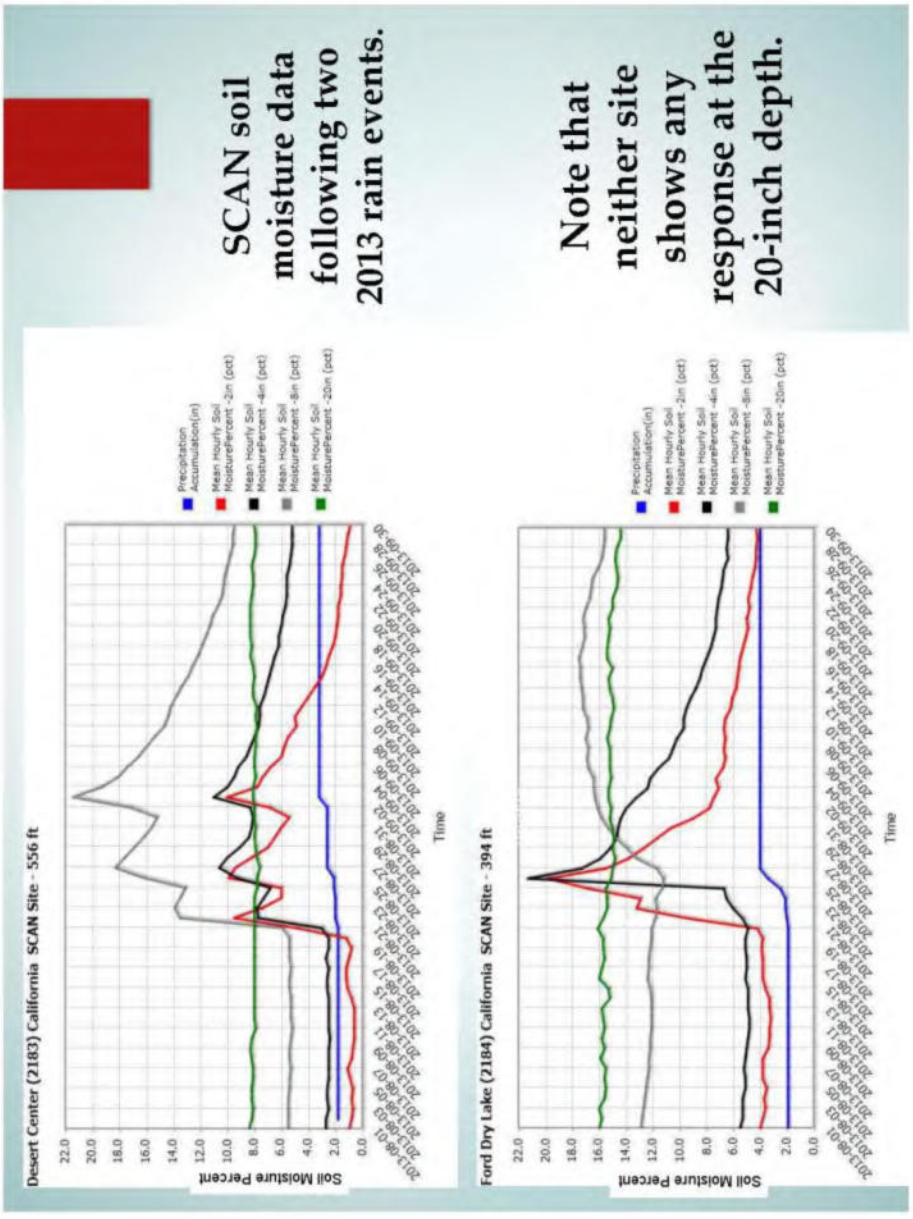

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

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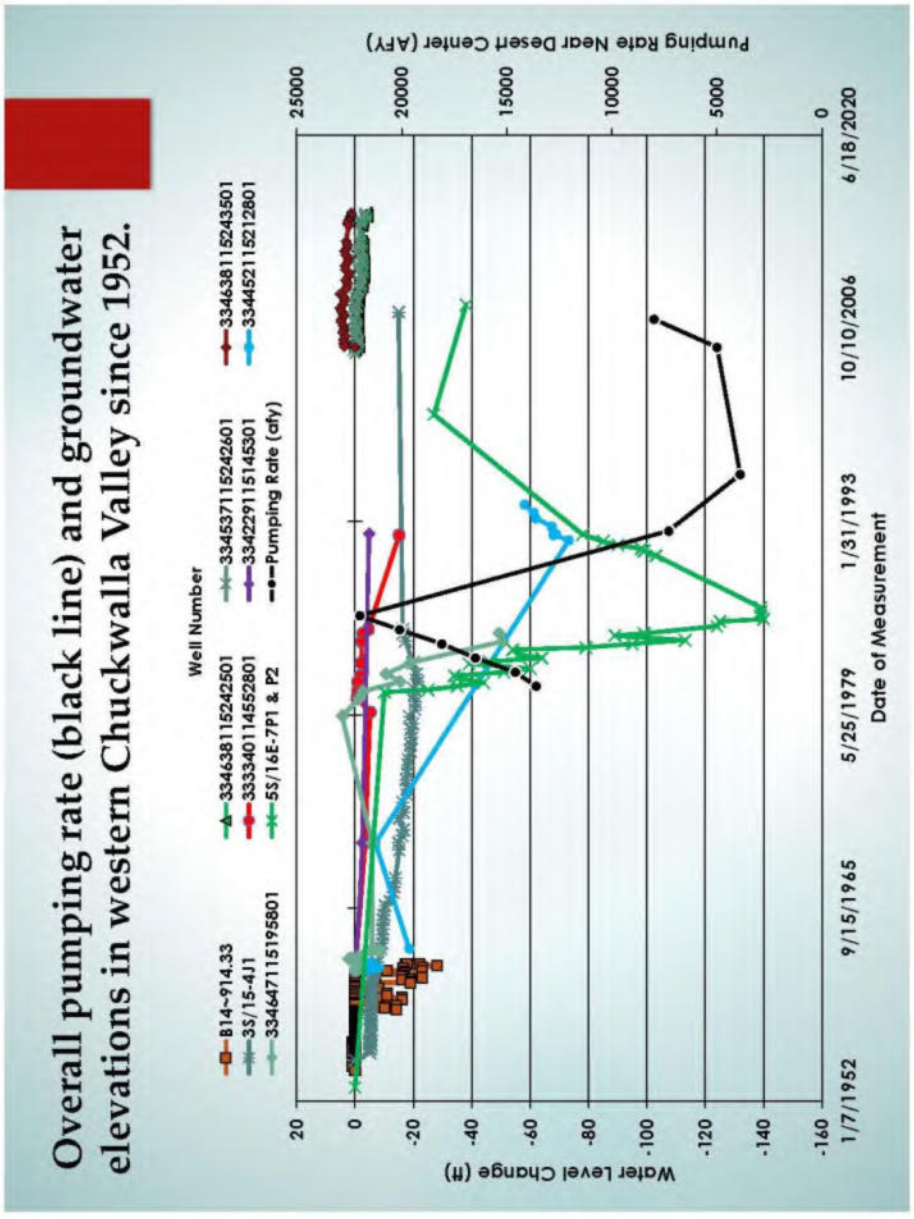
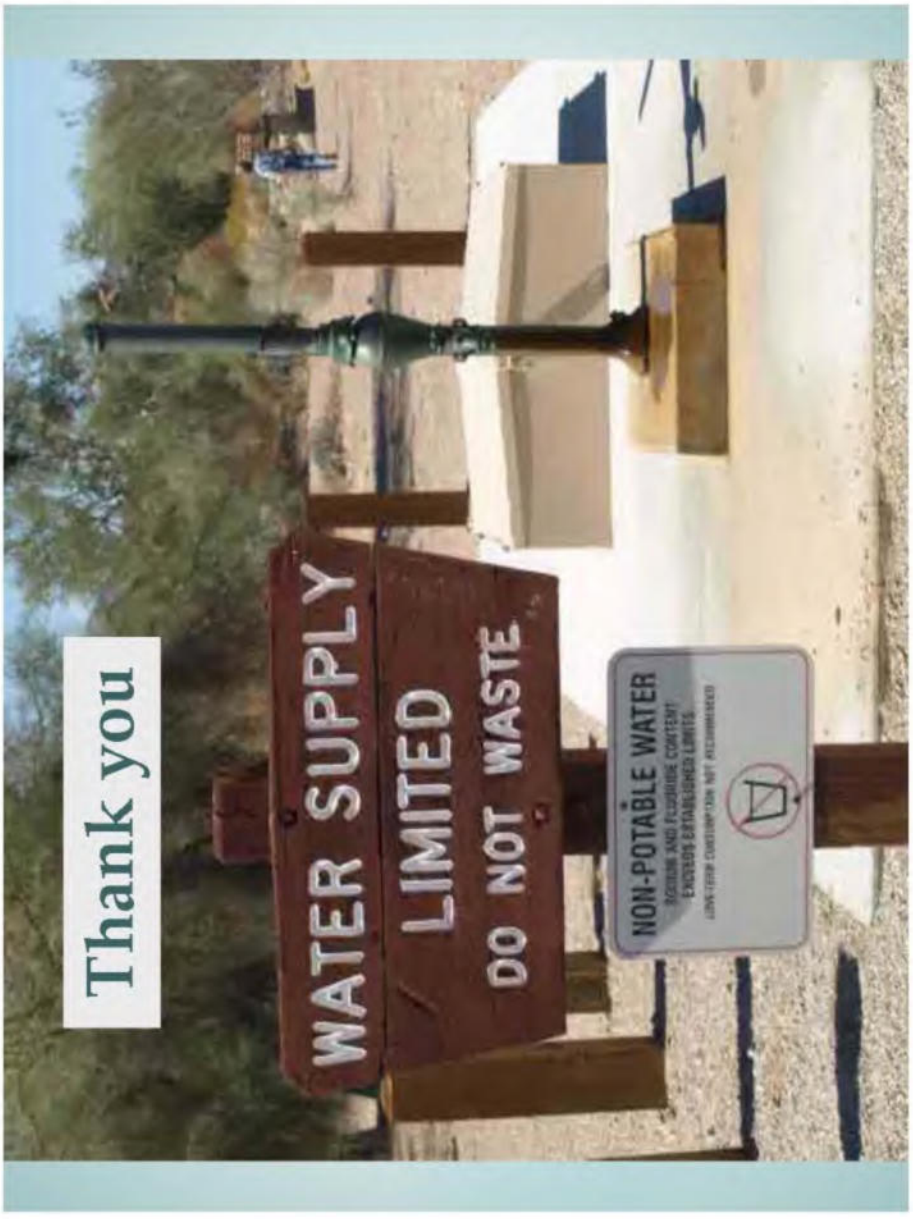


Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)



PRB10-39 (cont'd)

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)



PRB10-39 (cont'd)

Comment Set PRB10 – Angel Law on behalf of Active Communities/Desert Center (continued)

PRB10-39 (cont'd)

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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,

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. PRB11-1

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.

1

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

2

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/1ZHL0gRzjB3dUlWfFBbPv86CN-Dv1FkagjUf21Q19ASU/edit

Section 6. **Water Supply Assessment and Drinking Water Availability**
https://docs.google.com/document/d/1TLVBPfJI4Zk9RiOkgPSEOq6FstUzzKb835JoBeNKNml/edit

Section 7. **Land Use Element**
https://docs.google.com/file/d/15jJFby1KMVNiHrlHnet-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

3

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/178oCd1uj3OFtlJHBhXL0CmnQdugPTIgMcjdIRPOpSUk/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/1DTuLKH2ZdLH4qjr4fDRIbXH55Td2p0xqrWthaHy9m6g/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

PRB11-6

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."

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.

PRB11-7

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.

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 ½ 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/121ig_V_w4fZCSi6AL0AQMik-EHkP6FwFanMr_3PtXqY/edit

-Degrading Availability of Quality Water

PRB11-25

Comment Set PRB11 – Active Communities/Desert Center (continued)

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/1TLVBPfJI4Zk9RiOkqPSEOq6FstUzzKb835JoBeNKNmI/edit

Following our Amended Fugitive Dust Management Plan minimizes the water needs for the Project and makes sourcing these reduced water requirements elsewhere viable.

PRB11-25 (cont'd)

-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.

PRB11-26

Comment Set PRB11 – Active Communities/Desert Center (continued)

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.

PRB11-27

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)

Section 2. Environmentally Superior Alternative C is Mandated for Selection by CEQA regulations

PRB11-28

–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)

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. PRB11-30

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".

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. PRB11-31

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. PRB11-32

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)

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.

PRB11-33

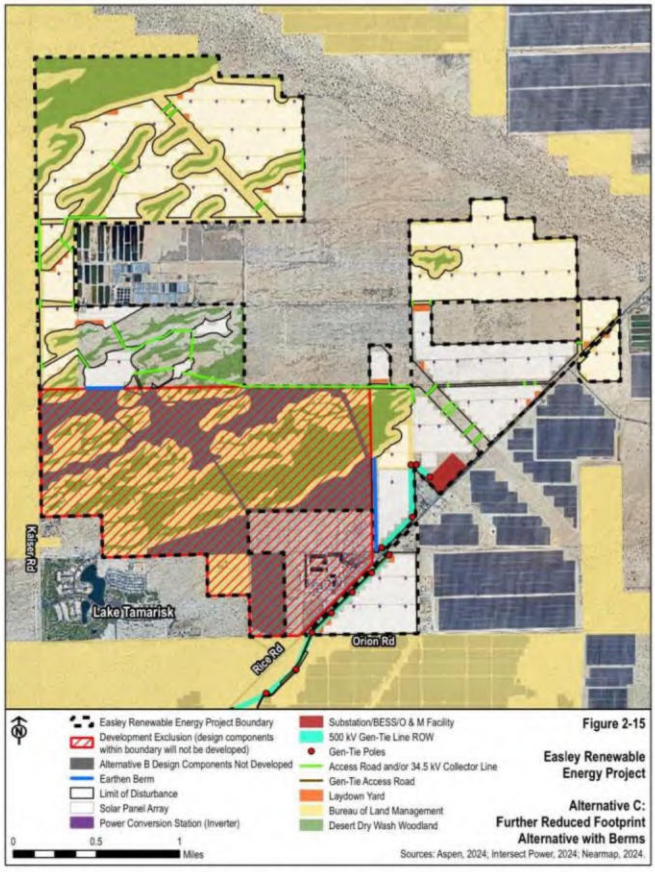
Easley PRDEIR:
NOA - Easley Partially Recirculated DEIR.pdf

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



Further Reduced Footprint Alternative C

PRB11-34

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 NOT needed to fulfill the DRECP renewable energy strategy.

DRECP 2016 Record of Decision (ROD):

II.3.2.3 **General Public Lands**

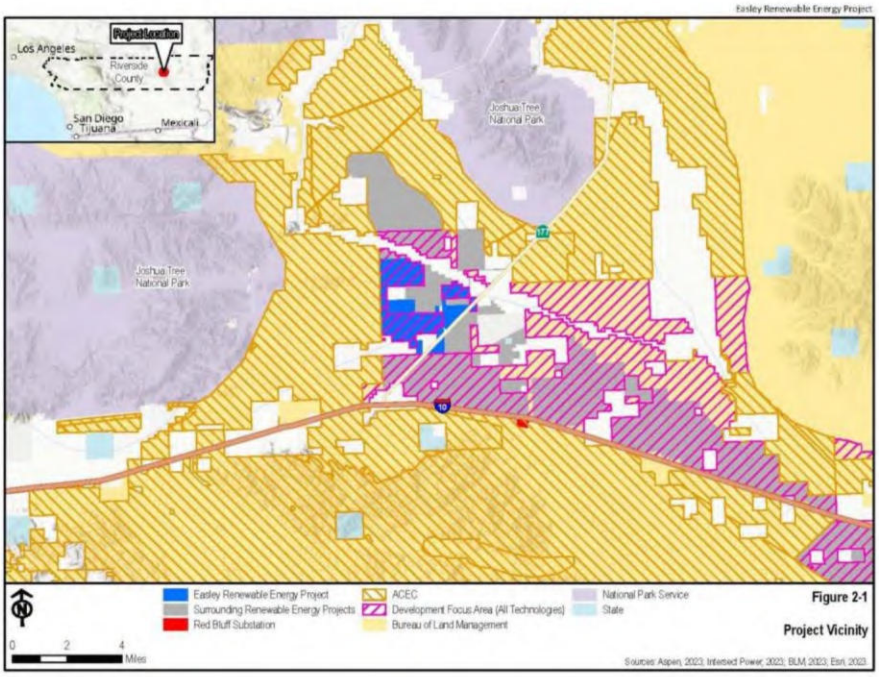
"Within the DRECP Plan Area there are BLM-administered lands that do not have a specific land allocation or designation associated with energy development, conservation, or recreation. **These lands are not needed to fulfill the DRECP biological conservation or renewable energy strategy.** While renewable 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.**"

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)

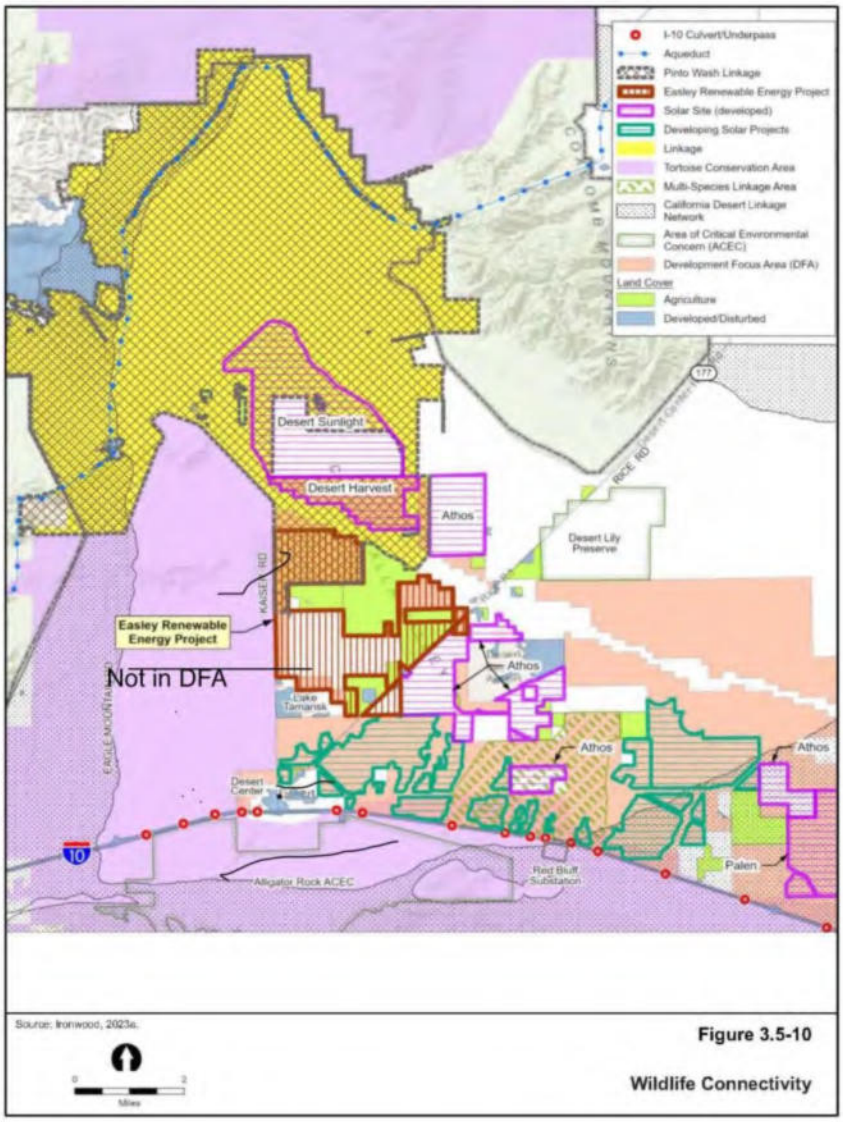


Figure 3.5-10

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



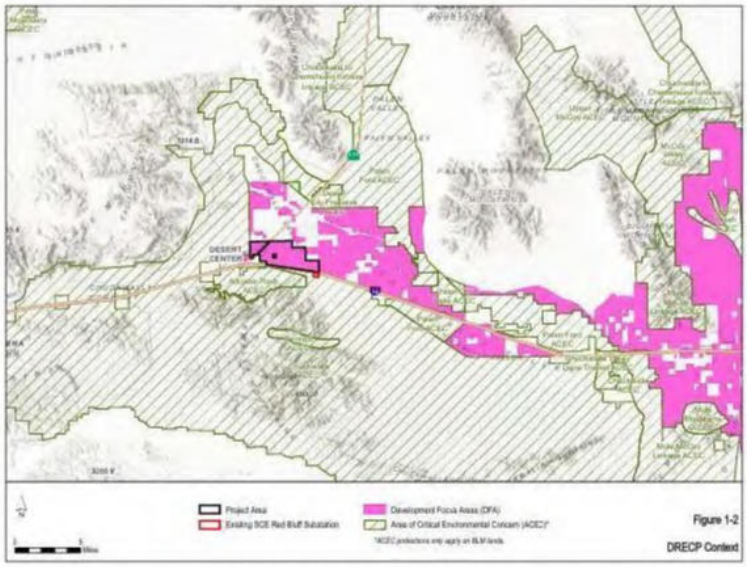
DRECP Databasin.org Pink is DFA



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-JZpl3qu4s2t3mEzw0D3W-PHoN0r2VaQQqw/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)

From PRDEIR:

PRB11-38 (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.

Earthen Berms. Two 10-foot high earthen/sand berms, with a 4:1 slope, [illegible]0-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/1oblHoigKzv8m3l5zP0k74nxQZHeccykn/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.

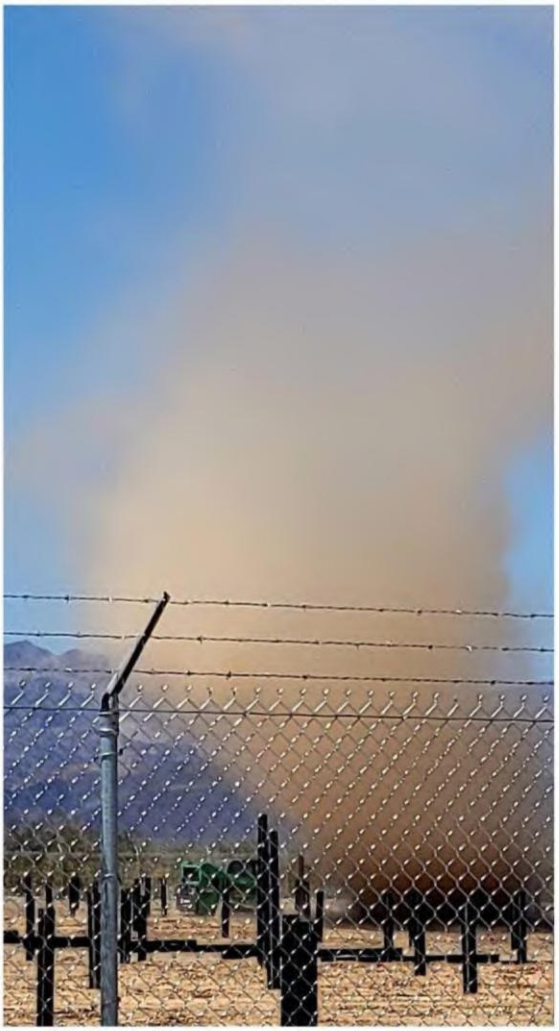
PRB11-45

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.

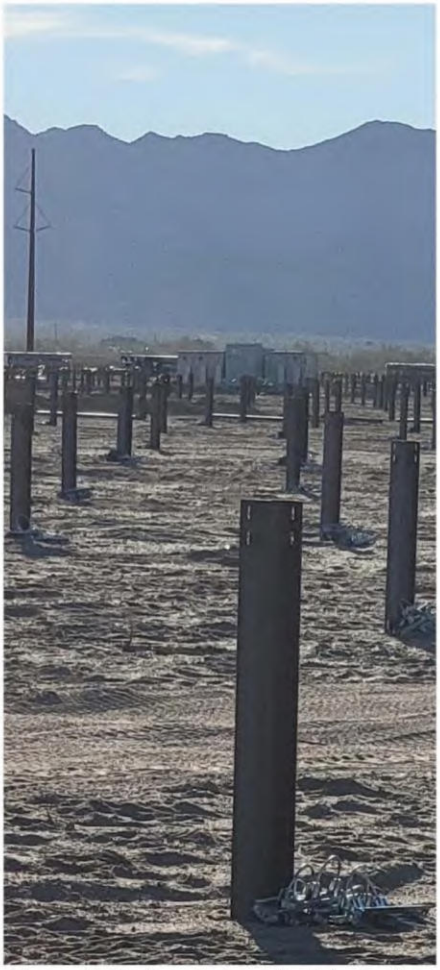
The link below shows the same twister dissipating after moving to undisturbed land outside of the Project boundaries. The biological crusts keep the fine dust particles from exposure.

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/1TlEdb3dp9YpkHqVqvP_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.

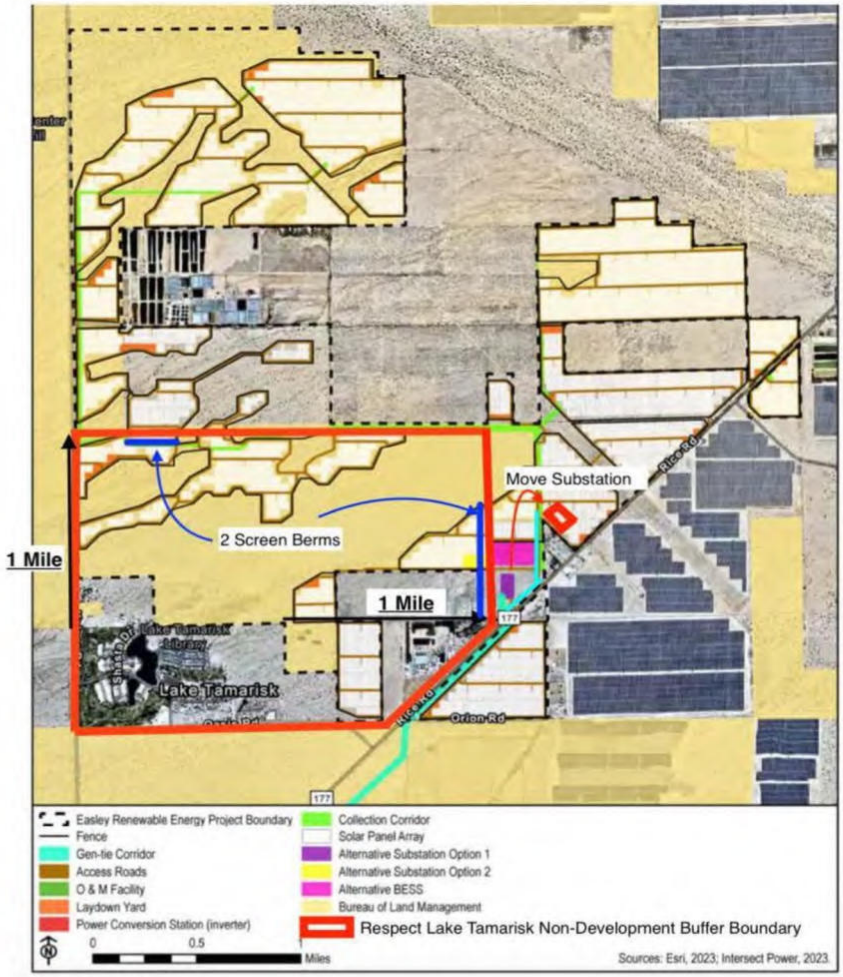
The Respect Lake Tamarisk Alternative lays out a construction plan and Fugitive Dust Management Plan that follow the guidelines of the EPA and would help protect the health and welfare of the residents of Lake Tamarisk and the surrounding area. The objective of these plans is to contain 100% fugitive 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_eDJZMYi6T6C4jularKRVtY18c8d1vVd0VnO9ZnCDhQ/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_xaTryjlW_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/1MIhOiFI91NscVUBFJxPwnsXIL2qlCF2S/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)

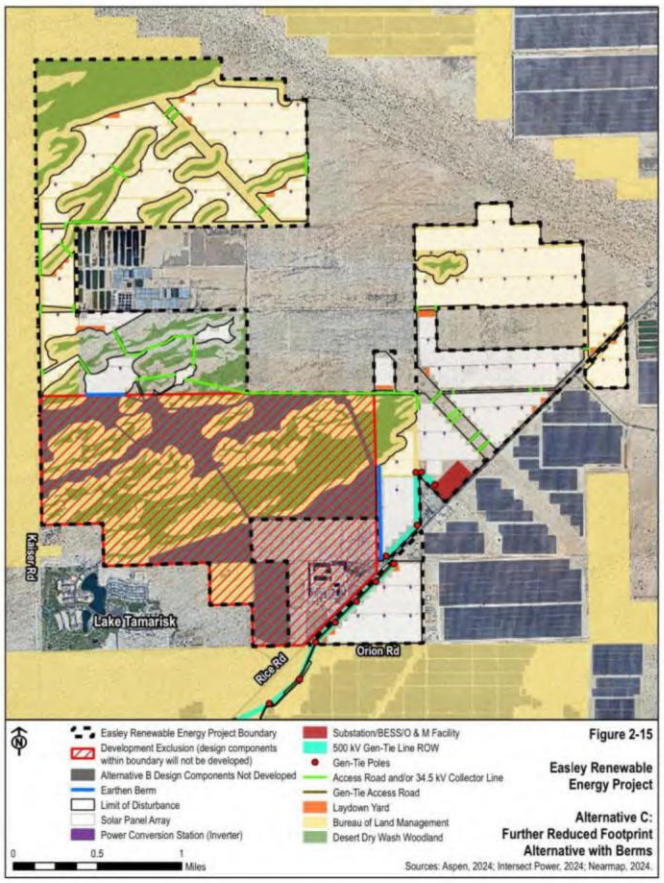


Figure 2-15
Easley Renewable Energy Project
Alternative C: Further Reduced Footprint Alternative with Berms

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).

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.

PRB11-59

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

The Private and Public Lands within the 1-Mile Setback have never been designated for Renewable Energy Development.

PRB11-60

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)

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.

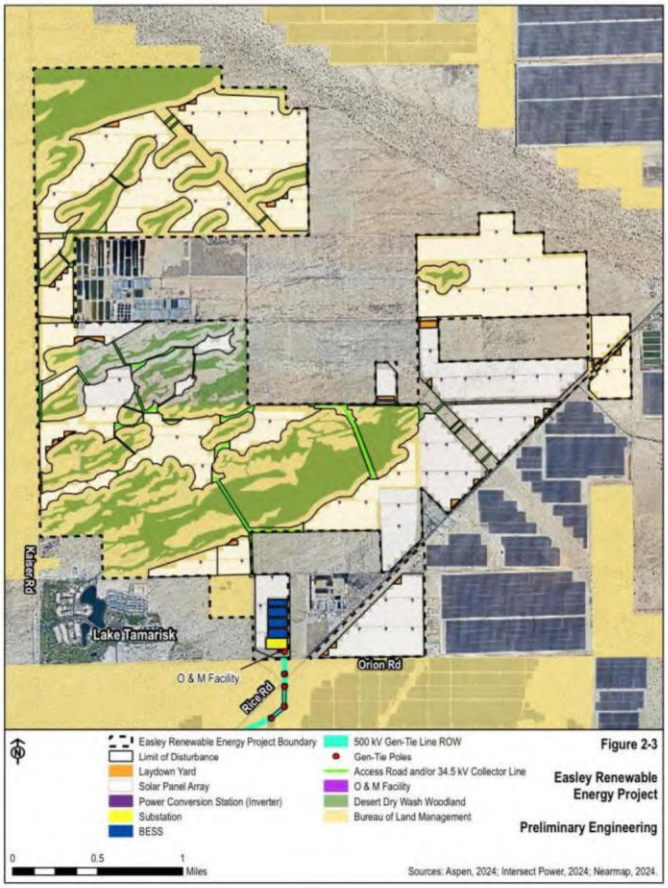
These Microphyll Woodlands also provide food and shelter for over 90% of all migratory passerine bird species yet comprise only 5% of the Sonoran Desert.

Biological Survey Maps:

PRB11-60 (cont'd)

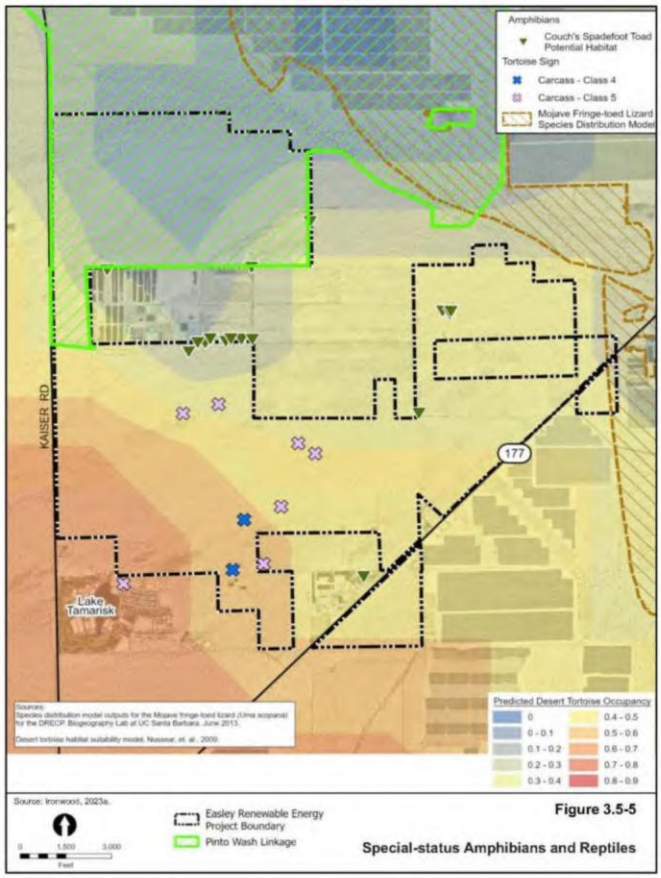
Comment Set PRB11 – Active Communities/Desert Center (continued)

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)

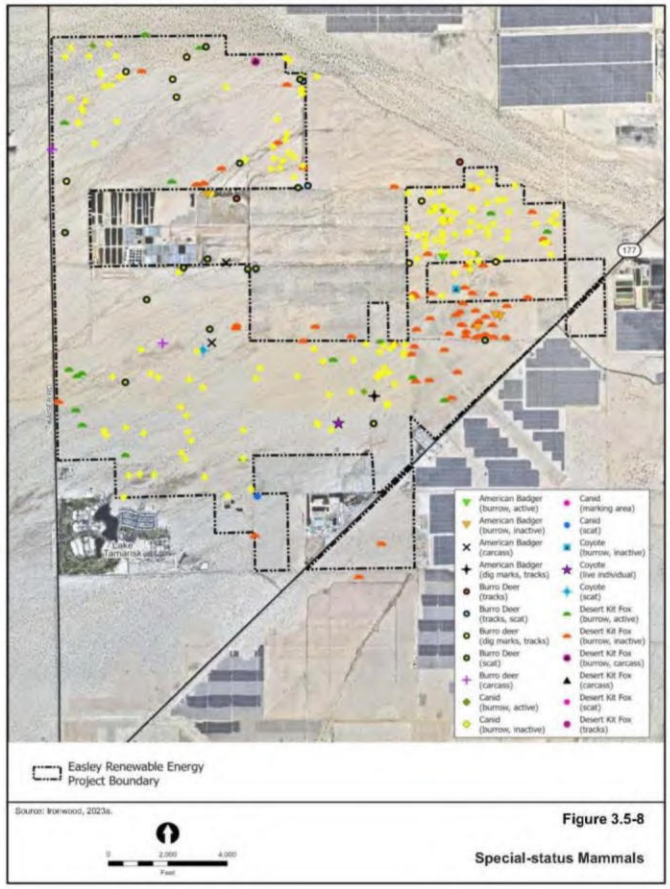


Figure 3.5-8
Special-status Mammals

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-60 (cont'd)

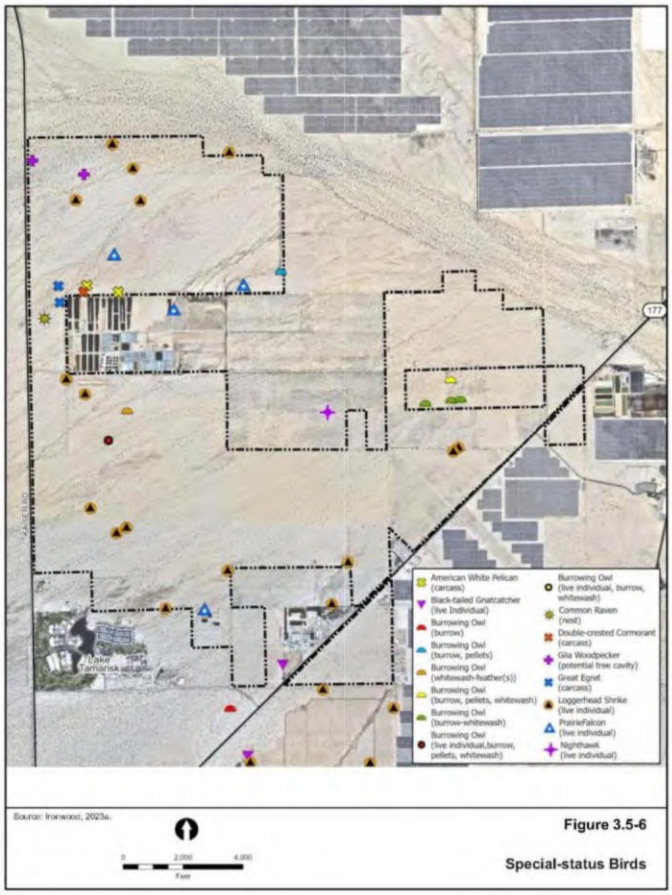


Figure 3.5-6

Special-status Birds

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-60 (cont'd)

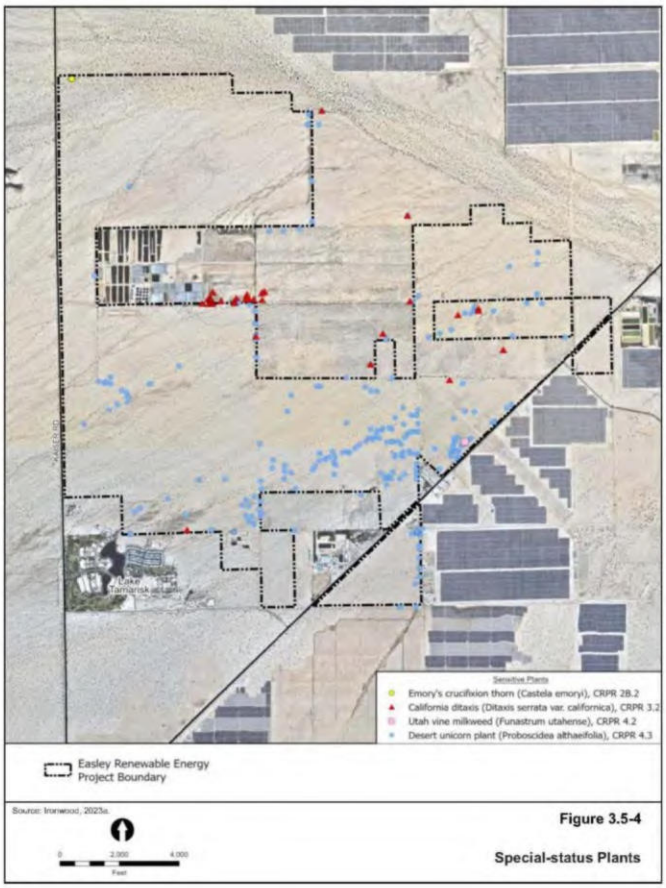


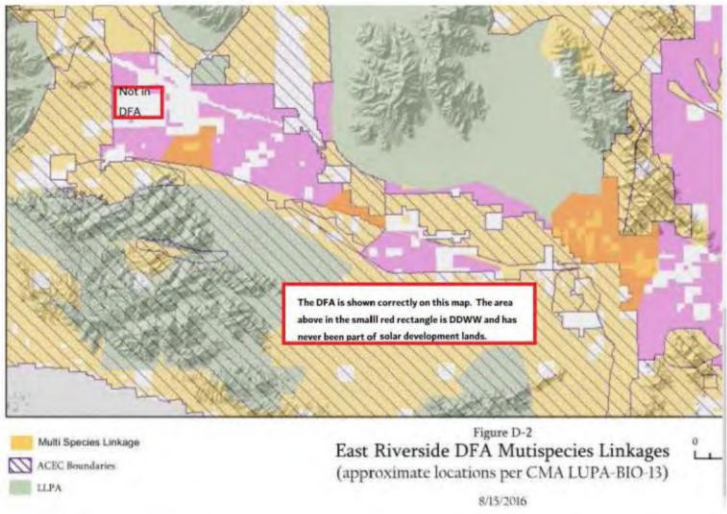
Figure 3.5-4

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)

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

PRB11-60 (cont'd)

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.**

PRB11-62

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.
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.

PRB11-63

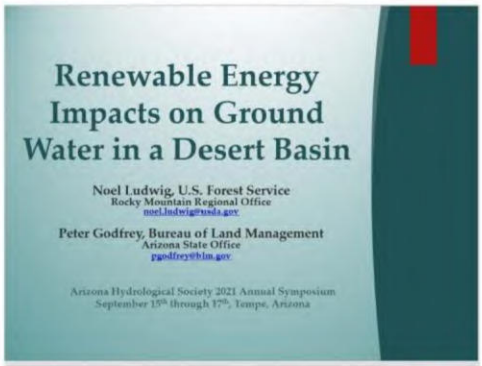
6. **Intersect Power alone would extract an additional 1000 Acre Feet of groundwater thus causing a 900 Acre Feet <u>Overdraft</u> of the Chuckwalla Valley Groundwater Basin and continuous degradation of water quality as fresh water mixes with high salinity ancient water layers.**

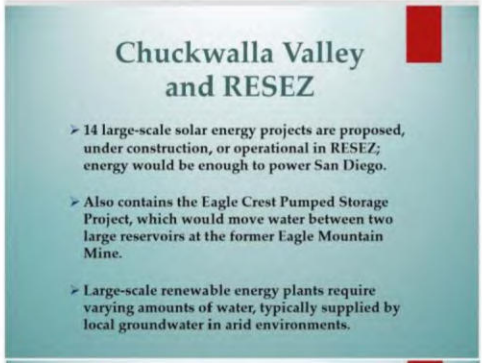
PRB11-64

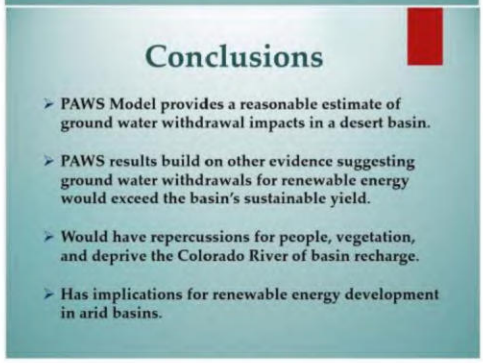
7. Intersect Power completely ignores the water requirements of the true economic developments occurring in Desert Center, Eagle Mountain and Lake Tamarisk.
8. The Riverside County Land Use Ordinance states that a CUP or a PUP "shall not be granted unless the applicant demonstrates that the proposed 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







PRB11-66

Water Availability and the Chuckwalla Valley Groundwater Basin

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)

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. **PRB11-66 (cont'd)**

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

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. **PRB11-67**
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. **PRB11-68**

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.

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. **PRB11-68 (cont'd)**

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)

"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)." PRB11-72

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/1ii4zOZHkC5waJVlBzWyVOBHESx8bx9lgCW5-3uxA7us/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. PRB11-81 (cont'd)

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.

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: PRB11-82
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

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."

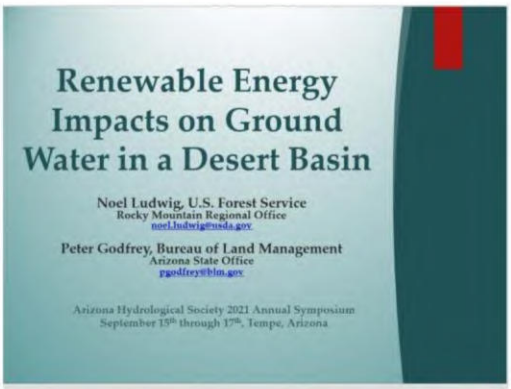
"Table 11 indicates that with all cumulative qualifying projects, including the proposed Project, in place and using normal groundwater recharge estimates, the CVGB would experience an initial groundwater deficit of approximately 7,000 AF in 2024 (the planned first year of Project construction). The 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."

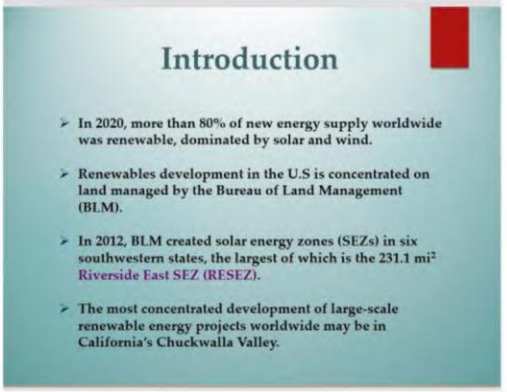
"Table 12 indicates that under a repeat of the multiple dry year scenario based on the 1893 to 1904
below average precipitation conditions, cumulative projects would increase the cumulative groundwater deficit shown in Table 8. With all cumulative projects in place and normal groundwater recharge estimates, 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."

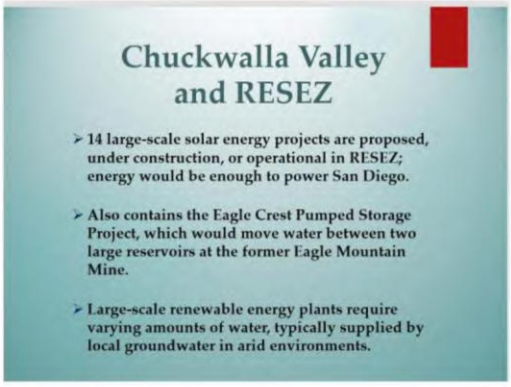
The multiple dry year analysis (see Table 12) shows that a repeat of the longest consecutive dry period on record, with all cumulative projects in place, would result in a total groundwater deficit of approximately 102,900 AF. The Project would contribute 1,500 AF, approximately 1 percent, to this deficit. 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

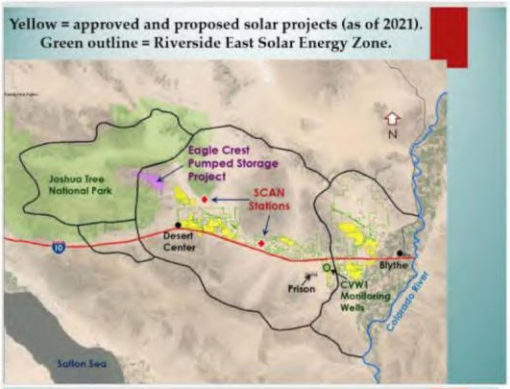


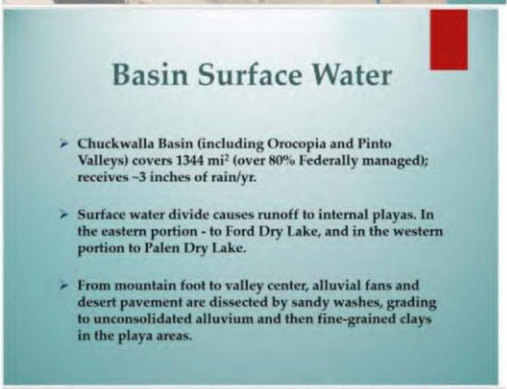


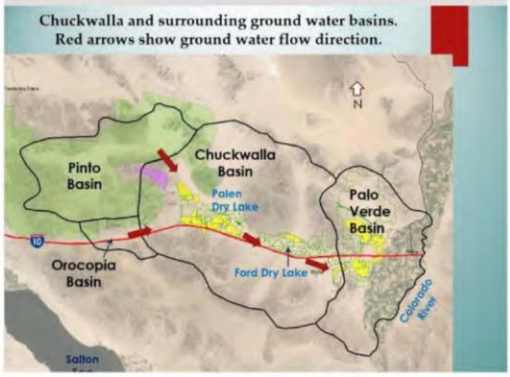


Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-84 (cont'd)







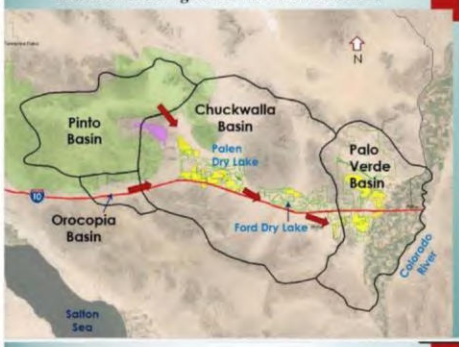
Comment Set PRB11 – Active Communities/Desert Center (continued)

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.

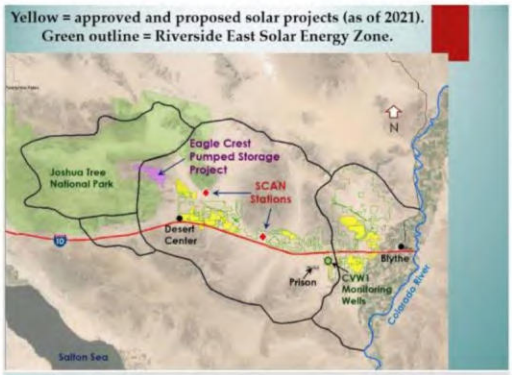


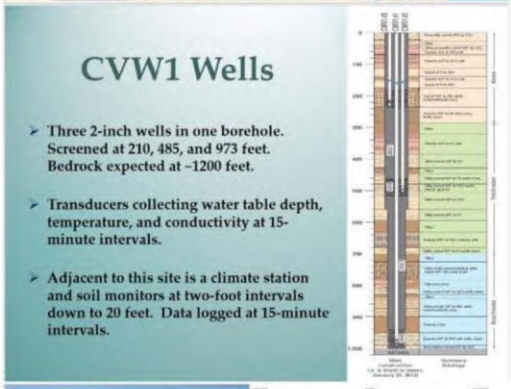
Groundwater Monitoring

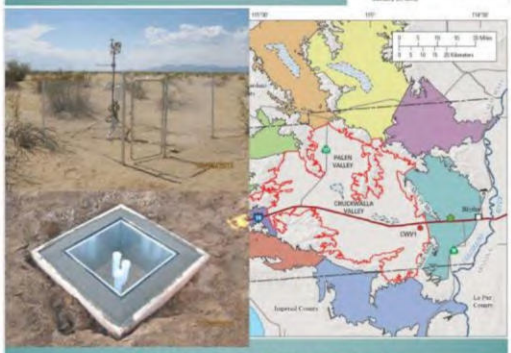
- USGS only monitors one well in the basin. Long-term records exist for a few more.
- Solar projects monitor their own wells and some surrounding wells, as required in ROW grants.
- USGS & BLM installed three wells (CVW1 wells) near the basin's outlet in 2012.
- Two Soil Climate Analysis Network (SCAN) stations installed in basin's central and western portions in 2011.

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-84 (cont'd)







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)

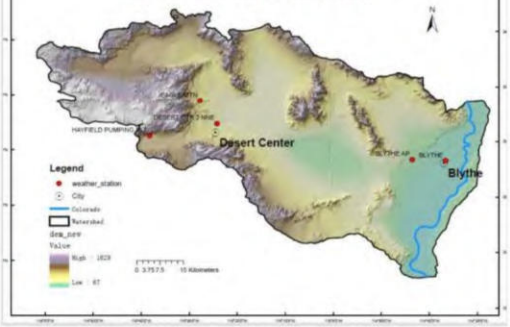
Basin Recharge Modeling

- 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

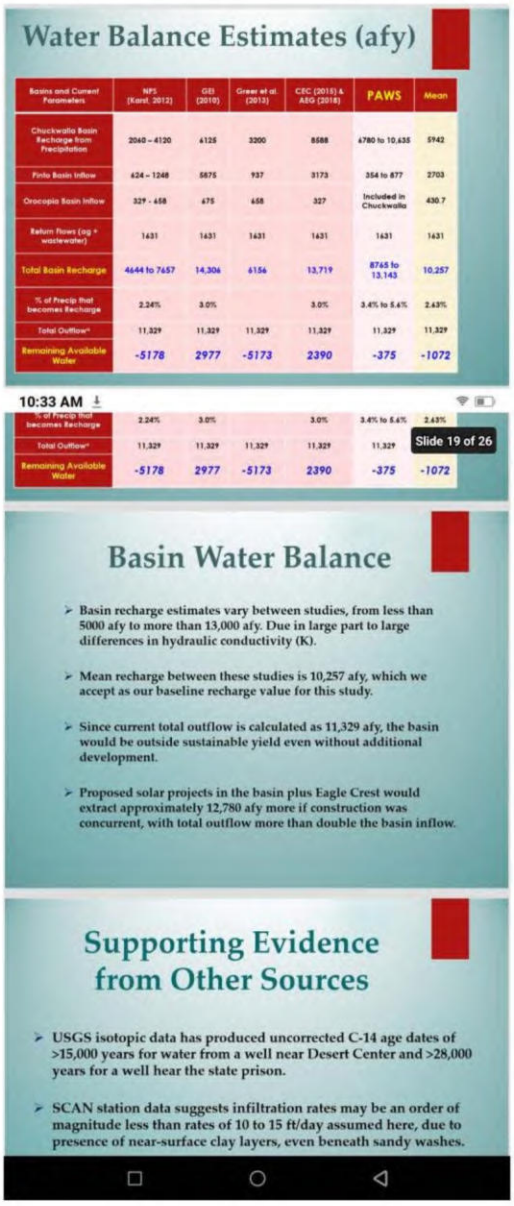
- Components
  - Surface water (overland flow and stream flow)
  - Subsurface water (unsaturated and saturated zones)
  - Daily variability in evaporation and transpiration
  - 5 subsurface layers
- Unlike most surface flow models, PAWS simulates recharge concentration along alluvial fans at mountain 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	NFS (Karst, 2012)	GEI (2010)	Greer et al. (2013)	CEC (2015) & ASG (2018)	PAWS	Mean
Chuckwalla Basin Recharge from Precipitation	2060 – 4120	4125	3200	8588	4780 to 10,635	5942
Pinto Basin Inflow	424 – 1248	5875	937	3173	354 to 677	2703
Orocopia Basin Inflow	329 - 658	475	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 5.4%	2.63%
Total Outflow*	11,329	11,329	11,329	11,329	11,329	11,329
Remaining Available Water	-5178	2977	-5173	2390	-375	-1072

10:33 AM

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.

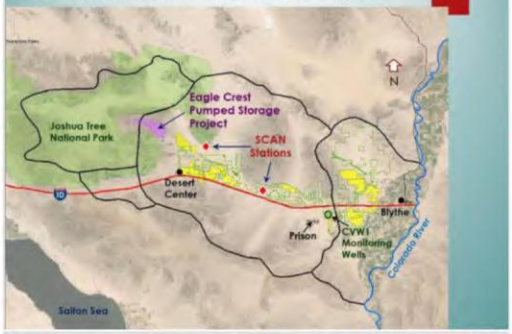
Comment Set PRB11 – Active Communities/Desert Center (continued)

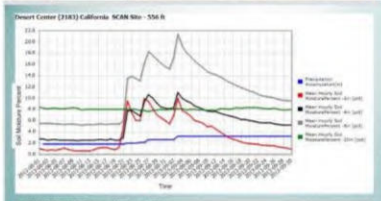
PRB11-84 (cont'd)

Supporting Evidence from Other Sources

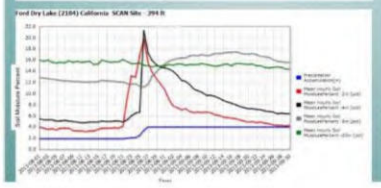
- USGS isotopic data has produced uncorrected C-14 age dates of >15,000 years for water from a well near Desert Center and >28,000 years for a well hear the state prison.
- SCAN station data suggests infiltration rates may be an order of magnitude less than rates of 10 to 15 ft/day assumed here, due 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.

Yellow = approved and proposed solar projects (as of 2021).
Green outline = Riverside East Solar Energy Zone.





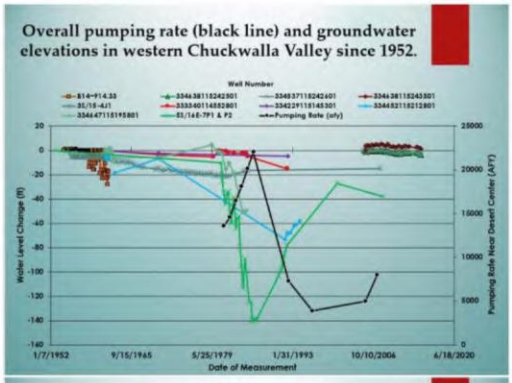
SCAN soil moisture data following two 2013 rain events.

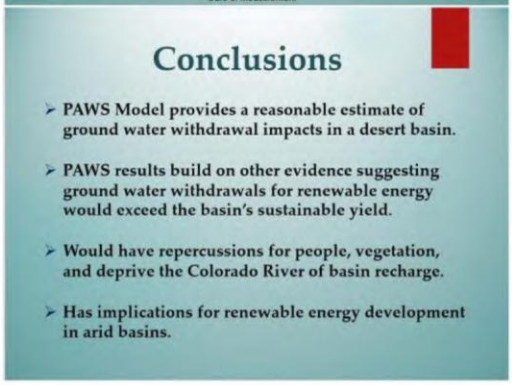


Note that neither site shows any response at the 20-inch depth.

Comment Set PRB11 – Active Communities/Desert Center (continued)

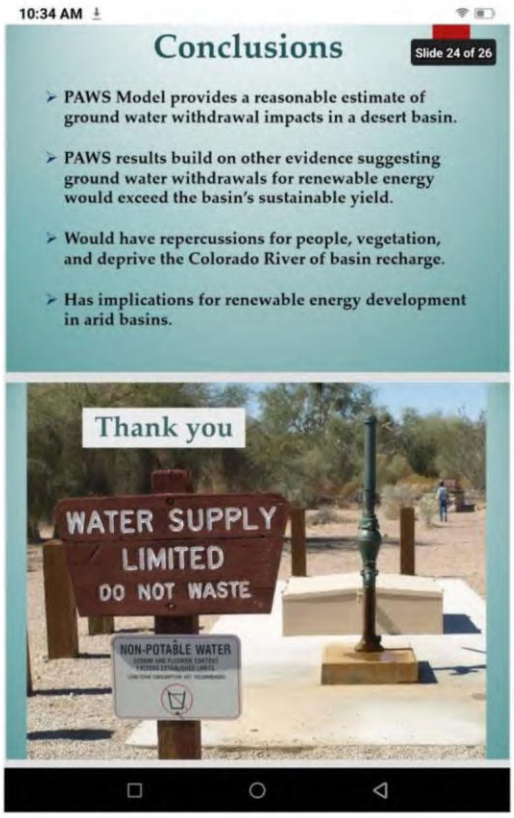
PRB11-84 (cont'd)





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

PRB11-85

Primary Takeaways:

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.

PRB11-86

Land Use Violations - Easley Solar Draft EIR

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

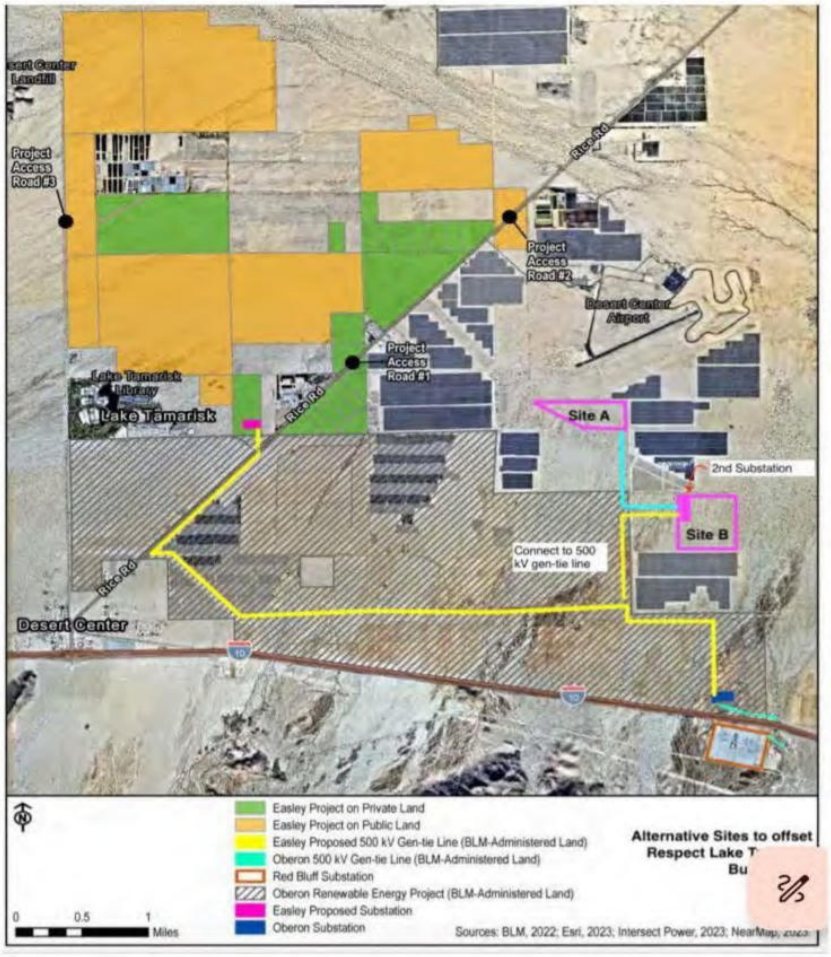
The Respect Lake Tamarisk Alternative (Further Reduced Footprint Alternative C**) **does** mitigate these impacts for our Desert Oasis Community while meeting **all** Project Objectives.**

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.

*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.

PRB11-96

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.

*According to a prospective Renewable Energy Developer this can be done, though extremely expensive. - see the Respect Lake Tamarisk Alternative Synopsis

PRB11-97

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.

*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.

PRB11-98

Policy LU 21.3: Ensure that development does not adversely impact the open space and rural character of the surrounding area.

*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.

PRB11-99

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.

*Note that the Respect Lake Tamarisk Alternative (**Further Reduced Footprint Alternative C**) mitigates this impact for the Community of Lake Tamarisk.

PRB11-100

Policy LU 26.3: Ensure that development does not adversely impact the open space and rural character of the surrounding areas.

*Note that the Respect Lake Tamarisk Alternative (**Further Reduced Footprint Alternative C**) mitigates this impact.

PRB11-101

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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.

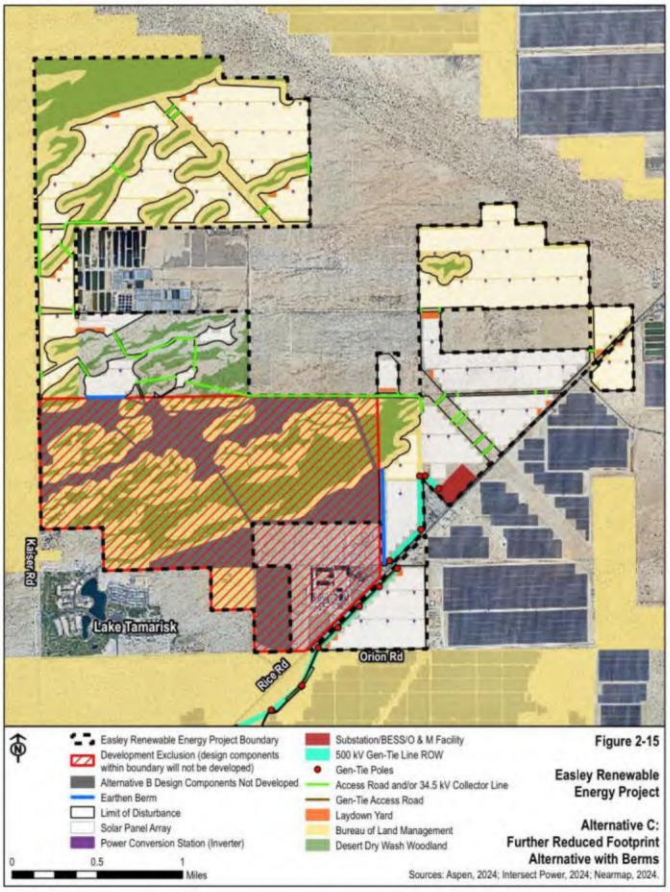
PRB11-105 (cont'd)

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)

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.

PRB11-107

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)

lote: Acres refer to acres within Easley Project fence line

)riginal (incorrect DDWW buffer) - shown in CEQA Scopi
Aeeting (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.

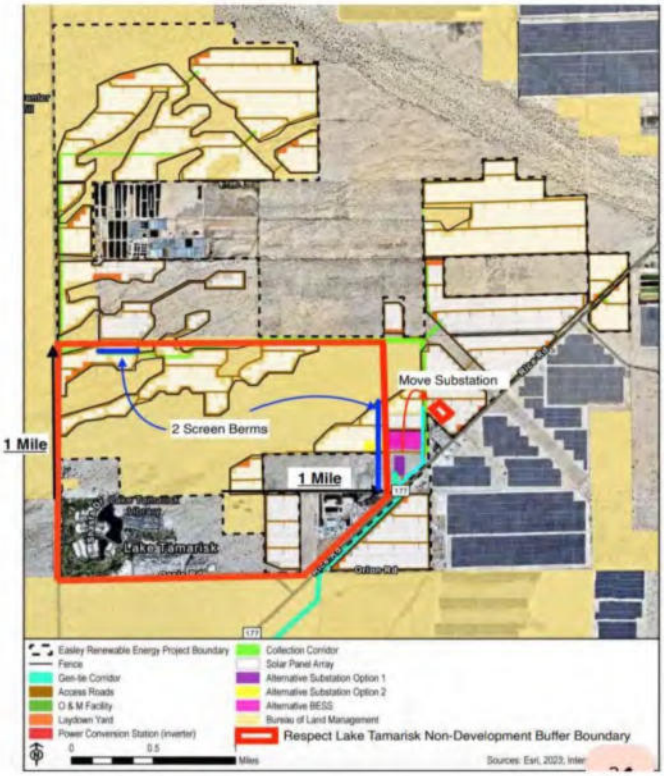
PRB11-110

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)

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.

PRB11-122

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-i0e0k64ZnDkP5lR_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.

"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."

PRB11-127

-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)

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.

PRB11-128 (cont'd)

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

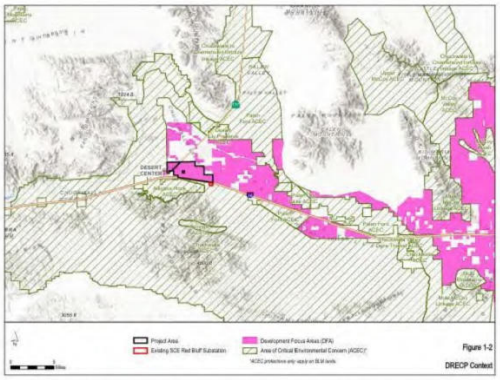
Development Focus Area (DFA) for Renewable Energy Development

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)

PRB11-129 (cont'd)

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.

PRB11-130

Chuckwalla Valley Groundwater Basin water quality issues caused by overpumping.

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."

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.**

PRB11-132 (cont'd)

-Oberon Solar Project, by Intersect Power, success in reducing water usage in construction dust control

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."

PRB11-133

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.

As this development occurs the economic stability of the Desert Center Area improves and benefits the entire County of Riverside.

PRB11-137 (cont'd)

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

PRB11-138

"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)

Fugitive Dust Management

PRB11-139

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.

PRB11-141

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.

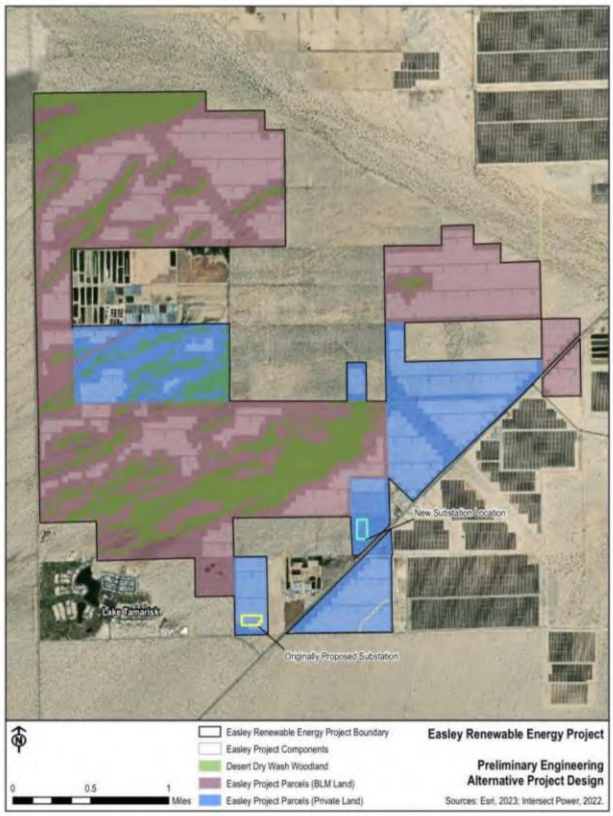
The Respect Lake Tamarisk Alternative requires a 1-Mile Buffer Zone around the Community of Lake Tamarisk. The Easley Solar Project would be reduced by less than 100 Megawatts on this site with currently available private lands close by to replace this production.

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/19nZ3FhjcHRclbdQXzBwdoe4qilwlk2Dh/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.
https://drive.google.com/file/d/1Hkn7sTQ8_AqW3p7PS27zYx--VXYDCC67/view?usp=drivesdk

PRB11-145

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/1oblHoigKzv8m3l5zP0k74nxQZHeccykn/view?usp=drivesdk

"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."

PRB11-146 (cont'd)

Scarification and rolling are not necessary for most of the project footprint and are environmentally destructive.

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.

PRB11-147

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.

Mulches may be evaluated as potentially effective on previously disturbed agricultural lands as an option.

PRB11-148

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

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.

PRB11-149

All disturbed areas are to be hydroseeded with native vegetation.

Once disturbed soils are stabilized construction may begin.

-Construction

PRB11-150

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.

Spot reapplication of soil stabilizers may be required where further disturbance occurs. **PRB11-151**

Access must follow Best Management Practices, January 2024.
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. **PRB11-152**

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.

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. **PRB11-154**

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/1eQNnfhcDQNqHL6yqVL__MG2o22qCFZdK/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.

PRB11-155 (cont'd)

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.

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:

PRB11-157

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

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.

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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. PRB11-166 (cont'd)

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

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. PRB11-167
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 PRB11-168
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

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/1ii4zOZHkC5waJVIBzWyVOBHESx8bx9IgCW5-3uxA7us/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.

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

PRB11-175 (cont'd)

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/15oy9vm4jkZl4wiwbk4Yq3YG6LXEhqnp7/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.

PRB11-176

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."

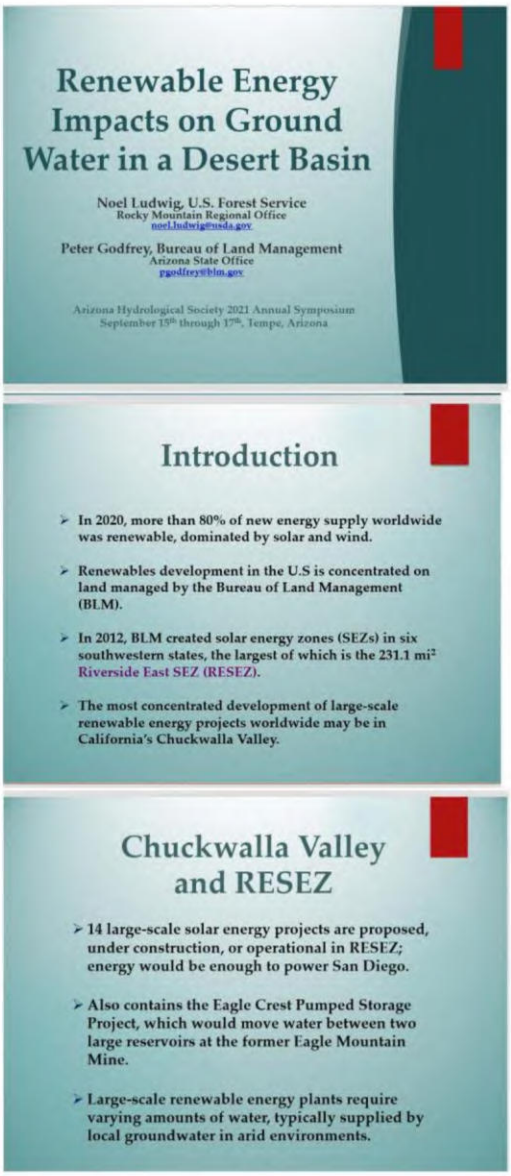
"Table 11 indicates that with all cumulative qualifying projects, including the proposed Project, in place and using normal groundwater recharge estimates, the CVGB would experience an initial groundwater deficit of approximately 7,000 AF in 2024 (the planned first year of Project construction). The 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 Hydrological Society 2021 Annual Symposium
September 15th through 17th, Tempe, Arizona

Introduction

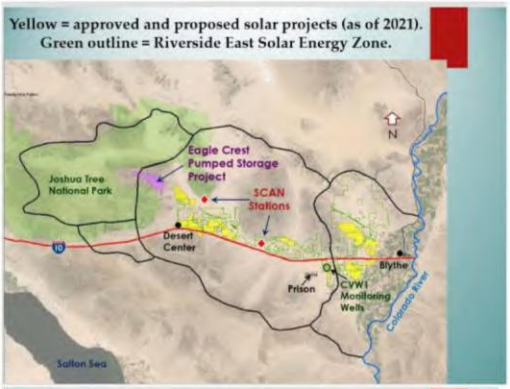
- In 2020, more than 80% of new energy supply worldwide was renewable, dominated by solar and wind.
- Renewables development in the U.S is concentrated on land managed by the Bureau of Land Management (BLM).
- In 2012, BLM created solar energy zones (SEZs) in six southwestern states, the largest of which 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.

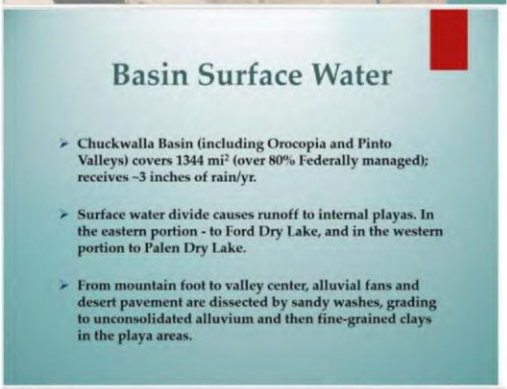
Chuckwalla Valley and RESEZ

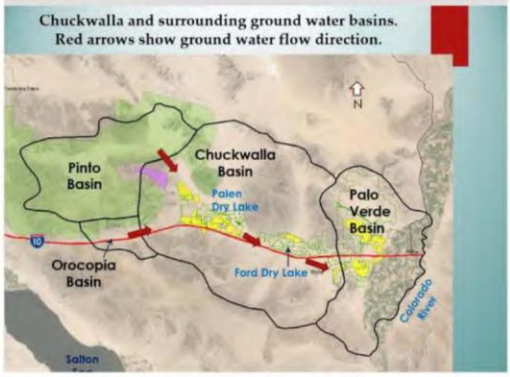
- 14 large-scale solar energy projects are proposed, under construction, or operational in RESEZ; energy would be enough to power San Diego.
- Also contains the Eagle Crest Pumped Storage Project, which would move water between two large reservoirs at the former Eagle Mountain Mine.
- Large-scale renewable 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)







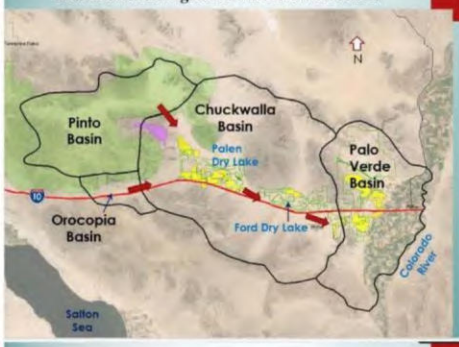
Comment Set PRB11 – Active Communities/Desert Center (continued)

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.

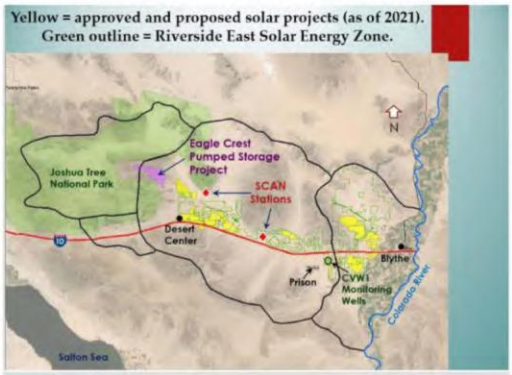


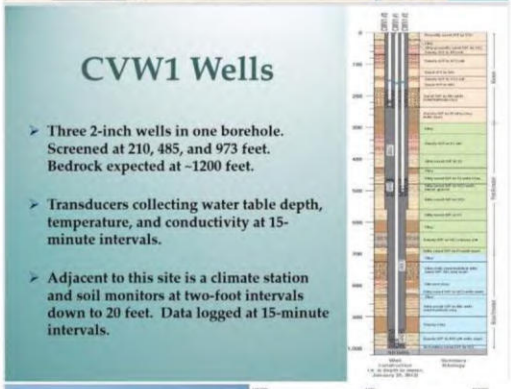
Groundwater Monitoring

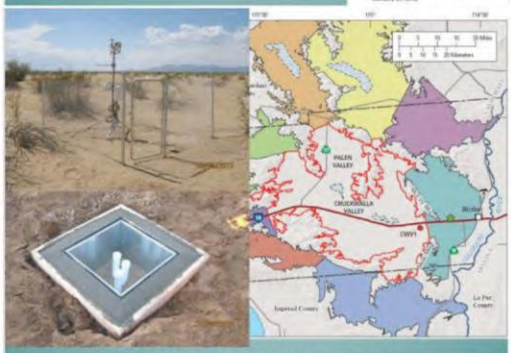
- USGS only monitors one well in the basin. Long-term records exist for a few more.
- Solar projects monitor their own wells and some surrounding wells, as required in ROW grants.
- USGS & BLM installed three wells (CVW1 wells) near the basin's outlet in 2012.
- Two Soil Climate Analysis Network (SCAN) 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)

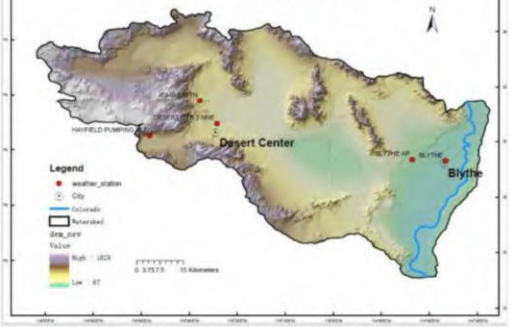
Basin Recharge Modeling

- 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

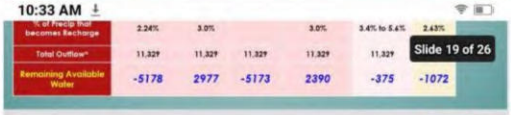


Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-177 (cont'd)

Water Balance Estimates (afy)

Basins and Current Parameters	NPS (Karst, 2012)	GEI (2010)	Greer et al. (2013)	CEC (2010) & AEG (2018)	PAWS	Mean
Chuckwalla Basin Recharge from Precipitation	2040 – 4120	4125	3200	8588	6780 to 10,635	5942
Pinto Basin Inflow	624 – 1248	5875	937	3173	354 to 877	2703
Orocopia Basin Inflow	327 - 658	475	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 5.4%	2.63%
Total Outflow*	11,329	11,329	11,329	11,329	11,329	11,329
Remaining Available Water	-5178	2977	-5173	2390	-375	-1072



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.

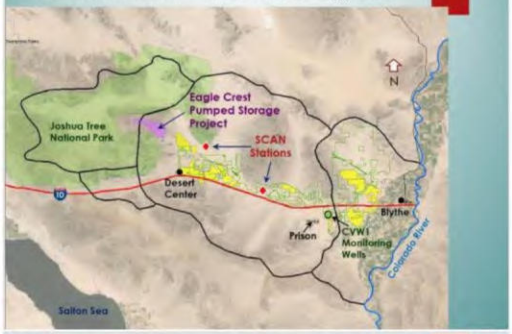
Comment Set PRB11 – Active Communities/Desert Center (continued)

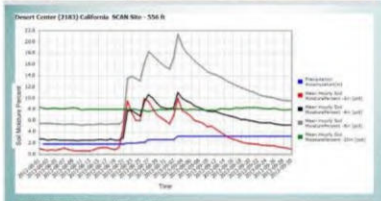
PRB11-177 (cont'd)

Supporting Evidence from Other Sources

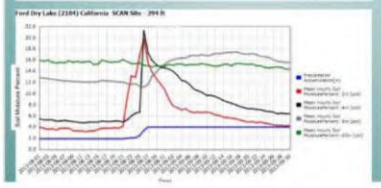
- USGS isotopic data has produced uncorrected C-14 age dates of >15,000 years for water from a well near Desert Center and >28,000 years for a well hear the state prison.
- SCAN station data suggests infiltration rates may be an order of magnitude less than rates of 10 to 15 ft/day assumed here, due 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.

Yellow = approved and proposed solar projects (as of 2021).
Green outline = Riverside East Solar Energy Zone.





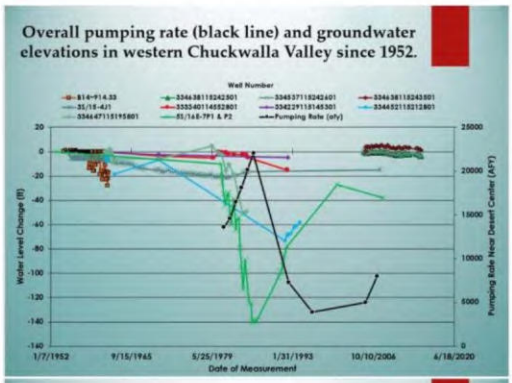
SCAN soil moisture data following two 2013 rain events.

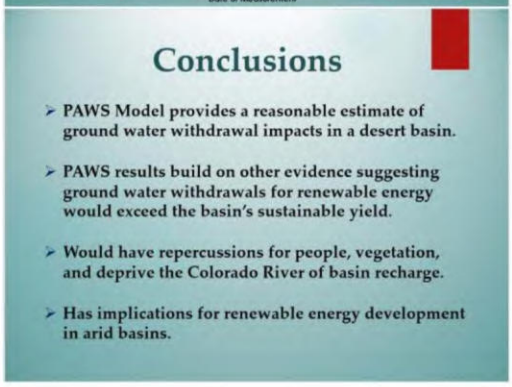


Note that neither site shows any response at the 20-inch depth.

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

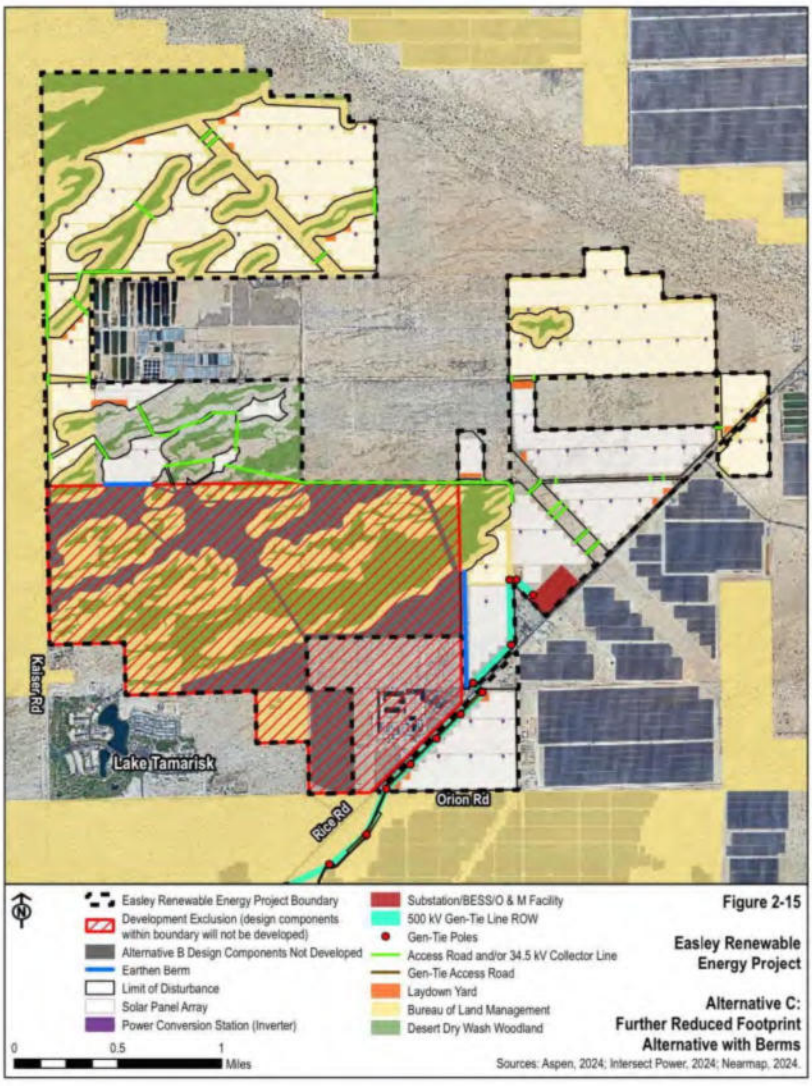
PRB11-179

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/1MIhOiFI91NscVUBFJxPwnsXIL2qlCF2S/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)

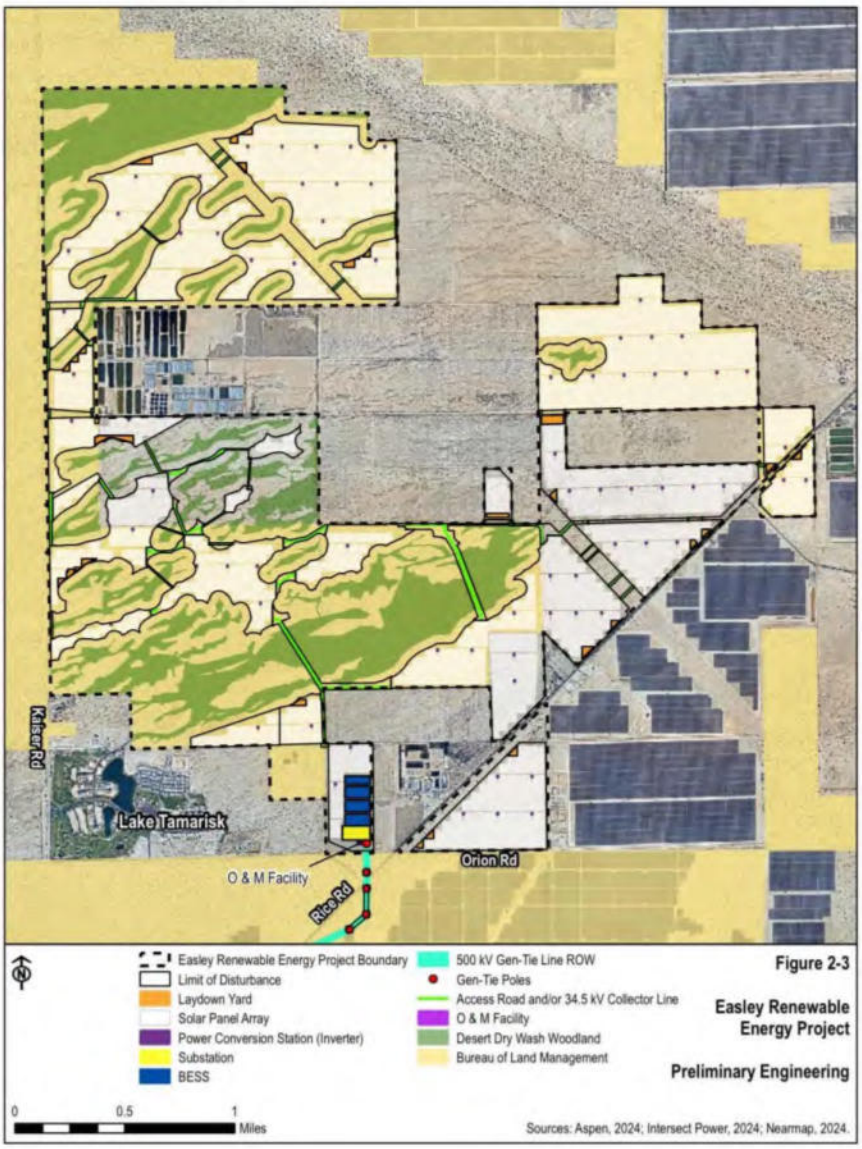


Figure 2-3
Easley Renewable Energy Project
Preliminary Engineering

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-179 (cont'd)

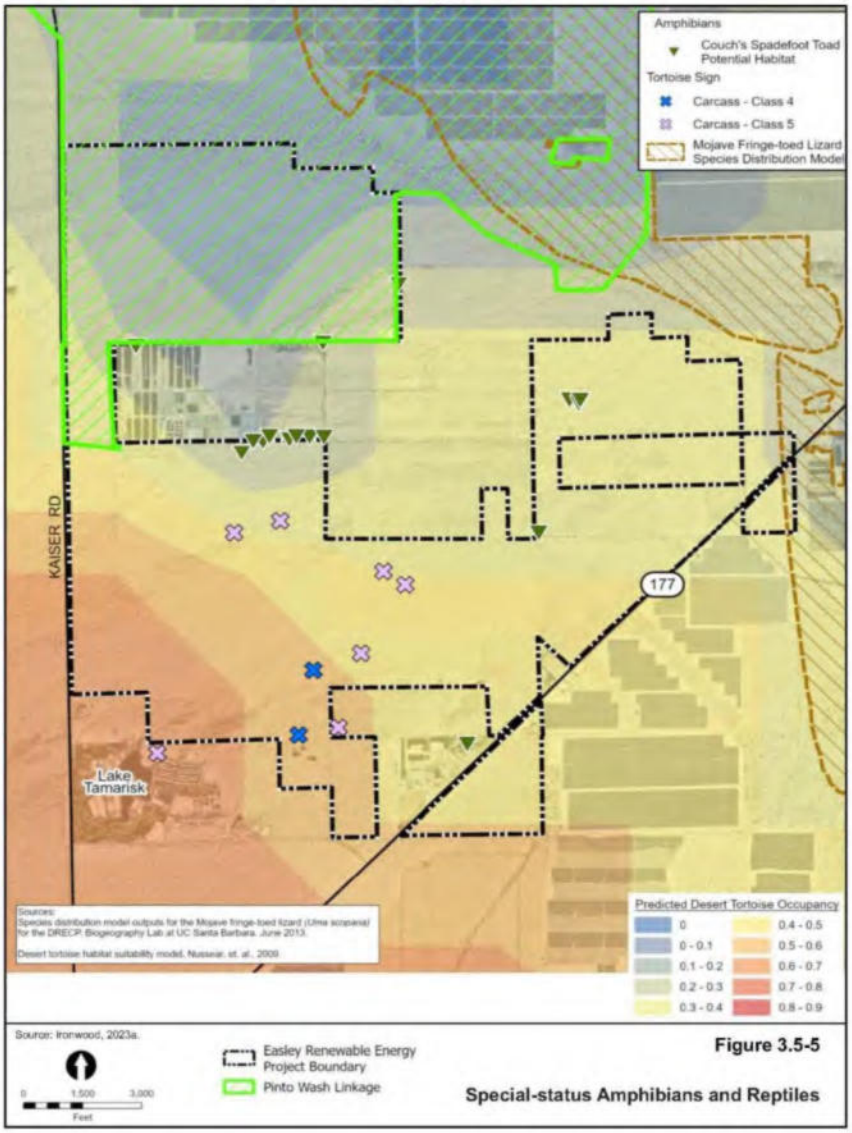


Figure 3.5-5

Special-status Amphibians and Reptiles

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-179 (cont'd)

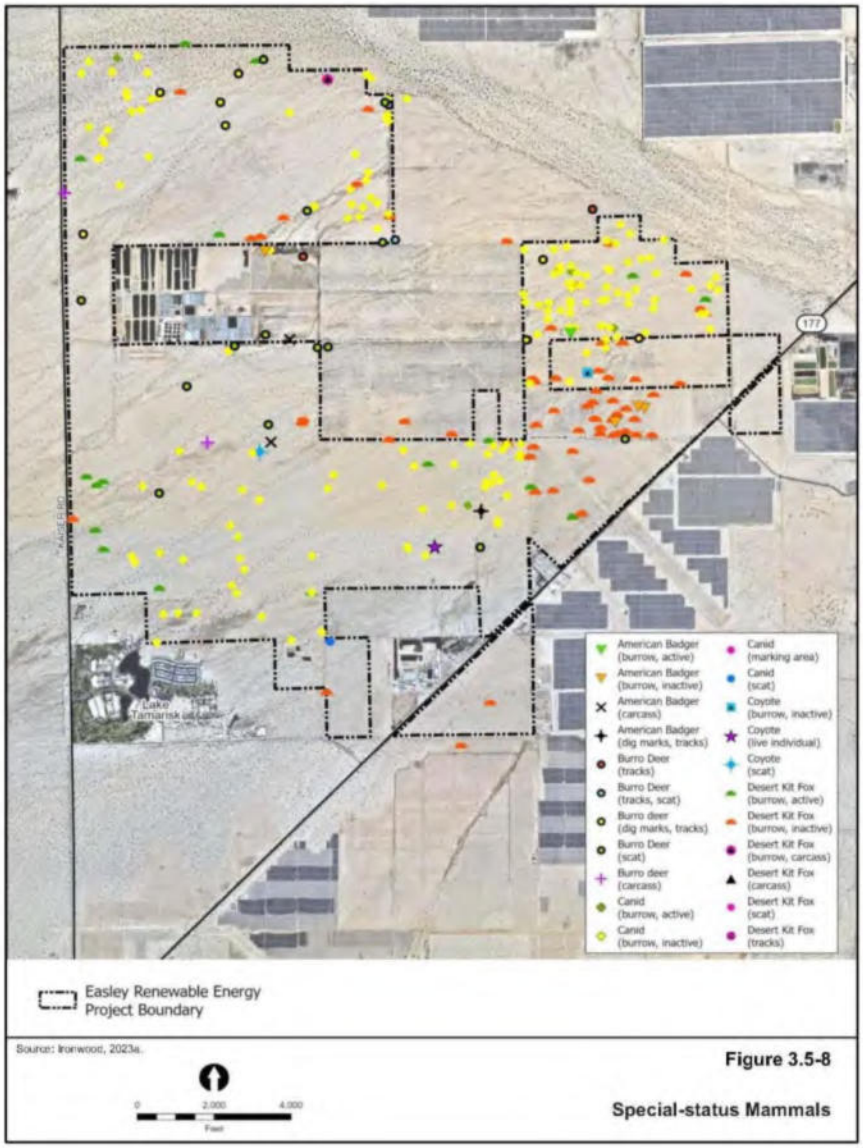


Figure 3.5-8

Special-status Mammals

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-179 (cont'd)

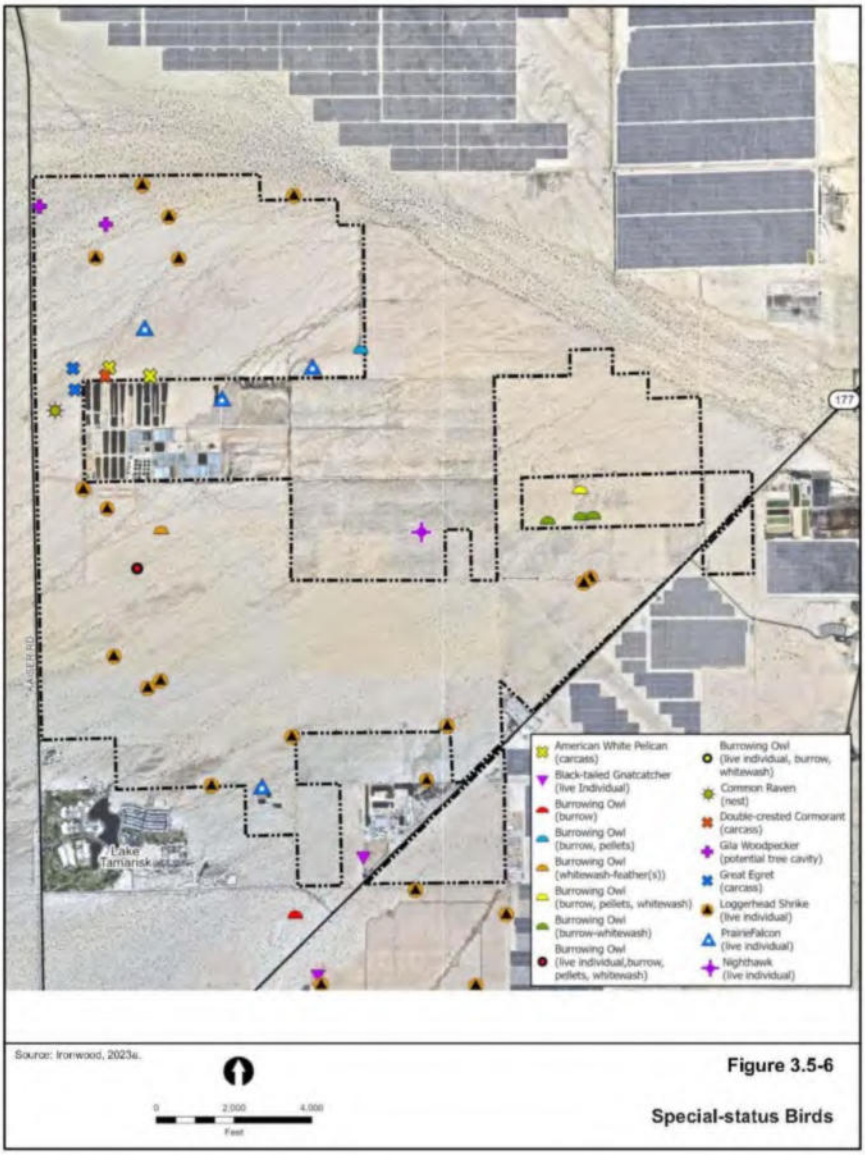


Figure 3.5-6

Special-status Birds

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-179 (cont'd)

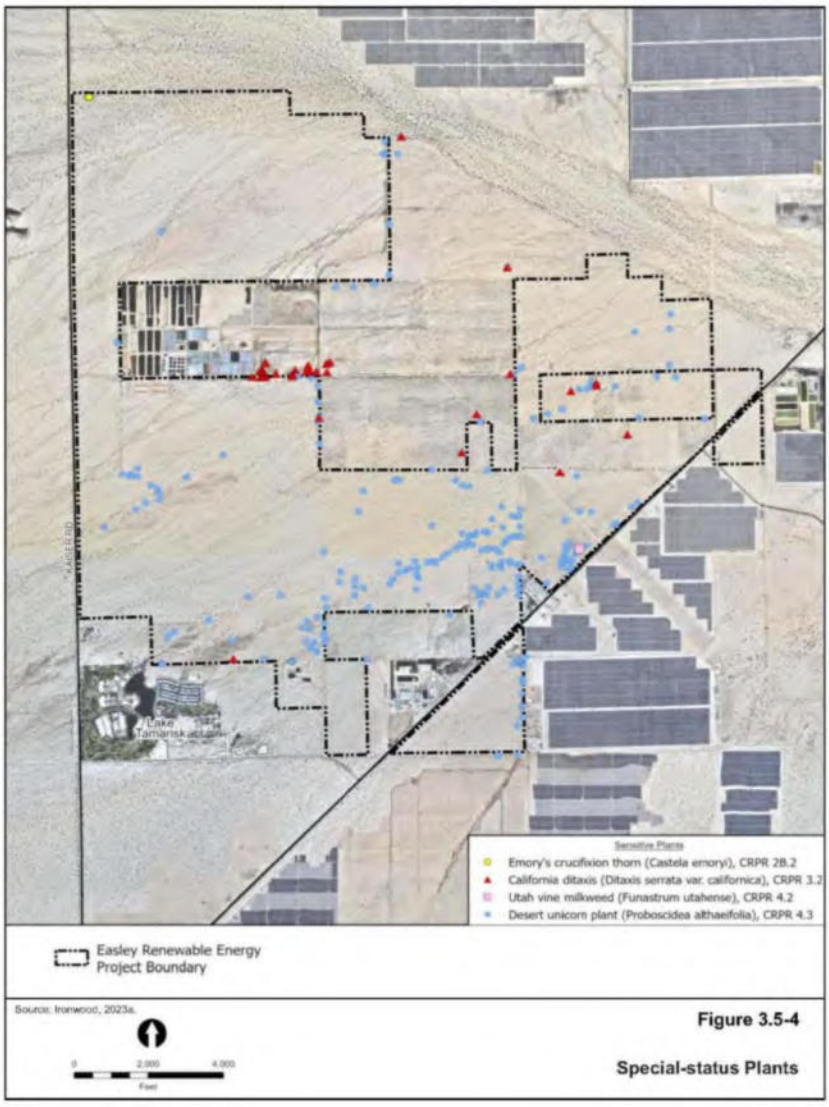


Figure 3.5-4

Special-status Plants

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.

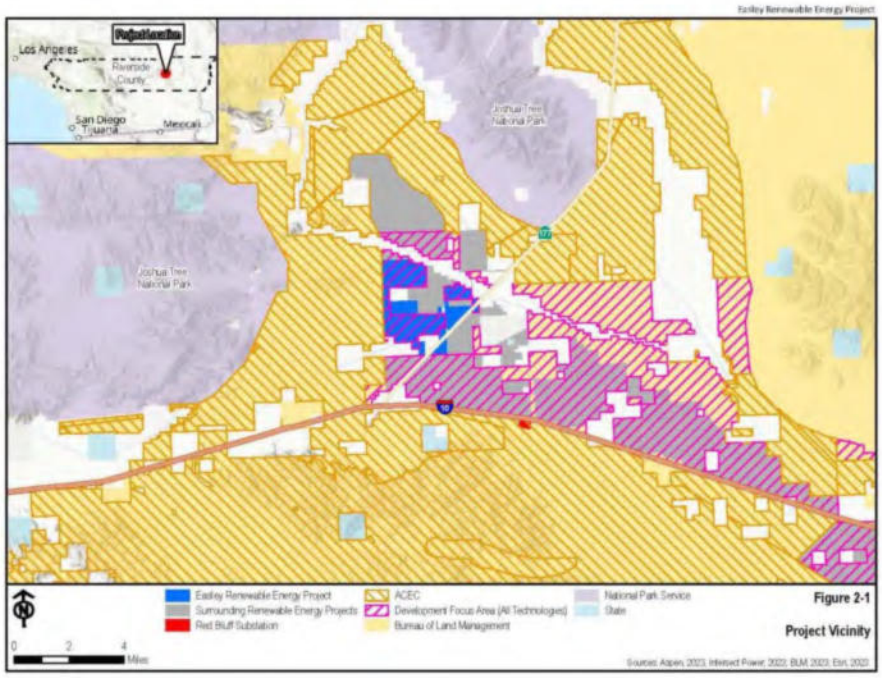
The high value of the habitats in this area is mainly due the extensive fingers of Desert Dry Wash Woodlands (DDWW) throughout the two square miles of Public Lands within the 1-Mile Setback Zone.

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)

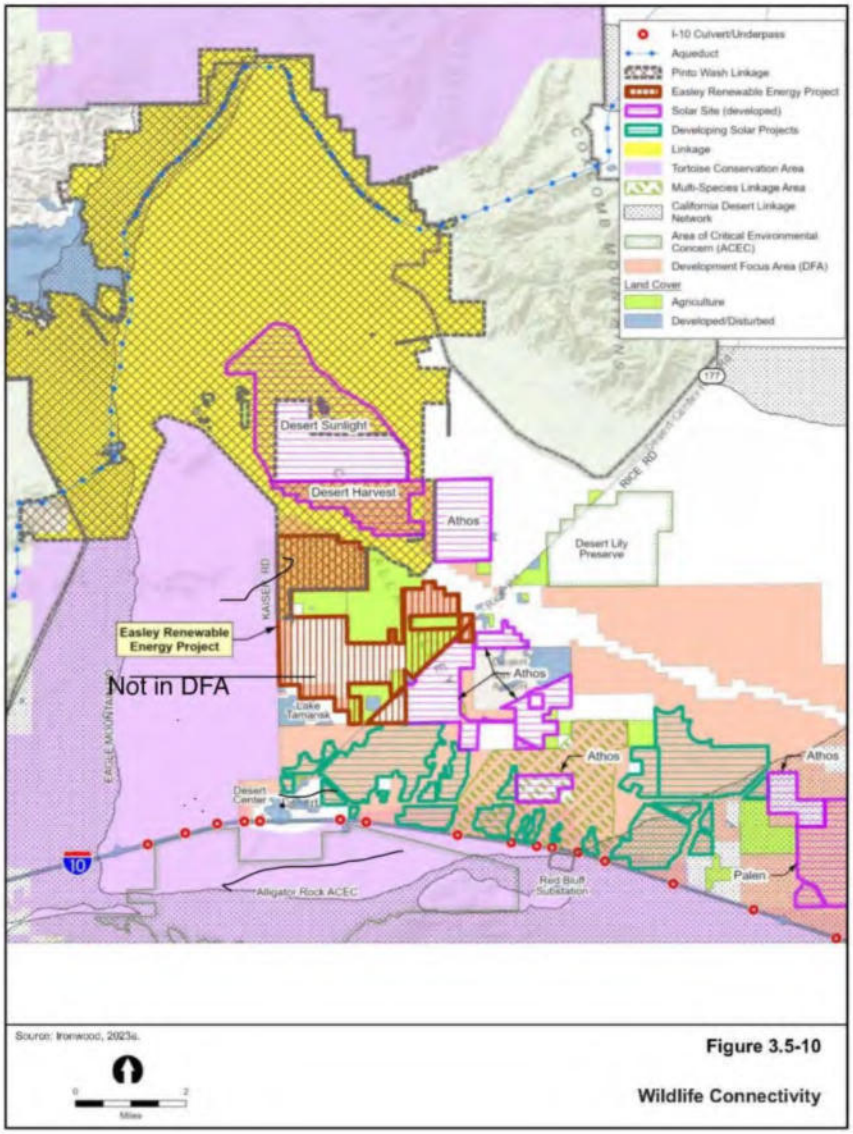


Figure 3.5-10

Wildlife Connectivity

Comment Set PRB11 – Active Communities/Desert Center (continued)

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.

PRB11-180 (cont'd)



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/q3q5r2-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)

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):

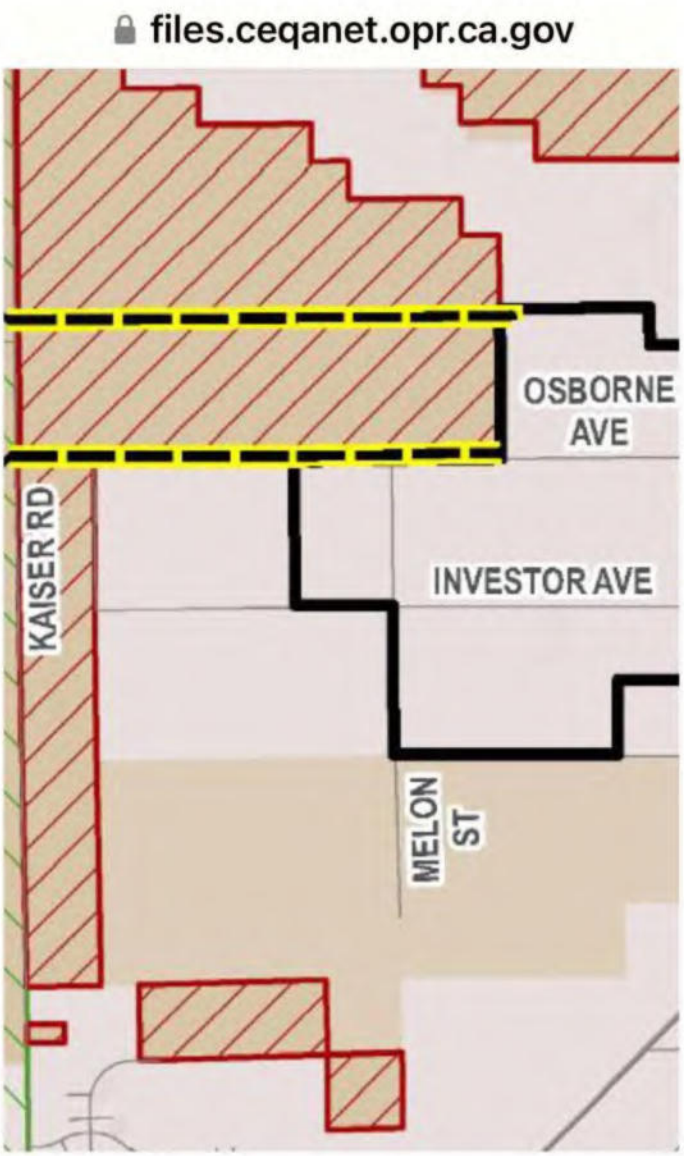
1. Project Overview
1.1. Introduction

"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.

PRB11-181 (cont'd)

Comment Set PRB11 – Active Communities/Desert Center (continued)



PRB11-181 (cont'd)

Comment Set PRB11 – Active Communities/Desert Center (continued)

PRB11-181 (cont'd)

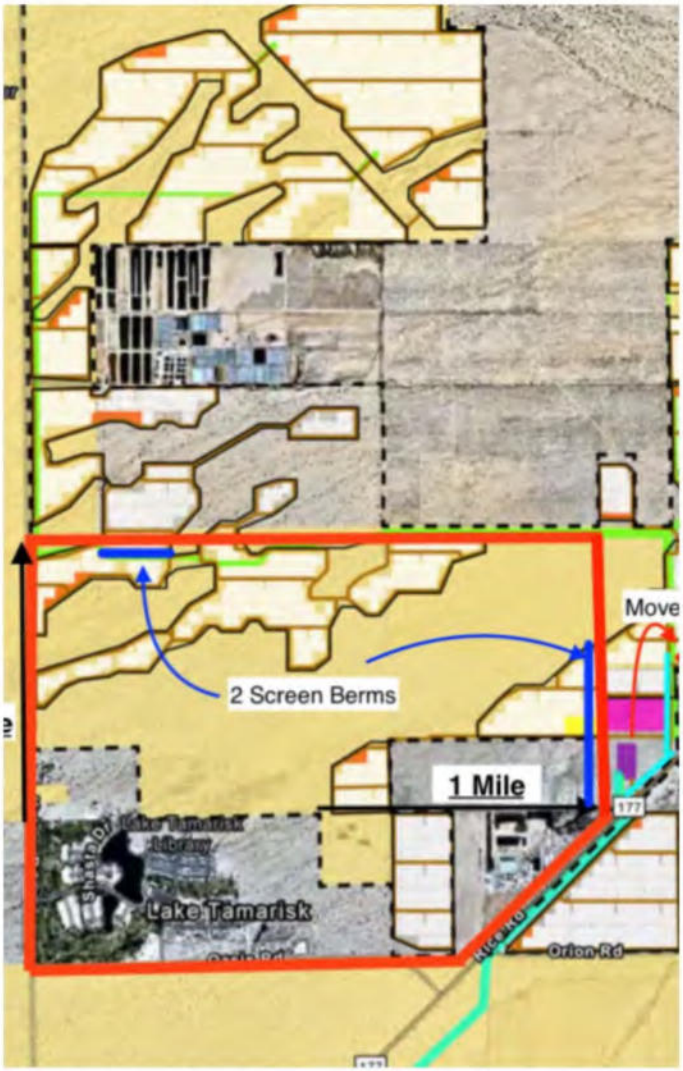
Development Focus Area (red stripes) The Desert Oasis Community of Lake Tamarisk is in pink in the lower left corner.



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)

September 29, 2021

PRB11-184 (cont'd)

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 II Solar site. This additional site would require a relatively short underground medium voltage line to the main Easley Substation location. The Athos II 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

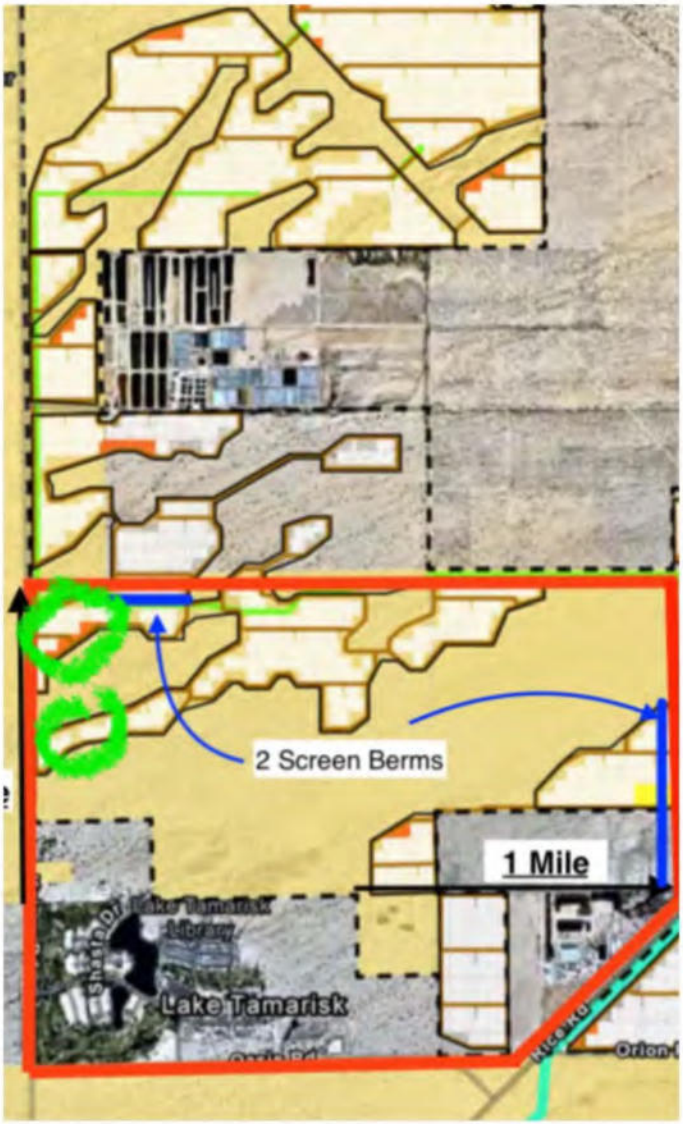
Primary Takeaways:

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)

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

PRB11-195

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/1vfiVXdJ7UJIibSWa6j1-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.

PRB11-196

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)

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.

PRB11-199 (cont'd)

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.

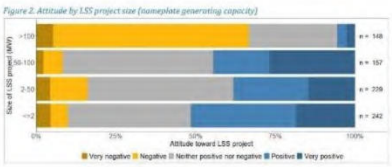
New research yields insights into attitudes and perceptions of large-scale solar project neighbors
April 16, 2024
https://docs.google.com/document/d/1BHYfgjhpy05Qa8WBYCJcXcabfG1PXAVZ4cyLq8Mebsk/edit?usp=drivesdk

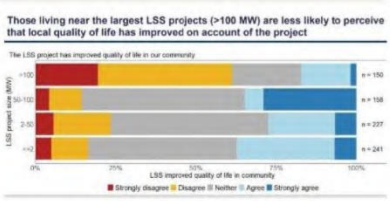
"Very large (>100 MW) projects elicit substantially more negative attitudes compared to smaller and mid-sized projects. Negative attitudes outnumber positive by a 12:1 margin around the largest projects (>100 MW) in our sample. Yet that trend is reversed for projects below 100 MW: Attitudes are 5:1 positive 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.

PRB11-200

Comment Set PRB11 – Active Communities/Desert Center (continued)





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.

PRB11-200 (cont'd)

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.

PRB11-201

Comment Set PRB11 – Active Communities/Desert Center (continued)

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/1A4ouZVYxKbkilBSsFf7wiENWA8GC8K4L/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.

PRB11-202

Comment Set PRB11 – Active Communities/Desert Center (continued)

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.

PRB11-203

Comment Set PRB11 – Active Communities/Desert Center (continued)



PRB11-203 (cont'd)

Comment Set PRB11 – Active Communities/Desert Center (continued)



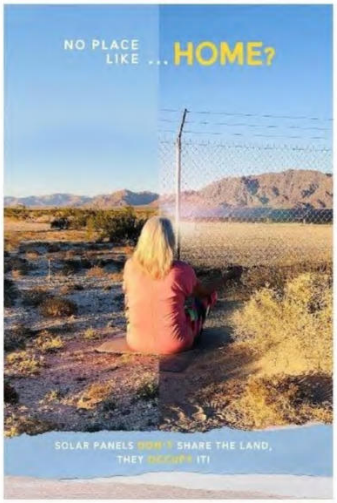
PRB11-203 (cont'd)

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 infrastructure 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 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 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
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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

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.

PRC1-3

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.

- 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: **PRC2-3**

  - 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-

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)

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.

PRC2-25 (cont'd)

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

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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." PRD1-9

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."

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. PRD1-11

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.

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.** PRD1-12
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.

Regards,
Vicki Bucklin
AC/DC

2

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

1

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.
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? **PRD2-4**

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.

2

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

4

Comment Set PRD2 – Mark Goddard (continued)

an unmistakably glaring lack of business-ethics, must be viewed with the commensurate, due skepticism.
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. **PRD2-13**

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 393, 15 June 2020, 122297

Review

Potential environmental risk of solar cells: Current knowledge and future challenges

Jin Il Kwak, Sun-Hwa Nam, Lia Kim, Youn-Joo An

Department of Environmental Health Science, Konkuk University, Seoul, 05029, Republic of Korea

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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Editor: Daniel CW Tsang

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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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Perovskite solar cells go lead free
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J.-A. Alberola-Borràs et al.
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Sol. Energy Mater. Sol. Cells (2018)

N.R. Brun et al.
Ecotoxicological assessment of solar cell leachates: Copper indium gallium selenide (CIGS) cells show higher activity than organic photovoltaic (OPV) cells
Sci. Total Environ. (2016)

I. Celik et al.
Life Cycle Assessment (LCA) of perovskite PV cells projected from lab to fab
Sol. Energy Mater. Sol. Cells (2016)

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Life cycle analysis of metals in emerging photovoltaic (PV) technologies: a modeling approach to estimate use phase leaching
J. Clean. Prod. (2018)

J. Collier et al.
Life cycle environmental impacts from CZTS (copper zinc tin sulfide) and Zn_3P_2 (zinc phosphide) thin film PV (photovoltaic) cells
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View more references

Comment Set PRD2 – Mark Goddard (continued)

PRD2-18 (cont'd)

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Show abstract

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Show abstract

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2024, Solar Energy Materials and Solar Cells
Show abstract

Anticipating future photovoltaic waste generation in China: Navigating challenges and exploring prospective recycling solutions
2024, Environmental Impact Assessment Review
Show abstract

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2024, Journal of Cleaner Production
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Comment Set PRD2 – Mark Goddard (continued)

PRD2-19

itekenergy

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)

7/8/24, 9:53 AM Are Broken Solar Panels Dangerous? Any Risk Involved? - Itek Energy

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 Hazards 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.

https://www.itekenergy.com/solar-panels/are-broken-solar-panels-dangerous/ 2/3

Comment Set PRD2 – Mark Goddard (continued)

PRD2-19 (cont'd)



7/8/24, 9:53 AM Are Broken Solar Panels Dangerous? Any Risk Involved? - Itek Energy

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 damaged 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, ARC is your go-to source for all things solar. Having worked on solar projects big and small, he brings 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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Comment Set PRD2 – Mark Goddard (continued)

PRD2-20

7/8/24, 10:07 AM Department of Public Health concerned about PFAS in solar panels near drinking water - Yankee Institute

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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.

https://yankeeinstitute.org/2020/12/03/department-of-public-health-concerned-about-pfas-in-solar-panels-near-drinking-water/ 1/5

Comment Set PRD2 – Mark Goddard (continued)

PRD2-20 (cont'd)

7/8/24, 10:07 AM Department of Public Health concerned about PFAS in solar panels near drinking water - Yankee Institute

"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.

https://yankeeinstitute.org/2020/12/03/department-of-public-health-concerned-about-pfas-in-solar-panels-near-drinking-water/ 2/5

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

Marc E. Fitch is the author of several books and novels including Shmexperts: How Power Politics and Ideology are Disguised as Science and Paranormal Nation: Why America Needs Ghosts, UFOs and Bigfoot. Marc was a 2014 Robert Novak Journalism Fellow and his work has appeared in The Federalist, American Thinker, The Skeptical Inquirer, World Net Daily and Real Clear Policy. Marc has a Master of Fine Arts degree from Western Connecticut State University. Marc can be reached at Marc@Yankeeinstitute.org

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COMMENT *

Comment Set PRD2 – Mark Goddard (continued)

PRD2-20 (cont'd)

7/8/24, 10:07 AM Department of Public Health concerned about PFAS in solar panels near drinking water - Yankee Institute

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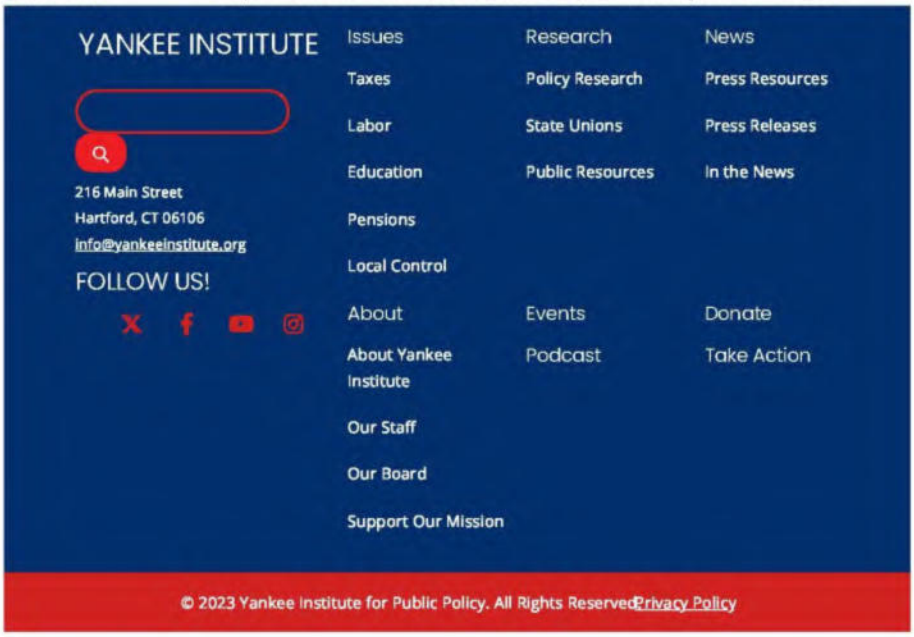
Comment Set PRD2 – Mark Goddard (continued)

PRD2-20 (cont'd)

7/8/24, 10:07 AM Department of Public Health concerned about PFAS in solar panels near drinking water - Yankee Institute



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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

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. **PRD7-2**

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**

1

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." **PRD11-7**

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.

Respectfully,

Darby DeKay

Community Member and Owner

Lake Tamarisk Desert Resort

2

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.

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Response to Comment Letter O2

Active Communities/Desert Center
Mark Carrington
Senior Technical Advisor
September 26, 2024

The Active Communities/Desert Center comment letter dated September 26, 2025, included comments that were not specific to the Sapphire Solar Project. These comments were prepared for the Easley Renewable Energy Project (Easley Project) located in Riverside County and were submitted to the County on July 8, 2024, for the Easley Renewable Energy Project Partially Recirculated Draft EIR. These comments were addressed in the Easley Renewable Energy Project Final EIR Appendix DD: Comments and Responses published on August 16, 2024, which has been added as a new appendix to the Sapphire Final EIR for reference. The County Board of Supervisors approved the Easley Project on August 27, 2024.

As these comments were not prepared and/or tailored to be specific to the Sapphire Solar Draft EIR, the following responses focus on the general issue being raised rather than specific details only applicable to the Easley Project. The responses do not analyze or respond to issues specific to the Easley Project.

O2-1 This is an introductory comment from Mark Carrington highlighting the supporting attachments to the comment letter, specifically the comments regarding the Water Supply Assessment (WSA). The attachments include the following: WSA and Drinking Water Availability – CSA 51 and Desert Center Area, 2024-08-26 Roux Easley Solar Comments on GSI Water Solutions Groundwater Availability Report, Easley's Amended Fugitive Dust Management Plan and Elements of Amended Draft Fugitive Dust Management Plan. These comments were addressed in the Easley Renewable Energy Project Final EIR Appendix DD: Comments and Responses published on August 16, 2024, which has been added as a new appendix to the Sapphire Final EIR for reference.

No comments, questions, or concerns about the environmental analysis included in the Draft EIR are raised. No changes to the Draft EIR are required per this comment. The comment has been noted for the record.

O2-2 The comment is in regard to Roux Associates, Inc. review of the WSA for the Easley Project which concluded that the Easley WSA is inadequate. The comment claims that the WSA prepared for the Sapphire Solar Project used the same data and models as used for the Easley WSA and therefore must be redone.

This is incorrect. Although the Sapphire WSA used some of the same data as the Easley WSA, the Sapphire WSA included additional well monitoring data and calculations that the Easley WSA did not include. The Sapphire WSA included long-term, static groundwater level monitoring data for nine wells located across the Chuckwalla basin which provide a comprehensive understanding of basin conditions and a clear picture of the overall trends from the 1980s to present. This data shows that groundwater levels are stable at the majority of wells. Additionally, the Sapphire WSA included an evaluation of the potential impacts of Project pumping on groundwater levels and storage. The Sapphire WSA also included slightly different estimates of inflow and outflow than the Easley WSA,

most notably the subsurface inflow estimate. The Easley WSA only considered inflow from the Pinto basin (+877 acre-feet per year (AFY)) and not the Orocopia basin, whereas the Sapphire WSA included inflow from both basins for a total of +3,500 AFY of inflow in a normal year when combined with other sources of inflow. The higher subsurface inflow estimate is supported by previous studies (Argonne 2013; BLM 2012; FERC 2013), which report that the Chuckwalla basin receives approximately +637 AFY of inflow from the Orocopia basin and potentially inflow from the Cadiz basin. The estimates of groundwater inflows and outflows included in the Sapphire WSA result in a budget balance that ranges from slightly positive in normal years to slightly negative in dry years, which is supported by long-term, static groundwater level trends for wells located across the Chuckwalla basin which show a stable long-term trend in groundwater levels indicating that inflows and outflows are approximately balanced. Importantly, both the Easley WSA and Sapphire WSA conclude that inflows and outflows are relatively balanced.

The comment also asserts that the WSAs prepared for the Easley and Sapphire projects contain gross error and nonfactual information. The Sapphire WSA relies on the best available science including empirical groundwater level data collected over several decades and analytical models of groundwater flow to evaluate sufficiency of water supply and potential Project and cumulative impacts to groundwater resources.

The CVGB is an unadjudicated basin and overlying landowners have the right to pump groundwater from the basin for reasonable and beneficial use. As discussed in Section 3.3.2, Environmental Setting, of the EIR, the Project site formerly supported mixed-use agricultural practices, including cultivating jojoba and aquaculture farming. It is anticipated that water for construction and operation for the life of the Project would be significantly less than water needed for agricultural uses, such as the previous jojoba farms.

O2-3 The comment states that while the Chuckwalla basin is not currently in overdraft, continued extraction above the sustainable yield during multiple dry years would cause an overdraft condition and that climate change is predicted to result in more dry years.

There is no substantive evidence provided by the commenter to support the claim that current groundwater extraction in the Chuckwalla basin is above the sustainable yield. As described in the Sapphire WSA, hydrographs for wells located across the Chuckwalla basin show a stable trend in groundwater levels, including during the 2012-2016 drought period, indicating that inflows and outflows are approximately balanced (Dudek 2023; Northstar 2018, 2019; USGS 2024).

O2-4 The comment states that groundwater in the Chuckwalla basin is of poor quality and that only groundwater at shallow depths is treatable for consumption.

The Sapphire Solar Project will require minimal water for consumptive use during operations. Potable water demands for the O&M building staff will be met using an on-site well with a treatment system, an off-site municipal source, or a commercial bottled water supplier.

O2-5 The comment is in regard to allegations of over pumping of groundwater wells, specifically by Intersect Power for the Oberon Project, causing a cone of depression. The commenter does not include substantial evidence to support this claim. Furthermore, the comment does not pertain to the Sapphire Solar Project.

A WSA was prepared for the Sapphire Solar Project in accordance with Senate Bill 610 and concluded that there is sufficient groundwater available for the Project, in addition to existing and planned future uses of the water supply. The WSA included an evaluation of the potential impacts of Project pumping on groundwater levels and storage. Groundwater level drawdown associated with Project pumping is predicted to only be between 1 and 1.5 feet at a distance of 500 feet from the production well, and less at greater distances. Therefore, groundwater level drawdown at nearby off-site wells due to Project pumping is predicted to be less than significant.

O2-6 The commenter requests that a monthly local well monitoring plan is implemented but provides no substantial evidence in support of such a high frequency of monitoring. As discussed in Section 3.11, Hydrology and Water Quality, subsection 3.11.4 Mitigation Measures, of the EIR, the Project would be subject to MM WAT-1 (Groundwater Monitoring, Reporting, and Mitigation Plan), which would provide detailed methodology for monitoring groundwater levels and water quality in the Project production well(s) and closest accessible private well(s). Monitoring of groundwater levels and water quality will be conducted on a quarterly basis during Project construction and a semi-annual basis during Project operations and maintenance for at least the first 5 years of the Project (including the construction period). Quarterly monitoring is considered adequate to characterize trends in groundwater levels and quality and to detect potential impacts of Project pumping on nearby groundwater users.

O2-7 The commenter suggests alternating well extraction and claims that it may be necessary to prevent drawdown.

As discussed in Section 3.11, Hydrology and Water Quality, subsection 3.11.3 Impact Analysis, threshold b) of the Draft EIR, groundwater extraction for the Project's construction, operation, and future decommissioning water supply would cause drawdown in the immediate vicinity of the well(s) used to produce groundwater for the Project, at least temporarily during active pumping. This is true regardless of whether the wells used are on or off site. Based on hydrogeologic characteristics of the basin and aquifer hydraulic properties from pumping tests conducted for other projects in the Desert Center area of the Coachella Valley Groundwater Basin (CVGB), predicted groundwater level drawdown at a distance of 500 feet from the on-site or off-site Project production well is estimated to only be between 1 and 1.5 feet, and less at greater distances (Appendix E). The water level drawdown may have the potential to affect nearby wells by lowering localized water levels such that other wells' operational capability is affected, causing pumping rates to decline or resulting in increased costs for pumping and operation. Incorporation of MM WAT-1 includes the development and implementation of a GMRMP prior to the onset of groundwater pumping for the Project. The GMRMP would provide a detailed methodology for monitoring groundwater levels and water quality in the Project production well(s) and closest accessible private well(s). If monitoring indicates an adverse effect on existing private wells, reduction of pumping, cessation of pumping, and/or compensation for affected nearby wells would be required to substantially reduce the impact.

O2-8 The commenter submitted this comment to the Easley Recirculated Draft EIR. This comment is listed as Comment PRB11-62 in the Easley Final EIR Appendix DD, Comment Letters and Responses Part 4. Refer to Response to Comments PRB11-62 in the Easley Final EIR Appendix DD, Comment Letters and Responses Part 4. This comment is regarding the cumulative impacts of water

withdrawal for renewable energy projects, claiming without substantial evidence that groundwater pumping by multiple solar projects will adversely impact water quality and will be "overwhelmingly destructive and irresponsible."

As discussed in the Sapphire WSA (Appendix E) there has been a notable trend of solar projects in the desert southwest using less water than estimated for both construction and operations and maintenance. Additionally, because solar projects have a one-time, short-term demand of a few hundred acre-feet of water for construction and thereafter the water demand for operation and maintenance is typically deminimis (i.e., <2 AFY), the existing and planned solar projects are not expected to cause an overdraft condition and/or cause the groundwater level in the CVGB to reach or exceed the Colorado River Accounting Surface. Groundwater level drawdown associated with Project pumping is predicted to be less than significant. Groundwater quality is not expected to change because there will be no significant change in the volume of groundwater in storage. As noted in comment O2-4, groundwater in the Chuckwalla basin is of poor quality and only groundwater at shallow depths is treatable for consumption. Nevertheless, a GMRMP will be implemented prior to the start of Project construction to ensure that Project pumping does not adversely impact groundwater levels or quality in the basin.

As discussed in Section 3.11, Hydrology and Water Quality, subsection 3.11.3 Impact Analysis, under cumulative impacts of the EIR, a cumulative groundwater analysis is provided in the WSA (Appendix E), which considers the entire CVGB. Existing, proposed, and reasonably foreseeable projects that were considered in the cumulative groundwater analysis include Desert Sunlight Solar Farm, Palen Solar Project, Desert Harvest Solar Project, Genesis Solar Energy Project, Athos Renewable Energy Project, Oberon Renewable Energy Project, Arica Solar Project, Victory Pass Solar Project, Easley Renewable Energy Project, and Eagle Mountain Pumped Storage Project. Existing domestic and agricultural groundwater use was also included in the analysis. The WSA demonstrates that it is unlikely the CVGB would have a long-term overdraft condition with all cumulative projects combined, except when the Eagle Mountain Pumped Storage Project water demand is included, which would cause the water budget balance to become negative in all water year conditions analyzed (i.e., normal, single dry, and multiple dry). The Eagle Mountain Pumped Storage Project would use more operational water than all other cumulative projects combined. When the Eagle Mountain Pumped Storage Project is excluded from the water budget analysis, it is predicted that there will be a groundwater surplus in a normal year and year one of a multiple dry year condition, and a groundwater deficit in a single dry year and the second and third years of a multiple dry year condition. Although a reduction in groundwater in storage is predicted to occur in a single dry year and the second and third years of a multiple dry year condition, the deficit would be small (≤0.02%) compared to the total volume of groundwater in storage, and the deficit is predicted to be erased during normal and above-normal years.

Because the cumulative scenario under normal conditions indicates a potential groundwater deficit, this analysis conservatively concludes that cumulative impacts would be potentially significant. Although cumulative impacts would be potentially significant, the Project's incremental contribution is not considered cumulatively considerable. The cumulative deficit is driven by the proposed Eagle Mountain Pumped Storage Project, which accounts for the majority of groundwater use under the cumulative scenario. The Project's cumulative contribution to this significant cumulative impact will

not be considerable because the Project's water demand is a small fraction of the total basin pumpage and would contribute less than 1% to the total yearly deficit.

These conclusions are reasonable based on the data presented in the WSA and the numerous mitigation measures to be imposed to monitor and protect groundwater. The Proposed Project would be subject to MM WAT-1 (Groundwater Monitoring, Reporting, and Mitigation Plan) which would provide detailed methodology for monitoring groundwater levels and water quality in the Project production well(s) and closest accessible private well(s).

O2-9 This comment is in regard to groundwater extraction. The cumulative impact analysis of the Draft EIR includes all reasonably foreseeable projects and this comment identifies none. Refer to responses to comments O2-3, O2-5, and O2-8 above which address on-site groundwater availability.

O2-10 The commenter suggests a Fugitive Dust Management Plan that uses alternate methods such as hydromulching and soil binders to conserve water usage.

The Proposed Project would implement MM AQ-2 (Fugitive Dust Control Plan) to reduce dust-related PM_{10} and $PM_{2.5}$ emissions generated during construction. MM AQ-2 specifies that all unpaved access roadways used for Project-related travel to the site shall be stabilized with a nontoxic, Bureau of Land Management-approved chemical stabilizer in sufficient quantity and frequency to maintain a stabilized surface for the duration of the construction period. Use of a chemical stabilizer will help to reduce water demand during construction. It should also be noted that the Project has also requested the use of type 2 aggregate from the BLM on LFR A. Additionally, MM Bio-3 Minimization of Impacts to Native Vegetation, required that, to the greatest extent practicable, construction activities shall minimize disturbance to soil and native vegetation which would generally thereby reduce the amount of dust control needed.

O2-11 The commenter submitted this comment to the Easley Draft EIR and the Easley Recirculated Draft EIR. This comment is listed as Comment B9-68 and PRB11 in the Easley Final EIR Appendix DD, Comment Letters and Responses Part 1 and Part 4. It was also included as Exhibit 1 in Comment PRB10-39 from Angel Law on behalf of Active Communities/Desert Center. Refer to Response to Comments B9-68, PRB10-39, and PRB11 in the Easley Final EIR Appendix DD, Comment Letters and Responses Part 1 and Part 4.

The comment is a 2021 presentation at the Arizona Hydrological Society Annual Symposium. No comments, questions, or concerns about the environmental analysis included in the Sapphire Draft EIR are raised, and no substantial evidence has been provided to support the conclusions asserted in the slides. No changes to the Draft EIR are required per this comment. The comment has been noted for the record.

The comment requests that the modeling completed by Fang et al. 2021 be reviewed by an independent research group; however, this is outside the scope of the proposed Project. The comment provides contact information for Roux Inc. Similar to Comment O2-2 above, the comment asserts that the WSAs prepared for the Easley and Sapphire projects contain gross error and nonfactual information. The Sapphire WSA relies on the best available science to evaluate sufficiency of water supply and potential project and cumulative impacts to groundwater resources. Although the Sapphire WSA relied in part on findings of the modeling work completed

by Fang et al. 2021, the Sapphire WSA did not utilize the model itself to evaluate impacts but instead used a spreadsheet-based water budget approach and the Cooper-Jacob approximation of the Theis non-equilibrium flow equation.

The comment also claims that the Metropolitan Water District's Colorado River Aqueduct is a readily available source for construction water needs. As stated in PRB11-64 of the Response to Comments in the Easley Final EIR Appendix DD, similar to Easley, the Project is not within MWD's service territory. Furthermore, the aqueduct is approximately 8 miles north of the Project site, and thus even if MWD water were available, trucking water from the aqueduct would likely increase other impacts of the project such as air emissions.

O2-12 The commenter submitted this comment to the Easley Recirculated Draft EIR. This comment is listed as PRB 11-69, and PRB11-166 through 169 in the Easley Final EIR Appendix DD, Comment Letters and Responses Part 4. Refer to Response to Comment PRB11-166 through 169 in the Easley Final EIR Appendix DD, Comment Letters and Responses Part 4.

The comment includes multiple parts. The focus of the comment is on water conservation and supply alternatives, how Intersect Power allegedly caused a cone of depression during construction of the Oberon Solar Project that adversely affected nearby wells, and how groundwater monitoring must be implemented to reduce drawdown impacts. The Sapphire Solar Project is proposed by a different developer. It should be noted that no such complaints were officially filed regarding other projects being developed by other developers in area. Additionally, the comment asserts that the WSAs prepared for the Easley and Sapphire projects are inadequate. Refer to responses to comments O2-2, O2-5, O2-6, O2-7, O2-8, O2-10, and O2-11 above which address these concerns.

O2-13 The comment asserts that a new WSA is necessary to evaluate actual groundwater inflows to the Chuckwalla basin and that a review of the underlying modeling completed by Fang et al. 2021 is needed. Refer to responses to comments O2-2, O2-3, and O2-11 above.

O2-14 The commenter submitted this comment to the Easley Recirculated Draft EIR. This comment is listed as PRB11-73 in the Easley Final EIR Appendix DD, Comment Letters and Responses Part 4. Refer to Response to Comment PRB11-73 in the Easley Final EIR Appendix DD, Comment Letters and Responses Part 4.

This comment states that cumulative impacts of construction water withdrawal would have devastating impacts on water quality. Refer to responses to comments O2-4, O2-6, and O2-8 above.

O2-15 The commenter submitted this comment to the Easley Recirculated Draft EIR. This comment is listed as PRB11-74 in the Easley Final EIR Appendix DD, Comment Letters and Responses Part 4. Refer to Response to Comment PRB11-74 in the Easley Final EIR Appendix DD, Comment Letters and Responses Part 4.

The commenter states that all construction water should be obtained elsewhere, specifically from the Colorado River Aqueduct. A WSA was prepared for the Sapphire Solar Project that evaluated both on and off-site water resources. Refer to response to comment O2-12 above.

O2-16 The commenter submitted a portion of this comment, specifically the discussion noting that the State does not regulate groundwater extraction from the CWVB, to the Easley Recirculated Draft EIR. This comment is listed as PRB11-75 in the Easley Final EIR Appendix DD, Comment Letters and Responses Part 4. Refer to Response to Comment PRB11-75 in the Easley Final EIR Appendix DD, Comment Letters and Responses Part 4.

Refer to responses to comments O2-8 and O2-12 above.

O2-17 The commenter submitted this comment to the Easley Draft EIR and the Easley Recirculated Draft EIR. This comment is listed as Comment B9-68 and PRB11 in the Easley Final EIR Appendix DD, Comment Letters and Responses Part 1 and Part 4. It was also included as Exhibit 1 in Comment PRB10-39 from Angel Law on behalf of Active Communities/Desert Center. Refer to Response to Comments B9-68, PRB10-39, and PRB11 in the Easley Final EIR Appendix DD, Comment Letters and Responses Part 1 and Part 4.

This comment is a 2021 presentation at the Arizona Hydrological Society Annual Symposium. No comments, questions, or concerns about the environmental analysis included in the Sapphire Draft EIR are raised. No changes to the Draft EIR are required per this comment. The comment has been noted for the record.

The PAWS model's estimate of basin inflows are very similar to those in the Sapphire WSA. The PAWS model's estimate of total inflow ranges from 8,765 to 13,143 AFY which is similar to the range of values used in the Sapphire WSA of 9,854 to 13,719 AFY. The PAWS and Sapphire WSA water budgets suggest that basin inflows and outflows are approximately balanced which is supported by the observed stable, long-term trend in groundwater levels at wells located throughout the basin.

O2-18 This comment is part of a water supply evaluation review specifically prepared for the Easley Project, not for the Sapphire Solar Project.

This comment is an introductory comment pertaining to the Easley EIR project description. No comments, questions, or concerns about the environmental analysis included in the Sapphire Draft EIR are raised. No changes to the Draft EIR are required per this comment. The comment has been noted for the record.

O2-19 This comment is part of a water supply evaluation review prepared for the Easley Project, not for the Sapphire Solar Project.

The comment is regarding the evaluation of groundwater impacts in the Easley WSA that were largely evaluated based on previous modeling (e.g., Fang et al. 2021). Refer to response to comment O2-11. No comments, questions, or concerns about the environmental analysis included in the Sapphire Draft EIR are raised. No changes to the Draft EIR are required per this comment. The comment has been noted for the record.

O2-20 This comment is part of a water supply evaluation review prepared for the Easley Project, not for the Sapphire Solar Project.

The comment is regarding groundwater recharge estimates included in the Easley WSA. Refer to responses to comments O2-2 and O2-3 above for a discussion of the analyses included in the Sapphire WSA. No comments, questions, or concerns about the environmental analysis included in the Sapphire Draft EIR are raised. No changes to the Draft EIR are required per this comment. The comment has been noted for the record.

O2-21 This comment is part of a water supply evaluation review prepared for the Easley Project, not for the Sapphire Solar Project.

The comment is regarding groundwater modeling completed by Fang et al. 2021. Refer to response to comment O2-11 above for a discussion of how the work of Fang et al. 2021 was used in the Sapphire WSA. No comments, questions, or concerns about the environmental analysis included in the Sapphire Draft EIR are raised. No changes to the Draft EIR are required per this comment. The comment has been noted for the record.

O2-22 This comment is part of a water supply evaluation review prepared for the Easley Project, not for the Sapphire Solar Project.

The comment is regarding the excessive estimation of groundwater recharge in the Easley WSA and the need for an independent review of the modeling work completed by Fang et al. 2021 due to the potential unreliability of the modeling. Refer to responses to comments O2-2, O2-3, and O2-11 above for a discussion of groundwater recharge and how the work of Fang et al. 2021 was used in the Sapphire WSA. No comments, questions, or concerns about the environmental analysis included in the Sapphire Draft EIR are raised. No changes to the Draft EIR are required per this comment. The comment has been noted for the record.

O2-23 This comment is part of a water supply evaluation review prepared by Roux for the Easley Project, not for the Sapphire Solar Project. This is a general closing comment stating the commenter's willingness to be contacted for further communication and providing contact information.

O2-24 This comment includes references to the Water-supply Comments for the Easley Project prepared by Roux Associates, Inc.

No comments, questions, or concerns about the environmental analysis included in the Sapphire Draft EIR are raised. No changes to the Draft EIR are required per this comment. The comment has been noted for the record.

O2-25 The commenter submitted this comment to the Easley Recirculated Draft EIR. This comment is listed as Comment PRB11-40 in the Easley Final EIR Appendix DD, Comment Letters and Responses Part 4. Refer to Response to Comments PRB11-40 in the Easley Final EIR Appendix DD, Comment Letters and Responses Part 4.

Similar to the Easley Project, the Sapphire Draft EIR was able to successfully mitigate potentially significant PM_{10} (fugitive dust) impacts to less than significant. As compared to Easley, the Sapphire Draft EIR MM AQ-2 Fugitive Dust Control Plan has additional measures to mitigate fugitive dust emissions, including use of tarps for haul trucks, watering of storage piles, and the requirement of monthly monitoring reports.

Unlike Easley, the Sapphire Draft EIR identifies a potentially significant impact related to exposure of sensitive receptors to Valley Fever. To address this potentially significant impact, MM AQ-3 includes measures to reduce the risk of Valley Fever. The measures include a training program, notification procedures, and the supply of HEPA-filtered enclosed cabs for heavy equipment, among others. With this mitigation, the project was able to mitigate the risk of Valley Fever exposure to less than significant.

As discussed in Section 3.4 Air Quality, threshold b) and c) of the Sapphire Draft EIR discusses the potential for increased health risk and hazards and provides mitigation to reduce fugitive dust to human health. As discussed in threshold b), the Project, would be subject to SCAQMD regulatory requirements including Rule 403 for Fugitive Dust and Rule 402 for Nuisance. Compliance with Rule 403 would reduce short-term particulate pollutant emissions and would control fugitive dust and nuisance at the respective project sites. Compliance with SCAQMD Rule 402 would ensure that discharge from any source of air contaminants or other material that could cause injury, detriment, nuisance, or annoyance would be prohibited. Refer to MM AQ-2, Fugitive Dust Control Plan for further details as to what the Fugitive Dust Control will include.

O2-26 The commenter submitted this comment to the Easley Recirculated Draft EIR. This comment is listed as Comment PRB11-42 in the Easley Final EIR Appendix DD, Comment Letters and Responses Part 4. Refer to Response to Comments PRB11-42 in the Easley Final EIR Appendix DD, Comment Letters and Responses Part 4. 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.

As mentioned in response to comment O2-25 above, unlike the Easley Project, the Sapphire Draft EIR identifies a potentially significant impact related to exposure of sensitive receptors to Valley Fever. This potentially significant impact is addressed and mitigated to less than significant through implementation of MM AQ-3.

As discussed in Section 3.4 Air Quality, thresholds a) through c) of the Sapphire Draft EIR discusses the potential for increased health risk and hazards and provides mitigation to reduce fugitive dust to human health.

Prior to mitigation, the Project would potentially result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations and would potentially conflict with Consistency Criterion No. 1. Because the Project would potentially conflict with Consistency Criterion No. 1, impacts related to the Project's potential to conflict with or obstruct implementation of the applicable air quality plan is considered potentially significant and mitigation is required. MM AQ-1 (Construction Equipment Emission Reductions) and MM AQ-2 (Fugitive Dust Control Plan) would be required to reduce Project construction-related emissions. MM AQ-1 would reduce air pollutant emissions associated with exhaust from off-road construction equipment. MM AQ-2 would reduce dust-related PM_{10} emissions generated during construction. With the implementation of mitigation, potential impacts would be reduced to less than significant under CEQA.

As discussed in threshold b), the Project, would be subject to SCAQMD regulatory requirements including Rule 403 for Fugitive Dust and Rule 402 for Nuisance. Compliance with Rule 403 would reduce short-term particulate pollutant emissions and would control fugitive dust and nuisance at the respective project sites. Compliance with SCAQMD Rule 402 would ensure that discharge from any source of air contaminants or other material that could cause injury, detriment, nuisance, or annoyance would be prohibited. Refer to MM AQ-2, Fugitive Dust Control Plan for further details as to what the Fugitive Dust Control will include. As shown in Table 3.4-10, Estimated Operational Criteria Air Pollutant Emissions – Unmitigated, the daily and annual operational emissions for the Project would not exceed SCAQMD thresholds for any criteria air pollutant. As such, impacts would be less than significant, and no operational mitigation is required.

As discussed in threshold c) MM AQ-3 would be required to reduce impacts to less than significant with mitigation incorporated with respect to Valley Fever exposure for sensitive receptors. MM AQ-3 includes a worker training program for Valley Fever that describes potential health hazards associated with Valley Fever, common symptoms, proper safety procedures to minimize health hazards, and notification procedures if suspected work-related symptoms are identified during construction. With implementation of MM AQ-3, the risk of workers and nearby sensitive receptors being exposed to Valley Fever spores would be reduced.

As the Project would result in less-than-significant impacts after implementation of mitigation, the Project would not result in a cumulatively considerable impact regarding exposure of sensitive receptors within 1 mile to substantial pollutant concentrations.

O2-27 The commenter submitted this comment to the Easley Recirculated Draft EIR. This comment is listed as Comment PRB11-52 in the Easley Final EIR Appendix DD, Comment Letters and Responses Part 4. Refer to Response to Comments PRB11-52 in the Easley Final EIR Appendix DD, Comment Letters and Responses Part 4. The commenter requests specific BMPs be added to the Easley Project.

As discussed in response to comment O2-26 above, similar to the Easley Project, the Sapphire Draft EIR was able to successfully mitigate potentially significant PM10 (fugitive dust) impacts to less than significant. As compared to Easley, the Sapphire Draft EIR MM AQ-2 Fugitive Dust Control Plan has additional measures to mitigate fugitive dust emissions, including use of tarps for haul trucks, watering of storage piles, and the requirement of monthly monitoring reports.

Additionally, unlike Easley, the Sapphire Draft EIR identifies a potentially significant impact related to exposure of sensitive receptors to Valley Fever. This potentially significant impact is addressed and mitigated to less than significant through implementation of MM AQ-3.

The Project would be required to abide by requirements of the SQAMD 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.

References:

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